

Agenda

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West Area Planning Committee

Date: **Wednesday 9 November 2011**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact:

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If you would like help to understand this document please call Alec Dubberley, Democratic Services Officer on or email adubberley@oxford.gov.uk in advance of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor John Goddard	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Michael Gotch	Wolvercote;
	Councillor Graham Jones	St. Clement's;
	Councillor Shah Khan	Cowley;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies were received from Councillor Van Nooijen with Councillor Darke attending as substitute member.

2 DECLARATIONS OF INTEREST

Councillors serving on the Committee are asked to declare any personal or personal prejudicial interests they may have in any of the following agenda items.

3 LAND TO THE REAR OF 17-41 MILL STREET, OXFORD - 11/02382/FUL

1 - 48

Erection of two storey building to provide 55 en suite student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. Access from Osney Lane.

Officer recommendation: Approve.

4 ST HUGH'S COLLEGE, ST MARGARET'S ROAD, OXFORD - 11/01774/FUL AND 11/01795/LBD

49 - 66

11/01774/FUL: Erection of freestanding building on 3 and 4 levels plus basement to accommodate Chinese Institute plus 63 student study rooms for St. Hugh's, together with College offices, music room, lecture theatre, seminar room and ancillary facilities. Access from Canterbury Road via new gate to 20 car parking spaces including 4 disabled and 140 cycle parking spaces. (Amended plans).

11/01795/LBD: Demolition of rear single storey extension to 'The Lawn'

Officer recommendation: Approval.

5 51 UNION STREET, OXFORD - 11/02248/FUL

67 - 78

Demolition of former school canteen. Erection of 26 en-suite student rooms with shared facilities, 2 parking spaces for disabled students, 26 covered cycle spaces and bin store.

Officer recommendation: Approve

6 PLANNING APPEALS

79 - 82

To receive information on planning appeals received and determined during September 2011.

The Committee is asked to note this information.

7 FORTHCOMING APPLICATIONS

The following items are listed for information. They are not for discussion at this meeting.

- (1) Meadow Lane: 11/01473/FUL: Skateboard park.
- (2) Lamarsh Road: 11/02499/VAR – Variation of retail warehousing.
- (3) 56 St. Clements: 11/02497/FUL – Variation to residential permission.
- (4) University Science Area: 11/00940/CONSLT: Masterplan (Not a planning application).
- (5) Fox and Hounds, Abingdon Road: 11/02591/ADV: Advertisements.
- (6) Fox and Hounds, Abingdon Road: 11/02595/FUL: Cash point.
- (7) Fox and Hounds, Abingdon Road: 11/02595/FUL: Plant and fencing.
- (8) Fox and Hounds, Abingdon Road 11/02597/FUL: New shop front plus ramped access.
- (9) Fox and Hounds, Abingdon Road: 11/02594/FUL: Demolition, new retail store plus 4 flats.

8 MINUTES

Minutes of the meeting held on 12 October 2011.

DECLARING INTERESTS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed. A full Planning Code of Practice is contained in the Council's Constitution.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;

(Speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;

 - (d) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officer/s and/or other speaker/s); and
 - (e) voting members will debate and determine the application.
4. Members of the public wishing to speak must send an e-mail to planningcommittee@oxford.gov.uk before 10.00 am on the day of the meeting giving details of your name, the application/agenda item you wish to speak on and whether you are objecting to or supporting the application (or complete a 'Planning Speakers' form obtainable at the meeting and hand it to the Democratic Services Officer or the Chair at the beginning of the meeting)
5. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting,
6. Members should not:-
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

West Area Planning Committee

9 November 2011

Application Number: 11/02382/FUL

Decision Due by: 9 December 2011

Proposal: Erection of two storey building to provide 55 en suite student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. Access from Osney Lane

Site Address: Land To The Rear Of 17 - 41 Mill Street, **Appendix A.**

Ward: Jericho And Osney Ward

Agent: John Philips Planning
Consultancy

Applicant: W.E. Black Ltd

Recommendation: Committee is recommended to support the development in principle but deter the application in order to complete an accompanying legal agreement and to delegate to officers the issuing of the notice of planning permission 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, the size and form of the proposed building and the influx of students to the area. The development is however located at a reasonable distance from neighbouring residential 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 two storeys the building would be similar in height to nearby residential properties and although of a different architectural form, 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. The students intended to occupy the development would be from the existing Bellerbys College nearby. There are no objections to the proposals from statutory organisations.

Conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 On site management of students
- 5 Occupancy restrictions
- 6 Student accommodation: out of term use
- 7 Tree protection plan
- 8 No felling, lopping, cutting.
- 9 Landscape: underground services
- 10 Tree protection plan
- 11 Arboricultural method statement
- 12 Landscape plan required
- 13 Landscape carry out after completion
- 14 Landscape management plan
- 15 Students no cars
- 16 No car parking on site
- 17 Control of access
- 18 Restrict delivery / service times
- 19 Cycle parking
- 20 Scheme of lighting and CCTV
- 21 Boundary treatment
- 22 Ground contamination
- 23 Vibration: details to protect development
- 24 Noise from development
- 25 Soundproofing of development
- 26 Development in accordance with flood risk assessment
- 27 Sustainable drainage
- 28 Sustainability
- 29 Construction management plan
- 30 Travel plan
- 31 Archaeology
- 32 Public art
- 33 Further habitat survey
- 34 Wildlife habitats

Legal Agreement.

1. £30,000 towards public realm improvements to Osney Lane adjacent to entrance to site.
2. £3,583 towards library facilities in the city.
3. £3,425 towards indoor recreation facilities within the city.

Principal Planning Policy Documents.

Oxford Local Plan 2001- 2016.

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP20 - Lighting
- CP21 - Noise
- CP22 - Contaminated Land
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR13 - Controlled Parking Zones
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- NE20 - Wildlife Corridors
- NE23 - Habitat Creation in New Developments
- HE2 - Archaeology
- HS20 - Local Residential Environment
- TA5 - Tourist Accommodation - Dual Use

Oxford Core Strategy 2026.

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS19 - Community safety
- CS25 - Student accommodation

Supplementary Planning Documents.

1. Planning Obligations (2007)
2. Parking Standards, Transport Assessment and Travel Plans (2006)

Other Policy Documents.

1. PPS1: Delivering Sustainable Communities.
2. PPS3: Transport.
3. PPS5: Planning for the Historic Environment
4. PPS9: Biodiversity and Geological Conservation.
5. PPS22: Renewable Energy.
6. PPS23: Planning and Pollution control.
7. PPS24: Planning and Noise.
8. PPS25: Planning and Flood Risk.

Public Consultation

Environment Agency. No objection providing: (i): development carried out in accordance with terms of submitted Flood Risk Assessment; (ii): scheme to mitigate ground contamination.

Thames Water. No objection in terms of water or sewerage infrastructure.

Oxfordshire County Council: Developer Funding: Contribution towards library infrastructure required; off site fire hydrants may be required.

Oxfordshire County Council: Highways: No objection in principle; Travel Plan for start and end of term required; students not be allowed to bring cars to Oxford; students not eligible for residents permits in CPZ; hard surfaces should be permeable; contribution to highways / public realm works at Osney Lane.

Natural England: Habitat survey submitted with application has not identified any significant impacts on statutorily protected sites, species or priority habitats; support recommendations within survey; bat survey should be undertaken of cherry tree to be felled; development should maximise opportunities for wildlife; green roofs supported; native species of plants should be utilised; bat and bird boxes should be provided; sustainable urban drainage scheme (SUDS) should be incorporated.

Nicola Blackwood MP: Constituents advise that they welcome reduction in size of development; concerns remain in relation to increased noise from influx of students; they question the level of supervision on site; they have concerns that building still taller than Abbey Place flats; 2m fences may block ground floor windows; tree planting should fit in with local area; flooding and drainage issues need to be taken fully into account.

Individual Comments: main comments made:-

- overlooking / loss of privacy, especially to Abbey Place properties;
- development too close to existing properties;
- impact on ecology of site;
- conflicts with local plan policies;
- building too tall;
- increase in traffic, especially taxis;
- loss of parking;
- insufficient parking;
- poor access;
- increase in pollution;

- noise nuisance;
- insufficient information;
- additional burden on community facilities;
- loss of light;
- overdevelopment;
- moiré open space required in development;
- out of character with locality;
- lack of consultation;
- increased risk of flooding;
- inadequate security;
- influx of student numbers;
- increased litter;
- suitable site for student accommodation;
- Innovations House would be a better site.

Officers' Assessment.

Background to Case.

1. In July of this year committee received a report on a proposal for 74 student study rooms on the same site as the current planning application. That application was supported by West Area Planning Committee on a vote of 6 to 2 but deferred to enable officers to complete a legal agreement to accompany the permission securing various financial contributions. Before planning permission could be issued however the application was called into the Planning Review Committee meeting at the end of the month. A copy of the officers' report to West Area Planning Committee on 13th July 2011 is attached now as **Appendix B** and the supplementary report to Planning Review Committee of 27th July 2011 as **Appendix C**.
2. The Review Committee met following an inspection of the site a few days previous. At the committee planning permission was refused on a vote of 7 to nil for the following reasons:

(i): Having regard to its height in relation to neighbouring residential properties of a domestic scale, together with its overall size, bulk and footprint, the proposed development would represent an overbearing and overdominant feature which fails to relate to its context and would constitute an overdevelopment of the site, contrary to policies CP.1 and CP.8 of the adopted Oxford Local Plan 2001 to 2016, and policy CS.18 of the adopted Oxford Core Strategy 2026.

(ii): Having regard to the very particular contemporary appearance of the development, the proposal fails to strengthen, enhance and protect the distinctive residential character of the locality and would be detrimental to the visual amenities of neighbouring residential properties and the locality generally, contrary to policies CP.1 and CP.8 of the adopted Oxford Local Plan 2001 to 2016 and policy CS.18 of the adopted Oxford Core Strategy 2026.

(iii): The introduction of a large number of students into this modest residential enclave accessed off Botley Road would result in an unbalanced community where the number of students resident would represent a disproportionate number of the total population.

(iv): The proposed development would give rise to a loss of privacy to occupiers of 1 and 2 Abbey Place by reason of overlooking from nearby windows to bedrooms within the proposed development, contrary to policy HS.19 of the adopted Oxford Local Plan 2001 to 2016.

3. Attached as **Appendix D** to this report is a short statement representing a summary of the applicants' response to the reasons for refusal. With regard to that statement this latest application represents a reworked proposal with fewer study bedrooms on 2 floors rather than 3 within a revised architectural style. In summary the principal amendments may be summarised as follows:
 - a reduction in the number of student study rooms from 74 to 55;
 - a reduction in the number of floors from three to two;
 - amendments to the architectural detailing;
 - different use of materials;
 - introduction of privacy louvres to the southernmost study bedrooms;
 - amended landscaping proposals; and
 - resiting of cycle and bin stores

4. As previously officers consider the principal determining issues to be:
 - planning policy;
 - built forms;
 - highways, access and parking;
 - trees and landscaping;
 - noise, vibration and air quality;
 - flood risk;
 - archaeology; and
 - sustainability.

5. However those aspects of the development relating to noise, vibration and air quality and to archaeology remain unchanged from the text reproduced in **Appendix B** at paragraphs 21 to 25 and 31 respectively. Similarly with regard to issues of biodiversity, ground contamination and public art, referred to at paragraphs 33 to 35 of that previous report. No further reference is therefore made to these matters in this report. Still other features differ very little and where that is the case brief reference only is made in this current report.

Planning Policy.

6. The planning policy framework remains as indicated at paragraphs 6 and 7 of **Appendix B**. Since consideration of the previous planning application however reference has been made to the emerging National Planning Policy Framework (NPPF) and locally to the Sites and Housing Development Plan Document (DPD) which will eventually replace much of the current Local

Plan. In the interim period the existing guidance and policy documents remain in force. The NPPF has recently completed its consultation phase but is not expected to be published until Spring 2012. As a national policy document which will replace a range of Planning Policy Guidance Notes (PPGs), Planning Policy Statements (PPSs) and Government Circulars, its scope will inevitably be generalist rather than specific.

7. To that extent the Sites and Housing DPD will in due course be more relevant perhaps. The consultation draft of the document suggested the application site should not be allocated for any specific purpose. In these circumstances when development proposals do come forward they are therefore determined on their merits in accordance with established policy and all other material circumstances. The absence of a specific allocation should not be interpreted that development of the land is not possible. Like the NPPF the DPD too is at an early stage and following public consultation during June and July of this year a report is due to come to Council in December. Full adoption of the document would only follow further stages however including a full public examination in the latter part of 2012. At the time of writing the emerging DPD document can therefore be afforded no weight in the decision making process. Rather reliance is made on the existing policy framework.

Built Forms.

8. The building proposed to house the student study rooms represents an evolving design which seeks to respond to the concerns expressed by Planning Review Committee when refusing planning permission for a larger development of 74 student study rooms on 3 floors in July of this year. It adopts the same sinuous footprint and location within the site as previously however and in terms of the internal layout of its accommodation and other characteristics it displays many of the features of the previous application described in detail at paragraphs 6 to 13 of **Appendix B**.
9. In reducing the number of floors from three to two the overall height is reduced from 10.1m to 7.7m at its highest point however with the taller architectural feature at the southern end now deleted altogether. At this height the building would be approximately 0.5m lower than the ridge to the Mill Street houses to the west. The distinctive alignment of windows towards the south - west in a "serrated" or "razor tooth" form is retained with near full length windows providing good levels of natural light to study bedrooms. Although good window to window distances to the residential properties in Mill Street are also retained as previously, to the southern end of the site privacy louvres are added windows to prevent any overlooking of windows to flats at nearby Abbey Walk. Internally access stairs are provided at either end of the building and at two further points along its length, again as previously. These features are recessed from the main façade but expressed externally by full length glazed panels.
10. To the rear where the building backs onto the railway line greater articulation is produced to this elevation by the introduction of additional window openings to the corridors which give access to the study bedrooms at each level. These

allow this elevation to be broken up into smaller elements interspersed by full length glazing at the upper level. Of the 55 study rooms within the development four at ground floor level near the main entrance are fitted out to full disabled standard.

11. Previously the facing materials consisted of buff coloured brickwork at lower levels with grey metal cladding in zinc or similar at upper levels and roof. In these latest proposals the lower part of the elevations are faced with dark coloured brickwork to form a "plinth" to the building with buff or other coloured brickwork above and a horizontal band of artificial stonework to introduce a horizontal element into the architecture. Window frames would be of powder coated aluminium.
12. Overall the applicant has sought to respond to concerns about the form of the development as refused in July by reducing its bulk, scale and height, (and therefore the amount of accommodation), and by introducing materials more commonly to be seen locally. Although much of the distinctiveness of the previous proposal is retained the consequence is a building which is more relaxed and subdued than previously but which still responds positively to the unusual linear form of the application site.

