

West Area Planning Committee

15 February 2012

Application Number: 12/00028/VAR

Decision Due by: 4 April 2012

Proposal: Variation of condition 3 of planning permission 09/00731/FUL to allow student accommodation to be occupied by students in full time education of one academic year or more

Site Address: Part Manzil Way Gardens And 205 Cowley Road
(Appendix 1)

Ward: St Clement's Ward

Agent: Mr Peter Uzzell

Applicant: Crampton Smith Properties

Recommendation: To **grant** planning permission for the following reasons:

- 1 The proposal to vary condition 3 of planning reference 09/00731/FUL to allow the development to be occupied by full time students on courses of one or more academic year is consistent with the terms of policy CS25 of the Oxford Core Strategy.
- 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as approved
- 4 Occupancy restriction – full time students on course of academic year or more
- 5 Name of management company
- 6 No music between midnight and 8am
- 7 Removal of PD rights
- 8 No display/sale of goods in open areas
- 9 Lighting scheme as approved
- 10 No deliveries on East Avenue
- 11 No change from police office without permission

- 12 No change of B1 office without permission
- 13 Public toilets prior to first use
- 14 Privacy screen as approved
- 15 Students - No cars
- 16 Bin and bike store as approved
- 17 Sustainable design as approved
- 18 Sustainable drainage scheme as approved
- 19 Variation of Road Traffic Order – no parking permit entitlement
- 20 Protection of Ash Tree at 6 East Avenue
- 21 Landscaping as approved
- 22 Protection of Trees
- 23 In accordance with Arboricultural Method
- 24 Underground services as approved
- 25 Construction Traffic Management Plan

Planning Obligations:

In accordance with the Councils Planning Obligations SPD the following contributions would ordinarily be required to mitigate the impact of the proposals on City and County Services. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly to the real value at the time of payment. The following contributions were paid upon commencement of the development and are therefore not required under the application to vary condition 3.

- £1,921 towards indoor sports facilities
- £2,016 towards library infrastructure
- £4,416 towards cycle safety measures
- £500 towards New Loading Bay

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

Oxford Core Strategy 2026

CS25 - Student accommodation

Site and Housing DPD – Proposed Submission

HP5 - Location of Student Accommodation

Other Material Considerations: None

Relevant Site History:

09/00731/FUL - Demolition of Police Office, public toilets and 205 Cowley Road. Erection of a single and three storey building to provide 32 student study rooms, a retail unit (class A1), office accommodation (class B1), seasonal cafe and replacement police office, public toilets and sweeper store. Provision of enclosed cycle and refuse store with access from East Avenue – Approved

03/00307/FUL - Demolition of police office, public toilets and 2-storey office building. Erection of single, two and three-storey building to provide 570 sq. m. retail unit (Class A1) on ground floor together with replacement police office, public toilets and storage space, with 28 student study bedrooms incorporating communal facilities, on first and second floors. Provision of enclosed bin store, cycle racks and service access from East Avenue – Approved

Public Consultation:

Statutory and Internal Consultees: None

Third Party Comments Received: No comments received.

Officers Assessment:

Site Description and Proposal

1. The application site comprises No 205 Cowley Road and a 12m wide strip of land along the western side of Manzil Way Gardens (formally the site of the police office and public toilets).
2. Planning permission was granted in 2009 for the demolition of the buildings on the site and the erection of a 3 storey building comprising a mixed use scheme (including retail, office and student accommodation, along with some ancillary community uses – see reference 09/00731/FUL above). The development approved under this application is currently under construction.
3. Planning permission is now sought to vary condition 3 of that planning permission to allow the student accommodation to be occupied by full time students on courses of one academic year or more. Presently the condition restricts occupation to students attending either Brookes University or the University of Oxford.
4. Officers consider the main issue in this case to be the principle of changing the occupancy restriction.

Principle

5. When planning permission was originally granted the relevant planning policy relating to student accommodation was HS14 of the Local Plan. This policy specified that speculative student accommodation should be

limited to occupation by students of Oxford Brookes and University Of Oxford. In March 2011 policy CS25 of the Core Strategy replaced policy HS14 and it allows occupation by any student provided they are studying full time and on courses of one academic year or more. In light of this change in the policy context officers raise no objection to the condition being varied to comply with the terms of policy CS25.

