

NL/AE/4482

Mr M Hancock
Chief Principal Planner
Oxford City Council
Planning Department
Ramsay House
10 St Ebbe's Street
Oxford
OX1 1PT

25th May 2011

Dear Mr Hancock

Application Reference: 11/00927/FUL

Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. (Amended Plans)

Introduction

I write in relation to the above planning application and, in particular, to the comments which have been made so far by statutory consultees and other third parties. Some of comments which have been made are repeated in number of the neighbour representation letters and so I have summarised the key issues which have been raised and provided my response to each one immediately below.

Statutory Consultees

OCC Developer Funding – Financial Contributions

The contribution towards the upgrading of the land outside of the site is dealt with in Section 5.44 of the Planning Statement. It was our understanding that the contribution towards improving this area was in lieu of the cycling improvement contribution and not additional to it (see comments from the Liaison Officer in this respect). On the issue of disabled access, the bridge is not owned by the applicant and the issue of disabled access across the bridge is something which should be visited on Network Rail rather than on those with sites adjacent to it: the improvements would not relate to the development proposed but would be for the wider community.

The applicant is prepared to pay the financial contributions towards library and fire infrastructure as requested in Oxfordshire County Council's letter dated 12th April 2011 provided that these are based on the Council's adopted SPD.

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Oxford Civic Society – 'A monolithic and uninspiring building which should only be 2 storeys'

Whilst it would be tempting to make an attention seeking building here on the approach to the station, the proposed development provides a relatively small block of student accommodation and, as such, its role is more of a backdrop than an iconic building. This is not a location where such a building would be expected. However, what is proposed will provide an attractive backdrop to the proposed new platforms to the east of the site, when viewed from the west, and will help address some of the issues raised by local residents when objecting to the new platforms.

The station, institutions (said business school) etc, are the buildings which should be outstanding. Nonetheless, the proposed building will have a presence (which it would not if it were only 2 storeys) and the striking chequerboard pattern will be quite arresting. Therefore, this comment is quite disconcerting and at variance with the general feedback received about how the façade to the railway is interesting and lively. Furthermore, the submitted video clip shows that it will come to life in movement, when the subtle kinks in the plan are emphasised.

Network Rail – No objection but comments in relation to window openings, foundations and landscaping

Network Rail has not made a formal objection to the proposal but it has raised minor concerns in relation to the window openings facing the railway, the foundation design and landscaping. In response, we can confirm that windows that open to the railway would either be fixed or with only minimum openings restricted for ventilation which would prevent litter and other detritus being thrown out of the windows by students.

In terms of the foundations, there is a covenant on the land which requires the foundations to be approved by British Rail and there is an Asset Protection Agreement entered into by the developer with British Rail. This would therefore control the foundation design in order to ensure that the railway is protected.

British Rail has made some short comments in relation to the proposed landscaping scheme and has asked that in the interests of safety, all new trees to be planted near to Network Rail land should be located at a distance of not less than their mature height from the boundary fence, and that the chosen species should be controlled by condition. As you will be aware, the tree planting and landscaping on this side of the building was requested by the Council's officers. There is existing vegetation on this boundary and, as suggested by Network Rail, the type of landscaping is able to be controlled by condition.

Environment Agency – Holding objection until the following two issues are addressed

Issue 1: The Environment Agency has requested that the applicant base the assessment of fluvial flood risk on the best available flooding information for the site. We are surprised that issues of this nature arise after pre-application consultation with the EA. Nonetheless, Glanvilles are currently pursuing this aspect with the EA but have not been able to receive the information requested from the EA or to speak with the relevant officer.

Issue 2: The Environment Agency has requested that the applicant identify a safe route of access and egress to an area entirely outside of the floodplain. As above.

Environmental Control – Contaminated Land

A Phase 1 Geotechnical and Geoenvironmental Ground Condition Report has been prepared by Peter Brett Associates and forms part of the application submission. It concludes that, based on the known history and present use of the site:

- the overall potential to generate significant contamination on the site is considered to be moderate;

- the overall potential to significant contaminants in the vicinity of the site is considered to be moderate;
- the geoenvironmental risks at the site have been estimated as LOW.

Given the conclusions of the geoenvironmental report, the Council can reasonably apply suitable conditions on a planning permission to require the submission of further (Phase 2) investigations for approval prior to the commencement of works as has been recommended by the Environmental Control Team Leader in her response letter dated 26th April 2011.

Environmental Health – Noise, Vibration and Delivery Collection Times

The Council's Environmental Health Department has not raised any objection to the scheme but it has recommended that a number of conditions be imposed should planning permission be granted in relation to railway noise, vibration and delivery and waste collection times. While we do not necessarily object to a condition being imposed to restrict deliveries to and waste collections from the site, we do not consider it to be necessary and there are no precedents for such a condition being imposed in similar cases.

Neighbour Representations

Density of Development

Oxford Local Plan Core Policy 6 states that:

- Permission will only be granted for developments which make maximum and appropriate use of land;
- The scale of development should be at least equivalent to the surrounding area; and
- Larger scale proposals will be encouraged where appropriate.