Highways, Access and Parking.

13. Access to the application site remains from Osney Lane close to the existing access to Abbey Walk. **Appendix A** refers. As previously a single car parking space is provided for the warden to the accommodation whilst a condition of the planning permission would again require that a clause in students' tenancy agreement would not permit them to bring cars to Oxford. As the site falls outside the boundaries of the Controlled Parking Zone in operation locally, then none of the occupiers of the development would be eligible for residents permits in any event.
14. Cycle parking was previously provided at 38 spaces to serve 74 student study rooms. This is reduced now to 30 spaces to serve 55 study rooms, still in excess of a Local Plan requirement of 1 space per 2 study rooms. The cycle parking is also moved nearer the entrance to the site in a single covered store, rather than dispersed to 3 separate stores along the length of the site. This allows additional landscaping to be included. The cycle parking lies adjacent to a relocated bin store which as it is closer to the entrance would now negate the need for recycling vehicles to run the length of the site for collections. As previously there is space for drop off and a contribution of £30,000 secured for public realm / highways works to Osney Lane at the foot of the footbridge there.

Trees and Landscaping.

15. The landscaping proposals to accompany the planning application remain much as described for the previous planning application at paragraphs 17 to 20 of **Appendix B**. The amendments now relate to the band of landscaping along the western side of the site where it adjoins the gardens to the Mill

Street properties which is widened from 4.4m to a full 5m along the majority of its length, other than to the southern end where the cycle and bin stores and single car parking space require that it be reduced to 2m. A 2m fence would run along the common boundaries to the Mill Street and Abbey Place properties. In addition the pedestrian path leading to the entrances of the building is realigned to a position closer to the building itself so that a lawned area varying between 3m and 7m would exist between the 5m wide landscaped strip and the footpath. As previously a range of conditions are suggested to secure the new planting and ensure the good health of the remaining tree coverage.

Flood Risk.

16. A revised flood risk assessment (FRA) accompanies the planning application but its features remain as described at paragraphs 26 to 30 of **Appendix B**. That is to say the measures taken would result in a finished floor level of 57.81m AOD or 1.1m above the external ground level of 56.685m AOD. This equates to 270mm above the 1 in 100 year flood level plus climate change, or 520mm above the 1 in 100 year level. As part of the building would protrude into flood zone 3a as defined by the Environment Agency and would displace some 106 cu m of water in a 1 in 100 year plus climate change flood event, then a compensation scheme of 241 cu m is provided, representing a net gain of 135 cu m of capacity. These measures are fully supported by the Environment Agency and would be secured by condition.
17. Since the previous planning application, one respondent to consultation has suggested that the Innovations House site to the south is sequentially preferable for the use sought in terms of flooding and the requirements of PPS 25. However that site falls in part or whole within the same flood zone as the application site as defined by the Environment Agency and forms part of an allocation in the adopted Local Plan which refers to student accommodation but as part of a mixed development including other uses. Officers do not concur that that site is sequentially preferable for the development sought.

Sustainability.

18. The planning application falls below the size threshold where a Natural Resource Impact Analysis (NRIA) is required. Nevertheless a sustainability statement accompanies the planning application.
19. In the wider sense the application is very sustainable as it makes use of a brownfield site and is located within close proximity to public transport facilities at the railway station and central bus station, as well as frequent bus services along Botley Road. It is car free with good levels of cycle parking provision and within walking distance of city centre facilities.
20. In terms of the development itself the building is aligned with its habitable rooms facing to the south - west to exploit solar gain and would be constructed of materials with a low embodied energy. Timber would be from

FSC certified sources. Specific features of the development are intended to include condensing boilers, local heating controls, low energy fluorescent / LED lighting, dual flush WCs, low flow taps, A rated appliances etc. It is also intended to investigate the use of biomass boilers, ground source heat pumps and photovoltaics.

21. It is recommended that a condition be imposed requiring the submission of details of sustainable energy features for approval.

Conclusion.

22. The planning application relates to a development of student accommodation on a parcel of land historically used for railway related activity but which has become overgrown and unkempt. It is sited at a sustainable location within easy access of transport facilities and the city centre however and is proposed to provide student study rooms for Bellerbys College who currently have teaching premises within a very short distance at Trajan House. The building to house the accommodation is reduced from 3 floors to 2 and 74 rooms to 55 compared to the recent refused planning application and adjustments are made to the location of bin and cycle stores and to the architecture. Privacy louvres are added to those rooms located closest to existing flats at Abbey Walk to avoid any overlooking. No objections are raised in terms of flooding issues and good quality landscaping can be secured by condition. Local Plan and Core Strategy policies are supportive of purpose built student accommodation at appropriate locations.

23. Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an 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. 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 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, 11/02382/FUL.

Contact Officer: Murray Hancock

Extension: 2153

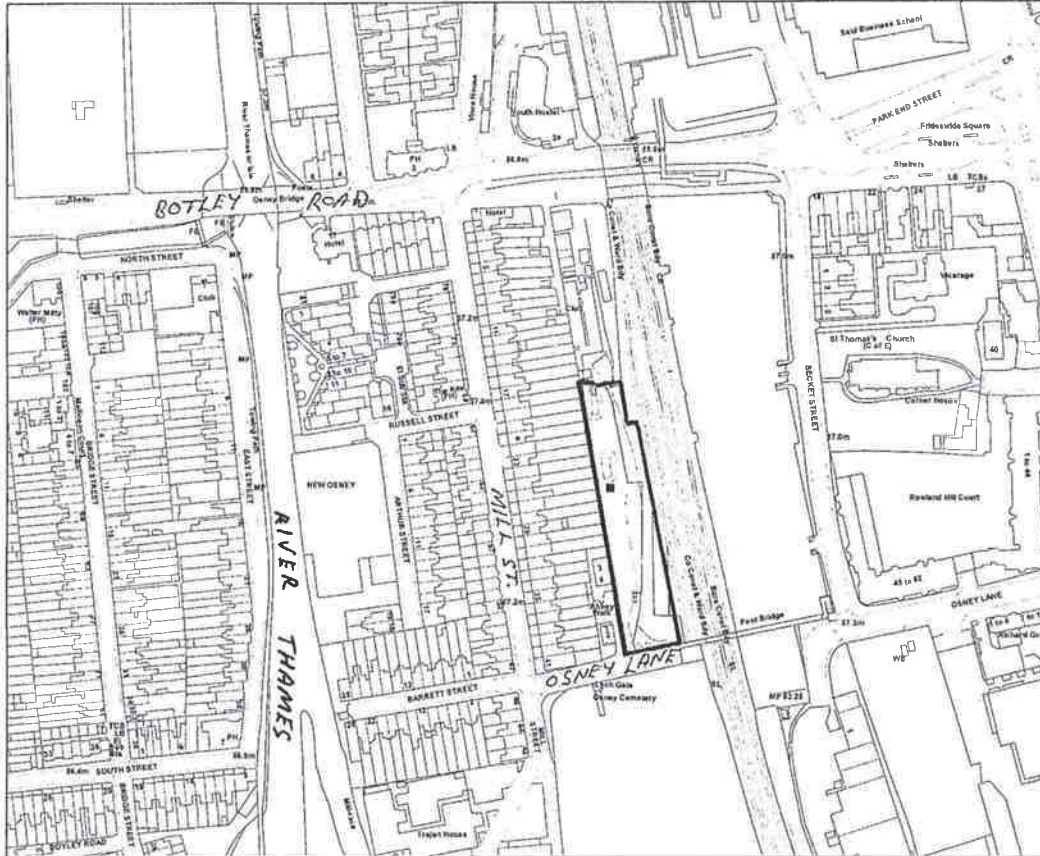
Date: 27 October 2011

APPENDIX A

Rear of 17 - 41 Mill Street



GIS by ESRI (UK)



Legend



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APPENDIX B

West Area Planning Committee

13th 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, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: John Philips Planning
Consultancy

Applicant: W.E. Black Ltd

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

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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.

Conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Amended drawings
- 4 Samples
- 5 On site management of students
- 6 Occupancy restrictions
- 7 Student accommodation: out of term use
- 8 Tree protection plan
- 9 No felling, lopping, cutting
- 10 Landscape. underground services
- 11 Tree protection plan
- 12 Arboricultural method statement
- 13 Landscape plan required
- 14 Landscape carry out after completion
- 15 Landscape management plan
- 16 Students no cars
- 17 No car parking on site
- 18 Control of access
- 19 Restrict delivery / service times
- 20 Cycle parking
- 21 Bin stores: amended drawings
- 22 Scheme of lighting and CCTV
- 23 Boundary treatment
- 24 Ground contamination
- 25 Vibration: details to protect development
- 26 Noise from development
- 27 Soundproofing of development from railway noise
- 28 Development in accordance with Flood Risk Assessment (FRA)
- 29 Sustainable drainage
- 30 NRA
- 31 Construction management plan
- 32 Travel plan
- 33 Archaeology
- 34 Public art
- 35 Further habitat survey
- 36 Wildlife habitats
- 37 Fire hydrants

Legal Agreement.

Financial contributions of:

1. £30,000 towards public realm improvements adjacent to entrance to site.
2. £4,725 towards library facilities within the City.
3. £4,440 towards indoor recreation facilities within the City.

Principal Policy Documents.

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP19 - Nuisance
CP20 - Lighting
CP21 - Noise
CP22 - Contaminated Land
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones
NE14 - Water and Sewerage Infrastructure
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
NE20 - Wildlife Corridors
NE23 - Habitat Creation in New Developments
HE2 - Archaeology
HS20 - Local Residential Environment
TA5 - Accommodation - out of term use

Oxford Core Strategy 2026.

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS25 - Student accommodation

Supplementary Planning Documents (SPDs).

1. Planning Obligations (2007)

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2. Natural Resource Impact Analysis (NRIA) (2006).
3. Parking Standards, Transport Assessment and Travel Plans.(2006)

Other Policy Documents.

PPS1: Delivering Sustainable Communities.
PPS3: Transport.
PPS5: Planning for the Historic Environment.
PPS9: Biodiversity and Geological Conservation.
PPS22: Renewable Energy.
PPS23: Planning and Pollution Control.
PPG24: Planning and Noise.
PPS25: Planning and Flood Risk.

Summary of Planning History.

Historically the application site formed part of railway sidings and landholdings, but in more recent times this and an adjacent site have been subject to a number of planning applications. Immediately to the west a smaller site than the current application site was granted planning permission for 6 flats in the 1980s at what is now Abbey Walk. In 1989 a small office development was also permitted on the same site but not implemented. On the current site a development of 24 flats was refused planning permission in the early 1990s, but a development of 19 student study rooms approved a decade later, though not implemented. That permission has now lapsed. It is accepted therefore that the principle of development for student accommodation has been established at this site.

Public Consultation.

Prior to the submission of the planning application the applicant undertook a public presentation of the proposed development on 24th February 2011 to which residents of Mill Street were invited plus local ward councillors etc. Some 22 people attended and 7 written comments were made. The principal issues raised related to the density of development, the scale and height of buildings, landscaping and the impact on car parking, noise and biodiversity.

Following receipt of the planning application and site advertisement the following comments were received.

Environment Agency: (i): Basis of Flood Risk Assessment (FRA) undertaken not appropriate and flood levels therefore underestimated; FRA should be revised; route for safe access and egress should be provided to avoid need for evacuation in time of flood. (ii): revised FRA resolves objections previously raised; FRA demonstrates that level for level compensation for lost flood water is still achievable; satisfied proposal will not increase flood risk; Emergency Planner at Oxford City Council satisfied that emergency planning issues can be managed; remove objection on access and egress grounds subject to condition requiring details of FRA to be implemented.

Thames Water: No objection to the planning application in terms of water or sewerage infrastructure, storm water flows should be attenuated or regulated into receiving public network through on or off site storage.

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Network Rail: No objection but some minor concerns: NR need to consider foundation and constructional designs: trespass proof fencing required; buildings to be 2m from boundary; no discharge of surface water onto NR land; NR to be consulted on changes in ground levels; windows and scaffolding not to oversail operational railway; development to take into account noise, vibration and dust from railway; trees to be planted agreed distance from boundary.

Oxfordshire County Council Environment & Economy: Financial contribution of £4,725 required towards library facilities; costs of fire hydrants can be met by condition.

Oxfordshire County Council: Highways: No objection subject to conditions and adjusted plans; as development is at a sustainable location suggest removal of warden's car parking space; temporary Traffic Order may be required during construction; cycle parking details need to be adjusted; development to be SUDs compliant; development encroaches slightly onto highway land - plan needs adjusting; Travel Plan and Construction Travel Plan required; contribution of £30,000 towards highway / public realm works welcomed.

Environmental Development: As potentially contaminated land risk assessment, site investigation and remediation strategy is required; condition required to soundproof development from railway noise; details of measures to protect against vibration required

Oxford Civic Society: Building would be uninspiring entrance to the city; building may look monolithic and depressing; screening by trees may be effective eventually; 2 storey building would be preferred with more variety and interest but options may be limited on this narrow plot; cycle parking should be provided for all students.

Individual Comments: Main comments made:

- potential for overlooking / loss of privacy.
- density of occupation too high.
- noise intrusion.
- fear antisocial behaviour / late night activity.
- overbearing nature of development.
- loss of daylight / sunlight.
- loss of tree coverage and greenery.
- increased traffic along Mill Street, including service vehicles and taxis.
- loss of views.
- valuable wildlife corridor.
- development too large and overbearing.
- building taller than existing structures.
- would be better constructed at lower part of site.
- development out of character / not in the local vernacular.
- light pollution
- building would not reduce noise levels as suggested, which is not a problem in any event.
- restrict occupation of development.
- better street lighting, CCTV etc requested.
- S.106 agreement should make Mill Street safer for pedestrians and cyclists / traffic calming.

The applicant's response to these comments is attached as appendix 2 to this

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report.

Background to Proposals.

