

**West Area Planning Committee**

**15 February 2012**

**Application Number:** 11/03035/FUL

**Decision Due by:** 20 January 2012

**Proposal:** Demolition of existing buildings. Erection of 3 storey building comprising retail shop and Class B1 Business use on ground floor and 18 student study rooms on upper floors. Provision of cycle parking and bin stores.

**Site Address:** 220 And 222 Cowley Road (**Appendix 1**)

**Ward:** St Mary's Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** RMA Properties

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

- 1 The development would result in the net loss of self-contained residential dwellings and would fail to provide any replacement residential accommodation within the scheme, which would have a detrimental impact upon the balance and distribution of dwelling types within the area, contrary to Policy HS10 of the Oxford Local Plan 2001-2016.
- 2 The development would relate poorly to its general context and the character and appearance of Randolph Street, in respect of its scale, height, form and massing. It would therefore fail to maintain or enhance the streetscape to the detriment of the character and appearance of the area, contrary to policy CP1, CP8 and CP10 of the Oxford Local Plan, policy CS18 of the Oxford Core Strategy 2012 and policy HP9 of the Sites and Housing Development Plan Document (Proposed Submission).
- 3 The development would have an overbearing impact on and result in a loss of light to and outlook from neighbouring properties, in respect of its scale, height, massing and proximity to the boundaries. The development would therefore adversely affect residential amenity contrary to policy CP1, CP10 and HS19 of the Oxford Local Plan 2001 - 2016 and policy HP14 of the Sites and Housing Development Plan Document (Proposed Submission).

**Planning Obligations:**

In the event that the application is supported and in accordance with the Councils Planning Obligations SPD and the Sites and Housing Development Plan Document

(Proposed Submission) the following contributions would be required to mitigate the impact of the proposals on City and County Services and affordable housing. 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.

- £62,190 towards affordable housing
- £1,080 towards indoor sports facilities
- £1,134 towards library infrastructure
- £2,484 towards cycle safety measures

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals  
CP6 - Efficient Use of Land & Density  
CP8 - Design Development to Relate to its Context  
CP10 - Siting Development to Meet Functional Needs  
HS10 - Loss of Dwellings  
HS19 - Privacy & Amenity  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
RC5 - Secondary Shopping Frontage  
EC1 - Sustainable Employment

#### Oxford Core Strategy 2026

CS2 - Previously developed and greenfield land  
CS9 - Energy and natural resources  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS23 - Mix of housing  
CS25 - Student accommodation  
CS28 - Employment sites

#### Sites and Housing Development Plan Document (Proposed Submission)

HP5 - Student Accommodation  
HP6 - Affordable Housing from Student Accommodation  
HP9 - Design, Character and Context  
HP11 - Low Carbon Homes  
HP14 - Privacy and Daylight  
HP15 - Residential Cycle Parking

### **Other Material Considerations:**

- PPS 1 - Delivering Sustainable Development
- PPS 3 - Housing
- PPG 13 - Transport
- Regional Spatial Strategy for the South East
- Planning Obligations SPD
- Parking Standards, Transport Assessments and Travel Plans SPD

- Manual for Streets

**Relevant Site History:** None

## **Public Consultation**

### **Statutory and Other Consultees:**

Highways And Traffic - No objection subject to conditions relating to cycle parking and a scheme to prevent student residents bringing cars into the City

Oxford Civic Society – Top floor overbearing in relation to adjacent houses in Randolph Street