The development provides for the erection of 74 ensuite student rooms with shared facilities within a 3-storey building, together with the requisite cycle parking, bin storage and amenity space. In line with the requirements of Core Policy 6 of the Oxford Local Plan, the development has been designed to make maximum and appropriate use of land in a manner which is compatible with the surrounding area. It makes efficient use of the site yet provides good standards of internal and external amenity for the occupants.

The site, for the purposes of planning, is previously developed land, with excellent transport links and access to services and facilities nearby and in the City Centre. It is a highly sustainable site and suitable for a higher density development. It has the added benefit that the development can actually improve the amenity for the neighbouring properties by screening the railway and new platform from them and, on acoustic grounds, the higher and longer the building is the better it will be able to achieve this. Together these factors create a strong imperative for a building which is as dense as reasonably possible for the site, whilst respecting the amenities of neighbours. Whilst the building would be used to accommodate students, the number of bed spaces per hectare would be little different from the density of the nearby houses.

Scale and Height

There are two context considerations here. The wider context of development beside the railway either side of the station: all recent precedents are at least 3-storey and often 4-storey, examples being the graduate housing on Roger Dudman Way, the flats on Rewley Road, the Youth Hostel and parts of the residential development on Becket Street are all 4-storey. This is the group of buildings addressing the railway within which the new building here will be seen from the east.

The more immediate context of Mill Street: the recent precedents here are also 3 or 4 storey, with Gibbs Crescent and Millbank rising to 4 floors and Innovation House and Trajan House are both 3 storeys. However, directly adjacent to the site is Abbey Walk which is only 2 storeys and then the eastern terrace of Mill Street which varies between 2 and 3 storeys.

Taking all of these factors into account, the proposed building is designed as three storeys throughout without the conventional pitched roof which adds to height and bulk. At 3 storeys high, the building is the same scale as Mill Street; it is some 33m at closest from the rear of those houses and less than 2m higher, mostly because of the need to rise above the (1 in 100 year plus an allowance for climate change) flood level. The top floor is recessed with a change from brick to a darker roofing material matching the residential pattern of two floors plus rooms in the roof space. In this case, 3 storeys is considered the appropriate height because of the predominant factor of the relationship with the Mill Street context.

Design Criticisms

The two storey rhythm of brick (not concrete) and glass with a recessed roof above is similar to the long rhythm of two storey brick and glass with pitched roof above of Victorian/Edwardian terraces. The design would therefore be in keeping with the character of the neighbourhood. The proposed building is approximately half the length of the continuous east side of Mill Street (110m as opposed to 210m) and so it is similar in scale and shorter in length. The window to wall ratio and the absence of ornament is also similar to the Mill Street properties. There is more articulation in the plan with the angled bays, but this is to the benefit of the neighbours, and increases the interest in the façade with shadow and light. Overall, the proposed building is very sympathetic to its Victorian/Edwardian neighbours in terms of the use of materials, scale, height, rhythm, lack of ornament, window to wall ratio and continuity.

Overlooking of Properties in Mill Street

It was not claimed by the applicant that the proposed development would not result in any form of overlooking of the properties in Mill Street. However, the scheme has been carefully designed to ensure that the scale of development is in keeping with the character of the area and also to militate against any unacceptable impact on the amenities of existing neighbouring properties by reason of overbearing or overlooking. The distance between the existing properties and proposed building is much greater than the generally accepted minimum standard of 21 metres. The gap between the new building and the rear of the Mill Street properties is never less than 33 metres but, nonetheless, it was considered desirable, even at this distance, to avoid windows facing each other directly. In order to achieve this, all of the windows on the western façade have been angled to face down the site towards the cemetery at an angle of 56 degrees to the façade and, by doing so, there is no direct aspect from new windows to existing windows on Mill Street or Abbey Walk.

Loss of Views and Natural Light

The houses on the east side of Mill Street have long gardens, all being over 24m. The context elevation drawing shows that a building on the site of 4 storeys would not breach the 25 degree code of practice for sunlight and daylight standards as set out in Appendix 6 of the adopted Oxford Local Plan (and which generally follows the BRE report on Sunlight and Daylight). Similarly, the 45 degree plane from the front block ground floor bedroom window in Abbey Walk suggests that the building at the south end of the site should move towards the east. With the building positioned as proposed the guidance is complied with but, more importantly, there is a generosity of space between the existing and proposed buildings which means that there would be no substantive negative impact on light, especially when the existing impact of the mature trees on the boundary line is taken into account.

Just to briefly pick up on the comments that have been made in some of the neighbour representations in respect of this issue, it is worth highlighting that a resident of the east side of Mill Street standing in their ground floor back room will only have to raise their eyes some 12 degrees to see the sky, not 45 degrees as has been suggested and, on the upper floors this would be reduced to 8 and 4 degrees. The properties in Mill Street would still get winter sun in their gardens since the direct angle to their patios is 14 degrees and winter sun is not due east but south-east anyway. One final point to make is that the view to east from these gardens is likely to be lost when the Becket Street car park is developed as proposed in the West End Area Action Plan.