1. The planning application relates to a linear site measuring 0.3 ha (0.75 acre) to the immediate west of the railway line south of Oxford Railway Station. The land was formally occupied by railway sidings and platform but has been overgrown and unused for many years, though some access has been gained by neighbouring residents and an amount of fly tipping has also taken place. Although there are few trees of individual quality on the site, in view of its general greenery value a Tree Preservation Order had been placed on the land in 2010 to prevent removals in advance of any redevelopment proposals coming forward. Access to the site is taken from the south via the western section of Osney Lane off Mill Street. To the north is other former railway land occupied by the now closed Railway Club accessed from Mill Street via a route to the rear of the Westgate Hotel. A number of the Mill Street houses have taken vehicular access to the rear of their properties from this point.
2. To the east of the application site is the railway line with rail users car park beyond, whilst to the west are the rear gardens of 17 to 41 Mill Street. Nearby to the eastern side of the railway line unimplemented permissions exist for a new terminating "bay platform" and transfer deck linking the platform to the existing Railway Station located to the north side of Botley Road.
3. The single linear building proposed for the site would provide 74 en suite student study rooms with the intended occupiers being students of Bellerbys College who occupy teaching premises nearby at Trajan House in Mill Street. The rooms are arranged in clusters of 6 or 7, with a small kitchen / social area serving each cluster. Meals can also be taken at the cafeteria at Trajan House. Four of the rooms are to full disabled standard, with warden's accommodation located near the entrance to the site. A small common room area is also provided at this point, but there would be no bar within the building. No car parking is provided on site other than for the warden, though access is made available for servicing purposes, collection from bin stores and for emergency vehicles. Cycle parking and bin stores are located in separate structures from the main accommodation building.
4. Students of Bellerbys College would generally be in the age range of 16 to 19 undertaking full time GCSE, A levels and foundation courses. Some 80% of Bellerbys' students proceed on to UK university courses. The college is Ofsted inspected.
5. Officers consider the principal determining issues in this case to be:
 - planning policy;
 - built forms;
 - highways, access and parking;
 - trees and landscaping;
 - noise, vibration and air quality;
 - flood risk;
 - archaeology; and

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- sustainability

Officers Assessment.

Planning Policy.

6. The application site bears no site specific allocation in the adopted Local Plan or Core Strategy, and falls outside the defined area encompassed by the West End Area Action Plan. Nevertheless the proposal raises a number of issues to which a range of more general Local Plan, Core Strategy and other policies relate. These are listed at the head of this report. As indicated elsewhere the application generally responds to these policy requirements by making beneficial and efficient use of brownfield land which by virtue of its narrow and linear configuration would not be well suited to family housing for example, nor to commercial use due to the restricted access arrangements via a residential street. In that context, of particular relevance to the case are those policies relating to the provision of purpose built student residential accommodation.
7. For many years successive Local Plans have supported the provision of purpose built student accommodation on sites not suited to family housing in order to reduce the pressure on the general housing market by students who might otherwise live in shared houses capable of being occupied by families permanently resident in the City. In the current Local Plan occupation of such developments had been restricted to students of the University and its constituent colleges, or students of Oxford Brookes University. However following adoption of the Oxford Core Strategy 2026 in March of this year the relevant Local Plan policy has been replaced by Core Strategy policy CS25 which seeks to relax previous policy restrictions so as to permit occupation by other institutions providing its students are enrolled on full time courses of an academic year or more. Occupation by Bellerbys' GCSE, A level and foundation course students would meet this requirement. A condition would be applied to planning permission if granted securing such a restriction in perpetuity in the event that institutions other than Bellerbys were to occupy the building in future years.

Built Form.

8. The proposal consists of a single 3 storey building constructed in a linear form with facing buff coloured brickwork at lower levels and standing seam grey metal cladding in zinc or similar at upper levels and roof. Windows would possess aluminium frames and the whole development would be orientated to the west away from the railway line it adjoins. As such corridor access to individual study rooms runs along the entire eastern side of the building to the railway line at all levels, providing protection from any noise and pollution from the railway line. The main entrance to the site and building is from the southern end with two further entrances at intervals along the western side where staircases to upper levels are located. At these points the strict linear configuration of the development is broken as the building realigns slightly to adopt a more a sinuous form. At these "knuckle" points the entrances are

identified by a recessed, glazed treatment to the stair towers. To the eastern elevation adjacent to the harsher environment of the railway line the applicant suggests a more robust approach is required, and which avoids over-emphasising these subtle changes of direction. The applicant argues instead in favour of a regular architectural rhythm and treatment.

9. Overall the sinuous form of the single building is in large measure a response to the very particular characteristics of the site which measures between 20m and 25m in width only, but extends some 120m in length northwards from the point of access off Osney Lane. In order to provide a satisfactory relationship with the rear of neighbouring residential properties in Mill Street the building is sited to the eastern side of the site on slightly higher ground which also allows it to be sited away from land identified as falling within Flood Zone 3 as defined by the Environment Agency, (referred to later in this report).
10. Externally the site is cleared of the scrub and tipping which has taken place on the land over the years and new planting proposed in order to provide a setting for the new development and maintain some of the greenery that the site currently possesses despite its unkempt appearance. As such a strip of landscaping is proposed along the rear of the Mill Street and Abbey Place properties measuring up to 4.4m in width with additional planting at the northern end. The landscaping would consist of new tree planting to replace those which have to be lost, retention of some trees in better condition, and the introduction of appropriate low level shrubs. More formal planting and lawns is proposed adjacent to the buildings themselves, whilst an access road runs the length of the site between these planted areas, for use by emergency vehicles. Some limited planting is also suggested east of the building where it abuts the railway line. The boundaries of the site would be maintained by a 2m timber fence along the western side to the rear of the Mill Street houses and a new low brick wall at the entrance from Osney Lane. To the east and north the existing railings would be retained.
11. The accommodation building itself is arranged on three floors rising to 10.1m along most of its length with a slight rise at the southern end of 2m in the form of a cantilevered canopy included as an angular architectural feature at the point at which the building is perhaps most visible from the public realm. The second floor accommodation is set back 1.8m from the main western face of the building along its full length however so that the leading edge at this point would rise to approximately 7.5m or about the same height as the ridge to the Mill Street houses. Whilst these properties are more modest domestic scale structures on two floors, there are a number of buildings within the street and in the locality on three floors or more, for example at the Westgate Hotel, Kite PH, Trajan House, Oxford Innovations, Youth Hostel, Gibbs Crescent and the former University Dept. of Engineering at Russell Street.
12. Generally the distance between facing windows for properties across Mill Street is approximately 12m, whilst typical minimum window to window distances at the rear of Victorian or Edwardian terraces such as these is 21m. In comparison the proposed building is located 33m from the nearest window in the rear elevation of the Mill Street properties. extending to as much as

39m in other cases. At these distances there would be little impact on the Mill Street properties in terms of lighting conditions nor in the officers' view would the development appear overbearing when viewed from these houses or their gardens. Window to window distances would also be similar to or greater than to be typically found in residential areas of this type close to the city centre. As such acceptable levels of privacy would be maintained. Whilst the 6 flats at Abbey Walk are closer to the proposed student accommodation, only two habitable room windows are present in the facing elevation and these currently abut the access road within that development. In any event one of the striking features of the new building is the verticality of its windows to study rooms arranged in a razor tooth form and aligned to the south - west to avoid direct views towards gardens. Such an alignment avoids direct overlooking and also has the benefit of providing good internal lighting conditions for the study bedrooms. Overall therefore officers take the view that the privacy of neighbouring householders at both Mill Street and Abbey Walk is protected and that a three storey building can be accommodated at the application site.

13. In summary officers are satisfied that the built form and location of this single sinuous building responds positively to its very particular context; respects neighbouring residential amenities; and produces a distinctive architectural solution appropriate to the narrow and constrained site it occupies adjacent to the railway line.

Highways, Access and Parking.

14. As the application site is at a sustainable location close to public transport facilities and a short walk from the city centre, the development is intended to be essentially car free with no car parking provided on site other than for the resident warden. The site falls outside the Controlled Parking Zone in operation in Mill Street and occupiers of the development would not therefore be eligible for residents' parking permits. A condition to the planning permission would also require that a clause in students' tenancy arrangements would not permit them to bring vehicles to Oxford. As the majority of students would be in the age range of 16 to 19, few would possess a driving licence in any event. Covered cycle parking for 38 cycles is provided to meet Local Plan requirements, though space exists to provide further facilities if necessary.
15. A drop-off point for smaller vehicles and taxis exists at the entrance to the site adjacent to the warden's car parking space, but measures are required to be in place to prevent other parking taking place, but to allow access for refuse collection vehicles etc. A condition is suggested requiring details. Conditions are suggested also for a limited travel plan, and construction travel plan. A minor drafting error on the submitted plans indicate encroachment over the common boundary to the public highway. Amended drawings correcting the error are required.
16. In support of the proposals, the applicant is prepared to fund alterations to the pedestrian area to the foot of the footbridge at Osney Lane which requires

improvement. This would be secured by legal agreement, along with other contributions in line with the Supplementary Planning Document (SPD) on Planning Obligations.

Trees and Landscaping.

17. The application site is thickly covered by trees, shrubs and general scrub. An arboricultural report accompanies the planning application and indicates some 34 trees or groups of trees to be present which are graded according to their visual quality using the guidance in BS5837: 2005. Of the 34 trees and groups of trees 2 are graded category B (moderate quality and value) and remainder category C (low quality and value). One further tree, a wild cherry, is not graded but recommended for felling as it is in decline, contains a fungus (*Pholiota squarrosa*), and possesses a base which forks into 3 and a heavy limb which is split and fallen. Overall the quality of individual specimens on the site is low, though they possess a collective presence when viewed from public vantage points in Osney Lane and Becket Street, and in private views from the rear of gardens to Mill Street. For this reason and to protect trees which were at risk of being felled a Tree Preservation Order was made on the land in 2010. It was not the intention of the Order to prevent appropriate development however as the principle of developing the land had previously been established. Rather it was intended to retain the greenery of the site until such time that further proposals came forward for the land.
18. Of the 34 specimens identified 20 individuals plus 2 groups of trees are proposed for removal to allow the development to proceed: 2 wild cherry; 1 crack willow; 4 individual and one group of elders; 2 goat willow; 10 individual and 1 group of sycamore and a group of mixed species saplings. The loss of these specimens would be mitigated by the retention of 12 of the specimens, including both category B ornamental cherries plus 4 sycamores, 2 purple plums, 2 goat willows, a crack willow and 1 field maple, all to be pruned where required to reduce the risk of breaking or falling, or to improve their form. The retention of these specimens would be supplemented by new tree planting supported by low level shrub planting. To the western boundary of the site a landscaping strip 4.4m wide is proposed to contain the trees and shrubs; within which are currently located the cycle and bin stores serving the development. Details of the tree species to be planted would be secured by condition, such planting to assist in mitigating the losses.
19. Whilst in the first instance the visual presence of the new planting within the 4.4m strip would be limited as generally the new trees would be only approximately 2.4m in height, as the expected species of alder, birch and pine trees mature they can be expected to strengthen the existing screening from the retained trees and ensure a succession of mature tree coverage in the future. As the bin and cycle stores are located within the root protection zone of some of the retained trees then it is suggested that their positioning is adjusted accordingly to ensure the continued viability of the retained specimens. Similarly as the precise route of underground services is not identified, then a series of planning conditions are suggested to provide protection and ensure that existing trees to be retained are not threatened.

20. Elsewhere on the site lawned areas with occasional tree planting is provided to the frontage of the new building, whilst to the east of the development a narrow strip of planting is possible adjacent to the railway line land. This is indicated to be planted with native shrubs and trees which would be managed as scrub. Again details would be required by condition

Noise, Vibration and Air Quality.

21. In November 2010 noise and vibration surveys were undertaken at the application site to inform the design of the development. The proposal which emerged was in the form of a single block of accommodation with corridor access along the eastern side of the building at all 3 levels, creating a buffer zone to railway noise. Double glazed window units to this elevation opened only for cleaning purposes further reduce internal noise levels by at least 30dB(A). With further acoustic requirements to internal walls to meet the Building Regulations, any noise emanating from the railway to habitable rooms would be low, and within the guidance levels set out in Planning Policy Guidance Note 24: "Noise" (PPG24).

22. The existing trees and scrub provide some noise attenuation for residential properties backing onto the application site. Whilst the removal of vegetation is mitigated to an extent by new planting, greater benefits are derived from the building itself which is calculated by the applicants' consultants to result in a reduction in noise levels of at least 3 dB(A) measured at the upper floors of the Mill Street properties with a greater reduction of up to 6 dB(A) for those properties located opposite the central part of the development which are more effectively screened. Whilst some local residents have indicated in public comments that noise emanating from the railway is not problematical and have queried that the new development would offer the suggested noise benefit, it is recalled that in response to Network Rail's recent proposals for a bay platform to the eastern side of the railway line a specific request was made by local residents that Network Rail erect an acoustic fence along the full length of the railway line at this point. In this regard the proposed building would perform a similar role to such a fence.

23. On one other matter relating to noise, several local residents have raised concerns about noisy students potentially occupying the development, and that those properties in Mill Street currently occupied by students have caused such problems in the past. Environmental Development colleagues advise that there have been 6 such recorded complaints only received from postcode area OX20AJ since 2002 and none since 2008. In any event the students of Bellerbys College intended to occupy the proposed development would be of a younger age group than university students, generally in the age range of 16 to 19. More particularly there would be a requirement by planning condition that either a resident warden lives on the site to provide supervision and a point of contact for local residents in the event of problems arising, or that there would be some other form of 24 hour on site presence. Delivery times can also be restricted to avoid unsocial hours.

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24. In terms of vibration, the survey results indicated with reference to relevant British Standard 6472 that there was likely to be only "low probability of adverse comment" from occupants of the development. In order to mitigate against any perceived issues of vibration the design and construction of the development would however need to take the presence of the railway fully into account so that, for example, lightweight structures with suspended wooden floors would be unlikely to be appropriate. Rather consideration would need to be given to piled foundations with construction of sufficient mass to minimise any amplification within the building. A condition is suggested requiring constructional details to be submitted and approved accordingly.

25. With the development orientated to the west, Environmental Development officers advise air quality issues would be unlikely to arise unless there were evidence of extensive idling taking place adjacent to the development, which is not the case.

Flood Risk.

26. The Environment Agency's published flood risk zones indicate parts of application site to the south and west to fall within flood zone 3a which equates to a high probability of flooding during a 1 in 100 year event with allowance for climate change. Other parts of the site are on higher ground however and fall with flood zones 1 and 2, ie being at low or medium risk respectively in a 1 in 100 year event.

27. As part of the site falls within the defined flood zone 3a, then a "Sequential Test" under the terms of Planning Policy Statement 25: "Planning and Flood Risk". (PPS25) is required to establish if in flood terms any other sequentially preferable sites are reasonably available which could potentially accommodate the development. The search undertaken by the applicant identifies no such better sites however, and officers would come to the same conclusion. In reaching this view officers have taken into account that part only of the site is within flood zone 3: that the building itself is set on higher ground; and that although other windfall sites could become available for this use, the Oxford Local Plan does not allocate sites for student accommodation for private educational institutions of this sort. Nor are there any other sites in the near vicinity which could conceivably be used for the purpose. Within the Oxford West End to the east student accommodation sites with the Area Action Plan (AAP) are identified only as part for mixed developments, (therefore involving other parties), which could not be said to be currently available for the development.

