

Agenda

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West Area Planning Committee

Date: **Thursday 7 February 2013**

Time: **6.00 pm**

Place: **Assembly Room, Town Hall**

For any further information please contact:

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West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
Vice-Chair	Councillor John Goddard	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Anne-Marie Canning	Carfax;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Graham Jones	St. Clement's;
	Councillor Shah Khan	Cowley;
	Councillor John Tanner	Littlemore;

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AGENDA

Pages

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

2 DECLARATIONS OF INTEREST

Members are asked to declare any disclosable pecuniary interests they may have in any of the following agenda items. Guidance on this is set out at the end of these agenda pages.

3 ROGER DUDMAN WAY: 11/02881/FUL

1 - 56

The Head of City Development has submitted a report which seeks to review the Council's current position in respect of planning permission 11/02881/FUL for graduate student accommodation at Castle Mill, Roger Dudman Way following the petition to Council on 17th December 2012.

Officer recommendation: That the Committee NOTE the report.

4 190 IFFLEY ROAD: 12/03016/EXT & 12/03122/EXT

57 - 78

The Head of City Development has submitted a report which details the following planning applications:

- 12/03121/EXT: extend time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).
- 12/03122/EXT: extend time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building).

Officer recommendation: That the Committee APPROVE the applications subject to the completion of a legal agreement and the following conditions for each application.

12/03121/EXT: Application to extend time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).

- 1 Development begun within time limit
- 2 Brookes or Oxford University only
- 3 Nominated Educational Establishment
- 4 On site warden
- 5 Housing Management Service Specification

- 6 Sample materials
- 7 Boundary Treatment
- 8 Landscaping plan
- 9 Landscaping after completion
- 10 Landscape Management Plan
- 11 New trees
- 12 Arboricultural Method Statement
- 13 Tree Protection Plan
- 14 Details of artificial lighting
- 15 Details of bin and cycle storage
- 16 Sustainable Drainage Scheme
- 17 No cars
- 18 Construction Management Plan
- 19 No demolition prior to photo record
- 20 Architectural Recording
- 21 Architectural and constructional details
- 22 Architectural details of bay element

Legal Agreements:

1. Library Contribution - £1701
2. Indoor Sports Facilities - £1620
3. Cycle Safety Measures - £3726
4. Administration & Monitoring charge of £250

Affordable Housing Contribution:

£93,660 plus £4,683 5% administration fee.

12/03122/EXT: Application to extend time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building).

- 1 New demolition without scheme for redevelopment
- 2 Photographic record

5 TYNDALE HOUSE, COWLEY ROAD: 12/02826/FUL

79 - 92

The Head of City Development has submitted a report which details a planning application to erect a three storey extension to rear and extension at roof level. Change of use of first, second and third floors to 66-bed hotel with entrance from James Street. Re-cladding of existing facades and provision of 2 disabled parking spaces, cycle and bin stores and external seating at rear accessed from James Street. (Additional information)

Officer recommendation: That the Committee SUPPORT the development in principle but defer the application in order to draw up a unilateral undertaking in the terms outlined in the report, and delegate to officers the issuing of the notice of permission, subject to the following conditions.

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material Samples
- 4 Flat roof and Stair for emergency use only
- 5 Details of Cycle and Refuse Storage
- 6 Revised Parking and Servicing Plan
- 7 Travel Plan

- 8 Construction Traffic Management Plan
- 9 Details of air con plant or machinery
- 10 Sustainability Measures

Unilateral Undertaking:

£480 to County Council for Travel Plan Monitoring over next 5 years

**6 FORMER MAROON PUBLIC HOUSE, 44 ST. THOMAS STREET:
12/01970/FUL**

93 - 106

The Head of City Development has submitted a report which details a planning application to alter and convert the existing building to provide 6x1 bedroom dwellings (amended plans)

Officer recommendation: To REFUSE planning permission because the proposed scheme for the erection of 6x1 bedroom dwellings does not include a contribution towards the provision of affordable housing elsewhere in Oxford which is contrary to policy HP4 of the Sites and Housing Plan 2012, would fail to contribute to the provision of mixed and balanced communities and would be harmful to the quality and quantity of Oxford's housing stock.

7 36 MORRELL AVENUE: 12/02829/FUL

107 - 114

The Head of City Development has submitted a report which details a planning application for a change of use from class C3 dwelling house to C4 House in Multiple Occupation.

Officer recommendation: That the Committee REFUSE the application for the following reasons:-

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

8 47 JEUNE STREET: 12/03104/FUL

115 - 120

The Head of City Development has submitted a report which details a planning application for a change of use from a dwelling house (use class C3) to a House of Multiple Occupation (use class C4).

Officer recommendation: That the Committee REFUSE the application for the following reasons:-

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Jeune Street, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

9 53 STANLEY ROAD: 12/02849/FUL

121 - 128

The Head of City Development has submitted a report which details a planning application for the erection of an outbuilding in the rear garden.

Officer recommendation: That the Committee APPROVE the application subject to the following conditions:

- 1 Development begun within time limit
- 2 Deemed in accordance with approved plans
- 3 Building materials as specified
- 4 Specific exclusion approved plans – side facing windows, 12/1104/P1and 02A (Elevations) 16.11.2012
- 5 Private open space- no garden buildings
- 6 Exclusion of other uses purposes incidental to the main dwelling (not primary living)

10 PLANNING APPEALS

129 - 132

To receive information on planning appeals received and determined during December 2012.

The Committee is asked to NOTE this information.

11 FORTHCOMING APPLICATIONS

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

- Abingdon Road: 12/03279/FUL:Travelodge
- Worcester College: 12/01809/FUL & 12/01818/LBD: Lecture theatre
- 30 Plantation Road: 12/03264/FUL & 12/03265/LBD: Extensions
- Hinksey Lake:12/03282/PA11: Replacement footbridge
- 7 Norham Gardens:12/02636/FUL and 12/02637/DEL
- Bathroom Warehouse, Abingdon Road: 12/02636/FUL: Travelodge

12 MINUTES

133 - 136

Minutes of the meeting held on 16 January 2013

That the Committee APPROVE the minutes held on 16 January 2012 as a true and accurate record.

13 FUTURE MEETING DATES

The Committee is asked to NOTE the following future meeting dates:-

Wednesday 13 March 2013 (and Thursday 14 March 2013 if needed)

Wednesday 17 April 2013 (and Thursday 25 April 2013 if needed)

Wednesday 08 May 2013 (and Wednesday 15 April 2013 if needed)

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners..

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.

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Report of: Head of City Development.

To: West Area Planning Committee, 7th February 2013.

Title of Report: Student Accommodation at Castle Mill, Roger Dudman Way.

Purpose of Report: This report seeks to review the current position in respect of planning permission 11/02881/FUL for graduate student accommodation at Castle Mill, Roger Dudman Way following the petition to Council on 17th December 2012. The report to Council as attached as **Appendix A**. The development is currently under construction.

Key Decision: No.

Portfolio Holder: Colin Cook.

Scrutiny Responsibility: Environment.

Motion from Council of 17th December 2012.

To note the widespread concern about the impact of the development of postgraduate student accommodation at Roger Dudman Way on views from Port Meadow, but that a fully valid planning permission is held by the University. Council also notes that the extensive level of consultation with public and statutory bodies, as set out in sections 4 and 5 of the report from the Head of City Development fully met the requirements of the Council's procedures, and that the University also undertook consultation through a public exhibition.

As detailed in the further report from officers, the conditions attached to the granting of the planning permission relating to planting and screening are currently being determined, as are some amendments to the physical appearance of the flats. Council therefore determines to ask the Head of City Development to bring forward as soon as possible in the New Year a report to the West Area Planning Committee setting out any general lessons that need to be learned from the handling of this application and an assessment of the scope for further measures that are possible and that would contribute in the long and short term to mitigate the impact on the views looking south from Port Meadow.

Planning History to the Site.

1. The first planning application to relate to the Roger Dudman Way site, 93/00906/NOY, was made in 1993 when an outline application was submitted for 20,680 sq m of floorspace on 2, 3 and 4 floors for student accommodation plus training facilities for the Oxford University Officer

Training Corps (OUOTC). At that time the site was generally known as North End Yard and consisted of former railway operational land. It had no allocation in the informally adopted Local Plan of the day. In the event the application was withdrawn before being brought forward for determination with the OUOTC eventually being relocated from its then home in Manor Road to Falklands House, Oxpens Road.

2. The site subsequently became allocated for student accommodation and for a youth hostel in the 1991 - 2001 Local Plan adopted in September 1997. Although no application was ever made for a youth hostel on the site, shortly afterwards an application was made for one as 00/00778/NF on an unallocated site to the south at the junction with Botley Road. Permission was granted there for the 200 bed hostel for the YHA which was implemented and opened about 2003.
3. On the allocated site an outline application was submitted early in 1997 under reference 97/00342/NOY for 87 x 2 bed flats (not exceeding 6,500 sq m) and student accommodation (not exceeding 14,100 sq m) plus 40 car parking spaces. The outline application was submitted in similar terms to the previous one but with the residential element replacing the proposed OUOTC accommodation. Outline permission was not granted until 2000 however by which time a full planning application had also been made by Persimmon Homes for the 87 flats under reference 98/01583/NFY. Both applications were granted permission on the same day, 9th August 2000 and were accompanied by a S.106 agreement which secured, amongst other things, a cycle route through to Walton Well Road. The 87 flats were built out shortly after the grant of permission as Venneit Close. It was one of the first low car ownership residential developments in the City with only 13 car parking spaces being provided.
4. Subsequently the University made a Reserved Matters application for its site under reference 02/00989/RES. This sought permission for 517 graduate student study rooms in 3 and 4 storey blocks of accommodation with 27 car parking spaces. Permission was granted on 16th July 2002. Only the first phase was built out however, though the cycle route through to Walton Well Road was created and brought into public use, but for daylight hours only. The off - site enabling works and ramp from the car park at Walton Well Road to Walton Well Road itself was funded from the contribution previously secured. South of Venneit Close further permissions have been granted for 14 flats at Thames Wharf under reference 03/01874/FUL and 48 student study rooms under 06/01157/FUL. The flats have been constructed and occupied for several years, whilst the student accommodation is currently under construction.

Submitted Planning Application.

5. The University development under construction on site was submitted late in 2011 as application 11/02881/FUL. Since the gaining of planning permission for Castle Mill under 02/00989/RES the current Local Plan had

been adopted in 2005 allocating the site specifically for University student accommodation.

6. The application, submitted in November 2011, sought permission for 312 graduate study rooms and “flats” in 8 blocks on 4 and 5 levels, together with 360 cycle parking spaces. In combination with Phase 1 the combined development would eventually house some 439 student units of accommodation, all of them for postgraduates. In the pre application discussions the University had indicated it did not wish to build out the remaining phases of the extant permission as it did not fully meet its needs; it wished to make full use of the site; and it was conscious that the University was at or in excess of the threshold figure of 3000 students living on the open housing market referred to in Core Strategy policy CS.25, and wished to make inroads into that figure. Upon submission officers became aware that the development was larger than the extant permission but had not had full information to hand in relation to its impact at the pre application stage. For its part the University wished to progress the proposals in order, it hoped, that if permission was forthcoming it could be constructed and available for occupation for the Autumn 2013 term.
7. Whilst similar in many respects to the extant permission the current proposals differ in some respects. The extant permission had proposed 5 U shaped blocks of student accommodation, of which only the first was built out as Phase 1. All the east - west elements were to be constructed on 4 levels, with the north - south elements on 3 levels. An open area was retained central to the site but with the northernmost block of accommodation drawn just 4.5m from the northern boundary of the site.
8. In the current development 8 blocks of accommodation are indicated with 3 pairs linked by “gatehouses” in a similar U shaped form. The accommodation would be on 4 levels rising to 5 levels for the east - west blocks and 4 levels for the 2 remaining north - south blocks. The linking “gatehouses” would be on 3 levels, but with the northernmost block of accommodation drawn away from the northern boundary by some 20.5m.
9. In both cases the development would be visible to an extent through the tree coverage from Port Meadow, especially during the winter months and / or following pollarding of the crack willows along the Willow Walk footpath.

Public Consultation.

10. On receipt of the planning application normal consultation procedures were undertaken, involving consulting statutory bodies, erecting site notices, (6 in this case), and placing an advertisement in the local press. These procedures are referred to in more detail at paragraphs 4 to 6 of the report to Council, **Appendix A**.
11. In addition prior to the submission of the planning application the University had undertaken its own consultation procedures, inviting various

local groups etc to a manned exhibition held at Castle Mill on 25th October 2011. Attached as **Appendix B** is a listing produced by the applicant's agent of those parties consulted.

12. The outcome of the public consultation exercises was reported in the officers report to West Area Planning Committee attached now as **Appendix C**.
13. In relation to the extant 2002 permission consultation procedures at that time involved letters to interested parties and individuals. A full listing of those consulted is attached as **Appendix D**. In the event some 10 letters of comment were received from the Oxford Civic Society, Oxford Preservation Trust, Railtrack Great Western, Thames Trains, Oxford Urban Wildlife Group, Southern Electric, English Nature, Turbo Ted's Nursery, Thames Valley Police and Councillor Fooks. Of these 3 responded with no objection, no comment or that they did not wish to comment, whilst one was concerned about the possible oppressive impact and possible loss of light to the Cripsey Road Allotments. Of the remainder none forwarded comments relating to the development's built form or raised objections of principle. Rather in the main the comments received related to parking and access issues or to matters of detail.

Determination of Planning Application.

