

Agenda Item 3

Planning Review Committee

- 27th July 2011.

Application Number: 11/00927/FUL

Decision Due by: 29th 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, Oxford.

Ward: Jericho and Osney Ward

Agent: John Philips Planning
Consultancy

Applicant: W.E. Black Ltd

Call – In: The planning application was considered at West Area Planning Committee at its meeting of 13th July 2011 when it was resolved to support the proposals. The application has now been called up to Planning Review Committee for further consideration by Councillor Benjamin, supported by Councillors Wilkinson, Morton, Young, Williams, Wolff, Pressel, Hazell, Clarkson, Armitage, Brundin and Craft.

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.

Background.

1. The planning application was considered on 13th July 2011 by West Area Planning Committee following addresses by a local resident and the applicant's agent. That Committee resolved to accept the proposals subject to conditions and an accompanying legal agreement on a vote of 6 to 1. However the application has now been called to Planning Review Committee by 12 members due to concerns that:
 - flooding conditions may arise by displacing living habitat by roofed space;
 - the height of the development would be excessive;
 - the proposals constitute overdevelopment;
 - there would be a destructive effect on a neighbourhood of small terraced houses;
 - the new building would be overbearing and out of keeping; and
 - there may be the loss of a wildlife corridor.
2. The report to West Area Planning Committee is appended in full.

Flooding.

3. Part of the site is identified as falling within Flood Zone 3a as identified by the Environment Agency, where the land is vulnerable to flooding in adverse conditions in the event of future climate change. Paragraphs 26 to 29 of the main report refer. The Environment Agency had initially raised concerns in respect of the development, but following the production of a revised Flood Risk Assessment its objection was withdrawn. The Agency was satisfied that the development would not be at risk of flooding as it would be raised over 1 metre higher than ground level across the remainder of the site, and would not make matters worse for others as flood storage capacity would actually increase slightly by some 135 cu m. Paragraph 29 refers.
4. Subject to the development being undertaken in accordance with the details of the accompanying Flood Risk Assessment no objection to the proposals is now raised either by the Environment Agency or the Council's Emergency Planning Officer.

Height of Development.

5. Details of the height and other dimensions of the building are given in the report to West Area Planning Committee starting at paragraph 11. At its highest point the building would rise to 10.1m, though the third floor accommodation would be set back from the western facade of the building facing the rear of the Mill Street properties with the height at the leading edge being set at 7.5m. As the report to West Area Planning Committee indicates, whilst Mill Street is made up in the main of two storey terraced properties, there are a number of taller buildings in the locality, including at points close to the railway line, for example at Gibbs Crescent, Westgate Hotel, the Youth Hostel and developments north of the railway station at Roger Dudman Way. At these locations taller buildings can provide a buffer between the railway lines and the residential areas they adjoin.
6. In short Officers are satisfied that a three storey building located at this site is appropriate and for the reasons also indicated below and would not cause harm to neighbouring properties such as to warrant the refusal of planning permission.

Overdevelopment and Overbearing Impact.

7. The adopted Oxford Local Plan is not prescriptive as to the optimum density for developments of student accommodation as the sites they occupy can vary greatly in context, and are often sited within tight urban environments within the city centre and elsewhere. However the Plan does expect that efficient use is made of available sites, including brownfield ones, in view of the scarcity of development land within the city. As student accommodation is not provided with individual gardens or car parking in the same way as family housing, (other than for an on - site warden, servicing needs etc), then this means that optimum use can be made of sites, squarely in line with national and local policy guidelines. That said the development must still meet the tests of neighbourliness set out in a range of Local Plan policies. In this regard the proposed building would be located at a minimum of 33m from the nearest facing window in the Mill Street properties for example, extending to as much as 39m. This compares to a commonly accepted minimum distance between facing windows serving habitable rooms of 21m. Moreover the windows serving the development are angled to further protect the privacy not only of the residents of Mill Street but also those of the young occupiers of the development itself.
8. For the reasons indicated above and at paragraphs 8 to 13 of the attached report in particular, Officers are satisfied that the location of the new building to the eastern side of the application site with retained and new tree planting to soften its appearance and mitigate the loss of existing greenery, represents a satisfactory relationship to the Mill Street properties and would not be overbearing. Moreover as rail services continue to expand along the lines to Oxford with the possibility of a southern bay platform and electrification by 2016, then the new building provides at least some protection from noise emanating from the adjacent railway lines, especially for those properties located most centrally to the development.

Wildlife.

9. Surveys of the application site were undertaken by Ecoconsult Wildlife Consultancy in August 2010 and again shortly afterwards. Whilst the survey revealed potential for birds nesting there was only low potential for bat roosts and no evidence of reptiles being present or any UK priority species. Paragraph 33 of the main report refers. Nevertheless if planning permission is granted, then it is recommended that a resurvey is undertaken before commencement of the development. In the event of a further survey revealing protected species, then a licence would be required from Natural England for their removal and relocation prior to development proceeding. In addition to new habitats created as a consequence of the new landscaping referred to previously, it is also recommended that bird and bat boxes be included in the development if permitted.

Summary.

10. Whilst the concerns of local residents are fully acknowledged, officers have concluded that there are no cogent reasons why the proposed development should be refused planning permission. The site is a brownfield one which although currently displaying an amount of greenery, has been subject to tipping and an unimplemented planning permission in the past. Officers are satisfied that it would not cause loss of light or privacy to neighbouring properties, or to be overbearing. The opportunity also exists to replace some of the currently poor quality trees and planting with new specimens and to include and encourage new wildlife habitats. There would be no student car parking on the site or on street, and students would be supervised around the clock. Some measure of protection from railway noise would be achieved, improvements to Osney Lane undertaken and contributions to Council services secured by legal agreement. There are no objections to the proposals from any statutory agencies. In sum the development makes good use of this brownfield site which due to its narrow configuration and location adjacent to the railway line has only limited potential to accommodate other forms of development.
11. Committee is recommended to support the proposals in line with the conditions and legal agreement detailed at the head of the 13th July 2011 report to West Area Planning Committee.

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

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Date: 18th July 2011

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