Thames Water Utilities Limited - No objection

**Third Party Representations Received:** No third party comments have been received.

## **Officers Assessment:**

### **Site Description and Proposal**

1. The application site is identified on the plan attached as **Appendix 1**. It comprises No 220 and 222 Cowley Road, a pair of two storey properties located on the corner of Randolph Street. No 220 comprises a shop on the ground floor with a flat above, whilst No 222 is a 5 bedroom dwelling house (with accommodation in the basement) fronting Cowley Road, with a two storey extension to the rear which is occupied as Class B1 offices.
2. The application proposes the demolition of No 220 and 222 Cowley Road and the erection of a three storey building, comprising retail and B1 office uses on the ground floor, with 18 student study bedrooms provided on the 1<sup>st</sup> and 2<sup>nd</sup> floors, along with communal kitchens. Bin and cycle storage is provided for all uses within the building and in the new yard to the rear accessed off Cowley Road.
3. Officers consider the main issues of the case to be:
  - the principle of the development, including the demolition of the existing building;
  - the loss of the residential dwellings;
  - the retention of the retail and office use; and
  - the provision of student accommodation – affordable housing;
  - the scale, form and appearance of the proposal;
  - the impact on neighbouring properties, sustainability, and car parking.

## Principle of Development

4. The existing buildings are of no architectural distinction and have been altered significantly in the past. Permission is not required for their demolition. However officers would nevertheless comment that in the absence of a suitable scheme for the redevelopment of the site the buildings, which are currently occupied, play a role in maintaining the particular character and vitality of this part of Cowley Road. In light of this officers would not therefore lend their support to the demolition of the buildings.
5. Local Plan policy HS10 states that planning permission will not be granted for development which results in the net loss of self-contained residential accommodation. No 220 Cowley Road has a flat on the first floor and No222 is a 5 bedroom house. It has been suggested by the applicant that both are occupied by students, however officers can confirm that their lawful planning use is as dwelling houses. In both cases the proposals would result in the loss of dwelling houses contrary to policy HS10.
6. The site is located within a Secondary Shopping Frontage, within which retail uses take priority. The proposal retains a retail unit which is larger than the one that exists.
7. The City Council wishes to see an increase in the proportion of university students housed in purpose built accommodation. Core Strategy policy CS25 supports the provision of purpose built student accommodation, and states that matters of site management and the prevention of students bringing cars into the City can be controlled by planning condition. In the light of the policy context officers consider that there is no objection to the principle of student accommodation at this location.

## Affordable Housing

8. Policy HP6 of the Site and Housing Development Plan Document (Proposed Submission) states that *'Planning Permission will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford.'* The application proposes 18 student bedrooms and therefore triggers the requirement for affordable housing delivery (this figure is set out above). The Committee should be mindful that whilst the document is not adopted it is a material planning consideration and does carry some weight in determining the planning application. The applicant has agreed to make the contribution and officers would therefore recommend that if permission is granted authority should be delegated to officers to issue the permission on completion of a legal agreement to secure the contribution.

## Scale, Form and Appearance

9. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created. Policy CS18 of the Core Strategy echoes this.
10. Cowley Road is a busy commercial frontage and thoroughfare characterised by large 2 and 3 storey buildings built hard up to the pavement edge along a strong building line. The buildings are generally of a traditional form and appearance, constructed of brick, tile or slate, with a pitch roof and conventional features such as sash windows and roofed bays. The uses at ground floor are a mix of retail premises, restaurants and bars, with some office accommodation. On the upper floors the buildings are mostly residential or ancillary office or storage accommodation.
11. In contrast to the scale and use of the buildings fronting Cowley Road, the side roads are narrower, predominantly residential in character with buildings of a more domestic scale and mass. In many cases the side roads see a relatively undeveloped return to the Cowley Road frontage or where an infill development has taken place the buildings step down from Cowley Road to meet the scale of the properties fronting the side road.
12. The character of Randolph Street is no exception and is characterised by a narrow road with two storey terrace houses built hard up to the pavement. The terraces on each side of the road are long and only broken by the junction of Green Street and Hawkins Street. The rear of 224 Cowley Road has been recently redeveloped for student accommodation and this has seen the conversion of an existing workshop building and erection of a new two storey building. The scale and mass of this new development respects the domestic characteristics of Randolph Street, albeit with a more contemporary use of materials and detailing.
13. The application proposes a new three storey building. The Cowley Road elevation would appear much the same as it does at present, but slightly higher and with a greater degree of symmetry. The design approach would relate to this part of the Cowley Road in terms of scale and mass.
14. The Randolph Street elevation is less successful. It presents three storey timber clad bays to the street, all with flat roofs and positioned close together. Behind the three bays runs the unbroken main ridge of the roof. The design approach is unimaginative, but more crucially the height, roof form and bay windows give the elevation a scale and mass that is out of keeping with the domestic character of the street. This impact is further compounded by the proportions and rhythm of the elevation which has no regard for the street pattern.