14. Following submission of the 2011 planning application amendments were sought to the proposals, reducing its overall height by some 1.5m with funding also secured for off site planting. The officers' report to West Area Planning Committee of 15th February 2012 reproduced as **Appendix C** referred at some length to the matter of its built form and visual impacts, including views from Port Meadow. Paragraphs 7 to 18 of that report in particular referred to these issues and concluded by indicating that a judgement had to be made by members of the committee:

"...as to whether the degree of change to the views and landscape setting in this direction which would result from the proposed development is sufficient to warrant refusal of planning permission, taking into account other benefits and objectives to be weighed in the balance. Certainly it is not the case that the development would be entirely hidden from view from Port Meadow or that there would be no impact from the development on the landscape setting and on public views. Rather officers have come to a conclusion, on balance, that with the mitigation described in place then in similar fashion to the extant permission the impact is not such that taken in context with the benefits of the development in provided much needed purpose built student accommodation at an allocated site that planning permission should be denied."

15. In the event the planning application was approved on a vote of 8 to 1. The Notice of Planning Permission is attached as **Appendix E**.

Mitigation

16. In order to in part mitigate the development whilst recognizing that the development would not be hidden in views from Port Meadow and elsewhere, at the application stage the roof design had been altered to indicate a “valley” feature, thus reducing its height by approximately 1.5m. In addition a condition was imposed requiring the submission of details of the materials to be utilized in the development. As originally proposed the intention had been that the roof would consist of a standing seam aluminium structure to match the first phase of Castle Mill. Officers felt this was too strident however and negotiated a darker colour accordingly. Similarly it had been intended that the elevations would be faced predominately of a white self coloured render system. However this was amended so that the same colour was not used throughout, but various shades of Onyx grey used plus charcoal grey brickwork or plinths, glazed curtain walling and cladding in a western red cedar finish.
17. In addition a financial contribution of £10,000 was secured towards off - site planting. A survey of existing the existing tree coverage was also undertaken by my Tree Officer on 15th January 2012 of that part of Willow Walk in the field of view when looking from the path across Port Meadow towards the development, (ie from the car park at its eastern end to the point further west where the stream turns sharply north marked by a culverted bridge). This indicated the presence of approximately 40 hawthorn, 22 crack willow, one mature holm oak, one early mature ash and one alder.
18. The survey revealed:
- 20 of the crack willows have been pollarded to a height of about 3.5m, probably within the last 3 years. A normal pollard cycle would be 10 -15 years, so these trees would need to be cut again in the next 7 -12 years. These trees are currently about 5m tall and might become 8 metres tall before being pollarded again. The 2 other crack willows which have not been pollarded are currently about 7m tall, and will themselves be required to be pollarded at some point.
 - The hawthorns are between 3 and 5m tall. These do not require pollarding, but their potential for further vertical growth is quite limited, and might be expected to increase in height by perhaps a metre or so over the next 10 years.
 - The early mature ash tree is currently about 7m tall. Being a young tree it has potential to grow to 10 -15m height.
 - The holm oak, (an unusual species for this location), provides the most effective screening of existing trees being an evergreen. It is 8 -10m tall and being a mature tree will not grow much taller in the future.
 - The alder is the remnant of a tree only. Its top has snapped out at about 3m above ground level, so that all that remains is the lower part of the stem and a single branch. It is an interesting structure with habitat value but it contributes little in terms of screening.

- To the south of the Castle Mill Stream at this point the majority of the trees within the Cripsey Road Allotments site are also crack willows which have been pollarded to about 3.5m above ground level. However, these trees have not been pollarded so recently and so will require re-pollarding sooner within 5 years or so. There are also some unpollarded willows, some birch and a spruce within the allotments site.
19. The new planting is proposed to consist of up to 97 separate trees made up primarily of native black poplar, crack willow, white birch, field maple and hawthorn. It is hoped these can be planted in the current planting season along the southern edge of Port Meadow along the line of the Willow Walk footpath north of the Castle Mill Stream. The native black poplars can be expected to reach 15 - 20m in height at maturity, so will be much taller and broader than the current tree coverage. These and the other smaller trees which would not be required to be pollarded will in time be more effective and sustainable than the existing tree coverage. A location plan for the intended planting will be available at committee.
20. The planting would be concentrated along the eastern section of Willow walk along the line of the existing footpath. Some planting is also envisaged around the Walton Well Road public car park, whilst the possibility of planting to the south of the Castle Mill Stream along the northern edge of the Cripsey Road Allotments is also being investigated.

Current Position.

21. At the time of writing the development is well advanced on site and planning officers have continued their dialogue with the applicant on imposed conditions in line with normal practice. The planning permission imposed some 22 conditions in all, listed in the Notice of Permission attached as **Appendix E**. Of these 10 imposed ongoing requirements whilst the remaining 12 required details to be submitted and approved. Of these 12 conditions details in compliance with nos. 3 (materials); 11 (noise attenuation); 12 (vibration); 15 (drainage); 20 (construction management); and 21 (construction travel arrangements) have been submitted and approved.
22. The matters still requiring details to be formally submitted and agreed relate to conditions 5 (on - site landscaping); 7 (landscape management); 13 (CCTV provision); 16 (ground contamination); 18 (management of on - site badger sett); and 22 (public art). In relation to these the dialogue is continuing. The University's appointed agent is currently finalising the details and agreement has been reached these will be submitted by or on 15th February 2013.
23. As work has continued on site Enforcement Officers have also inspected the site to ascertain if there is any variation in the heights of

buildings compared to the approved drawings. The building technique employed for the development includes the construction of structural elements off site, allowing building work to progress rapidly. To these elements external, finishes are applied accordingly. As such measurements taken on site revealed only very minor variations of a few centimetres from the approved drawings, within the tolerances which can reasonably be allowed in the production of planning drawings.

Available Planning Powers.

24. There is no evidence that the development is being constructed other than in compliance with the planning permission, or that any other breach of planning control has taken place. In these circumstances there are limited courses of action available to the Council as local planning authority to effect changes to the development, even if it were expedient to do so. The Council does nevertheless have the power of revocation or modification to a planning permission previously granted where it is considered expedient. An order requires confirmation by the Secretary of State unless all owners, occupiers and those likely to be affected have given notification that they do not object. If confirmation by the Secretary of State is required the procedure would be similar to that for a planning appeal. The Council would be required to pay the costs of a successful objector unless there are exceptional circumstances. Unreasonable behaviour on the part of the Council could also lead to an award of costs in favour of a successful objector. Should an order take effect (regardless of whether the Secretary of State's confirmation is required) compensation is payable. This is on the basis of abortive work and any other costs directly attributable to the order including loss of income, the cost of subsequent physical works to the development and loss in land value. In this case this could amount to a seven figure sum.
25. The Council also has power to make an order requiring discontinuance of use or alteration or removal of buildings or works where it appears to be expedient in the interests of the proper planning of the Council's area (including the interests of amenity). An order may include a grant of planning permission. Orders require confirmation by the Secretary of State. The procedure for confirmation is similar to that for revocation orders as is the costs situation where confirmation is opposed. Again compensation is available. This is on the basis of loss of land value, and disturbance in the use of the land including costs of compliance with the order.
26. Although it is not considered applicable in this case, in the event that a breach of planning permission can be demonstrated to have occurred and it is expedient to take action, enforcement action is possible but is not automatic. It is a discretionary power of the Council. Failure to properly consider whether enforcement action should be taken could exceptionally be judicially reviewable and can amount to maladministration. Similarly a failure to seek a retrospective planning application to regularise the

position in appropriate cases can also amount to maladministration. National policy as to when, and how, enforcement action should be undertaken is currently minimal. The recent National Planning Policy Framework (NPPF) contains a single paragraph noting the importance of effective enforcement of planning control to maintaining public confidence in the planning system. It notes that action is discretionary, suggesting a proportionate response to suspected breaches. Action should not be taken solely to regularise acceptable development nor weight attached to the fact of development having already taken place, or to non planning considerations

27. In issuing an enforcement notice failure to comply with the requirements of the notice is a criminal offence and gives rise to a power to execute works in default. An enforcement notice will specify steps for compliance with timescales for those steps to be undertaken. The steps may address physical works and or uses and can seek either remedy of the breach or alleviation of injury to amenity. The timescales for steps to be taken are specified by periods of time from the date that the notice takes effect. The grounds of appeal are wide including contending that planning permission should be granted. If it is decided on appeal that the notice was unreasonably issued the appellant's costs of appealing may be awarded against the Council regardless of the outcome of the appeal.
28. If a breach of planning control consists of a breach of a condition then a breach of condition notice may be served imposing requirements for the purpose of securing compliance with the conditions. There is no right of appeal to the Secretary of State and Circular guidance advises that these notices be used only in straightforward matters so as to prevent protracted litigation.
29. Where the Council considers it expedient that an activity (including ongoing building) which an enforcement notice would prohibit should cease sooner than required by the notice, then a stop notice may be served. However a stop notice can only be served where there is also an enforcement notice, and an enforcement notice can only be issued where there appears to be a breach of planning control. A stop notice cannot require remedial works such as the removal of a building. A stop notice can take effect three days after the date of service, or if there are special reasons it can take effect sooner. Contravention of a stop notice is an offence (even where the related enforcement notice is subject to appeal). The validity of a stop notice may be challenged as a defence to prosecution or by judicial review. If the enforcement notice is withdrawn or quashed (other than on the basis that planning permission should be or is granted) or varied such that the activity is no longer prohibited by the enforcement notice, then compensation is payable. Similarly the withdrawal of a stop notice gives rise to compensation.
30. Injunctions may be sought to restrain breaches of planning control. The court has a broad discretion as to whether or not to grant an injunction and upon what terms, which could for example include a requirement that

should it subsequently be established that there was in fact no breach of planning control, then the Council compensates for any losses. Injunctions are considered to be particularly severe which must be borne in mind when considering proportionality.

Summary and Conclusions.

31. The land at Roger Dudman Way subject to this report has been allocated in successive planning documents for the use now under construction within the context of a longstanding commitment to intensively develop this brownfield site. On receipt of the planning application for student accommodation the local planning authority's current consultation procedures were undertaken, and a full and detailed report brought before the Council's West Area Planning Committee for determination where the planning application was determined by a clear majority of 8 votes to 1. In coming to its decision committee also took into consideration other factors such as the policy objective of accommodating no more than 3000 of the University's students in open market housing.
32. The report to committee included views of Oxford from the Port Meadow "View Cone" at Wolvercote so that officers' recommendation could be understood and members in turn weigh in the balance any positive and negative impacts with an understanding of the heritage significance of the view. The report clearly indicated that the development would not be screened from view from Port Meadow, though the intended mitigation would assist in the development sitting more comfortably within its wider context. Rather in this view it would sit between a line of trees and greenery set along the edge of Willow Walk in front of it and a second line of trees and greenery along the eastern side of the railway line set behind it. Attached as **Appendix F** is an image submitted with the planning application which indicated the intended position of the development compared to the extant 2002 planning permission. This constituted a suitable representation of the intended development to assist committee in coming to its decision on the application. Also attached is an image taken on 24th January 2013. These and other images will be displayed at committee.
33. The way in which Port Meadow is experienced has evolved and changed over the years with views of industrial buildings along the "canal corridor" at W. Lucys, Aristotle Lane Industrial Estate and Unipart being replaced by successive housing developments built out in the 1990s and 2000s. These recent developments are also in part visible through the tree coverage and greenery especially during winter months, whilst housing developments at the Wolvercote end of Port Meadow at Rowland Close and Meadow Prospect are fully in view.
34. In summary, in my opinion it is relevant to bear in mind that views from Port Meadow are dynamic rather than static, changing with the amount of tree coverage and general greenery to its periphery; with the seasons; with the time of day; and over periods of time. The open and historic grazed

common of Port Meadow plays an important part in the character of the view, providing an historic green setting to the city. The line of trees along the Oxford canal and a variety of more ornamental trees in the gardens of North Oxford reinforce this green setting, from which the “dreaming spires” emerge, seen against the open skyline. The trees have grown since the 1960s when the view was first identified in planning documents however so that they now screen more of the buildings in the historic core than previously. To this extent views are different now to those experienced in previous decades with part of the significance of Port Meadow being this juxtaposition of changing city to relatively unchanged floodplain.

35. Views will also change as the viewer moves across the Port Meadow, successively bringing features into view, whilst others disappear. All the while the viewer is reminded that Port Meadow exists not as open countryside but as part of the city, to its east and north close up to urban features - residential suburbs, railway line and canal. *(In the wider context a study funded by English Heritage and managed jointly by the City Council and Oxford Preservation Trust is under way to identify the heritage values which the views of Oxford from its “View Cones” hold. A further stage in the project still to be funded would seek to develop a methodology to articulate the impact of changes to the landscape and built environment on Oxford’s unique circumstances).*
36. As indicated previously in this report, there is no evidence of a breach of planning permission having occurred, or that committee made its decision other than following consideration of all the material circumstances of the case. Nevertheless if it were expedient to do so, revocation of the planning permission could be considered, though it is likely the Secretary of State would be very reluctant to revoke a valid planning permission other than in the most exceptional circumstances. If it were, then substantial compensation would follow amounting to perhaps a seven figure sum. In any event it would not prevent the University from seeking a fresh planning permission on the site with rights of appeal if it failed.
37. Whilst officers are satisfied that correct procedures were adopted in this case and that committee came to its decision in a rational fashion bearing in mind all the material circumstances, nevertheless it is appropriate in the light of the scale of public comment since construction commenced to review such procedures. The planning application process is much more than notification of the receipt of a new planning application and it is important therefore for officers, elected members, applicants and third parties to be mindful of:
- the importance of positive engagement with stakeholders and interested parties at both pre application and planning application stages;
 - the need to understand the characteristics of a site, including the identification of positive and negative features to inform the design process and assessment of its impact;
 - the challenges Oxford faces in meeting the development needs of its communities in an environment which holds many physical constraints,

yet sustaining the very qualities from which the city gains its reputation, (physical, economic, academic); and

- the need to maintain a close dialogue with applicants post permission to address any new issues as they arise.