28. If the Sequential Test requirements are met for developments which fall within flood zone 3, then an "Exceptions Test" is then applied. To meet this test there must be other sustainability benefits from the development; the development must be on previously developed land; and an acceptable flood risk assessment (FRA) must be in place, preferably reducing the risk of flooding elsewhere. As the development is car free and at a highly sustainable location; occupies previously developed land where planning permission has

also been granted for the same use in the past; and no objection is raised to the FRA by the Environment Agency, then the Exceptions Test is also met.

29. In terms of actual measures undertaken to protect the building and not cause additional flood risk elsewhere, the finished floor level of the development is set at 57.81m AOD or 270 mm above the 1 in 100 year level plus climate change, or 520 mm above the 1 in 100 year level. External levels will be 56.685AOD. This means that the building itself would not be at risk of flooding. However a small area of the building would extend into the zone 3a area and a compensation scheme is proposed accordingly. The intrusion equates to some 106 cu m of water during a 1 in 100 year plus climate change event, in response to which flood compensation of 241 cu m is provided, or a net gain of 135 cu m. In terms of runoff a sustainable urban drainage scheme (SUDS) is also proposed, details of which can be required and agreed by condition.

30. The Environment Agency raise no objection to the proposals subject to it being undertaken strictly in accordance with the measures outlined within the FRA. A condition is suggested accordingly.

Archaeology.

31. A desk based archaeological assessment accompanies the planning application. The site is of interest as the precinct of Osney Abbey lay just to the south and west of the site, and the presence of a Saxon Burial in the Osney area in the 19th century suggests there may be other burials in the general area. Also the route of a post Medieval or earlier road may have run through the site towards the Thames. An archaeological investigation is therefore suggested which should consist of a trial trench across the site of the projected post Medieval road and a watching brief during significant ground works. These requirements can be secured by condition.

Sustainability.

32. The development is located at a sustainable location very close to the railway station and bus interchange and within a short walk of the central bus station and city centre. It would be car free other than for the warden's accommodation with covered cycle parking also provided. In terms of the new building a BREEAM very good or excellent rating is aimed for with a score of 7 out of 11 being achieved on the Natural Resource Impact Analysis (NRIA) checklist. This is achieved via a series of measures. In terms of energy efficiency high levels of insulation is included with double glazed, naturally ventilated windows, sensors to lighting equipment etc. Renewable energy is provided by a mix of roof mounted solar hot water and photovoltaic equipment whilst part off - site construction is being considered. Timber would be obtained from sustainable sources and rainwater harvesting employed for external areas.

Other Matters.

33. **Biodiversity.** The application site is made up mainly of scrub ground with some individual trees. Hardstandings also exist across parts of the site and the land has generally undergone a degree of fly tipping. There is therefore some potential for wildlife occupation. A full habitat survey was undertaken in August 2010 by Ecoconsult Wildlife Consultancy. Resurveys were also taken shortly afterwards. The survey identified one badger sett and 2 mammal holes, but none were in active use at the time of survey or resurvey. The surveys recorded no reptiles on the site and identified only a low potential for bat roosts. There were no UK priority species found. Nevertheless the site was suitable for nesting birds. The report recommends that native trees and shrubs are planted as part of the landscaping scheme to provide future habitats. Officers would support that recommendation and would also suggest that specific bird and bat boxes be included as appropriate. As the original survey of species was in August 2010, it is also suggested that in the event of planning permission being granted, that a further habitat survey be undertaken prior to the commencement of work on site.
34. **Contamination.** As previously developed land accommodating a railway platform and associated railway activities, the application site possesses a degree of contamination. A ground condition report undertaken by specialist consultants accompanies the planning application and concludes that the overall potential to generate significant contamination on the land is limited and that the geoenvironmental risks associated with the site are low. Environmental Development colleagues recommend a condition is imposed on the planning application requiring full on site investigation of the extent of contamination, together with a remediation strategy.
35. **Public Art.** The development qualifies for a contribution towards public art in some form. This can also be secured by condition.

Conclusion:

36. The planning application relates to a parcel of former railway land which has lain unused for some years but which has been the subject of some tipping and unauthorised access in recent times. It has also been the subject of a previous planning permission which did not come to fruition. Although a Tree Preservation Order exists on the site this was imposed not because of the individual quality of trees, but in order to allow the greenery and general visual amenity provided by the site to be retained until such time as development proposals came forward. In terms of the current planning application, the development provides student accommodation conveniently placed for an intended occupier located nearby and is car free, being at a highly sustainable location close to the city centre and public transport facilities. Whilst the proposed building is constructed on 3 floors, it is located at a distance which would not impact on neighbouring residential properties such as to warrant refusal of planning permission, and indeed may assist to an extent in providing an acoustic barrier to noise emanating from the nearby railway lines. The site is sufficiently large to also allow new and supplementary

planting to soften its appearance and to provide habitats for wildlife. The development would be safeguarded from flooding.

37. Committee is recommended to support the proposals accordingly.

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

Contact Officer: Murray Hancock

Extension: 2153

Date: 30th June 2011

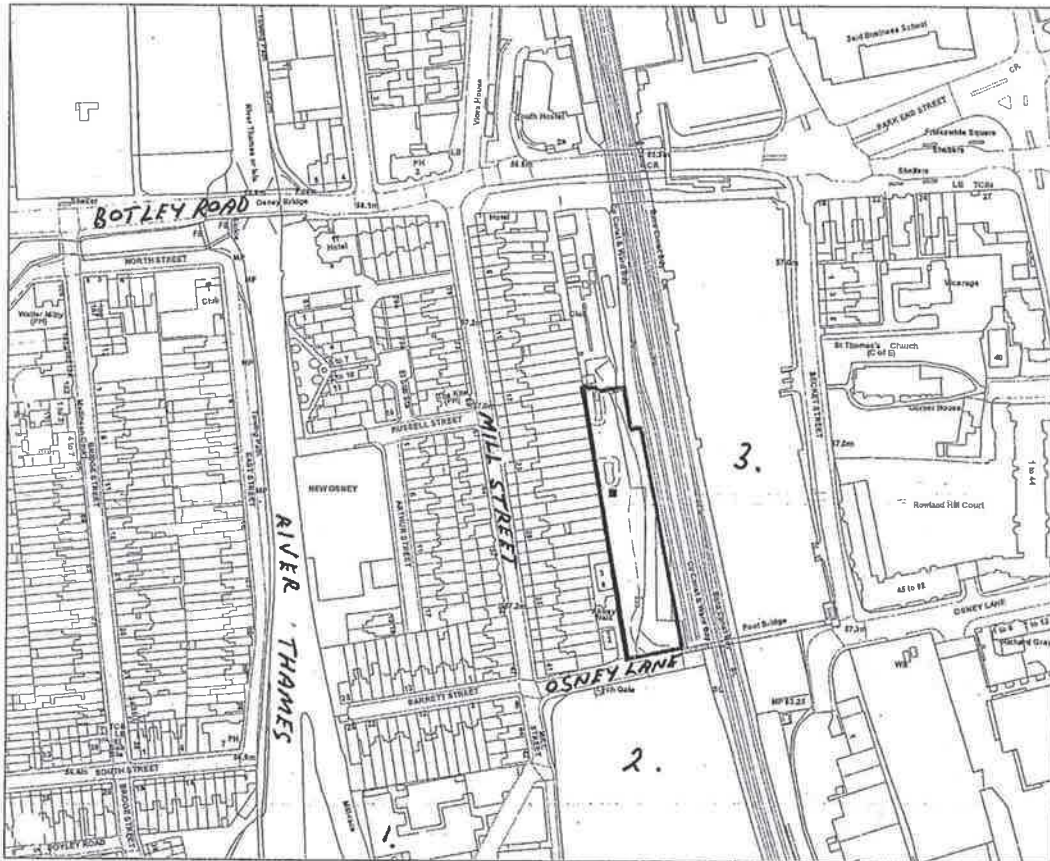
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Rear of 17 - 41 Mill Street

11/00927/FUL



GIS by ESRI (UK)



Legend

1. TRAJAN HOUSE.
2. OSNEY CEMETERY.
3. BECKET ST. CAR PARK



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	30 June 2011
SLA Number	Not Set

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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

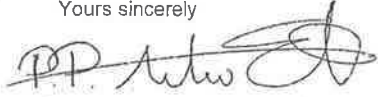
As part of the application consultation process, Thames Water were asked to provide advice in relation to the impact that the proposed development would have on the existing waste and water infrastructure and, in an email response dated 6th May 2011, it confirmed that it had no objections to the application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

Nik Lyzba DipTP DipCP MRTPI

Cc: Mr T Nolan

APPENDIX C

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.

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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

Contact Officer: Murray Hancock

Extension: 2153

Date: 18th July 2011

APPENDIX D

6.0 THE REASONS FOR THE REFUSAL OF PLANNING APPLICATION REFERENCE 11/00927/FUL

Reason 1

- 6.1. The development proposed included a three storey building and additional student rooms in comparison to the current proposal. The development has been amended such that the building comprises a two storey building which would be approximately the same height as the majority of the Mill Street properties facing the site. It has been designed such that when viewed from the west, it would appear as three linked buildings of a scale similar to the surroundings. From the east, the elevations include greater articulation and a lower height than the previous proposal.
- 6.2. The footprint of the building proposed would be no different in principle from the long terrace of houses in Mill Street. Its scale, bulk and mass would be consistent with the existing buildings in Mill Street and the surrounding area. The building would be set some 33 to 39 m from the backs of Mill Street properties and, at two storeys, would not overbear on those properties. It would be set away from the west boundary with Abbey Walk and its height, location on the site, scale and mass would be consistent with the existing buildings. The building would comply with the Council's sunlight and daylight code. It would exceed the normal distances between buildings (21 m.) in most respects and where closer, special features have been incorporated into the design to avoid any adverse amenity impacts.
- 6.3. The building proposed would not be over-dominant or out of place. It would

improve the site in its context. It would not be over-bearing as it would be set away from the western boundaries with Mill Street and Abbey Walk, have a height consistent with the existing houses and flats and conform to the Council's standards. Whilst the design of the building remains in a modern idiom, this is not a conservation area but an impoverished site on the edge of the railway which has the capacity for a new building of a different style to the buildings nearby. The design is high quality and consistent with national planning policy which accepts that slavish adherence to the design of existing buildings is not a requirement in order to achieve successful new developments. This is ably demonstrated in the examples provided in the publication "Buildings in Context". The draft NPPF makes clear that innovation in design should be encouraged: this building would be visually attractive, involve good architecture and appropriate landscaping as suggested by NPPF. As PPS1 makes clear: "Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles". Further details of the scheme are set out in the Design and Access Statement.

Reason 2

- 6.4 This reason lacks precision and clarity. Its wording in respect of the style of the new building runs counter to advice in PPS1 (above) and the draft NPPF.
- 6.5 The proposed building would have a height, scale, and massing consistent with the surroundings. It would have a domestic scale and would improve the site significantly from its run down appearance. The site is part of the former railway land and did not possess a residential character in the past. It is separated from the Mill Street properties and lies along the edge of the railway facing a car park, which is allocated for a mixed use development in the West End Area Action Plan.
- 6.6 Rather than causing detriment to the appearance of the area, the building, together with its landscaping would improve it. It would strengthen the physical form of the area which is described in the Design and Access Statement.

Reason 3

- 6.7 This reason for refusal implies that the proposed student accommodation would in some unspecified manner unbalance the local community. It does not indicate how this is expected to happen or what harmful effects would flow from this alleged impact. The Council's officers have been unable to provide evidence of the way in which the community would be unbalanced or how many student units there are in the area.
- 6.8 The area which is served by Botley Rd comprises the following streets: Arthur St, Barrett St., Gibbs Crescent, Mill St., Millbank St., Osney Lane, and Russell Street.
- 6.9 The Council's records have been investigated to ascertain how many properties in the streets are registered as HMOs. Only one property is registered as such. Overall, we estimate that there are some 251 residential units in these streets with a further number being developed at the Osney Mill site, all of which will be individual flats and houses. There is no dedicated or purpose built student accommodation of which we are aware.
- 6.10 Currently, residential properties in the specified area may be used for Use Class C3 or Use Class C4 uses as a consequence of changes made to the Use Classes and General Permitted Development Orders by the Government. The Council has introduced a City-wide Direction under Article 4 of the latter Order to prevent the change of use from Use Class C3 to C4 without the benefit of planning permission. This would not apply to those properties which continued to be occupied in accordance with Use Class C3. The Direction comes into effect in April 2012.
- 6.11 The Oxford Local Plan makes clear that the Council's intention is to reduce the number of students living outside provided accommodation. This is carried forward in the Oxford Core Strategy which notes at paragraph 7.4.1 that " students who live outside purpose built accommodation tend to house share in the private market. This affects the availability of larger houses in the general market, therefore increasing the amount of purpose built

accommodation will be beneficial to the wider market". It goes on to note that "student accommodation should be purpose built and managed in a way that attracts students to take it up. There should be no unacceptable impact on amenity for local residents".

- 6.12 Policy CS25 was revised by the Inspectors considering the objections to the Core Strategy who noted that purpose built accommodation should be permitted for non-University colleges and that it was not acceptable to discriminate against them.
- 6.13 There is an existing main educational campus at Trajan House and students travel back and forth to the campus at present. If the new accommodation is occupied by Bellerbys, the occupier of Trajan House, there is likely to be less footfall from students up and down Mill Street.
- 6.14 The site itself is discreet and the student occupiers would be managed by a resident caretaker or warden, a situation which does not exist with students occupying individual houses. The site has a railway line to one side and has good access to the facilities and services locally and in the City Centre, where access can be readily achieved across the existing railway bridge.
- 6.15 Our conclusion is that there is no justification for this reason for refusal; it is a makeweight reason which was included at the eleventh hour without any cogent evidential support. There is no evidence that the accommodation proposed would adversely and in some unspecified way affect the local community. There is no evidence to show that the accommodation would "unbalance" the community or that it would be harmful.
- 6.16 Notwithstanding this, the proposed development reduces the number of student rooms proposed on the site.

Reason 4

- 6.17 This reason for refusal refers to an alleged impact on the privacy of occupiers of 1 and 2 Abbey Walk from the last proposed development by way of

overlooking from nearby windows to bedrooms.