## **Impact on Neighbouring Properties**

- 15.** Local Plan policy CP10 states that development should be sited to ensure that the *'use or amenity of other properties is adequately safeguarded'*. Local Plan policy HS19 goes further and states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
- 16.** With regard to the impact on daylight, officers have applied the 45° code to the cill of the habitable room windows that would be affected by the proposal as advised by Appendix 6 of the Local Plan. Due to the position of the proposal in relation to the windows of No 1 Randolph Street there would be no breach of the 45° code. However, there are two affected windows in the rear of No 218 Cowley Road, one serving a kitchen and the other a bedroom. Both of these rooms form part of a self-contained flat. Due to the height and proximity of the proposal to No218 the 45° code when applied to these windows would be breached.
- 17.** The rear elevation of the building rises to three storeys and incorporates an enclosed staircase and kitchen, both of which project out from the main body of the building. The height and mass of this would have an overbearing impact on neighbouring properties, particularly No 218 Cowley Road and No 1 Randolph Street.
- 18.** Policy CS25 of the Oxford Core Strategy states that the management of the site should be controlled by the submission of appropriate measures, to be secured by planning condition in the event of permission being granted. This would adequately address any concerns there are about potential for noise and disturbance or other management matters. If the proposals were to be supported by committee, officers would therefore suggest that a condition be imposed requiring details of site management be submitted for subsequent approval.

## **Sustainability**

- 19.** The application site lies within a sustainable location, on the edge of the Cowley Road District Centre. The site therefore has excellent access to shops, services and public transport nodes. The proposal will make efficient use of the site.
- 20.** Policy CS9 states that all applications for development are expected to minimise carbon emissions by incorporating sustainable design and construction methods into the development. The application is silent on this issue, however parts of the Building Regulations, in particular Part G (Sanitation, Hot Water Safety and Water Efficiency) and Part L (Conservation of fuel and power), aim to help reduce carbon emissions and protect the environment.

21. Notwithstanding the requirements of the Building Regulations, officers would recommend that if the Committee is minded to grant planning permission a condition be attached requiring details of how sustainable design and construction methods would be incorporated into the building and how energy efficiency has been optimised through design and by utilising technology that helps achieve Zero Carbon Development.

### **Car and Cycle Parking**

22. Core Strategy policy CS25 requires a condition to prevent future residents of student accommodation bringing cars into the City. If planning permission is granted officers would recommend that the committee impose a condition requiring details of how this will be achieved and enforced.
23. 18 cycle parking spaces are provided in a secure location. This would exceed the requirements of the Local Plan.

**Conclusion:** The development would result in the loss of two self-contained residential properties and would fail to mitigate the impact of the proposals on affordable housing and City and County serves. The development would have an adverse impact on visual and residential amenity. Officers would therefore recommend that planning permission be refused. If the Committee is minded to grant planning permission, officers would ask that authority be delegated to officers to issue the notice of permission on completing of an accompanying legal agreement to secure the required contributions.