38. I consider that all these steps have been taken in this instance and even with hindsight I do not consider that there are any other steps that could have been undertaken which would have reached a different outcome and planning decision. Nevertheless the purpose of this report is to invite members of the West Area Planning Committee to make their judgement on this question.

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To: Council

Date: 17th December 2012

Item No:

Report of: Head of Law and Governance

Title of Report: PETITIONS SCHEME – PORT MEADOW, OXFORD – DAMAGED VIEW

Summary and Recommendations

Purpose of report: To advise on the procedure that Council needs to follow under the Council's Petitions Scheme in respect of large petitions, and to provide information specifically on the petition entitled 'Port Meadow, Oxford – Damaged Views'.

Report Approved by:
Legal: Michael Morgan

Policy Framework: Not applicable

Recommendation(s): Council is RECOMMENDED to follow the procedure for large petitions in the Council's Petitions Scheme by hearing the head petitioner for the petition entitled "Port Meadow, Oxford – Damaged view" and to then debate the petition and decide how to advise the Executive.

Introduction

1. A petition entitled "Port Meadow, Oxford – Damaged view" was handed in to the Council. The petition contains 1666 signatures. The petition reads as follows:-

"Port Meadow comprises 400 acres of common land within the Oxford ring road.

It is a Scheduled National Monument (rated above an SSSI) and is a spiritual and environmental haven which has been used by the people of Oxford for centuries.

It's place of outstanding beauty, greatly valued by all residents of Oxford, and is particularly noted for its open aspect. Up to now, its views have been sensitively protected.

But now the people who should have been protecting it on our behalf (Oxford City Council) have damaged views by allowing the building of a series of massive blocks around the perimeter of the south east corner of Port Meadow.

The historic 'dreaming spire' view from the Meadow of the grade 2 listed St Barnabas Church tower has been all but obliterated from sight. Previously, when Waterways was developed close to the perimeter of Port Meadow, care was specifically taken to protect the view from Port Meadow from this destructive type of massing. The current build completely changes the character of the Meadow.*

for images see: www.portmeadow.org/damaged_views

Given that:

1. *Oxford City Chief Planning Officer signed a form saying no Environmental Impact Assessment (EIA) was needed as Port Meadow is "not a sensitive area and mitigation can be provided"*
2. *No detailed landscaping/mitigation has been proposed.*
3. *Oxford City Council failed to consult widely about this.*

We ask that you sign our petition to request:

- ***A retrospective EIA is urgently carried out now and recommendations made which the City Council would have to ensure are carried out.***
 - ***Details of landscaping should be agreed which would hide the buildings in summer and soften their impact in winter.***
 - ***Oxford City Council should be given training in proper consultation, and how to carry it out effectively"***
2. Council adopted a Petitions Scheme (as required by the Local Democracy, Economic Development and Construction Act 2009) in July 2010. The scheme says that petitions containing over 1,500 signatures will be debated by full Council. The 2009 Act says that in order for signatures on a petition to count, they must give the signatories name and address and those people so signing must live, work or study in the authority's area. A sufficient number of signatures to achieve the 1,500 mark have accompanying names and addresses. It is not of course possible to check whether any signatories from outside Oxford work or study in the City.
 3. Our Petitions Scheme says that the petition organiser will be given five minutes at Council to present the petition and that Council will then

debate the petition. Where the issue is one on which the Council's Executive is responsible for reaching the final decision, the Council will decide whether to make recommendations to inform that decision. The petition, the subject of this report is not one for the Executive to consider.

Comments from the Head of City Development

Public Consultation

4. The planning application was received in November 2011 and normal consultation procedures undertaken. This involved consulting various statutory undertakers accordingly, namely Thames Water, The Environment Agency, Oxfordshire County Council, Natural England and Thames Valley Police. An advertisement appeared in the Oxford Times and 6 site notices were erected at various locations along Roger Dudman Way: at the Youth Hostel located at the junction with Botley Road; on the sign advertising the Coop Nursery; opposite the Thames Wharf flats; at the entrance to the existing Castle Mill student accommodation; and at the gates leading to the cycle path north towards Walton Well Road. A site notice was also placed on the northern gate to cycle path from Walton Well Road car park. In addition subscribers to the planningfinder notification system would have been informed whilst a weekly list of all planning applications received is produced and circulated to subscribers including the Oxford Civic Society, Oxford Preservation Trust, Wolvercote Commoners and other individuals.
5. Lastly, prior to the planning application being submitted the University held an exhibition of its proposals at the Castle Mill student accommodation on 24th October 2011 which it reported to be well attended. Invitations to the exhibition were sent to ward councillors, interested parties such the Oxford Preservation Trust, Oxford Civic Society, Jericho Community Association, West Oxford Community Association, Waterways Residents' Association, Eagle Works Residents' Association, Network Rail, Cripsey Road Allotment Association and all occupiers of Venneit Close and Castle Mill.
6. Each of the statutory agencies consulted responded but none raised objection. Network Rail also commented, but again did not raise objection. Comments from others were received from the Cripsey Road Allotment Association, (who also addressed the West Area Planning Committee when it considered the planning application indicating their concerns had been met); two residents of Alexandra Road; two residents of Castle Mill; and one resident of Venneit Close. Their main concerns related to the loss of the cycle route during construction and the need for alternative routes; existing access arrangements from Roger Dudman Way; issues arising during construction; that views across the allotments would be lost; and that the development was overambitious. All comments were made publicly available and

summarised in the officers' report to committee on 15th February 2012 when the application was approved on a vote of 8 to 1.

Environmental Impact Assessment

7. The requirement for an Environmental Impact Assessment (EIA) is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Regulations set out 2 Schedules of development. The development at Roger Dudman Way did not fall within any of the categories of development within Schedule 1 where an EIA would always be required. The relevant types of development within this schedule are installations such as oil refineries, nuclear power stations, steelworks, ports, waste disposal installations etc. Schedule 2 describes developments which may require an EIA in certain circumstances. This schedule covers a wide variety of developments, only one category of which could conceivably apply to this site, and that is category 10(b): *Urban Development Projects*. Examples of Urban Development Projects listed in the Regulations are shopping centres with car parks, sports stadiums, leisure complexes etc exceeding a size of 0.5ha.
8. Although the Roger Dudman Way site exceeds that minimum size, that does not mean an EIA is necessarily required. Rather guidance on the requirement is given elsewhere in the Regulations and in Department of Communities and Local Government Circular 2/99. Specifically in relation to Urban Development Projects the Circular states at paragraph A.19 that: *"Development proposed for sites which have not previously been intensively developed are more likely to require an EIA if the site area for the scheme is more than 5 ha; or it would provide a total of more than 10,000 sq m of new commercial floorspace; or the development would have significantly urbanising effects in a previously non – urbanised area (eg a new development of more than 1000 dwellings)." In this case the development area is 1.2ha; the development is not of commercial floorspace; it is less than 10,000 sqm; and consists of brownfield former railway sidings and railway operational land.*
9. Whilst this is a significant development, that does not mean that an EIA was automatically required to be submitted. Port Meadow bears designations as a site of Special Scientific Interest (SSSI) and Scheduled Ancient Monument (SAM). However these designations relate to its nature conservation and below ground archaeological interest, which officers assessed as not being significantly impacted by the development. In assessing that no EIA was required, regard was also had to a similar extant planning permission for student accommodation approved in outline in 2000 and in detail in 2002, of which only the first phase was constructed as the existing Castle Mill development, and which had a similar relationship to Port Meadow.

10. There are no provisions within the EIA Regulations to require the applicant to undertake an Environmental Impact Assessment following the grant of planning permission.

Landscaping and Mitigation

11. A condition of planning permission was that a landscaping scheme be submitted and approved, whilst the accompanying legal agreement secured a sum of £10,000 towards off site planting. Other mitigation was achieved in reducing the overall height of the development from that originally proposed in the planning application, and in the choice of more subdued colours and tones for external finishes than those originally proposed.

Recommendation

12. Council is being recommended to follow the procedure for large petitions in the Council's Petitions Scheme and decide how it wishes to proceed.

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Background papers: None

Version number: 1

CASTLE MILL. - NOTE OF CONSULTATIONS UNDERTAKEN PRIOR TO SUBMISSION OF PLANNING APPLICATION AND ITS DETERMINATION.

1. Councillors : Cllr. Susanna Pressel ; Cllr. Colin Cook
2. Residents : all residents of Venneit Close by letter. ; all residents of OU Castle Mill.
3. Organisations :
 - a. Cripsey Meadow Allotment Association – Wendy Skinner- Smith
 - b. West Oxon. Community Association.
 - c. Jericho Community Association - Jenny Mann
 - d. Osney Island Residents' Association - Stephen Lynam
 - e. Oxford Waterside Residents' Association - Stuart Skyte
 - f. Wolvercote Commoners - Andrew Burchardt
4. Commercial Organisations :
 - a. North Oxford Property Services - managing agents for Venneit Close
 - b. Lucy Block Management Ltd.
 - c. Mid counties Co-operative Society - owners of Turbo teds, Richard Holmes consultant surveyor ; Jennifer Goold -Coop, Amy Bishop - Nursery.
5. Statutory consultees :
 - a. Oxford City Council
 - b. Oxfordshire County Council
 - c. Natural England
 - d. Environment Agency
 - e. Network Rail
6. Organisations invited to exhibition by e-mail and telephone calls
 - a. Oxford Preservation trust
 - b. Oxford Civic Society
 - c. Oxford Archaeological and Historical society.

West Area Planning Committee

15th February 2012.

Application Number: 11/02881/FUL

Decision Due by: 6th February 2012

Proposal: Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces.

Site Address: Castle Mill, Roger Dudman Way, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: Terry Gashe

Applicant: The University Of Oxford

Recommendation: Committee is recommended to support the development in principle but defer the application in order to draw up an accompanying legal agreement and 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 purpose built student accommodation at a site allocated for the purpose which is already partly built out for that use, and where the previous planning permission for the remainder of the site remains extant. The site is a brownfield one and lies adjacent to the main line railway into Oxford station to the south and was formerly used for railway related activities. Due to its linear form adjacent to the railway lines and its poor access from Botley Road, the site is ill suited to commercial development, family housing, or other uses which would generate significant levels of traffic. It is well suited to the needs of the University's graduate students however as it would enjoy good links by foot and cycle to the city centre, Walton Street and North Oxford. As such the development makes good and efficient use of the land. Whilst there is some impact in long distance views from Port Meadow, such impact falls to be weighed in the balance with the benefits of the development and the mitigation proposed in response.

- 3 Many of the public comments received express concerns about cycle and pedestrian access to the site, either from Roger Dudman Way or via Walton Well Road to the north. The latter access is intended to be closed during construction. Although these concerns are acknowledged, measures are in hand to create alternative pedestrian routes and to improve current conditions along Roger Dudman Way. On other matters the buildings proposed on up to 5 floors are large but make good use of what might appear an unpromising development site; issues of biodiversity and the relationships to the neighbouring allotments addressed; and the site safeguarded from flood risk. The site is sustainable with good levels of energy efficiency included within the development. There are no objections from statutory organisations.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Student accommodation - management controls
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car/cycle parking provision before use
- 9 Control of car parking
- 10 Students - no cars
- 11 Restrict delivery times
- 12 Soundproofing from railway noise
- 13 Safeguarding from vibration
- 13 Scheme of lighting and CCTV
- 15 Groundwater quality
- 16 Surface drainage scheme
- 17 Land contamination
- 18 NRA
- 19 Badgers - management plan.
- 20 Wildlife enhancements
- 21 Construction Environmental Management Plan
- 22 Construction Travel Plan
- 23 Public art

Legal Agreement.

1. Financial contribution towards affordable housing.
2. Permissive public rights for pedestrians and cyclists to pass through the application site.
3. Contribution to indoor sports: £5,100 (City)
4. Contribution to library facilities in the City: £5,355 (County).
5. Contribution to cycling facilities: £11,730 (County).
6. Contribution towards off site landscaping (City): £10,000.

Principle Planning 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
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP21 - Noise
CP22 - Contaminated Land
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE11 - Land Drainage & River Engineering Works
NE12 - Groundwater Flow
NE13 - Water Quality
NE14 - Water and Sewerage Infrastructure
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
SR9 - Footpaths & Bridleways
DS22 - Cripsey Rd, North End Yard - Ox University Use

Oxford Core Strategy 2026.

CS2 - Previously developed and greenfield land
CS4 - Green belt
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

Sites and Housing Development Plan Document (DPD) - Proposed Submission

HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP11 - Low Carbon Homes
HP15 - Residential cycle parking
HP16 - Residential car parking
SP26 - Land north of Roger Dudman Way

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

Statutory and Other Bodies.

Highway Authority (i): Details of alternative routes available during construction to be made available; given limited level of vehicle spaces served off Roger Dudman Way, shared use of access road does not give rise to highway safety issues; car free nature of site unlikely to give rise to any material impact on highway infrastructure with regard to cars etc; condition requiring students not to bring cars to Oxford required; cycle parking to be safe, secure and covered conditions; contribution to cycle safety measures of £11,730 required.

Highway Authority (ii): Various details of drainage required in event of permission being granted.