- 6.18 The proposed development includes windows which are angled away from any direct view of those properties or the limited side windows to the bedrooms (2 in number). Louvres have been added to the first five bays of the angled windows which would further avoid any potential for overlooking from the bays towards Nos 1 and 2 for a distance of at least 21m, the normal distance used by the Council to judge such matters. There is proposed to be a 2 meter high fence along the west boundary with those properties which would be supplemented by new landscape planting.
- 6.19 Whilst it is not accepted that the earlier proposed development would have the consequences to which the refusal reason relates, this application includes further protection to avoid alleged overlooking.

7.0 CONCLUSIONS

- 7.1 The proposed development has been revised since the last refused scheme in order to address the reasons given for its rejection. The Council's officers and the West Area Committee found that the earlier scheme was acceptable. However, these views were not accepted by the Planning Review Committee which refused planning permission.
- 7.2 The current proposals seek permission for a building of reduced height, of amended design, with increased landscaping, with a lesser occupancy on the site. The site is previously-developed land in which respect the most efficient use should be sought. The Council's last refusal raised no objection to the development of the land, in principle.
- 7.3 The details of the scheme respond to the refusal reasons and the Council's policies and standards. The development would be consistent with the Council's policies and standards and the presumption should be in favour of the grant of planning permission. The development would be a sustainable development in which respect the draft NPPF also indicates that there should be a presumption in its favour.

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West Area Planning Committee

9 November 2011

Application Number: 1. 11/01794/FUL
2. 11/01795/LBD

Decision Due by: 20 September 2011

Proposal: 1. 11/01774/FUL: Erection of freestanding building on 3 and 4 levels plus basement to accommodate Chinese Institute plus 63 student study rooms for St. Hugh's, together with College offices, music room, lecture theatre, seminar room and ancillary facilities. Access from Canterbury Road via new gate to 20 car parking spaces including 4 disabled and 140 cycle parking spaces. (Amended plans)
2. 11/01795/LBD: Demolition of rear single storey extension to 'The Lawn'

Site Address: St Hugh's College, St Margaret's Road, **Appendix 1.**

Ward: St Margaret's Ward

Agent: John Philips Planning
Consultancy

Applicant: St Hugh's College

Recommendation: Committee is recommended to support the proposals in principle but defer the applications in order to draw up an accompanying legal agreement, and defer to officers the issuing of the notices of planning permission and listed building consent on its completion.

Reasons for Approval.

11/01794/FUL

- 1 The proposal forms an appropriate visual relationship with the surrounding development and would preserve the special character and appearance of the North Oxford Victorian Suburb Conservation Area. Issues identified at the pre-application stage have largely been addressed and amended plans submitted that break down the scale and massing of the proposed new building. The Local Highway Authority are not raising any objections on highway safety ground and it is considered that the proposal complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Objections to the proposal have been received from the North Parade Area Residents Association and the Victorian Group of the Oxfordshire Architectural and Historical Society on grounds relating primarily to the size,

bulk and detailing of the new building; traffic and highway safety issues and nuisance and loss of amenity to neighbours. The comments received have been carefully considered. However it is considered that the submission of amended plans has addressed some of the concerns and that the imposition of appropriate conditions will secure an acceptable development that will not conflict with the interests of highway safety or neighbour amenity.

- 3 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.

11/01795/LBD

1. The Council considers that the proposal, subject to the conditions imposed, would accord with the special character, setting and features of special architectural or historic interest of the listed building. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

Conditions: 11/01794/FUL

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples in Conservation Area
- 4 Public Art - Scheme Details & timetable
- 5 Student Accommodation - Management Controls
- 6 Students - No cars
- 7 Student Accommodation - Out of Term Use
- 8 Archaeology
- 9 Landscape plan required
- 10 Landscape carry out by completion
- 11 Tree Protection Plan (TPP) 1
- 12 Arboricultural Method Statement (AMS) 1
- 13 Sustainable construction measures
- 14 Exclude details of gates
- 15 Biodiversity enhancements
- 16 Details of mechanical plant
- 17 Details of external lighting
- 18 Contaminated land study
- 19 Construction Traffic Management Plan
- 20 Travel Plan
- 21 Details of car parking spaces over the whole college site
- 22 Details of surfacing for car park
- 23 Provision of cycle parking

Conditions: 11/01795/LBD

1. Commencement of works – listed building consent
2. Listed Building Consent – works restricted to those approved only

- 3 7 days notice to LPA
- 4 Written Notice of the Intended Completion
- 5 Repair of damage after works
- 6 New features to match existing and displaced material re-used where possible

Planning Obligation

- £8694 towards improved pedestrian and cycle measures (County)
- £720 towards the costs of monitoring the Travel Plan (County)
- £3969 towards Library service (County)
- £3780 towards indoor sports facilities (City)

Principal Planning Policies

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP14 – Public Art
- CP18 - Natural Resource Impact Analysis
- CP22 - Contaminated Land
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- HE2 - Archaeology
- HE3 - Listed Buildings and their Setting
- HE7 - Conservation Areas
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- TA8 - The Arts

Oxford Core Strategy 2026

- CS2 - Previously developed and greenfield land
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS12 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS20 - Cultural and community development
- CS25 - Student accommodation
- CS29 - The universities

Other Policy Documents.

PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPG13 - Transport

Relevant Site History:

In 1997 the College produced a Masterplan for its 14.5 acre site in North Oxford bounded by Woodstock, Banbury, St. Margaret's and Canterbury Roads. This resulted in planning permission in 1998 for two buildings located central to the campus, a north – south aligned building consisting mainly of student study rooms and now constructed as Maplethorpe House. A new access from Canterbury Road was created accordingly with ornamental gates to the street. A second phase of the same permission consisting of further student study rooms, plus teaching accommodation and ancillary facilities was not constructed however. This latest proposal relates to the same site as the unbuilt second phase plus two tennis courts to the east.

Representations Received:

English Heritage: No objection to demolition of the unsightly extension to listed building. English Heritage's main concern is the impact on the North Oxford Victorian Suburb Conservation Area which is characterised by large villas set within mature gardens. The College site includes the main building with its large, informal garden setting and numerous large villas with generous garden settings fronting onto the roads into the site. The Maplethorpe building is the only building in the centre of the site. Views into the site are restricted because of mature vegetation though the site is prominent when viewed from buses along Banbury Road and there is a gap along Canterbury Road which allows views directly into the site. The amendments made to the size and scale of the building are to be welcomed although the proposal could still have a negative impact on the conservation area when viewed from Banbury Road. However this would not be substantial and landscaping could be designed to mitigate this. English Heritage therefore concludes that the application should be determined in accordance with national and local policy guidance and on the basis of specialist in house conservation advice.

Highway Authority: Parking controlled by the new lodge which forms part of the proposed new building and also by the introduction of a permit parking scheme which the college intends to implement; would ensure that no unauthorised car parking takes place; LHA satisfied with this level of car parking provision; currently 492 cycle parking spaces - proposed to provide an additional 20 spaces with an overall provision of 512 spaces; acceptable to the LHA; Construction Traffic Management Plan required plus Travel Plan.

Environment Agency: No objection

Thames Water: No objection. The applicant should incorporate protection to the property by installing a non-return valve or other suitable device to avoid risk of backflow at a later date; also petrol/oil interceptors should be fitted in all car parking areas.

Natural England: No objection to the proposal on grounds that it would be unlikely to have a significant effect on the protected sites. Biodiversity enhancements are recommended with regard to bats and breeding birds.

Thames Valley Police: Pre-application recommendations have been considered and incorporated into the development. No further comments.

The Victorian Group of the Oxfordshire Architectural and Historical Society: Objection. The proposed building is well over twice the size of the building approved in 1998 as part of the College's Master Plan. It would be clearly visible within the conservation area and would seriously damage it. Its bulk and roof design would look out of place and the southern elevation towards the street would appear as a commercial structure. Not an appropriate site for the Chinese Institute when all the arts faculty buildings are to be put on the Radcliffe Infirmary site.

1 letter of objection submitted by the North Parade Residents Association on behalf of 38 local residents. The main points raised can be summarised as follows:

- Not opposed to the development in principle but have serious and specific concerns
- Highway concerns – Canterbury Road already has considerable through traffic and the existing Canterbury Gate is already highly dangerous. The proposal will make this situation even worse
- A travel plan should be requested to ensure that there is no illegal parking in the residents' spaces in the immediate area
- If more parking permits are to be issued, there should be a corresponding increase in the number of resident-only parking spaces
- A construction travel plan should be submitted and excessive use of the Canterbury Road gate should be avoided. Such a plan should address the issues of anti-social hours, noise, overspill parking and safe and considerate driving by contractors
- Since 1998 the Canterbury Road gate has become the most used entrance into the college with all the accompanying noise, litter and vandalism
- The proposed new gates onto Canterbury Road would appear inappropriate in the street scene
- The Canterbury Road gate should be used only for access to the China Centre with student and conference traffic re-routed via an improved access off the Woodstock Road

Officers Assessment:

Site Location and Description

1. The application site extends to some 0.98 hectares and lies central to the St. Hugh's campus with access off Canterbury Road. It extends to the rear of numbers 9 - 13 Canterbury Road and includes a grade II listed property called The Lawns together with two existing tennis courts. The wider College site is bounded by St. Margaret's Road on the north, Woodstock Road on the east, Banbury Road on the west and Canterbury Road on the south, **Appendix 1**.

2. The current College site has been assembled gradually since 1916 when the main building was built in the grounds of a large Victorian house called The Mount. Its garden was laid out in the style of Gertrude Jekyll and was until recently included at grade II in the English Heritage Provisional Register of Parks and Gardens. Since then, additional land and buildings have been acquired from time to time. The College now owns the whole block, housing its students and academics in a mixture of new buildings and Victorian houses. The original College buildings, including the main building, the library, Kenyon building, the lodge and gates have recently been listed grade II.
3. The site lies wholly within the North Oxford Victorian Suburb Conservation Area which is characterised in part by Victorian villas and academic buildings separated by gardens with mature trees and planting.

Proposals.

4. The proposals have been the subject of prolonged pre-application discussions dating from April 2008 and have evolved as a result of these discussions and a subsequent public consultation exercise.
5. The revised scheme, now named the Dickson Poon China Centre proposes new communal, academic and residential facilities for the college plus new accommodation for a Chinese studies centre for the Collegiate University. In more detail the proposals are for a substantial new building to house the University's China Centre with independent access; to provide 63 en suite student study bedrooms arranged in clusters with kitchen facilities; to provide shared facilities including a dining hall, common room, lecture theatres, teaching spaces and library space together with flexible research space for interdisciplinary initiatives. The additional accommodation is aimed particularly at graduate students of St. Hugh's and to facilitate subject clusters involving fellows, researchers, graduate and undergraduate students.
6. The new building would be arranged as a series of three linked pavilions which seek, architecturally, to break down its scale and relate it to the surrounding College and residential buildings. The new building form would relate to the existing north - south grain of the surrounding college buildings and would reflect the scale of the Canterbury Road houses. It would be erected partly on the site of the extant permission but it would be a larger building than previously approved which would extend onto the existing tennis courts. The new building would be laid out over 3 and 4 floors [including a basement area] and would use a palette of materials which includes terracotta cladding, timber ventilation panels, zinc, reconstituted stone, natural stone and concrete under a green roof. It would have a scale to the existing Maplethorpe building to the north and west of the application site.
7. The proposal also seeks planning permission for the provision of a formal

car park with 20 car parking spaces [including 4 disabled spaces] together with 20 additional cycle parking spaces. The college indicates this would replace an existing informal parking arrangement which involves casual parking on grassed and landscaped areas.

8. There is an accompanying application for listed building consent for the demolition of an existing undistinguished single storey rear extension to The Lawns. The application is recommended for approval subject to conditions.
9. Officers consider the principal determining issues in the case to be:
 - principle of development;
 - design and impact in the conservation area and the setting of listed buildings;
 - highways and parking;
 - impact on neighbouring properties;
 - trees and landscaping;
 - loss of the tennis courts;
 - energy efficiency and renewable energy; and
 - ecology

Principle of Development.

10. The 1997 Master Plan for the College placed two new buildings within the site and subsequently planning permission was granted in 1998 accordingly. The phase 1 building [Maplethorpe] was completed in 1999 but work on the phase 2 building, originally conceived to provide 24 study bedrooms, lecture theatre, squash court and ancillary facilities has not been commenced. The proposed Dickson Poon China Centre is now proposed on the same site instead, conceived as pivotal within the grounds in order to re-configure the College buildings and gardens into a coherent overall Master Plan. The new buildings are designed to maximise the potential for new communal, academic and residential facilities for the college with further accommodation to house the University's China Centre.
11. At present St. Hugh's can house all of their undergraduates and they aim to offer accommodation to all graduate students in their first year. However the total number of graduate students at St. Hugh's is 219 and the College only has 75 rooms available which means that only 37% of graduates can be offered accommodation. In addition opportunities for returning graduates to continue in College accommodation is very limited as are facilities for young research fellows.
12. The new residential accommodation would be fully occupied during term time and would be used to generate conference revenues in vacations. As a consequence of the proposal, the College would be able to offer 67% of graduates accommodation on site which, in turn, would reduce the number of general market houses occupied by these graduates. The proposal would result in more accommodation than the current extant scheme [24

rooms permitted, 63 rooms proposed].

13. An integral part of the new building is the China Centre. The University originally planned to house China Studies in a later phase of the development at the Radcliffe Infirmary site but that has been delayed owing to the capital moratorium imposed since April 2008. To accommodate current needs and anticipated growth, the college state that the China Centre needs purpose built accommodation, suitable to its purpose and importance. A share of the new building with independent access can provide a permanent home for the centre of a quality commensurate with its significance as an institution.
14. The China Centre space includes director's, professorial and administrative offices, collaborative study areas, a language laboratory and a library. The accommodation is organised on 4 levels with the reception area at the central point. The ground floor provides a mix of office/research space, a meeting room and a language laboratory and a library is planned for the lower ground level. Offices are located on level 1 and level 2 provides further flexible academic space.
15. It is envisaged that the China Centre will be occupied by a mix of permanent staff, temporary research and teaching staff, postgraduate students and visitors. Staff and students will already be members of the University and colleges and the Centre will essentially be a place of work with most people attending during working hours.
16. Policy CS25 of the Core Strategy 2026 generally supports the provision of new purpose built student accommodation in terms of its benefits to the wider housing market. However it makes clear that any increase in academic or administrative accommodation for the University of Oxford that results in an increase in student numbers should be matched by an increase in student accommodation.
17. In this case, the additional student accommodation is for use by graduates at St. Hugh's College and there is no proposal to increase such student numbers. The China Centre accommodation is intended to provide for an existing need in Oxford that is presently being met by a number of diverse facilities spread throughout the City.
18. The proposal seeks to make the best and most efficient use of land in accordance with adopted local plan policies and Government guidance. It is considered that the proposed student accommodation and ancillary facilities would benefit the Council's objectives to provide more student accommodation and facilities within College ownership, thus releasing currently rented and owned housing back into the general housing market.

