

East Area Planning Committee

2nd November 2011

Application Number: 11/02386/VAR

Decision Due by: 10th November 2011

Proposal: Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one academic year or more

Site Address: Development Site Of Former Oxford Bus Depot 395 Cowley Road, Site Plan **Appendix 1**

Ward: Cowley Marsh Ward

Agent: N/A

Applicant: Berkley Homes (Oxford And Chiltern) Limited

Recommendation:

East Area Planning Committee is recommended to support the variation of the condition in principle but defer the planning application in order to allow the original accompanying legal agreement to be amended, and to delegate to officers the issuing of the Notice of Permission subject to conditions on its completion.

Reasons:

- 1 It is considered that the proposed variation to condition 7 would not be harmful to the development approved under 09/01201/OUT or residential amenities. No objections have been received. It is in accordance with Local Plan and Core Strategy policies.
- 2 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.

Conditions

- 1 Commencement
- 2 Approved outline matters
- 3 Reserved matters
- 4 Develop in accordance with approved plans

- 5 Samples
- 6 Starter units
- 7 Occupation by full time students attending courses of one academic year or more
- 8 Resident warden
- 9 Use as student accommodation
- 10 Students - No cars
- 11 Car/cycle parking provision before use.
- 12 Cycle parking
- 13 Landscape carry out after completion
- 14 Landscape management plan
- 15 Construction Travel Plan
- 16 Construction no mud on highway
- 17 Construction management plan
- 18 Suspected contamination - Risk assess
- 19 Soakaway - contaminated land
- 20 Foul and surface water drainage system
- 21 Sustainable drainage
- 22 Petrol / oil interceptors
- 23 NRA

Legal Agreement:

Amendment to previous 2010 legal agreement to relate to this application.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

Core Strategy

CS25_ - Student accommodation

Other Material Considerations:

None

Relevant Site History:

09/01201/OUT: Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping. Approved 17/03/10.

11/01150/RES: Reserved matters of planning permission no. 09/01201/OUT,(for 2092sq.m of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block. (Amended plans). Approved 12.08.2011.

Representations Received:

The period for consultation has not expired at the time of writing the report. However, no representations have been received thus far. Any that are received will be reported verbally to Committee.

Statutory and Internal Consultees:

As above.

Officers Assessment:

Outline planning permission was granted for this part of the former bus garage in March 2010 for a mix of employment use and student accommodation (09/01201/OUT refers), with matters of design and landscaping reserved for further consideration.

The application seeks to vary the wording of condition 7 of 09/01201/OUT which restricts the occupation of the student accommodation to the University of Oxford or Oxford Brookes University, to allow any full time student on a course of one academic year or more to reside at the accommodation.

Issues:

Officers consider the main issue is the principle of the proposed variation.

Principle of Development:

At the time the outline application was considered Policy HS14 of the Oxford Local Plan was relevant. The application site was not allocated for student accommodation in the adopted Local Plan, but policy HS.14 allowed for the development of such facilities at non allocated sites subject to provisions that occupation was limited to full time students of the two universities, that appropriate management arrangements were put in place, and that there would not be an unacceptable impact on the locality. The development was approved with the standard restrictive condition limiting it to full time students of the two Universities.

However, since that time Policy HS14 has been superseded by the recently adopted Core Strategy policy CS25. This policy states that purpose built student accommodation should be restricted to use by full time students on courses of one academic year or more. This changes the policy requirements of deleted Local Plan policy HS14 and it is no longer possible to restrict student accommodation to students of the two Universities. In this regard therefore the principle of the variation of the condition is acceptable and in full accordance with policy CS25.

Conclusion: The proposal accords with Core Strategy policy CS25 and as such officers recommend that planning permission be granted.

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: 11/02386/VAR

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Date: 17th October 2011