Network Rail: No objection of principle; should not endanger safe operation of railway; if not already provided trespass proof fencing required; no discharge of surface water onto Network Rail land; notification of any change in ground level; buildings at least 2m from common boundary; development should take into account noise issues; certain species only to be planted and none within distance equivalent of height at maturity.

Natural England: No objection to proposals; not likely to have significant impact on Port Meadows with Wolvercote Common and Green SSSI or Oxford Meadows SAC; mitigation of species found on site acceptable; opportunities to introduce features beneficial to wildlife.

Thames Water: No objection on sewerage infrastructure grounds; surface water drainage regulated into to receiving public network; informative suggested on water pressure.

Environment Agency: Site falls within Flood Zone 1 and therefore able to withdraw any objection; suggest conditions relating to contaminated land.

Thames Valley Police Crime Prevention Design Advisor: Do not wish to object but opportunities to design out crime: suggest condition to achieve Secured by Design accreditation; recessed entrances should be no more than 600mm deep; recommend CCTV be installed; boundary treatments to deter casual, intrusion for cycle theft; recommend laminated glass to ground floor windows rather than toughened; support proposals for lighting scheme along Roger Dudman Way.

Environmental Development: Phased risk assessment required for ground contamination.

Third Parties.

Cripley Road Allotment Association: Have been assured development will not cause flooding to allotments due to SUDs proposed; orientation mitigates shading of allotments, but may limit use of 4 plots; dust to be mitigated during construction; noise will be temporary disturbance during construction; trust development will bring improvements in access to Roger Dudman Way as speed humps and poor lighting currently make hazardous.

Other Public Comments:

- Regret loss of route to Walton Well Road during construction.
- Footbridge to Fiddler's island would provide alternative route.
- Footbridge should be provided before development is commenced.
- Existing access along Roger Dudman way poor and dangerous.
- Concerned for safety of pedestrians and cyclists on Roger Dudman Way.
- Need to upgrade Roger Dudman Way and improve lighting.
- Development overambitious in scale with greater density of buildings and solid elevation to cycle route.
- Noise and hours of working need to be limited during construction.
- Construction compound to be located away from existing flats.
- May cause flooding to allotments.
- View across allotments would be lost.

In addition to the above prior to the submission of the planning application the applicant held a series of meetings with ward councillors and representatives of the Cripley Road Allotment Association. A public exhibition of the proposals was also held on 25th October 2011. The main concerns expressed related to existing conditions along Roger Dudman Way, the loss of the pedestrian and cycle route through to Walton Well Road during the construction period, hours of working, and arrangements for vehicle access during construction, especially at the junction with Botley Road.

Officers Assessment:

Background to Case.

1. In August 2000 outline planning permission was granted for a mixed use development of residential and student accommodation on a large tract of land at Roger Dudman Way north of the Sheepwash Channel (Rewley Abbey Stream) on former railway land known as North End Yard. The current application site which forms part of that land is aligned north - south and accessed from the junction of Botley Road with Roger Dudman Way 600m to its south. The linear form of the current application site means it measures approximately 320m in length and 45m in width at its wider southern end, narrowing to 27 m at its northern end where it adjoins the public car parks serving Cripley Road allotments and Port Meadow. In total the application site measures 1.2 ha. (3 acres). **Appendix 1** refers.
2. The outline permission of 2000 was followed by detailed proposals for 87 x 2

bed flats by Persimmon Homes at what is now Venneit Close, and by the University for a development of 354 student units at what is now the University's Castle Mill development. The student accommodation development is occupied by graduates only and is made up of a mix of student study rooms and some larger 1 and 2 bed student flats, representing the first phase of that development. The remainder of the student accommodation has not been laid out however, though its permission remains extant.

3. Shortly after occupation of the student accommodation a cycle and pedestrian route through the site to Walton Well Road was created with permissive rights for use by the wider public. In the years since its opening it has become a well used facility, providing an alternative route between Walton Street and Botley Road avoiding busy city centre streets. The enabling works to this route at Walton Well Road were funded by contributions secured from the outline permission. In total the accompanying S.106 agreement to the outline permission secured:
 - a public cycle route through the site during daylight hours;
 - a transport contribution of £500,000;
 - a social housing contribution of £90,000;
 - a parking enforcement contribution of £5,000; and
 - a footpath improvement contribution of £4,000.
4. Subsequent to these developments other proposals have been permitted on land situated between Venneit Close and the Sheepwash Channel. These were a development of 14 flats granted on appeal at what is now Thames Wharf, and a similarly styled development immediately to its north for 42 student study rooms now commenced construction on site. Proposals to demolish the nursery immediately north of the bridge across the Sheepwash Channel stream and replace it with a new nursery at ground floor level with flats above have not been successful.

Proposals

5. These latest proposals represent a second phase of graduate rooms at Castle Mill but within a reworked scheme which when fully built out would provide some 439 student units in total rather than the 354 previously permitted, an increase of 85 units. As with the phase 1 accommodation, the development consists mainly of single study bedrooms arranged in clusters with a shared amenity / kitchen area; some slightly larger units with a small kitchenette; and larger one and two bed "flats." Typically the accommodation would be occupied for up to 3 years by University graduates, in the main single persons though in some cases couples, occasionally with a child. A small number of rooms would be reserved for visiting academics and students. In addition shared facilities are provided at a central common room.
6. Officers consider the main determining issues in this case to be:
 - built forms and visual impact;
 - access to the site;
 - planning obligations;

- biodiversity;
- sustainability; and
- flood risk.

Built Forms and Visual impact.

7. As the application site is a linear one the development is laid out in a series of 8 linked blocks. As with phase 1 the majority of the blocks are aligned in an east - west direction but with two to the narrower northern end aligned north - south. The 8 blocks accommodate the majority of student rooms whilst set between them are shared facilities such as covered cycle stores, bin storage, laundry room, landscaped spaces and energy centre. Also interspersed between the paired east - west blocks along their eastern edge are 3 "gatehouses" leading to shared foyer areas. A further freestanding communal common room is also provided, though no bar is intended. A 3.8m wide access road for servicing and maintenance purposes would run along the eastern side of the site which would also provide a cycle and pedestrian route through to Walton Well Road on completion. The 3 disabled parking spaces are located along the route.
8. The student rooms in the east - west blocks have their windows facing north and south, avoiding directly overlooking the railway lines to the east and allotments to the west. Within the two north - south blocks corridor access is provided where they face the railway line. There are however one or two student rooms within the gatehouse buildings which do have windows facing the railway lines but these and all other windows along this side of the development are high performance fixed double glazed units to provide light only with additional light and ventilation provided from windows in elevations facing in other directions. The fenestration within the principal eastern elevations is such that there are both vertically and horizontally aligned windows, but in a rhythmical fashion across the blocks of accommodation. Central to each block are full height continuous glazed windows identifying the corridor access at each level of accommodation.
9. The east - west blocks rise to 4 and 5 levels with the linking gatehouse elements set at 3 storeys. The north - south blocks are on 4 levels. The 5 level blocks rise to approximately 17.0m above ground level to the highest point of their pitched roofs, and the north - south ones to 13.0m. The eaves height would be approximately 13.7m and 11.2m respectively. This compares to 13.7m at its highest point in the existing accommodation and 10.4m at eaves. The larger blocks have lift access to all floors whilst 4 rooms are constructed to full disabled standard to add to the two within the existing accommodation. The lift shafts are located "external" to the accommodation blocks with full height vertical glazed slots allowing glimpses both into and out of the lift cars, adding interest to the development. The lift shafts are topped with a glazed cap. A series of entrances to the accommodation blocks along the cycle / pedestrian route plus overlooking windows provide active frontages and natural surveillance to the route.
10. Generally the development responds positively to the particular circumstances

and constraints of the site alongside busy railway lines leading to Oxford station a short distance to the south. As such the architecture is characteristically robust with large building blocks facing east towards the railway line, allowing quieter areas to be created behind. Shadow diagrams accompanying the planning application indicate only a small amount of morning overshadowing of a small number of the allotment plots. The Allotment Association do not object to the proposals. In terms of materials the ground floors of the development are proposed to be of facing brickwork in the main. The upper floors are set on this "plinth" with a 50mm overhang and finished in a textured self cleaning "render" system with timber detailing. Windows are dark grey aluminium units with the roof of standing seam metal construction similar to that used in the existing accommodation.

11. Although the immediate environment of the development consists of railway sidings to the east and allotments to the west, it is also located close to Port Meadow to the north beyond the public car parks at Walton Well Road. Port Meadow is a unique and sensitive location which constitutes an important heritage asset. In this wider context guidance issued in March 2010 in PPS5: "*Planning for the Historic Environment*" is an important consideration. In the guidance the government has re-affirmed its commitment to the historic environment by indicating that heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. It defines the *Historic Environment* as meaning all aspects of the environment resulting from the interaction between people and places and a *Heritage Asset* as:

"a building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment."

12. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. When making planning decisions Policy HE7.4 of PPS5 explains that local planning authorities should therefore take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability.
13. Policy HE.9 of PPS5 is also relevant as Port Meadow is a designated heritage asset. The policy puts forward the presumption in favour of the conservation of designated heritage assets and advises that any harm needs to be justified and considered against the public benefits.
14. Given the quality of Oxford's built environment and landscape setting, and how they are valued, it is necessary to understand how new additions are perceived and how they relate to their context. The application site is set adjacent to large expanses of open land in the form of the railway lines and public allotments. Although views to and from these areas and immediately beyond would change dramatically as a consequence of the development, they would not be adversely impacted given the nature of their current landscape setting and relationship to the application site. Land at Port

Meadow is more sensitive however. Indeed the very northern tip of the application site falls just within the "View Cone" from Wolvercote where policy HE.10 of the adopted Local Plan seeks to retain significant views and protect the green backcloth to the City from development within or close to a view cone which might detract from them. From the apex of the view from Wolvercote the application site is located in the far distance, approximately 1.7m (2.7km) to the south - east.

15. The view across Port Meadow is a low lying, distant and expansive one across the floodplain of the River Thames towards the centre of Oxford. There is virtually no topographic variation to the view except the wooded hills of East Oxford which are just visible in the background to the left (east) of the view. The open and historic grazed common land of Port Meadow which is publicly accessible plays an important part in the character of the view, providing an historic green setting to the city. The line of trees along the railway line and a variety of more ornamental trees in the gardens of North Oxford reinforce this green setting, from which the "dreaming spires" emerge, seen against the open skyline. The green fore and middle grounds contrast with the colour and texture of the buildings on the skyline, enabling the skyline buildings to stand out in silhouette. The expansiveness of the view means that the spires, towers and domes appear relatively small. Closer to the edge of the built up area it is clear that trees and hedgerows around the perimeter of Port Meadow are not unbroken however and views are afforded from various vantage points through gaps in the greenery towards, in particular, the railway line and residential North Oxford to the east and Wolvercote to the north. These remind the viewer that Port Meadow is not set within open countryside but abuts the built up urban edge of the City in these directions.
16. To the south the application site is glimpsed most readily from closer positions, especially along the footpath which leads from Medley to the termination of Walton Well Road at the public car park there. Although this footpath falls just outside the identified View Cone, views along it remain sensitive even though the broken tree line along the Castle Mill Stream at this point allows the existing student accommodation as well as trains idling on the adjacent railway lines to be glimpsed in the distance during winter months. In the summer these features are largely hidden from view. The views along this path are not "static" therefore but "dynamic" where the juxtaposition of features will vary as the viewer proceeds. The views will also change with the passing of the seasons as the gaps "close" during the summer months, and also with the time of day and with the prevailing weather conditions.
17. Nevertheless there can be no doubt of the significance of the Oxford skyline and its landscape setting as one of the enduring images of the City, an image which in planning terms successive Local Plans have sought to protect. In relation to the current application the pre eminent spires on the skyline from Port Meadow are not impacted to any great degree by the current proposals as they are located to the east. The campanile of St. Barnabas Church is an exception however as it is visible above the tree line and between the groups of trees when viewed from the footpath from Medley, and at some points along that route would be seen behind the new accommodation blocks. This

relationship would not be dissimilar however to that created by the extant permission if that were to be proceed instead. Indeed the University has sought to mitigate the impact of its development by lowering the overall height of the accommodation blocks by 1.2m from that originally submitted in the planning application and offering to fund landscaping along the Castle Mill Stream where gaps in the tree and hedge belt currently exist. No objection of principle is raised to such planting, funding for which can be secured by the S.106 agreement. In addition although some of the images supporting the planning application suggest a light coloured render finish to the upper floors of the principal elevations to the development, in further mitigation the University have suggested examining again the choice of colours, textures and tones to materials for external elevations and roofs in order that the development sit more comfortably within views from Port Meadow..

18. In this context a judgement has to be made as to whether the degree of change to the views and landscape setting in this direction which would result from the proposed development is sufficient to warrant refusal of planning permission, taking into account other benefits and objectives to be weighed in the balance. Certainly it is not the case that the development would be entirely hidden from view from Port Meadow or that there would be no impact from the development on the landscape setting and on public views. Rather officers have come to a conclusion, on balance, that with the mitigation described in place then in similar fashion to the extant permission the impact is not such that taken in context with the benefits of the development in provided much needed purpose built student accommodation at an allocated site that planning permission should be denied.

Access to the Site.