Design and Impact on the Conservation Area & Setting of Listed Buildings

19. The site lies within the North Oxford Victorian Suburb Conservation Area and in considering development proposals, due regard must be had to the

desirability of preserving or enhancing the special character and appearance of the conservation area. This is reflected in policies CP1, CP8 and HE7 of the Oxford Local Plan and policy CS18 of the Core Strategy.

20. The guidance in PPS5 asks that applicants and the Local Planning Authority have sufficient information to understand the significance of a heritage asset and the impacts that any proposal would have. It advises that harmful impacts need to be justified and that the greater the harm, then the greater the justification needed. When making planning decisions, policy HE7.4 of PPS5 explains that Local Planning Authorities should take into account the desirability of sustaining and enhancing the significance of the heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability.
21. The application is accompanied by a Heritage Assessment that provides a general account and description of the College and its buildings together with an assessment of the significance of the principal buildings and their settings. It also goes on to focus on the conservation issues raised by the proposals, including the extant permission to erect a smaller building on part of the same site. The assessment concludes that, whilst the importance of the College site as a whole is beyond dispute, there are some parts of the site that have more 'heritage significance' than others and that the area of the application site is one of the least significant parts of the site in heritage terms where there is opportunity to improve its character and appearance.
22. The draft North Oxford Conservation Appraisal explains the key characteristics of this conservation area as follows:
 - detached and semi detached properties with substantial gaps between buildings, enabling glimpses through to hidden rear gardens;
 - predominant building materials of yellow and red brick with contrasting brick or stone detailing;
 - mature vegetation softening the hard architecture and creating a leafy image;
 - low boundary walls of red brick, a few of which still incorporate the original cast-iron railings;
 - open space is mainly privately owned in the form of gardens and college grounds but the visual permeability across the grounds adds to the spacious character of the conservation area
23. More specifically in relation to the central area between Banbury and Woodstock Road, the Appraisal suggests that the area does not have a single dominant use. There are houses, college campuses, churches, restaurants and shops which all combine to create a diverse, pleasant and landscaped area.
24. There are a number of colleges that have established themselves in the suburb from the late C19th onwards and they are now an intrinsic part of

the character of the area. More recently, the colleges have begun to consolidate their building stock, improve their on site facilities and accommodation and to reinforce their identity in line with local plan policies. Examples are St. Anne's College, Kellogg College and Lady Margaret Hall where planning permissions have been granted in recent years.

25. The proposed building would occupy a relatively flat footprint of 1570 square metres and would be sited adjacent to the Maplethorpe building and opposite the existing library. It would extend onto the space currently occupied by two tennis courts and college car parking. The new building has been designed to respond to the scale and articulated forms of the Canterbury Road properties by dividing the north and south façade into a series of linked pavilions. In this way the new building would be clearly visible from Canterbury Road through gaps in between the existing dwellings but the new building would appear well broken up and would be essentially glimpsed rather than seen as a whole. Existing, established trees would assist in softening the outline of the new building.
26. In terms of views from Banbury Road, the new building would reinforce the urban grain established by the Maplethorpe building to generate a continuous form running in a north - south direction with more articulation in building height and shape in an east west direction. Views are limited from Banbury Road as a result of existing buildings and established, mature vegetation.
27. Officers accept that the proposed new building is substantial and larger than that previously approved in 1998. However it has been demonstrated in the application documents that, whilst the proposal would be visible from various viewpoints into the site, it would not detrimentally affect the character or appearance of the conservation area. Furthermore the unusual roof to part of the scheme serves to break up what would otherwise be too large an expanse of flat roof. The proposed gates to Canterbury Road are considered to be excessive, of an inappropriate design with an industrial appearance. Officers consider that this part of the scheme is not acceptable and any planning permission granted should exclude the new gates which can then be negotiated and a further application submitted at a later date [condition 14 refers].
28. It is considered that the proposal would not cause harm to the setting of the nearby listed building at The Lawn.

Highways and Parking

29. Oxfordshire County Council as Local Highway Authority is not raising any objection to the application proposals subject to the imposition of conditions requiring the submission and approval of a Construction Traffic Management Plan and a Travel Plan Assessment.
30. The proposal seeks formal parking provision for 20 cars, including 4

disabled spaces. This is reduced from an original figure of 35 spaces proposed. The college claim these will replace the existing informal parking arrangement on the site which on occasions takes place on some the lawned areas near the Canterbury Road entrance in a rather unsatisfactory manner

31. Whilst the deletion of casual car parking on the lawned areas is welcomed, officers still have some concerns regarding the addition of 20 car parking spaces on this part of the College site as the car park falls within the Transport Central Area for planning purposes where only operational parking would normally be supported. The proposed building itself however lies outside the defined area and certainly 20 car parking spaces represents a reduced standard compared to full provision. Nevertheless officers would have welcomed an opportunity to look more comprehensively at car parking across the whole campus with a view to rationalising it accordingly.
32. Moreover some concerns have been raised by neighbouring occupiers that the proposal will worsen an existing dangerous highway safety situation at the Canterbury Road access. They state that there is considerable through traffic along Canterbury Road and that if the existing arrangements remain unchanged there will be an even greater risk of an accident involving some combination of pedestrians, cyclists and vehicles. The proposed new car park would provide 20 spaces and would be controlled by the new lodge facility within the new building. The Highway Authority have considered the Transport Assessment submitted with the application however and have raised no objection on grounds of any increased use of the existing access and number of car parking spaces provided.
33. There are currently 492 cycle parking spaces on the College site which represents a high level of provision. The application proposes the addition of a further 20 secure and sheltered spaces resulting in an overall provision of 512 cycle spaces. No objection is raised to this overall level of provision.

Impact on Neighbouring Properties.

34. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
35. The proposed new building would not overlook habitable rooms or gardens of houses other than those buildings in College use which includes numbers 9 – 13 Canterbury Road, 85 – 87 Banbury Road and The Lawn. In terms of other privately owned dwellings in Canterbury Road, Winchester Road and North Parade, the new building would be sufficiently far away from these dwellings not to cause noise and disturbance from within the building.

36. A concern raised by local residents is nuisance and loss of amenity. They maintain that since the Canterbury Road gate was opened there has been a significant increase in nuisance with this entrance becoming the most used access into the College and all the associated problems of vandalism and litter. They say that even when the gates are closed, their design makes it easy for returning students to climb over.
37. The thrust of the neighbour concern on nuisance grounds is that the Canterbury Road gate should be the access to the new China Centre only and that all other access to the college campus should be off the Woodstock Road. This is not, however, the basis of this current application as the gates to Canterbury Road no longer part of this application. Rather it is anticipated that this will form the basis of a separate planning application in the future following consultation and discussion with interested parties.
38. In summary therefore, it is considered that the proposals would not result in a level of harm to neighbour amenity sufficient to warrant a refusal of the application.

Trees and Landscaping.

39. The 1998 planning permission that authorised the construction of the Maplethorpe building also authorised the removal of a number of trees on the site and most of these have already been removed. The proposed new building and ancillary works will require further tree removals and most of these are of low quality and value and are not visible in public views. The visual impacts of removing these trees will be mitigated by the proposed new tree planting. However the development does require the removal of a mature lime tree which stands centrally within the application site and is a higher quality and value tree. Whilst its loss is regretted, the tree is not a prominent feature in public views, its removal will not be significantly harmful to amenity in the area, and this does not provide a reason to refuse planning permission. Retained trees, which will need to be adequately protected during the construction phase of the development, will help to ensure that the appearance and character of the conservation area is preserved and that the new tree planting will contribute towards the enhancement of the conservation area in the future.
40. A number of tree related conditions are recommended to include tree protection, new tree planting and details of underground services.

Loss of Tennis Courts.

41. The proposal will result in the loss of two hard surfaced tennis courts without replacement. Policy SR2 of the Oxford Local Plan seeks to retain open air sports facilities wherever possible as they represent an important recreational resource and are also often of special significance for their amenity value.

42. The two tennis courts in question are a modest facility that are privately used and are not visible in the street scene. The applicant has confirmed that alternative arrangements have been made by way of a formal agreement to enable students at St. Hugh's College to share the sports facilities, including two new tennis courts at Keble College Sports Ground off the Woodstock Road. Officers are prepared to accept this alternative provision in mitigation of the facility lost

Energy Efficiency and Renewable Energy.

43. A Natural Resource Impact Analysis [NRIA] has been submitted and the development scores highly, attaining 8 out of 11 on the checklist score [a minimum of 6/11 is required]. The NRIA states that the use of LZC technology has been considered – a solution of Combined Heat and Power [CHP] and roof mounted Photovoltaic panels is proposed as the most appropriate and cost effective solution, meeting a large proportion of the building's energy with large CO2 savings.

44. The NRIA goes on to state that the proposed mechanical services strategy consists mainly of demand-controlled mechanical ventilation with heat recovery with additional summer ventilation from opening windows. Service routes have been developed to maximise flexibility of each space and realise the thermal benefits of exposed soffits. Heating and hot water will be provided by a CHP unit with gas boiler top up. Heating and domestic water systems will be divided up to enable separate metering and monitoring of consumption for different parts of the building. A water recycling system [either rainwater or grey water] to provide water for toilet flushing is also being considered.

45. Officers consider that the proposals are in accordance with local plan policy to increase energy efficiency and the use of renewable energy sources and to reduce carbon emissions. Condition 13 is recommended to secure further details of these measures prior to construction.

Archaeology

46. The site lies in an area of interest because of the potential for late Neolithic-Bronze Age, Iron Age and Roman remains. The site has been partially evaluated by Oxford Archaeological Unit in 1998 [at the time of the previous application] and subject to a limited watching brief during the construction work in 1999. The remains of medieval ridge and furrow were identified during the 1998 evaluation and are of local interest.

47. PPS5, HE12 states that where the loss of the whole or a material part of a heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the heritage asset before it is lost, using planning conditions as appropriate. In this case, having regard to the scale and character of the proposed works and the scope of the archaeological

recording already undertaken, officers consider that a condition requiring a watching brief during the progress of work on site is appropriate.

Ecology

48. An Ecological Appraisal has been submitted with the application and its key findings can be summarised as follows:
- a further bat survey will need to be carried out to establish whether there are any confirmed roosts in the buildings or trees within the surrounds of the site
 - clearance or works affecting trees or scrub should be completed during September to February to avoid the period which birds and bats are most likely to nest
 - sensitive lighting strategy to be developed
 - opportunities for enhancement of terrestrial habitat should be considered; this could include new planting, green roof/walls and suitable bird and bat boxes.
49. In accordance with this information, conditions are recommended to require details of both external lighting and new bird and bat boxes to be agreed prior to the commencement of development.

Conclusion:

50. The proposal forms an appropriate visual relationship with the surrounding development and would preserve the special character and appearance of the North Oxford Victorian Suburb Conservation Area. Issues identified at the pre-application stage have largely been addressed and amended plans submitted that break down the scale and massing of the proposed new building. The Local Highway Authority are not raising any objection on highway safety grounds and it is considered that the proposal complies with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 -2016.

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. 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 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: 97/01863/NFH,11/01794/FUL,11/01795/LBD.

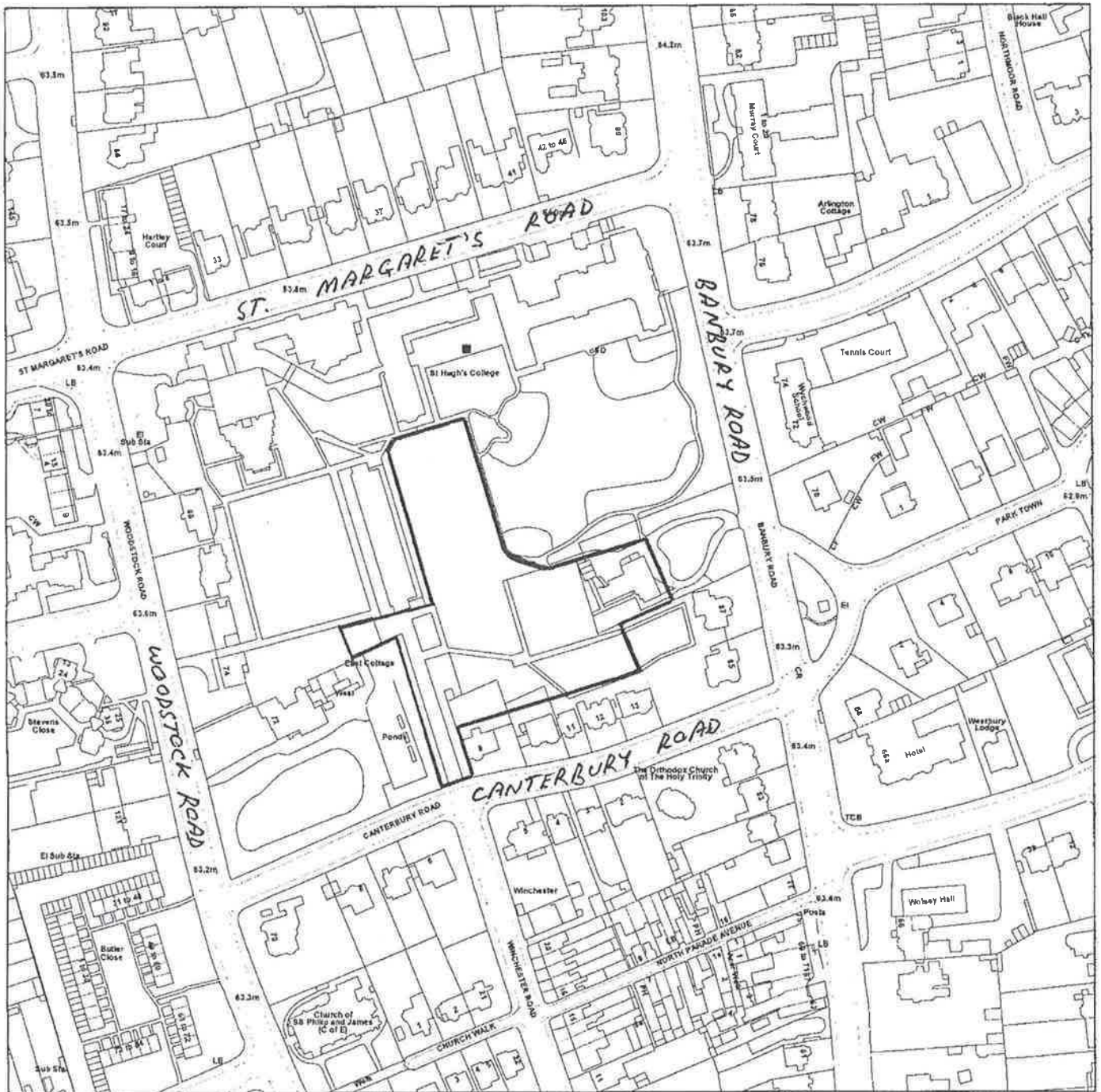
Contact Officer: Angela Fettiplace

Extension: 2445

Date: 28 October 2011

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APPENDIX 1



- ST. HUGH'S COLLEGE
- 11/01794/FUL < 11/01795/LBD.