For the reasons outlined above (as amplified in the original application submission), it is considered that the proposal would not have an adverse impact upon the privacy or amenity of adjoining properties in terms of a sense of enclosure, loss of light or overlooking into habitable rooms in accordance with Policy HS.19 of the Oxford Local Plan.

Loss of Trees and Ecological Impact

The trees on the site are the subject of a Tree Preservation Order which was served in order to allow control over the trees on site pending the submission of proposals for its redevelopment; **not** because they were considered to be of high quality and therefore should be retained at all costs. The trees on the site are not high quality but it is accepted that the substantial tree cover is a positive feature of the site and this would be retained as part of the proposals, but not with the existing trees. There is a Tree Management Strategy which was discussed with the Council's Tree Officer, Kevin Caldicott and it covers the retention and phased replacement of some of the trees to maintain and enhance the tree cover.

There is also an ecological report which does not raise any substantive issues and concludes that there would no significant impact on any protected species of flora or fauna. Under this development proposal, the ecological benefits would remain but the replacement trees and new landscape planting would provide greater biodiversity and would be better maintained. Any contaminants on the land would be remediated.

Increase in Vehicular Traffic and Parking

The application site is located close to the City Centre with excellent pedestrian access to services and facilities nearby and in the City Centre. There are also excellent public transport links within a 2 minute walk which provide access to all parts of the City. The site is therefore situated in a sustainable location where the occupants can access all the facilities they require by public transport or by bicycle or on foot.

A Transport Assessment formed part of the original application submission. This details that the development will be car free with no allocated car parking for students. There will be 38 covered cycle spaces in accordance with the Council's standards and virtually all of the traffic to and from the site will be pedestrian or by bicycle. The current intention is that the student accommodation would be occupied by Bellerbys' students at Trajan House which is within a 5 minute walk of the proposed development site. The students attending Bellerbys College do not acquire motor vehicles, and as the proposed accommodation is so close to the school, there would be no additional pressure placed upon the City's infrastructure.

The site also adjoins a controlled parking zone (the Highway Authority has indicated that it is within it) and the applicant has agreed that whatever the position, the site should be excluded from the ability for occupiers to obtain parking or visitor parking permits. In addition to this, it would also be intended that each student tenant be issued with a numbered key/swipe card that when used will register the time it was used to enter the accommodation and that CCTV be installed on the premises to record access to and egress from the accommodation. In that way, a local resident who saw a student park a

car in the locality and then enter the accommodation could lodge a complaint and ask the resident student representative or the appointed Warden or the City Council to investigate the situation by reference to the description of the car and student and the time the car was parked. We do not expect that this will be necessary.

The development would not therefore add motorised traffic to the local road network or result in a loss of on-street parking in the locality including the surrounding streets of Osney Lane, Mill Street, Becket Street and Barrett Lane. The site is ideally located for this type of development.

The Highway Authority refers to the warden's car parking space and suggests that it should be removed. The space is required in order that the warden will be able to deal with any emergencies and collect or deliver any items. It is a minimal provision consistent with the Council's policies and the practice adopted by the Council in similar student accommodation developments.

It seems entirely unnecessary for a Travel Plan to be produced given the lack of car parking, the modes of travel available to students, and the restrictions on students bringing to or keeping cars in Oxford.

In relation to construction, any temporary changes which may be necessary would be dealt with outside the realm of the planning application in the normal way. Consequently, there would be no need for a "UU" to cover temporary arrangements as suggested.

Increase in Noise and Antisocial Behaviour

The current intention is that the student accommodation will be occupied by Bellerbys and as far as we are aware, there have been no formal complaints about students going back and forth from Trajan House on Mill Street. The development makes provision for Wardens' accommodation and the appointed person would be responsible for overseeing the day to day operation of the site and to act as an initial point of contact for students and local residents. A Housing Management Plan will also be put in place to ensure that unreasonable levels of noise or other forms of antisocial behaviour would not occur.

As is made clear in the Council's own Local Plan, it is more appropriate and preferable for students to be housed in purpose built accommodation such as that being proposed here than in private rented housing as it is easier to monitor the students and also avoids putting additional pressure on Oxford's housing stock.

Impact on Existing Drainage Systems

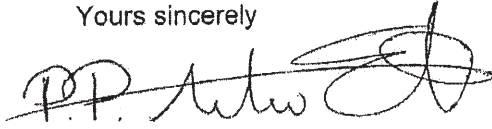
As part of the application consultation process, Thames Water were asked to provide advice in relation to the impact that the proposed development would have on the existing waste and water infrastructure and, in an email response dated 6th May 2011, it confirmed that it had no objections to the application in either regard.

Conclusion

We feel that we have satisfactorily addressed all of the concerns and issues which have been raised by third parties during the consultation process and, suffice to say, we remain of the opinion that the proposal is wholly acceptable and would comply with all of the relevant local and national planning policies. It has been clearly demonstrated through this letter and the original application submission that the proposal would not cause any discernible harm and there appear to be no other material considerations which would weigh against the application. It is hoped therefore that the application will be supported by the Council.

If you require any further information please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nik Lyzba', with a large, stylized flourish at the end.

Nik Lyzba DipTP DipCP MRTPI

Cc. Mr T Nolan