19. The 2000 proposals envisaged a development which would generate only low levels of traffic in response to the circumstances of the site with its single vehicular access point off Botley Road via the private road Roger Dudman Way. Along its southern section maintained by Network Rail the access road serves mainly operational requirements for the railway station. It possesses no segregated footways along this section though traffic calming in the form of speed humps are present at various points. North of the bridge over the Sheepwash Channel the road is owned by the University where segregated footways do exist leading to its student accommodation further north. Parking spaces are allocated here for the Turbo Ted nursery, now operated by the Coop.
20. To serve the developments the 2000 permission allowed a total of 40 car parking spaces to be shared between the residential development and student accommodation. In the event 13 car parking spaces were permitted for the 87 flats at Venneit Close in what was one of Oxford's first large scale low car ownership residential developments, and 27 for the 354 student units. Of the latter only 18 of the spaces were laid out however whilst a further 3 for disabled use are proposed in this current application. As the site adjoins but falls outside the West Oxford Controlled Parking Zone, then none of the residents of the development would be eligible for parking permits within the

controlled zone. A condition would also be applied that a clause in students' tenancy agreement would not permit them to bring private vehicles to the City. Instead a total of 360 cycle spaces are proposed to serve the completed development, in excess of the one space per 2 student study rooms required by the adopted Local Plan or 3 spaces per 4 rooms indicated in the emerging Sites and Housing DPD. The cycle parking is provided in covered, secure conditions at various locations set between the accommodation blocks.

21. Whilst the site is well located for public transport facilities at the railway station and Park End Street, and the cycle and pedestrian route to Walton Well Road and beyond has become well used, other routes are currently lacking. The funding received at the outline stage has allowed this to be addressed by the creation of a footpath link from Roger Dudman Way south of Thames Wharf to the Thames Towpath at Fiddler's Island. Planning permission has already been granted for a permanent structure at this point, similar to that at Walton Well Road. This is due to be erected in the coming weeks. In the meantime a temporary footbridge is in place which both enables the construction work for the permanent bridge to proceed and also permit alternative routes to be available to existing residents and the wider public with the closure of the through route to Walton Well Road. The footbridge allows routes to be created to Port Meadow at Medley; to Botley Road via the towpath to the rear of Abbey Place; and towards Jericho via the footpath under the railway lines alongside the Sheepwash Channel.
22. A lighting scheme for the southern section of Roger Dudman Way from that point where it crosses the Sheepwash Channel to Botley Road is also funded from the S.106 monies previously secured. This replaces the very poor lighting currently present. The northern section owned by the University is already adequately lit. At the time of writing final details of the scheme are being confirmed with Network Rail and First Great Western with installation due to commence in the weeks ahead. From the remaining S.106 funds it is also hoped to improve conditions along the Sheepwash Channel footpath under the railway lines leading to Isis Lock.
23. Whilst the cycle and pedestrian route through to Walton Well Road is required to be closed during the 18 month construction period for health and safety reasons, it would be re opened on completion of the development on a slightly amended alignment. At 3.8m in width (to allow emergency vehicles to access the site if required), the route would be wider than its current 3.0m width.
24. These supporting measures taken together would greatly increase the accessibility of the site and are fully supported by the Highway Authority. It would request however a contribution towards off site cycling facilities in line with its usual requirement. A Construction Travel Plan should also be required to regulate the movement of construction vehicles to and from the site. That can be secured by condition, but in preliminary discussions with officers the University has indicated an intention to avoid vehicle movements at busy times for the nursery, and to provide a lay over facility at Osney Mead Industrial Estate from which vehicles can be called to site when required. It also indicates that as with its development at the former Radcliffe Infirmary, a

banksman would be stationed at the junction of Botley Road and Roger Dudman Way at delivery times in order to facilitate the safe movement of construction vehicles gaining access to the development site.

Planning Obligations.

25. A list of matters to be secured by planning obligation which have been agreed with the applicant appears at the head of this report. The financial contributions are in line with the normal requirements of City and County Councils as set out in the Planning Obligations Supplementary Planning Document (SPD) in terms of library and sports facilities, and as required by the Highway Authority in terms of off - site cycling facilities. The cycle / pedestrian route through the site to Walton Well Road continues that secured by the previous permissions on the land.
26. Following the consideration of the emerging Sites and Housing Development Plan Document (DPD) at Council on 19th December 2011 however, additional financial contributions towards affordable housing as outlined in draft policy HP.6 of that document may be appropriate in certain circumstances. This arises as the emerging DPD now constitutes a material consideration in determining planning applications. The policies in the DPD build upon those of the adopted Core Strategy and are based upon detailed evidence following earlier rounds of consultation. Unlike when drawing up the current Local Plan the production of DPDs is "front loaded" whereby policies are shaped by a greater amount of early evidence gathering and consultation. At the time of writing this stage has now been completed and the DPD has reached the stage where formal consultation is about to take place with a view to an Examination in Public late this year and formal adoption early in 2013.
27. In relation to the current case the emerging DPD policies and existing ones within the adopted Oxford Core Strategy and Local Plan which are especially relevant to the provision of student accommodation at the application site are as follows.

Adopted Oxford Core Strategy: Policy CS.25:

"Planning permission will only be granted for additional academic / administrative accommodation for the University of Oxford and Oxford Brookes University where that University can demonstrate: in the first place that the number of full - time students at that University, who live in Oxford but outside of university - provided accommodation, will, before the particular development is completed, be below the 3,000 level and once that figure is reached, thereafter will not exceed that level. All future increases in student numbers at the two Universities as a result of increases in academic / administrative floor-space must be matched by a corresponding increase in purpose built student accommodation. Student accommodation will be restricted in occupation to students in full - time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars to Oxford."

Adopted Local Plan: Policy DS.22:

"Planning permission will not be granted at land at North End Yard, Cripsey Road for uses other than purpose - built student accommodation for use by the University of Oxford".

Emerging Sites and Housing DPD: Policy HP.6:

"Planning policy will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution will be calculated using the formula in Appendix 4.

An exception to this requirement will be made for any proposal that is within an existing academic campus or college site that includes regular teaching activities and facilities.

Developers may not circumvent this policy by artificially subdividing sites. For mixed – use developments of student accommodation with general housing or commercial floorspace, a pro rata approach will be used to determine whether a contribution is required, and how much this should be"

Emerging Sites and Housing DPD: Policy SP.16:

"Planning permission will be granted for student accommodation at Land North of Roger Dudman Way. Planning permission will not be granted for any other uses.

Adequate measures should be in place to relocate any badger setts found on the site. Development should incorporate fencing along the boundary with Cripsey Meadow allotments adequate enough to prevent badgers migrating onto the allotments.

Development should be designed to ensure that there is no adverse impact on Port Meadow SSSI."

28. In addition the supporting text to the emerging policy HP.6 indicates that:
"A key objective of the Core Strategy is to ensure that new residential development contributes to a balance of housing types and tenures, which in turn contribute to mixed and balanced communities. New student accommodation is often proposed on sites that could otherwise be developed for housing, which would include affordable homes of a wider tenure mix".
29. Attached as **Appendix 2** to this report is the applicants' comments on policy HP.6 and related matters as a supporting submission to the planning application. In the letter the University argues that the site continues to be allocated for student accommodation only, and that an extant permission exists for the same. The provision of student accommodation here therefore remains a commitment. Moreover whereas individual colleges have relief from the requirement to contribute to affordable housing from developments of student accommodation where they are on sites which also possess academic / teaching floorspace, such relief is not given to the central University as its academic and teaching facilities are not on the same sites. The University feels this is inconsistent and representations to this effect have already been made at the DPD's options stage, and are likely to be repeated in the formal consultation period about to commence.

30. Moreover the University argues that as its site is not suitable for family housing, then no potential family housing is lost and there is no adverse impact on the general housing market. Rather there are benefits as a large number of University students would be taken out of the housing market. It therefore requests relief from the policy in this case.
31. Furthermore the University is required by restrictive planning conditions to academic floorspace already granted planning permission to provide matching purpose - built student accommodation such that the numbers of students living in open market accommodation do not exceed 3000 and should remain below that figure in the years ahead, (Core Strategy policy CS.25 above). The University is currently at or about that figure. The current proposal would permit a large number of its postgraduate students to be taken out of open market accommodation accordingly, allowing the requirements of the restrictive conditions to be met. In the event that the current application did not proceed, the University could however build out the site in accordance with its extant permission without requiring further consents. That would result in some 85 fewer purpose built units being available for its postgraduate students however.
32. Notwithstanding these considerations the University nevertheless recognizes the direction of travel of emerging policy HP6 of the Sites and Housing DPD and is prepared to make a financial contribution towards affordable housing commensurate with its current status. The contribution would be secured as part of the S.106 agreement referred to at the head of this report and in common with other such agreements would be payable in the event of the policy being adopted following the Examination in Public later this year. Further details of the contribution will be provided at committee.
33. In summary, as the emerging DPD policy HP.6 does not yet carry full weight ahead of its formal adoption, and the outcome of the Examination in Public cannot be entirely anticipated at this stage, then officers would acknowledge the University's cogent arguments in this particular case and at this particular stage in the DPD process. Accordingly Officers would accept the case made for a financial contribution on the basis suggested.

Biodiversity

34. Following construction of the existing phase of development at Castle Mill, the remainder of this brownfield site has been laid out in the main as semi neutral grassland and scrub. In January and March 2011 badger surveys of the site were undertaken and more general wildlife surveys in March and August of the same year.
35. In terms of badgers an annex sett with 4 entrances was identified in the March survey close to the western boundary of the site. The sett was evidently not active in July however, suggesting it might have been seasonally active only as other setts are known to exist off - site in the general locality. Subsequently a license was obtained from Natural England for closure of the sett to allow

development to proceed, with the creation of an artificial sett as a replacement elsewhere on the application site. In the event of planning permission being granted, it is also intended to create and retain a 2m badger run along the western boundary of the application site to allow movement of badgers through the site.

36. In terms of other species the surveys revealed no great crested newts on site or within 500m, though some suitable habitats for reptiles were present, resulting in a small population of slow worms with the possibility of grass snakes and common lizards occasionally using the site. There were no suitable roosting habitats for bats recorded, and a very low potential for invertebrates. There was some potential to support nesting birds.
37. Overall the ecological report concludes that other than for badgers the site is currently only of limited ecological interest. However the development does create the potential to enhance wildlife by providing new facilities accordingly. Attached as **Appendix 3** to this report is a schedule of works as wildlife enhancements which could be incorporated into the development. Officers would support these enhancements which can be secured by condition.

Sustainability:

38. The development would possess 21 car parking spaces only but 360 cycle spaces to serve a total of 439 student residential units. It is located close to the railway station and its associated bus interchange, and would possess good cycle and pedestrian links to Botley Road, North Oxford, Jericho and Port Meadow, making the application site a highly sustainable location.
39. In terms of the new buildings, a Natural Resource Impact Analysis, (NRIA) and Energy Statement accompany the planning application. A minimum score is achieved in each of the NRIA categories of energy efficiency, renewable energy, use of materials and water resources to attain an overall score of 6 out of a possible 11. In terms of actual measures a dedicated district heating system is included, serving all of the buildings existing and proposed on the site and a central energy centre building is created accordingly. This is supported by photovoltaics on south facing roofs across the development. High thermal insulation, air tightness and high performance windows etc are all included to increase energy efficiency, whilst external lighting is controlled by photoelectric sensors. "A rated" appliances are also included throughout. Timber would be acquired from renewable sources and materials sourced locally and / or recycled wherever possible. Low flow showers and WCs etc would be included and rainwater harvested and stored to serve the adjacent allotments. The development is aimed at achieving a BREEAM excellent rating.

Flood Risk

40. A full flood risk assessment (FRA) accompanies the planning application. The FRA confirms the site as falling within defined flood zone 1 where a low probability of flooding exists of 1 in 1000 years. Land adjacent falls within

higher risk categories however, zones 2 and 3. The FRA goes on to indicate that the application site would remain in flood zone 1 even allowing for climate change over the assumed 75 year lifespan of the development. The land on which the development would be sited would also be approximately 0.7m higher than the ground level for phase 1.

41. On completion of the development it would be the intention to store water from roof areas in a series of underground storage tanks before releasing it into the existing pumping chamber within the existing phase1 development and from there into the river system. The access road / cycle route would be constructed of permeable materials within a tanked granular medium. Water from there would flow to the existing storage tank within phase 1.
42. The Environment Agency has been fully consulted on these arrangements and raise no objection to them or to other aspects of the development. It suggests conditions only, relating to surface water drainage and to the remediation of contaminants on the site, in order to protect groundwater quality.

Conclusion.

43. The planning application proposes a major development of student accommodation on a site allocated for the purpose which will allow the University to accommodate more of its postgraduates in purpose built surroundings. In doing so it will also allow the University to meet and maintain the requirements of other recent permissions for academic floorspace that no more than 3,000 of its students should live in open market housing. The development relates appropriately to the adjacent railway lines and to Cripsey Meadow allotments, though as with the extant permission, it would be seen to an extent from various vantage points within Port Meadow through and above the tree line, especially in winter months. Mitigation through on and off site planting and in the judicious choice of materials and their colours, tones and textures would however assist the development in sitting more easily in these views.
44. Officers have concluded that the balance of advantage lies with supporting the proposals.