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West Area Planning Committee

9 November 2011

Application Number: 11/02248/FUL

Decision Due by: 1 November 2011

Proposal: Demolition of former school canteen. Erection of 26 en-suite student rooms with shared facilities, 2 parking spaces for disabled students, 26 covered cycle spaces and bin store.

Site Address: 51 Union Street, Oxford – Appendix 1

Ward: St Clement's Ward

Agent: John Philips Planning
Consultancy

Applicant: Crampton Smith Properties

Recommendation: Committee is recommended to support the proposals in principle but defer the application in order to allow an accompanying legal agreement to be drawn up and to delegate to officers the issuing of planning permission on its completion.

Reason for Approval:

- 1 The proposed development is considered to make an efficient and appropriate use of the site with the scale, form and appearance of the new buildings relating satisfactorily to their context and offering a visual enhancement to the poor quality structure currently existing on site. Whilst the proposed development would result in the loss of an employment site the Council consider the application site to be unsuitable for future B1 use due to the lack of parking facilities and the awkward relationship that the site has with the neighbouring primary school and surrounding residential area. The proposals would preserve reasonable levels of residential amenity and should result in a net reduction in vehicular traffic such that highway safety is improved to the benefit of the neighbouring East Oxford Primary School. The proposals therefore accord with policies CP1, CP6, CP8, CP9, CP10, CP11, HS19, TR3, TR4, NE15 and NE16 of the Oxford Local Plan 2001-2016 and policies CS2, CS17, CS18, CS25 and CS28 of the Oxford Core Strategy 2026.
- 2 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, 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.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Full Time Students Only
- 4 Details of Occupier on Building
- 5 Warden or Student Representative
- 6 Management Controls
- 7 No Music from Midnight to 10am
- 8 Samples of Materials
- 9 Means of Enclosure Details
- 10 Landscape Plan
- 11 Landscape carry out by completion
- 12 No Lopping, Felling etc
- 13 Tree Protection Measures
- 14 Bin and Cycle Storage
- 15 Sustainable Drainage Scheme
- 16 No Cars
- 17 Construction Traffic Management Plan
- 18 Variation of RTO

Legal Agreements: The following contributions are required to mitigate the impact of the proposals on City and County Council services and infrastructure. The contributions set out below are index linked to 2006 levels and should be increased accordingly at the time of payment:

- £1,638 towards library infrastructure and bookstock (County Council)
- £3,588 towards cycle safety measures (County Council)
- £1,560 towards indoor sport provision (City Council)
- £200 reasonable administration and monitoring costs

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP19 - Nuisance
CP21 - Noise
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
HS19 - Privacy & Amenity

Core Strategy

CS2 - Previously developed and greenfield land
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS28 - Employment sites

Other Material Considerations:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport

Planning Obligations SPD – Adopted April 2007

Parking Standards, Transport Assessments and Travel Plans SPD – Adopted February 2007

Sites and Housing DPD Preferred Options Consultation Paper – Published June 2011

Draft National Planning Policy Framework – Published July 2011

Relevant Site History:

49/00490/A_H - Erection of School Canteen – Permitted May 1949

99/00218/NF - (24 study bedrooms with shared facilities on 1st & 2nd floors). 2 car parking spaces & servicing space access – Withdrawn November 1999

99/01095/NF - Change of use from school canteen to business use (B1 A) on a personal and temporary (5 years) basis – Permitted January 2000

06/00883/FUL - Retention of B1(a) use on a personal basis of former school canteen – Permitted July 2006

Representations Received:

Objection received from East Oxford Primary School citing the following reasons:

- Concern over the increasing amount of student accommodation that is being built in the surrounding area.
- The only entrance to the site is through one of the main school entrances and staff car park – an access route used all day by staff, parents, children and other service suppliers. The shared access and therefore lack of independent entrance to the proposed accommodation is therefore highly inappropriate.
- The scheme provides for a limited amount of external amenity space and this makes it likely that some students will be tempted to make use of the adjacent all weather pitch and school grounds. Additional use of the School site is a serious concern in terms of the School's duty to safeguard children.
- The School has concerns over the considerable overlooking of play areas which are part of the School's learning environment and used all day. This overlooking is not appropriate.
- The bin collection point is a long way from the bin store and experience of student accommodation in East Oxford suggests that a lack of foolproof arrangements for rubbish can easily be a cause for unhygienic mess which is a hazard to school children.
- Students may have guests who might regard the School parking spaces as a legitimate area to park. In addition, parents who come to drop off and collect students and their luggage may see fit to park in the adjacent school parking spaces. This could very easily be a source of friction.

Objection received from 42 Union Street citing the following points:

- The buildings will remove privacy to the rear of the property by overlooking the garden and rear bedrooms;
- Despite having only two parking spaces there will be increased traffic and there will be many more pedestrians using Union Street as a cut through to and from the buildings as well as those residing in the much larger student development approved on the Travis Perkins site resulting in more late night disturbance;
- There is a strain on the drainage/sewage system already and with the development proposed there would be a greater risk of flooding/sewage spills locally.

Oxford Civic Society – The proposal development appears crowded and is for students of unspecified colleges.

Statutory and Internal Consultees:

Oxford City Council Tree Officers – Comments incorporated into report

Oxfordshire County Council Highways Authority – No objection subject to the following conditions:

- The proposed units must only be for student accommodation;
- Prior to development commencing, a scheme in the form of a management and monitoring plan shall be approved ensuring that no occupants shall bring or keep motor vehicles in Oxford;
- Cycle parking must be provided in accordance with the Oxford Local Plan standards;
- A cost of £138 per student bedroom as a transport contribution towards cycle safety measures shall be met by the applicant through a Unilateral Undertaking with Oxfordshire County Council.

Oxfordshire County Council – The development, if implemented, will impact upon County Services and Infrastructure and the County Council wish to secure a legal agreement for appropriate financial contributions towards measures to mitigate the effects of the development before any planning permission is granted in accordance with Oxford City Council's Planning Obligations SPD. The SPD requires a library infrastructure and bookstock contribution of £63 per student index linked to 2006.

Officers Assessment:

Site Description

1. The application site relates to a former school canteen building and its curtilage which originally formed part of the Oxford County Junior and Secondary School (now East Oxford Primary School). The building is of a single storey concrete framed construction and appears to be in a poor state of repair such that it has reached the end of its useful lifespan. Access to the site is only achievable, either for pedestrians or vehicles, via the main access road to East Oxford Primary School off Union Street. Residential gardens of properties along Union Street and Morrell Avenue surround the northern half of the site and to the south lies East Oxford Primary School and an all weather playing surface available to members of the public outside East Oxford Primary School hours.

2. The site was previously allocated in the Oxford Local Plan 1991-2001 for development connected with the adjacent all weather playing surface though this allocation was not carried through into the current Local Plan or Core Strategy. Since 1999 it has been used on a personal basis by People and Planet, a student run charity organisation since 1999. The charity has recently vacated the site and the buildings are therefore currently empty.

Description of Proposal

3. The application seeks permission for the erection of 2 x two storey buildings of contemporary design providing 26 en-suite student rooms along with four associated amenity rooms providing kitchen/dining and lounge space. The larger of the two buildings is oriented in a west-east direction and features 22 of the student rooms and all four of the shared amenity rooms. The smaller building comprises four student rooms and lies to the north of the site; orientated at right angles to the main building.

4. The proposals also include provision for both bin and cycle stores as well as two disabled car parking spaces at the front of the site which could also be used for cars

during the loading/unloading of student effects at the beginning and end of academic terms.

5. As part of the application an existing Ash tree located along the western boundary of the site is proposed to be removed. Some replacement landscaping works are proposed as mitigation.

Issues:

6. Officers consider the principle determining issues to be:

Loss of Employment Land
Principle of Student Accommodation
Built Form, Appearance and Layout
Impact on Residential Amenity
Trees
Highways, Access and Parking
Planning Obligations

Loss of an Employment Site

7. As a result of the planning permission granted in 2006, the last lawful use of the application site was for B1 (Business) use and it is therefore, for the purposes of the Council's Development Plan, an 'employment site'. Policy CS28 of the Oxford Core Strategy 2026 states that '*planning permission will only be granted for the change of use or loss of an employment site, subject to the following criteria:*

Either

- *Overriding evidence is produced to show that the premises are presently causing and have caused significant nuisance or environmental problems that could not have been mitigated;*

Or

- *No other future occupiers can be found despite substantial evidence to show that the premises has been marketed both for its present use and for potential modernisation/regeneration; **and***
- *The loss of jobs would not reduce the diversity and availability of job opportunities and does not result in the loss of small and start-up business premises.*

8. Planning permission was granted in 1999 for the use of the former canteen buildings as B1(a) [offices] use on the basis that the permission was restricted to People and Planet only, that the hours of use were restricted to 8am-8pm and because the permission was temporary for five years. The small number of staff employed by People and Planet and the nature of the organisation (office based with few visitors/deliveries and few environmental impacts) ensured that the Council considered the particular circumstances and characteristics of the organisation to be appropriate to the site when other employment uses would not have been. The Council imposed these conditions due to concerns that unrestricted B1 employment use would conflict with the residential amenity of the surrounding area as well as the operation of the neighbouring school as a result of the narrow shared access and lack of parking spaces.

9. Following the expiration of the original planning permission in 2005, People and Planet remained at the site and applied for planning permission again. The Council again saw fit to impose conditions restricting the permission to People and Planet as well as limiting the hours of operation. However, in light of the lack of identified adverse impact on the surrounding area during the previous five years it was not considered necessary to impose another temporary condition. Currently the site is capable of being used by any operation falling within the B1 (Business) use class and only subject to the 8am-8pm hours of operation condition. Officers consider unrestricted Business use to be undesirable however given the concerns previously acknowledged by the Council with respect to residential amenity and highway safety.

10. Officers therefore retain the same view taken in 1999 that the site is generally unsuitable for any form of employment use as a result of its location to the rear of a residential area, the lack of parking spaces and the shared access with the adjacent school. In addition, officers consider it extremely unlikely that another occupier with the same low key characteristics as People and Planet could be found and, as stated above, there is no now requirement to do so.

11. Consequently, officers consider it likely that if the premises were to continue in employment use then the site would be occupied more intensively than by People and Planet and that this would generate greater vehicle movements and additional disturbance for occupiers of neighbouring dwellings. This could lead to greater congestion in Union Street and might conflict with the safety of children, staff and parents attending East Oxford Primary School

12. Officers therefore consider the continuation of an employment use at the site to be unsatisfactory and that the proposed loss of an employment site would meet the requirements of policy CS28 of the Core Strategy

Principle of Student Accommodation

12. The site represents previously developed land and policy CS2 of the Core Strategy seeks to focus new development on such land to prevent the unnecessary development of greenfield land. The supporting text to policy CS2 adds that providing new housing on previously developed land within the existing built-up area of Oxford enables people to live closer to shops, services and places of work which can reduce the need to travel as well as help to sustain existing local businesses.

13. The development of purpose built student accommodation as part of achieving balanced housing delivery is supported by policy CS25 of the Core Strategy and it states that such student accommodation should be 'designed and managed in a way that attracts students to take it up'.

14. Notwithstanding the current application, officers consider it relevant for Members to give regard to what officers consider to be the relative lack of other suitable alternative forms of development that could take place on the site as a result of its backland location, limited parking availability and shared access with East Oxford Primary School. Indeed officers consider that almost any other use of the site would be likely to create additional and unacceptable levels of traffic movements and parking pressures adversely impacting the day-to-day school operations and the safety of children going to/leaving school.

Built Form, Appearance and Layout

15. The application proposes 2 x two storey buildings orientated at right angles to one another which are of contemporary design utilising a combination of brick and pale rendered external walls with horizontal timber cladding between the fenestration. The surrounding area features mostly two storey semi-detached family sized houses of varying appearance and form. The proposed buildings are of a similar height to that found in the surrounding area with an overall design and material choice that would complement the variety of styles found in the immediate surroundings.

16. The buildings would, in the main, not be visible from Morrell Avenue or Union Street since they would be screened by existing houses and by the existing and proposed landscaping surrounding the application site. Some views of the proposed buildings may however be possible from between the blocks of houses on both streets but, in any event, officers consider the buildings to form an appropriate visual relationship with the surrounding area such that they would sit well within the streetscene.

17. Whilst there is little external space proposed, officers note the generous provision of communal/amenity rooms inside the buildings as well as the close proximity of the site to South Park and other local amenities and conclude that the level of amenity provision is satisfactory.

18. Officers recognise that some concern has been raised by East Oxford Primary School with respect to waste collection and management. It is currently proposed that the student representative/warden would be responsible for taking waste bins to the proposed waste collection point (on Union Street) since the access road is not accessible by Council waste collection vehicles. Officers however recommend that a condition be imposed requiring the details of waste management to be agreed prior to the commencement of the development so as to ensure that there is no adverse impact on the operation of the adjacent East Oxford Primary School.

Impact on Residential Amenity

19. Policy CS25 of the Core Strategy states that student accommodation will not be permitted where it would have an unacceptable impact on the amenity of local residents. In this regard Officers recognise that the site is at a backland location to the rear of residential properties in both Union Street and Morrell Avenue. However, due to the significant lengths of the rear gardens of these properties the buildings achieve a minimum of a 26m distance between their closest points. This distance, coupled with the modest height of the proposed buildings (maximum 6m) ensures that they will not be overbearing on existing properties and have sufficient window to window distances such that there would not be overlooking directly into the rear windows of existing dwellings.

20. Officers note that the buildings have been designed to minimise overlooking with the smaller building (sited closest to the Union Street dwellings) having no bedroom windows on the north elevation. The larger of the two proposed buildings does have a number of windows on the north elevation though this building is proposed to be located further back into the site such that it achieves a minimum distance of 30m to the rear walls of the Union Street houses.

21. To the west and east of the site the rear gardens of properties are even longer with the result that overlooking of only the far ends of the gardens would be realistically likely. To the south-east of the site lies 11, 12, 14 and 15 Ablett Close however the ground level rises up between the application site and these properties such that they will be difficult to view from the proposed buildings and vice versa.