### **Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

**Background Papers:** 11/03035/FUL

**Contact Officer:** Steven Roberts

**Extension:** 2221

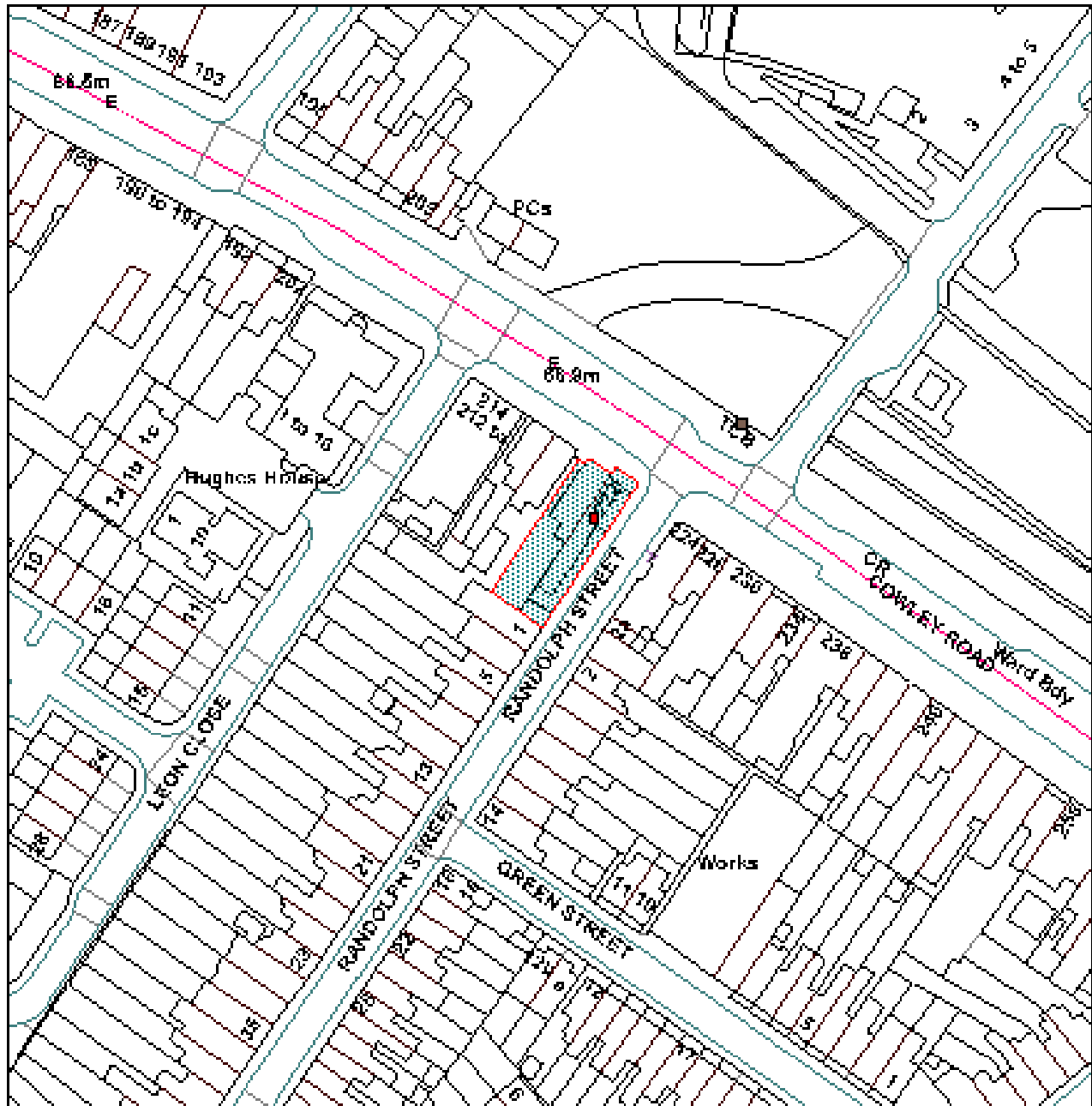
**Date:** 27 January 2012

# Appendix 1

## 11/03035/FUL - 220-222 Cowley Road



OS by ARY/DSC



Scale : 1:1000

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Organisation	Not Set
Department	Not Set
Comments	
Date	17 January 2012
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