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

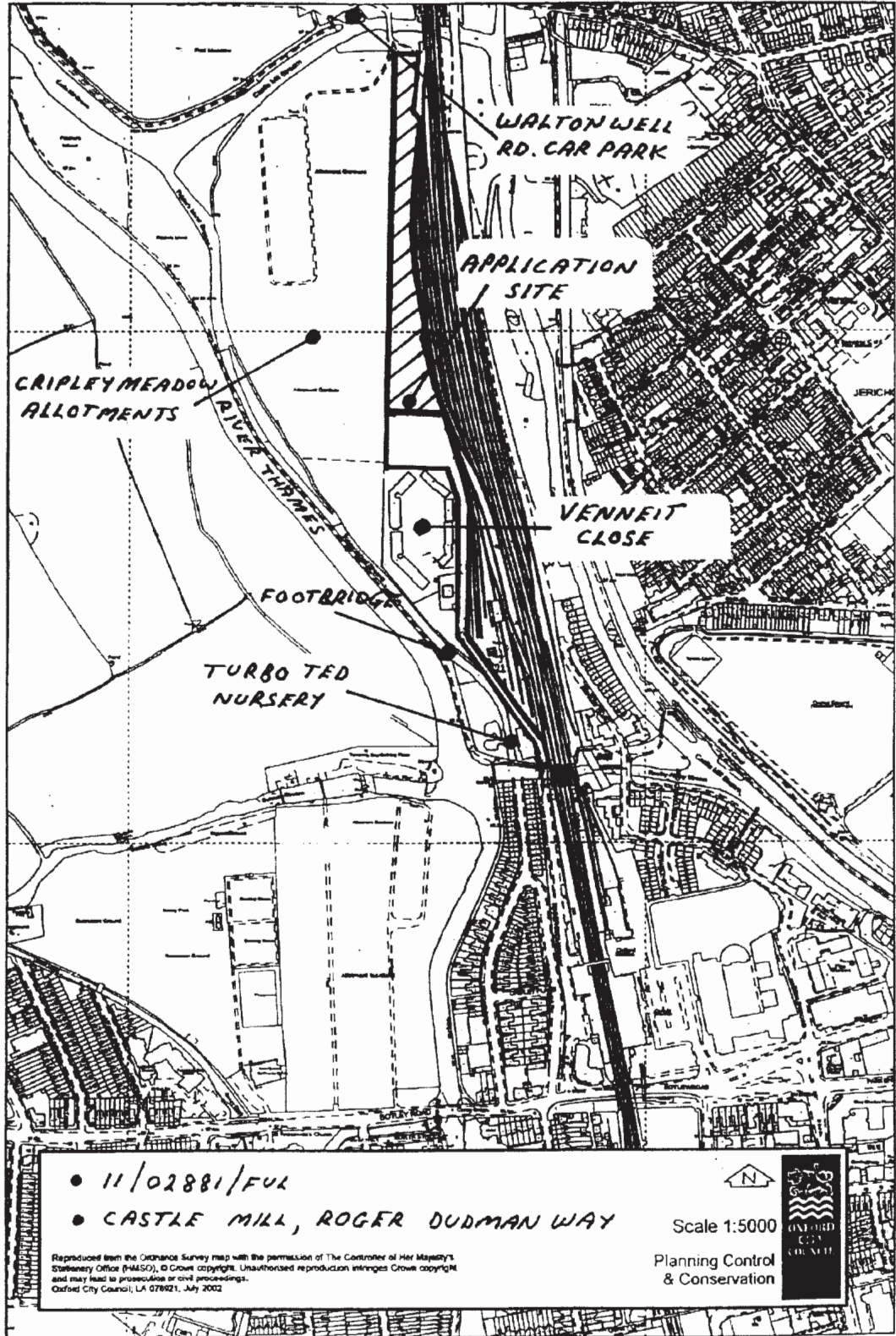
Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve the planning application subject 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: Applications 97/00342/NOY, 02/00898/RES, 11/02881/FUL.

Contact Officer: Murray Hancock

Extension: 2153

Date: 3rd February 2012.



APPENDIX 2

Please Reply to: Swindon
Our Ref: TAG/C22175
Your Ref:
Date: 6 February 2012



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

Dear Mr Hancock

Planning application for post-graduate student accommodation at Castle Mill, Roger Dudman Way, Oxford, for the University of Oxford – Proposed Policy HP6 Affordable Housing from Student Accommodation

I am writing in relation to the above planning application for post-graduate student accommodation at Castle Mill, and in particular to a key issue which has emerged as a result of the recent decision of the City Council to adopt and enforce Policy HP6, which seeks to secure contributions towards the provision of affordable housing when certain types of new student accommodation is proposed

This letter will deal with the application of the proposed policy to the proposed Castle Mill development. It does not make any general points about the wider implications of the proposed policy.

1. Committed Site

The Castle Mill site has been identified as suitable for student accommodation for some time. Indeed, the current site has not been regarded as suitable for forms of housing other than for students. This appears to be because of its location, adjacent land uses, and the shape of the site. The site was identified for this specific purpose in an early version of the Oxford City Local Plan and again in the Oxford Local Plan 20012-2016 (Policy DS22) which states:

"Planning permission will not be granted at land at North End Yard, Crpley Road for uses other than purpose-built student accommodation for use by the University of Oxford"

Cont/d....

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INVESTOR IN PEOPLE



Mr M Hancock
Chief Principal Planner



The explanatory text notes that:

"The access is very restricted but the site is considered to be suitable for purpose-built student accommodation".

And

"...it is considered that any other form of residential development would undermine the need to strike a balance between different land uses and needs".

Most recently the sites and housing DPD submission document has identified the site as suitable for student accommodation and has noted:

"...no other uses likely to come forward for the site due to the narrowness of the site and being owned by the University of Oxford".

The option of allocating the site for "car-free residential" development was rejected because the site "may be difficult to design family housing so as to avoid habitable rooms facing the noise of the railway".

Following on from the original allocation, planning permission was granted for the development of the site for post-graduate student accommodation for 517 bedspaces. The planning permission has now been implemented in part, and the current application seeks permission for a modified form of development on the balance of the site. There is therefore, an extant permission on the site and it is a committed site both from the Development Plan allocation and the planning permission.

In relation to Policy HP6 therefore, the extant permission could continue to be implemented without reference to the Policy. The fact that the site is committed for purpose-built student accommodation means that it would be unreasonable to assume that an alternative residential use for family housing was feasible. There is a long standing commitment to student housing on this site. The City Council has, for some time, sought uses for the land which would not lead to the generation of traffic movements. The site is very clearly not suitable for family housing.

2. Nature of the development

The proposed development is not speculative. It is being made by Oxford University in order to meet the needs of post-graduate students who are studying at the University. The new policy is clearly designed to secure contributions from developers of sites which, could otherwise be developed for general family housing. There is still a large number of students at Oxford who need to be housed in purpose-built accommodation. This will ensure that no students are then living in housing which is suitable for family housing in the wider community.

Cont/d

Mr M Hancock
Chief Principal Planner



The University is very anxious to provide good quality accommodation at affordable prices for students. Rental levels are below market rents so the proposed development is effectively affordable housing in its own right. At the present time Policy CS25 imposes a restriction on University development where more than 3000 students live in the community, in non-purpose-built accommodation. The University is very aware of this threshold and is anxious to provide as much purpose-built student accommodation as possible. It is extremely unlikely to ever give up this site for another use and so it would not be available for family housing in any foreseeable circumstance.

3. The distinction between development carried out by Oxford University and that undertaken by the Colleges

The colleges are able to "obtain relief" from the policy because for the most part, their development is contained within single sites. Moreover, student accommodation provided by colleges very often includes some forms of "teaching" space which also secures exceptions to the Policy. In contrast, the University almost invariably provides teaching, research and support facilities on sites which are unrelated to the residential accommodation which it provides.

It would be extremely unusual for the University to provide any residential accommodation alongside or as part of any of the other facilities it provides, such as laboratories, libraries, sports facilities, administrative offices etc.

Oxford University is not a campus style university, and the criteria for exceptions to the policy fail to acknowledge its special position.

4. Is the site an existing academic campus?

Although there is no formal teaching on the site, or in the proposed buildings, there are communal facilities and study rooms, so the site is arguably a campus type site.

In the light of recent meetings and discussions, specifically to consider the impact of Policy HP6, the University has concluded, albeit that it regards the Castle Mill site as a special case in any event, that the general application of the policy is something that will be tested before an Inspector at a forthcoming Inquiry. The University is therefore intending to make provision for a financial contribution towards affordable housing in Oxford arising out of the additional units of student accommodation generated by the current application, to be made when and if the policy is formally adopted following the Inquiry.

Cont/d

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6 February 2012

Mr M Hancock
Chief Principal Planner



There have also been recent discussions concerning the visual impact of the proposed development from Port Meadow, particularly in relation to the "view cone" from Wolvercote car park.

We have now completed some careful analysis of the views from the Wolvercote car park (copies of drawings have been supplied), and have concluded that the visual impact of the proposed scheme will be negligible or non-existent. We are aware however, that when viewed from the lowpath and from positions much closer to the site, the existing approved scheme does present a hard edge as a linear form, and does partly shield some parts of buildings to the east. The current proposal will, in places, be higher than the existing approved scheme, and its effect would therefore be marginally greater. We have given careful consideration as to how best to mitigate this and have concluded that the following measures would be beneficial:

- Carry out off-site tree planting along the edge of Port Meadow with the consent and approval of the owners etc.
- Consider the introduction of different colours and materials for certain elements of the scheme.
- Reduce the ridge height of the scheme by altering the roof pitch and introducing a "slot feature" along the ridge line which would reduce the overall height by about 1.2m

The University is therefore prepared to make the changes described above and to carry out tree planting with the owners' permission as part of this proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Terry Gashe', with a date '6 Feb 2012' written below it.

Terry Gashe
Consultant
Development Planning and Design Services Ltd
tgashe@dpds.co.uk

APPENDIX 3

Castle Mill, Roger Dudman Way, Oxford

Ecology Report
October 2011

Recommendations for protection and enhancement of site's ecology

Recommendation	Details
Recommendation 1	A new artificial badger sett has been created to the north of the site. A 2m wide badger run will be retained along the western boundary to allow badger movement through the site.
Recommendation 2	Maintain development site as close-mown grassland to make the land unsuitable for reptiles to prevent harm.
Recommendation 3	The area surrounding the badger sett will be allowed to develop rough grassland to provide suitable reptile habitat.
Recommendation 4	A hedgerow of thorny shrubs including hawthorn, blackthorn <i>Prunus spinosa</i> and dog rose <i>Rosa canina</i> will be planted around the badger sett area.
Recommendation 5	Two reptile hibernation/refuge sites will be created within this area, using logs from felled trees
Recommendation 6	Lighting will be directed away from the badger run and badger sett area.
Recommendation 7	Planted trees and shrubs in the rest of the site will include a minimum of 50% native species that are representative of the geographical location and will be sourced from stock of local provenance (see Appendix B for a list of suitable species).
Recommendation 8	To enhance the site for nesting birds six Schwegler No. 17 Triple Cavity Swift boxes will be recessed into the top of northern exterior walls below the eaves of blocks 6, 7 and 8.
Recommendation 9	Nesting birds and their nests are protected under the Wildlife and Countryside Act 1981 (as amended). Disturbance to nesting birds can usually be avoided by carrying out works and by excluding birds from suitable nest sites outside the bird nesting season (the nesting season is generally March to August inclusive). However, birds may nest outside the peak nesting period, in which case, works that would result in nest disturbance must cease until birds have finished nesting.
Recommendation 10	Lawns will be created using nutrient poor soils and sown with Emmorsgate EL1 – Flowering lawn mixture. No perennial ryegrass <i>Lolium perenne</i> will be sown.
Recommendation 11	The adoption of horticultural good practice (e.g. no or low use of residual pesticides).
Recommendation 12	The proper integration, design and maintenance of Sustainable Urban Drainage (SUDS).

Public Consultation on Extant Planning Permission No. 02/00989/RES.

Statutory and other Bodies Consulted.

- Environment Agency.
- Bucks Berks & Oxon Wildlife Trust (formerly BBONT).
- Campaign to Protect Rural England (CPRE).
- Oxford Urban Wildlife Group.
- Southern & Scottish Electricity.
- Natural England (formerly English Nature).
- West Oxford Community Association.
- Cripsey Meadow Allotments Association.
- Victorian Group of OAHS.
- Thames Valley Police.
- Oxford Preservation Trust.
- Oxford University Students Union.
- British Rail Property Board.
- Jericho Council Tenants Association.
- Port Meadow Protection Group.
- St. Thomas' & New Road Allotment Association.
- Railtrack Great Western.
- Thames Trains.
- Jericho & St. Barnabas Community Association.
- Oxford Civic Society.
- Telecommunications.
- University of Oxford Registrar.
- Youth Hostel Association.
- Turbo Ted's Nursery.
- W. Lucy & Co. Ltd.
- Councillors Cook & Pressel.

Residential Properties.

- Abbey Road: 1-26 odd, 45-77 odd, 76-82 even, 1-5 all, 7, 8.
- Rewley Road: 31-97 odd.
- Walton Well Road: 1-43 odd, 2-30 even.
- Cranham Street: 44, 45.
- Kingston Road: 163.
- Courtland Road: 97.
- Minchery Road: 38.

City Development
Planning Control and Conservation

E: planning@oxford.gov.uk F: 01865 252144

St Aldate's Chambers
109 – 113 St Aldate's
Oxford OX1 1DS

Central Number 01865 249811

www.oxford.gov.uk



On Behalf of: The University Of Oxford
C/o Terry Gashe
DPDS Consulting
Old Bank House
5 Devizes Road
Old Town
Swindon
SN14BJ

APPLICATION FOR PLANNING PERMISSION
Town and Country Planning Act 1990

DECISION DATE: 13th August 2012

PROPOSAL: Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces. (Amended Plans)

AT: Castle Mill Roger Dudman Way Oxford

NOTICE OF GRANT OF PLANNING PERMISSION

11/02881/FUL

Following consideration of the application in respect of the proposal outlined above, it was resolved to **GRANT PLANNING PERMISSION** for the following reasons:-

- 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 purpose built student accommodation at a site allocated for the purpose which is already partly built out for that use, and where the planning permission for the remainder of the site remains extant. The site is a brownfield one and lies adjacent to the main line railway into Oxford station to the south and was formerly used for railway related activities. Due to its linear form adjacent to the railway lines and its poor access from Botley Road, the site is ill suited to commercial development, family housing, or other uses which would generate significant levels of traffic. It is well suited to the needs of the University's graduate students however as it would enjoy good links by foot and cycle to



**INVESTORS
IN PEOPLE**

the city centre, Walton Street and North Oxford. As such the development makes good and efficient use of the land.