22. The proposed outdoor amenity space is may attract students to enjoy the outside, particularly during more pleasant weather. Officers however consider that the significant distances between the existing houses and the site as well as the existing landscaping will ensure that the privacy of adjacent dwellings is not significantly harmed. Officers would additionally point out that the existing properties are of semi-detached or terraced form and therefore already experience a significant degree of overlooking from neighbouring properties.

23. Whilst officers are satisfied that the modest number of students would not cause nuisance to neighbouring occupiers it is recommended to impose conditions to restrict the playing of music from midnight until 10am (as has been imposed on other similar approved developments) as well as requiring a warden or student representative to live on site at all times and for them to have day to day management responsibilities

Trees

24. The application proposes the retention of the vast majority of the trees currently on the site and officers consider the proposals to provide satisfactory protection for the existing trees such that both trees on the site and off the site will not be harmed by the development or during the construction process. The trees currently on site are a mixture of Ash, Sycamore and Leyland Cypress and one Ash tree is proposed for removal to allow 2 car parking spaces to be provided. The tree proposed to be removed is however considered by officers to be of limited public amenity value. Officers recommend imposing a condition requiring the submission of a landscaping plan to ensure that appropriate species are planted along the northern boundary to help protect neighbouring amenity and supplement the existing tree coverage.

Highways, Access and Parking

25. The previous use of the site by People and Planet resulted in very few traffic movements and involved the informal use of surrounding hardstanding as occasional parking spaces. Policy CS25 of the Core Strategy states that planning permission will not be granted for new student accommodation unless appropriate management controls are secured, including an undertaking that students do not bring cars to Oxford. The application reflects this policy by accepting the requirement for such management controls and by providing for only two parking spaces that would be used only by disabled students or for the very occasional loading and unloading of student effects at the beginning and end of academic years. Officers consider this balance of parking provision to be acceptable and realistic so as to prevent any conflict with the adjacent school's parking area yet essentially resulting in a car-free development.

26. Given the car-free nature of the student accommodation officers consider that the scheme overall would be likely to generate less traffic movement than the site's

previous use by People and Planet. As such, the proposals should result in an improved relationship with the adjacent school to the benefit of highway and pedestrian safety particularly with respect to parents and children attending East Oxford Primary School. Oxfordshire County Council as the local highway authority does not object to the proposed development providing a suitable management plan is in place to prevent students from bringing cars to the City and that the development is excluded from eligibility for residents of visitors parking permits.

27. Officers welcome the proposed erection of a secure and covered cycle store capable of accommodating 26 cycles. This provision exceeds that required by policy TR3 of the Local Plan and will help to ensure that students utilise more sustainable modes of transport during their study time in Oxford.

Planning Obligations

28. The development of additional student accommodation can put pressure on existing services offered by both the City and County Councils. As such, and in accordance with the Council's Planning Obligations SPD, prior to the granting of planning permission financial contributions towards cycle safety, libraries and indoor sports provision should be paid to mitigate the impact of the development. The level of contributions required is set out at the beginning of this report. The applicants have indicated that they are prepared to make the required contributions subject to Committee resolving to grant planning permission.

Sustainability

29. The proposed development is located in a relatively central location well served by public transport and which is close to universities and colleges in addition to the amenities and services typically used by students.

30. The buildings are designed to meet the requirements of Part L of the Building Regulations and photovoltaic panels will be installed on south facing roofs to generate part of the energy needs of the building. Low energy light fittings will be fitted both internally and externally.

Conclusion:

31. Officers consider the proposed development to make an efficient and appropriate use of the site with the new buildings forming an appropriate visual relationship with the surrounding area. Whilst the proposed development would result in the loss of an employment site officers consider the application site to be unsuitable for future B1 (office/light industrial) use due to the lack of parking facilities and the awkward relationship that the site has with the neighbouring primary school and surrounding residential area. The proposals are considered to preserve reasonable levels of residential amenity and are likely to result in a reduction in car movements thereby improving safety for pedestrians and vehicles alike. The proposals therefore accord with all relevant policies of the Development Plan and officers recommend approval accordingly.

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: 99/00218/NF, 99/01095/NF, 06/00883/FUL & 11/02248/FUL

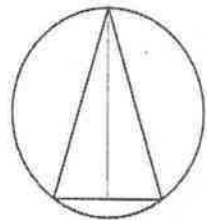
Contact Officer: Matthew Parry

Extension: 2160

Date: 25 October 2011

Appendix 1 – Site Location Plan

Appendix 1



Monthly Planning Appeals Performance Update – September 2011

Contact: Head of Service City Development: Michael Crofton-Briggs.

Tel 01865 252360.

1. The purpose of this report is two-fold: a) to provide an update on the Council's planning appeal performance; and b) to list those appeal cases that were decided and also those received during the specified month.

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 30 September 2011, while Table B does the same for the current business plan year, ie. 1 April 2011 to 30 September 2011.

Table A. BV204 Rolling annual performance (to 30 September 2011)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	11	(27%)	6 (50%)	5 (18%)
Dismissed	29	73%	6 (50%)	23 (82%)
<i>Total BV204 appeals</i>	40		12	28

Table B. BV204: Current Business plan year performance (1 April to 30 September 2011)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	6	(33%)	2 (33%)	4 (33%)
Dismissed	12	67%	4 (67%)	8 (67%)
<i>Total BV204 appeals</i>	18		6	12

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

Table C. All planning appeals (not just BV204 appeals): Rolling year to 30 September 2011

	Appeals	Percentage performance
Allowed	16	(30%)
Dismissed	38	70%
All appeals decided	54	
Withdrawn	7	

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to all the members of the relevant committee. The case officer also subsequently circulates members with a commentary on the decision if the case is significant. Table D, appended below, shows a breakdown of appeal decisions received during September 2011.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. If the appeal is against a delegated decision the relevant ward members receive a copy of this notification letter. If the appeal is against a committee decision then all members of the committee receive the notification letter. Table E, appended below, is a breakdown of all appeals started during September 2011. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.

Table D

Appeals Decided Between 1/9/11 And 30/9/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee; RECM KEY: PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
11/00486/FUL	11/00019/REFUSE	DEL	REF	ALC	06/09/2011	IFFLDS	289 Ifley Road Oxford Oxfordshire OX4 4AQ	Single storey rear extension and conversion of rear paper store to 2 self contained 1 bedroom flats. Provision of cycle and bin storage.
10/03323/FLT	11/00022/REFUSE	DELCOM	PER	ALC	13/09/2011	JEROSN	Telecommunications Mast Walton Well Road Oxford Oxfordshire	Removal of existing 15m high monopole. Installation of 17.5m high monopole with 6No. antennas and ancillary equipment cabinet.
11/00923/FUL	11/00024/REFUSE	DELCOM	PER	DIS	13/09/2011	HINKPK	68 Abingdon Road Oxford Oxfordshire OX1 4PL	Loft conversion and alterations to existing roof involving flat roofed rear dormer windows.
10/03141/FUL	11/00023/REFUSE	DEL	REF	DIS	14/09/2011	LYEVAL	Land To The Rear Of 184 Fern Hill Road Oxford Oxfordshire	Demolition of bungalow. Erection of single storey building comprising 2 x 1 bed apartments. Provision of 2 off street car parking spaces.
10/02512/FUL	11/00015/REFUSE	DEL	REF	DIS	28/09/2011	SUMMTN	241 Banbury Road Oxford Oxfordshire OX2 7HN	Erection of 1st floor rear extension to form a 2-bed flat.
10/03324/FUL	11/00011/REFUSE	DEL	REF	ALC	28/09/2011	STMARG	31 Charlbury Road Oxford Oxfordshire OX2 6JU	Demolition of house and outbuildings. Erection of two storey house (with accommodation in roof space) and garden studio building.
10/03330/CAC	11/00018/REFUSE	DEL	REF	ALC	28/09/2011	STMARG	31 Charlbury Road Oxford Oxfordshire OX2 6JU	Demolition of house and outbuildings.

Total Decided: 7

TABLE E Appeals Received Between 1/9/11 And 30/9/11

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;
 RECMND KEY: PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; TYPE KEY: W - Written representation, I - Informal hearing, P -
 Public Inquiry, H - Householder

DC CASE NO.	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
10/02605/FUL	11/00035/REFUSE	COMM	PER	I	Hernes House Residential Home 3 Hernes Crescent Oxford Oxfordshire OX2 7PS	SUMMT	Demolition of Hernes House and erection of 9 dwellings (5 x 4-bedroom and 4 x 5-bedroom). Provision of 18 car parking spaces, private amenity space and landscaping. (Amended plans) (Amended description)
11/00730/FUL	11/00033/REFUSE	DEL	REF	H	1 Arthur Garrard Close Oxford Oxfordshire OX2 6EU	NORTH	Proposed dormer window.
11/00887/FUL	11/00029/REFUSE	DEL	REF	W	5 Farndon Road Oxford Oxfordshire OX2 6RS	NORTH	Two storey extension to side, front and rear extension to basement and rebuild front porch
11/01214/FUL	11/00034/REFUSE	COMM	PER	I	Oxonian Rewley Press Ltd Lamarsh Road Oxford Oxfordshire OX2 0HY	JEROSN	Demolition of former Oxonian Press premises. Erection of 8 flats (2 x 1-bed, 4 x 2-bed and 2 x 3-bed) in a 3 storey block with 10 car parking spaces, cycle and bin storage. (Amended Plans)
11/01669/FUL	11/00031/REFUSE	DEL	REF	W	Land To The Rear Of 9 Saunders Road Oxford Oxfordshire	COWLY	Erection of 3 storey building to provide 2x1 bed houses - including integral car parking, bin and cycle storage and forecourt vehicle turntable
11/01702/FUL	11/00032/REFUSE	DEL	REF	H	326 Woodstock Road Oxford Oxfordshire OX2 7NS	WOLVER	Side and rear two storey extension

Total Received: 6

WEST AREA PLANNING COMMITTEE

Wednesday 12 October 2011

COUNCILLORS PRESENT: Councillors Van Nooijen (Chair), Goddard (Vice-Chair), Benjamin, Cook, Gotch, Jones, Price, Tanner and Sanders.

OFFICERS PRESENT: Alec Dubberley (Democratic Services Officer), Murray Hancock (City Development), Matthew Parry (City Development) and Daniel Smith (Law and Governance)

49. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Khan with Councillor Sanders attending as substitute member.

50. DECLARATIONS OF INTEREST

3. Travis Perkins Builders Yard, Chapel Street, Oxford: 11/01712/RES.
Councillor Elise Benjamin, Personal, had been approached by a number of objectors to the scheme although had not expressed a view. Daughter attends the neighbouring school.

4. 10 Park End Street, Oxford: 11/02122/FUL:
Councillor Bob Price, Personal, political group colleague of the applicant and personal friend.

4. 10 Park End Street, Oxford: 11/02122/FUL:
Councillor Colin Cook, Personal, political group colleague of the applicant and personal friend.

4. 10 Park End Street, Oxford: 11/02122/FUL:
Councillor Gill Sanders, Personal, political group colleague of the applicant and personal friend.

4. 10 Park End Street, Oxford: 11/02122/FUL:
Councillor John Tanner, Personal, political group colleague of the applicant and personal friend.

4. 10 Park End Street, Oxford: 11/02122/FUL:
Councillor Oscar Van Nooijen, Personal and Prejudicial, had stated his views publicly on the application and would withdraw from the meeting for consideration of the item.

51. TRAVIS PERKINS BUILDERS YARD, CHAPEL STREET, OXFORD: 11/01712/RES

The Head of City Development submitted a report (previously circulated, now appended) detailing a reserved matter planning application seeking approval for

site layout, scale, appearance, access and landscaping of planning application 09/02518/OUT.

The Planning Officer explained that outline planning permission had been granted for student accommodation in 2010 and that it was only the details of reserved matters which was now before committee. He also advised the Committee of late comments received from the East Oxford resident's forum which opposed the development. He added that the comments did not raise any further matters that were not covered in the report.

In accordance with the criteria for public speaking Chris Honeywell and Penelope Newsome spoke in objection to the development voicing concerns about loss of privacy and amenity that would be suffered by neighbouring residents. Nik Lyzba, on behalf of the applicant, spoke in support of the development.

The Committee considered all submissions, both written and oral and it was:

Resolved to grant planning permission subject to the conditions in the officer's report with the addition of 4 informatives to cover the following:-

- (1) Greywater disposal;
- (2) Use by the community of the central amphitheatre space and other facilities;
- (3) Landscaping scheme to be reviewed to address concerns that tree coverage was over dense and might cause loss of light to neighbouring properties; and
- (4) The developer should make every effort to increase the NRIA score for the development

52. 10 PARK END STREET, OXFORD: 11/02122/FUL:

Councillor Van Nooijen left the room for consideration of this item as he had declared a prejudicial interest. Councillor Gotch left the meeting at this point.

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for Change of use from restaurant (A3) to a restaurant and take-away (A3 and A5 mixed use) and extension of opening hours to 10am – 4am every day.

In accordance with the criteria for public speaking Liaqat Hussain spoke in objection to the development raising concerns about litter and loss of business and Councillor Saj Malik, the applicant, spoke in support of development.

The Committee considered all submissions, both written and oral and it was:

Resolved:-

- (1) To grant planning permission subject to appropriate conditions imposed by officers

- (2) That the takeaway business must cease trading at 1 am on each day

Ceasing trading at 1.00 am would meet the concerns of Thames Valley Police as it would allow patrons to disperse before the closure of the majority of late night venues in the locality.

53. 81 WYTHAM STREET, OXFORD: 11/02150/FUL

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for a two storey side extension and single storey rear extension.

The Committee considered all submissions, both written and oral and it was:

Resolved to refuse planning permission for the following reason:-

The proposed extensions would constitute overdevelopment of the site and be over bearing, and would not in keeping with the character of existing properties in the area.

54. LATHBURY ROAD (NO.1) TREE PRESERVATION ORDER, 2011

The Head of City Development submitted a report (previously circulated, now appended) detailing an application for a tree preservation order.

Resolved to confirm without modification a tree preservation order.

55. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during August 2011.

Resolved to note the report.

56. FORTHCOMING APPLICATIONS

Members noted the following planning applications would be before the Committee at future meetings:-

- (1) St. Hugh's College: Student accommodation and Chinese Institute:
11/01794/FUL and 11/01795CAC:
- (2) Green Templeton College: Temporary sports pavilion:
11/01493/FUL
- (3) 1 Wytham Street: Extensions: 11/02150/FUL

(4) University Science Area: Masterplan (not a planning application):
11/00940/CONSLT

57. MINUTES

Resolved to approve as a correct record the minutes of the meeting held on 14 September 2011.

The meeting started at 6.00 pm and ended at 7.47 pm