Conclusion: Officers would conclude that the application is compliant with the development plan and would therefore recommend that planning permission is granted subject to the conditions set out above.

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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

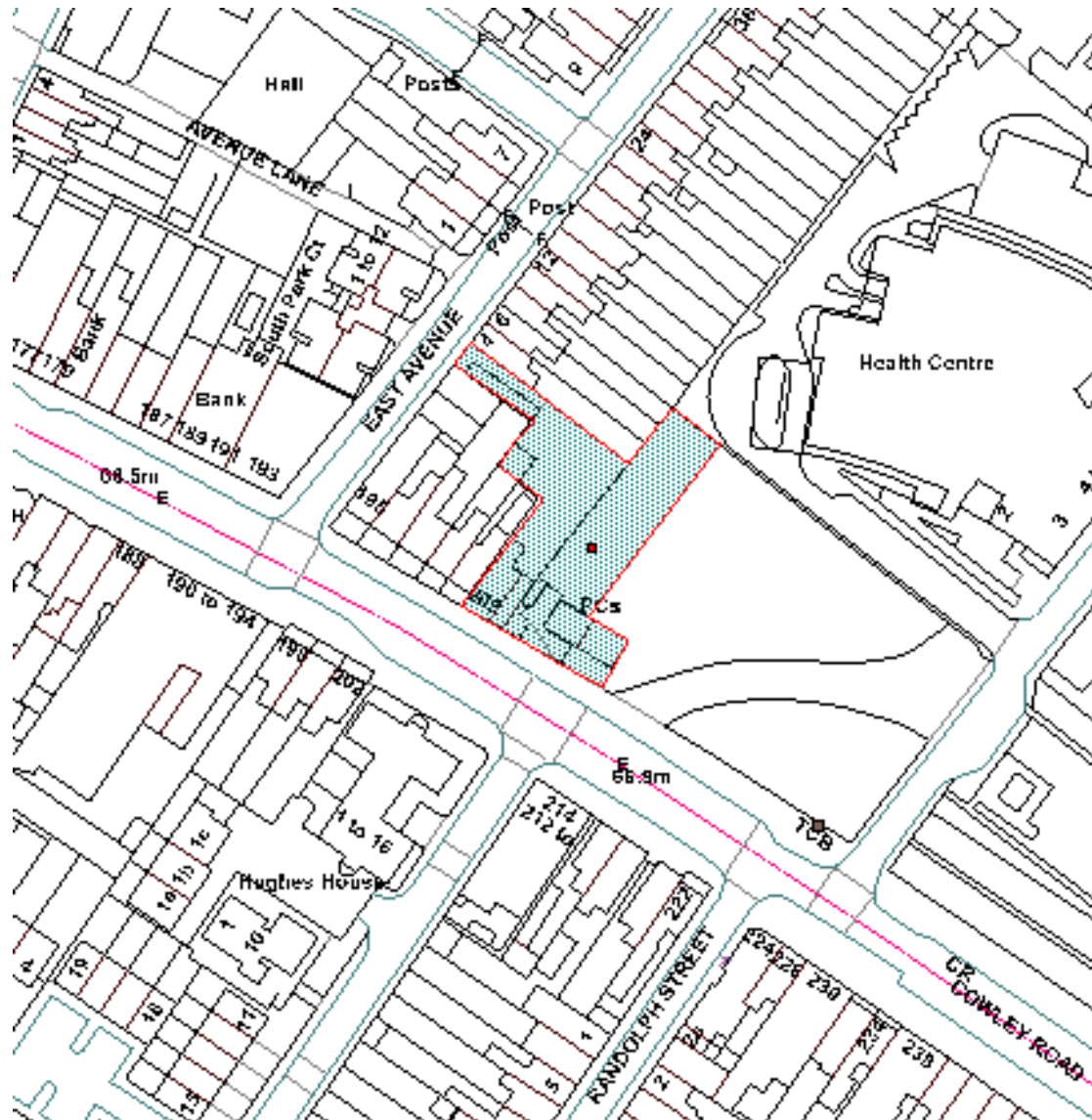
Background Papers: 12/00028/VAR, 09/00731/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 30 January 2012

Appendix 1 – 12/00028/VAR – Part Manzil Way Gardens and 205 Cowley Road



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