- 3 Many of the public comments received express concerns about cycle and pedestrian access to the site, either from Roger Dudman Way or via Walton Well Road to the north. The latter access is intended to be closed during construction. Although these concerns are acknowledged, measures are in hand to create alternative pedestrian routes and to improve current conditions along Roger Dudman Way. On other matters the buildings proposed on up to 5 floors are large but appropriate in height and scale at this location; issues of biodiversity and the relationships to the neighbouring allotments addressed; and the site safeguarded from flood risk. The site is sustainable with good levels of energy efficiency included within the development. There are no objections from statutory organisations.

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

CONDITIONS:

- 1 The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3 Prior to the commencement of development or such other time as previously agreed in writing samples of the exterior materials to be used shall be submitted to and approved in writing by the Local Planning Authority. Only the approved materials shall be used in the development.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP8 of the Adopted Oxford Local Plan 2001-2016.

- 4 The student accommodation hereby permitted shall only be occupied by students in full time education on courses of an academic year or more. No occupation shall take place until details of the management controls applying to the accommodation, (which may include an on - site warden or other 24 hour supervision), shall have first been submitted to and approved in writing by the Local Planning Authority. There shall be no variation to the approved management controls without the prior written approval of the Local Planning Authority.

Reason: In order to maintain the availability of appropriate student accommodation and controls on its management in the interests of amenity, in accordance with policy CS25 of the Adopted Oxford Core Strategy 2026.

- 5 Prior to the first occupation of the development or such other time as previously agreed in writing, a landscape plan shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include a survey of existing trees showing sizes and species, and indicate which (if any) it is requested should be removed, and shall show in

detail all proposed tree and shrub planting, treatment of paved areas, and areas to be grassed or finished in a similar manner.

Reason: In the interests of visual amenity in accordance with policies CP1, CP11 and NE15 of the Adopted Local Plan 2001-2016.

- 6 The landscaping proposals as approved by the Local Planning Authority shall be carried out in the first planting season following substantial completion of the development if this is after 1st April. Otherwise the planting shall be completed by the 1st April of the year in which building development is substantially completed. All planting which fails to be established within three years shall be replaced.

Reason: In the interests of visual amenity in accordance with policies CP1 and CP11 of the Adopted Local Plan 2001-2016.

- 7 Prior to the first occupation of the development or such other time as previously agreed in writing, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to, and approved in writing by, the Local Planning Authority. The landscape management plan shall be carried out only as approved.

Reason: In the interests of amenity and the appearance of the area in accordance with policies CP1, CP11 and NE17 of the Adopted Local Plan 2001-2016.

- 8 Prior to the first occupation of the development the areas for parking and manoeuvring of vehicles and cycles shall be constructed and laid out in accordance with the approved plans and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety in accordance with policies CP1, CP6, CP10, TR3 and TR4 of the Adopted Oxford Local Plan 2001-2016.

- 9 There shall be no parking of vehicles on site other than in those parking spaces indicated in the approved drawings. No occupation of the development shall take place until details of the means of control of on site parking has been submitted to and approved in writing by the local planning authority and implemented accordingly. There shall be no subsequent variation to the approved controls without the prior written approval of the local planning authority.

Reason: In order to prevent unauthorised parking on site in the interests of traffic and parking restraint, in accordance with policies TR3, TR11 and TR12 of the adopted Oxford Local Plan 2001 to 2016.

- 10 The student study bedrooms comprised in the development shall not be occupied until the wording of a clause in the tenancy agreement under which the study bedrooms are to be occupied restricting students resident at the premises (other than those registered disabled) from bringing or keeping a motor vehicle in the city has been submitted to and approved by the local planning authority; and the study bedrooms shall only be let on tenancies which include that clause or any alternative approved by the local planning authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies CP1, TR12, ED6 and ED8 of the Adopted Oxford Local Plan 2001-2016.

- 11 Prior to the first occupation of the development or such other time as previously agreed in writing a scheme for the protection of the proposed development from noise emanating from

the adjacent railway lines shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully incorporated into the development following the submission and approval in writing of a full verification report, also prior to first occupation.

Reason: To safeguard the amenities of the occupiers of the proposed development, in accordance with policies CP19 and HS19 of the Adopted Oxford local plan 2001 to 2016.

- 12 Prior to the first occupation of the development or such other time as previously agreed in writing, a scheme to protect the development from vibration from traffic on the adjacent railway lines shall be submitted to and approved in writing by the Local Planning Authority. The measures as approved shall be incorporated into the building prior to occupation and retained at all times thereafter.

Reason: In the interests of the amenities of the occupiers of the development, in accordance with policy CP.21 of the Adopted Oxford Local Plan 2001 to 2016.

- 13 Prior to the first occupation of the development or such other time as agreed in writing details of a scheme of Closed Circuit Television (CCTV) shall have been approved in writing by the local planning authority and implemented on site. The CCTV as approved shall be retained at all times thereafter unless otherwise approved in writing beforehand by the local planning authority.

Reason: In the interests of the security of occupiers of the development and their visitors, in accordance with policy CS19 of the Adopted Oxford Core Strategy 2026.

- 14 No infiltration of surface water drainage into the ground shall take place without the prior written approval of the local planning authority, which may relate to those parts of the development site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall only be carried out strictly in accordance with the approved details.

Reason: To protect groundwater quality from infiltration through contaminated ground, in accordance with policy NE13 of the Adopted Oxford Local Plan 2001 to 2016.

- 15 Prior to the commencement of development or such other time as previously agreed in writing a sustainable drainage scheme shall be implemented in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of surface water flooding and improve water quality, in accordance with policy CS11 of the Adopted Oxford Core Strategy 2026.

- 16 (a) The soil and water environment maybe contaminated and prior to commencement of development, a desk-top study on the history of the site and a soil and water contamination survey and risk assessment shall be carried out in accordance with the guidelines set out in the Department of the Environment CLR report and in the CIRIA reports on remedial treatment for contaminated land volumes 1-12, and any subsequent updates of the reports. Details of the desktop study, soil and water contamination surveys and risk assessment shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.
- (b) In the event of the findings of contamination to soil or water as a result of the surveys carried out under condition (a) above, a programme of remedial works shall be submitted to the Local Planning Authority for approval in writing prior to the commencement of the development.
- (c) The approved remedial measures and monitoring and certification of the works shall be

carried out by a company consultant or organisation quality-assured under ISO 9001 and the approved remedial works shall be completed prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority beforehand or unless carried out in accordance with a programme which has been agreed in advance in writing by the Local Planning Authority. No property shall be occupied until a certificate has been received by the Local Planning Authority verifying that remedial works on that part of the site have been completed. A full validation report and final completion certificate shall be provided by the company consultant or organisation who carried out the remedial works on completion of this scheme.

Reason: In the interests of public and environment health, in accordance with policy NE13 of the Adopted Oxford Local Plan 2001 to 2011.

- 17 The development hereby permitted shall be undertaken fully in accordance with the principles embodied in the Natural Resource Impact Analysis (NRIA) accompanying the planning application, so as to achieve the score of 6 out of 11 indicated with a minimum score achieved in each of the categories of energy efficiency, renewable energy, materials and water resources. There shall be no variation to the NRIA as submitted which would result in failure to meet the minimum scores without the prior written approval of the Local Planning Authority.

Reason: In the interests of sustainability in accordance with policy CP18 of the Adopted Oxford Local Plan 2001-2016.

- 18 Prior to the the first occupation of the development or such other time as previously agreed in writing, details of the measures for the future management of the badger sett on site shall be submitted to and approved in writing by the local planning authority. The badger sett shall only be managed in strict accrdance with the details approved.

Reason: In the interests of wildlife conservation and promotion, in accordance with policy HE23 of the Adopted Oxford Local Plan 2001 - 2016.

- 19 Prior to the first occupation of the development or such other time as previously agreed in writing the wildlife initiatives indicated in the recommendations to the Ecoconsult Ecology Report of October 2011 shall be fully implemented and retained at all times thereafter.

Reason: In the interests of wildlife conservation and promotion, in accordance with policy HE23 of the Adopted Oxford Local Plan 2001 to 2016.

- 20 Prior to the commencement of the development or such other time as previously agreed in writing a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the following matters:
- signage for construction traffic, pedestrians and other users of the - site;
 - controls on arrival and departure times for construction vehicles;
 - piling methods (if employed);
 - earthworks;
 - hoardings to the site;
 - hours of working;
 - vibration;
 - control of emissions;
 - waste management and material re use;
 - materials storage; and
 - hazardous material removal and storage.

Reason: In the interests of the amenities of neighbouring occupiers, in accordance with

policies CP.1, CP.10 and HS.19 of the Adopted Oxford Local Plan 2001 to 2016

- 21 Prior to the commencement of development or such other time as previously agreed in writing a Construction Travel Plan, which shall include routing arrangements for construction vehicles, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken strictly in accordance with the Construction Travel Plan as approved at all times.

Reason: In the interests of local amenity and the free flow of traffic on the public highway in accordance with policies CP1, CP19, CP21 and TR2 of the Adopted Oxford Local Plan 2001-2016.

- 22 Prior to the first occupation of the development or such other time as previously agreed in writing by the local planning authority, details of a scheme of public art shall be submitted to and approved in writing by the Local Planning Authority and a timetable agreed for its implementation. The public art as approved and implemented shall be retained at all times following its erection unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy CP14 of the Adopted Oxford Local Plan 2001 - 2016

INFORMATIVES :-

- 1 Oxford City Council strongly encourages that when this permission is implemented, all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. Details of the scheme are available from

Considerate Contractors Scheme
PO Box 75
Ware
Hertfordshire
SG12 9UY

01920 485959
0800 7831423

enquiries@ccscheme.org.uk
www.considerateconstructorsscheme.org.uk

- 2 Notwithstanding any details of energy efficient features included with the planning application, subject to other considerations the Local Planning Authority would encourage the inclusion of additional energy efficiency measures within the development permitted in line with the principles of energy conservation, energy efficiency and sustainability embodied in policies CP15, CP16 and CP18 of the Oxford Local Plan.

- 3 Nesting birds
All wild birds, nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended). The grant of planning permission does not override the above Act. All applicants and sub-contractors are reminded that persons undertaking site clearance, hedgerow removal, demolition works etc. between March and August may risk committing an offence under the above Act and may be liable to prosecution if birds are known or suspected to be nesting. The Council will pass complaints received about such work to the appropriate authorities for investigation. The City Council advises that such work should be scheduled for

the period 1 September-28 February wherever possible. Otherwise, a qualified ecologist should make a careful check before work begins.

- 4 To avoid doubt public art shall mean works of adornment or decoration to the development or its surroundings, whether freestanding or otherwise, which can be viewed and enjoyed by the public at large, other than hard or soft landscaping measures.
- 5 Courses of an academic year or more shall refer to a period of 12 months or more aligned to the duration of a course upon which students are enrolled at a university, college or other academic institution in the city, and shall include academic terms / semesters and vacations.
- 6 In the interests crime prevention the applicant is recommended to apply for Secured by Design accreditation from Thames Valley Police.

PLEASE NOTE All local plan policies and proposals which are relevant to this decision are specified in the list below which forms part of this decision notice.

CP1 - Oxford Local Plan 2001-2016

Development Proposals - Sets out key criteria expected from new development.

CP6 - Oxford Local Plan 2001-2016

Efficient Use of Land and Density - Requires development to make maximum and appropriate use of land.

CP8 - Oxford Local Plan 2001-2016

Designing Development to Relate to its Context - Sets out criteria required from development to demonstrate that it will respect the local context.

CP9 - Oxford Local Plan 2001-2016

Creating Successful New Places - Sets out criteria required from development to create a successful public realm.

CP10 - Oxford Local Plan 2001-2016

Siting of Development to Meet its Functional Needs - Sets out criteria required from development to ensure functional needs are met.

CP11 - Oxford Local Plan 2001-2016

Landscape Design - Requires development to incorporate appropriate hard and soft landscaping.

CP13 - Oxford Local Plan 2001-2016

Accessibility - Requires development to make reasonable provision for access by all members of the community.

CP14 - Oxford Local Plan 2001-2016

Public Art - Seeks the provision of public art in association with major development.

CP17 - Oxford Local Plan 2001-2016

Recycled Materials - Requires the use of recycled or reclaimed materials in developments above a certain threshold.

CP18 - Oxford Local Plan 2001-2016

Natural Resource Impact Analysis - Requires the submission of an NRIA in association with developments above a certain threshold.

CP21 - Oxford Local Plan 2001-2016

Noise - Sets out considerations that apply to developments that cause noise, and developments that are sensitive to noise.

CP22 - Oxford Local Plan 2001-2016

Contaminated Land - Sets out the considerations that apply to development on or near to former landfill sites or other contaminated land.

TR3 - Oxford Local Plan 2001-2016

Car Parking Standards - Sets maximum car parking standards and identifies the Transport Central Area and Transport District Areas.

TR4 - Oxford Local Plan 2001-2016

Pedestrian and Cycle Facilities - Seeks to secure pedestrian and cycle facilities as part of development proposals. Sets cycle parking standards.

NE11 - Oxford Local Plan 2001-2016

Land Drainage and River Engineering Works - Seeks to protect the flora and fauna of Oxford's flood meadows and other wetland habitats, particularly from culverting.

NE12 - Oxford Local Plan 2001-2016

Groundwater Flow - Seeks to prevent adverse impacts on groundwater flow.

NE13 - Oxford Local Plan 2001-2016

Water Quality - Seeks to maintain surface and groundwater quality.

NE14 - Oxford Local Plan 2001-2016

Water and Sewerage Infrastructure - Seeks to ensure that sufficient water and sewerage capacity exists in time to serve new development

NE21 - Oxford Local Plan 2001-2016

Species Protection - Protects plant and animal species for which there is a statutory duty to protect under other legislation.

NE23 - Oxford Local Plan 2001-2016

Habitat Creation in New Developments - Supports the creation of new habitats or habitat enhancement as part of development proposals.

HE10 - Oxford Local Plan 2001-2016

View Cones of Oxford - Prevents development that would detract from, or obstruct, important views of the historic skyline, and identifies view cones.

SR9 - Oxford Local Plan 2001-2016

Footpaths & Bridleways - Seeks to safeguard, improve or add to the Public Rights of Way network.

DS22 - Oxford Local Plan 2001-2016

Criphey Road, Land at North End Yard - Allocates site for specific uses.

CS2_ - Core Strategy

Previously Developed Land and Greenfield Land - Sets out approach to development on previously developed and greenfield land.

CS9_ - Core Strategy

Energy and Natural Resources - Requires development to demonstrate how sustainable design and construction methods will be incorporated.

CS10_ - Core Strategy

Waste and Recycling - Requires development to have regard to the waste management hierarchy.

CS11_ - Core Strategy

Flooding - Sets out approach to development in the flood plain and other flood zones, and to reducing flood risk from all development.

CS12_ - Core Strategy

Biodiversity - Requires development to maintain and where appropriate enhance biodiversity.

CS13_ - Core Strategy

Supporting access to new development - Requires development to prioritise access by walking, cycling and public transport, and sets out approach to access at the strategic locations.

CS17_ - Core Strategy

Infrastructure and developer contributions - Sets out approach to the provision of infrastructure improvements and developer contributions.

CS18_ - Core Strategy

Urban design, townscape character and the historic environment - Sets out urban design principles and requires development to respect Oxford's unique townscape and historic environment.

CS19_ - Core Strategy

Community safety - Requires development to promote safe and attractive environments that reduce the opportunity for crime and fear of crime.

CS25_ - Core Strategy

Student accommodation - Sets out approach to the provision of student accommodation for students at Oxford Brookes University and the University of Oxford.

HP5_ - Housing DPD - Proposed Submission

Location of Student Accommodation - Policy setting out locational criteria for student accommodation

HP6_ - Housing DPD - Proposed Submission

Affordable Housing from Student Accommodation - Policy setting out the mechanism for collecting financial contributions from student accommodation developments

HP11_ - Housing DPD - Proposed Submission

Low Carbon Homes - Policy requiring qualifying developments to provide 20% of their energy needs from on-site renewable or low carbon technologies, and requiring an energy statement from all development proposals to show how energy efficiencies have been incorporated

HP15_ - Housing DPD - Proposed Submission

Residential cycle parking - Policy setting out minimum standards for cycle parking in residential developments

HP16_ - Housing DPD - Proposed Submission

Residential car parking - Policy setting out maximum standards for car parking in residential developments

CS4_ - Core Strategy

Green Belt - Sets out the approach to development in the Green Belt and outlines the criteria to be met for land to be released from the Green Belt.

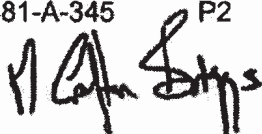
SP26_ - Sites DPD - Proposed Submission

Land north of Roger Dudman Way - Policy setting out what type of development is appropriate on this site

APPROVED PLANS

Reference Number	Version	Description
611481-A-005	P2	Elevations - Proposed
611481-A-310	P2	Elevations - Proposed

611481-A-315	P2	Elevations - Proposed
611481-A-320	P2	Elevations - Proposed
611481-A-325	P2	Elevations - Proposed
611481-A-335	P2	Elevations - Proposed
611481-A-340	P2	Elevations - Proposed
611481-A-001	P1	Site plans
611481-A-002	P1	Block plans
611481-A-003	P1	Site plans
611481-A-006	P1	Proposed
611481-A-50	P1	Proposed
611481-A-51	P1	Proposed
611481-A-110	P1	Floor Plans - Proposed
611481-A-120	P1	Floor Plans - Proposed
611481-A-130	P1	Floor Plans - Proposed
611481-A-140	P1	Floor Plans - Proposed
611481-A-150	P1	Floor Plans - Proposed
611481-A-160	P1	Floor Plans - Proposed
611481-A-170	P1	Floor Plans - Proposed
611481-A-180	P1	Floor Plans - Proposed
611481-A-190	P1	Floor Plans - Proposed
611481-A-195	P1	Plans - Proposed
611481-A-200	P1	Cross Section
611481-A-210	P1	Cross Section
611481-A-230	P1	Cross Section
611481-A-350	P1	Elevations - Proposed
611481-A-004	P2	Roof Plan
611481-A-330	P2	Elevations - Proposed
611481-A-345	P2	Elevations - Proposed



MICHAEL CROFTON - BRIGGS
Head of City Development

Please note that this notice does not relieve the applicant from the need to ensure compliance with the appropriate provisions of the Building Act 1984 and the Building Regulations 2000. Any planning application which involves alterations to the kerb and construction of a vehicle crossing in th highway (including the footway and/or verge) will require a separate written application to be made to the Director of City Works, Cowley Marsh Depot, Marsh Road, Cowley, Oxford OX4 2HH.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

GUIDANCE NOTES FOR APPLICANTS WHERE AN APPLICATION HAS BEEN APPROVED

1. APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT.

If you object to the Local Planning Authority's decision to grant permission, approval or consent subject to conditions, you may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice. With regard to approved applications concerning listed buildings in a conservation area, you may appeal under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Please make your appeal using a form from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) www.planning-inspectorate.gov.uk. The Secretary of State may allow a longer period for you to give notice of appeal, but will normally only do so if there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears that the Local Planning Authority could have granted permission for the proposed development only subject to the conditions it imposed, bearing in mind the statutory requirements, the development order, and any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority made its decision on the grounds of a direction that he or she had given.

It may be that planning permission, conservation area consent or listed building consent is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment; but you, as the landowner, claim that the land is no longer fit for reasonably beneficial use in its existing state and you cannot make it fit for such use by carrying out the permitted development. If so, you may serve a purchase notice on Oxford City Council requiring the Council to buy your interest in the land. You can do this under Section 137 of the Town and Country Planning Act 1980 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings and buildings in conservation areas.

You may claim compensation against the Local Planning Authority if the Secretary of State has refused or granted permission subject to conditions, either on appeal or when the application was referred to her or him. Compensation is payable in the circumstances set out in:

(a) Section 114 and Part II of Schedule 3 of the Town and Country Planning Act 1990; or (b) Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings.

2. ADDITIONAL NOTES ON LISTED BUILDING CONSENT

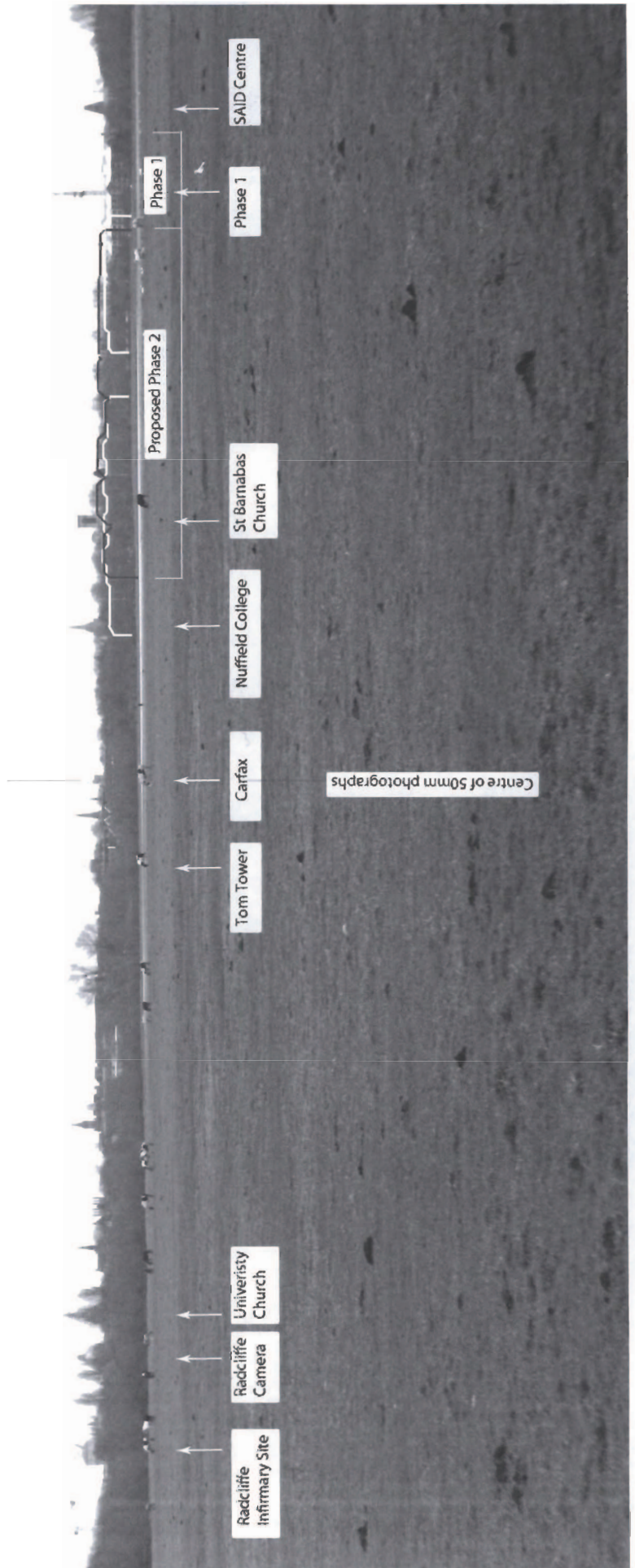
- 1 If you wish to modify the development referred to in your application or to vary it in any way, you must make another application.
- 2 This notice refers only to the grant of listed building consent and does not entitle you to assume that the City Council has granted its consent for all purposes:
 - (a) If you have applied for planning permission under Section 57(1) of the Town and Country Planning Act 1990, we will send you a separate notice of decision;
 - (b) We will send you a separate notice about plans you have submitted under the Building Regulations 2000;
 - (c) If the development for which listed building consent has been granted includes putting up a building for which you have to submit plans under the Building Regulations 2000, you should not do any work connected with erecting that building until you have satisfied yourself that you have complied with Section 219 of the Highways Act 1980 or that they do not apply to this building.
- 3 Even if you have gained listed building consent, you must comply with any restrictive covenants that affect the land referred to in the application.

3. APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS

If the applicant is aggrieved by the decision of the Local Planning Authority to grant consent, subject to conditions, he or she may appeal to the Secretary of State for the Environment in accordance with Regulation 17 and Part 3 of Schedule 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 within eight weeks of the receipt of this notice. (Appeals must be made on a form which obtainable from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) www.planning-inspectorate.gov.uk).

View from Wolvercote Car Park
Centered on Carfax Tower
(Zoomed in to show Roof Lines)

View Cone From Wolvercote - Zoomed





Strategic Development Control Committee -

Application Number: 12/03121/EXT & 12/03122/EXT

Decision Due by: 31st January 2013

Proposal: 12/03121/EXT: Application to extend time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).

12/03122/EXT: Application to extend time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building).

Site Address: 190 Iffley Road Oxford Oxfordshire OX4 1SD

Ward: Iffley Fields Ward

Agent: N/A

Applicant: Mr Mark Johnson-Watts

Recommendation:

RESOLVE TO APPROVE SUBJECT TO COMPLETION OF LEGAL AGREEMENT

For the following reasons:

- 1 Having regard to Government guidance on applications to replace extant planning permission, in order to extend the time limit for implementation there have been changes in terms of development plan policies (Oxford Core Strategy 2026) and national policies (National Planning Policy Framework). However, these do not significantly alter the principle of the proposed development, and there have been no significant changes on the site or in the surrounding area which could impact on the recommendation. Therefore, the application to extend this permission for a further 3 years is considered acceptable.

- 2 The Council has had regard for the comments received through the consultation process. The issues raised, including those relating to design, impact on the character and appearance of 190 Iffley Road and the conservation area, appropriateness of student accommodation at this location, quality of the proposed accommodation, impact on the residential amenities of neighbouring properties, demolition of existing buildings and restoration of 190 Iffley Road, parking, provision and location of bins and bikes, surface water runoff, occupation and management of the site, have been taken into consideration in determining the application and were not considered to be so significant to render the proposal unacceptable.
- 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.

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

12/03121/EXT: Application to extend time limit for implementation of planning permission 09/01036/FUL (Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear).

- 1 Development begun within time limit
- 2 Brookes or Oxford University only
- 3 Nominated Educational Establishment
- 4 On site warden
- 5 Housing Management Service Specification
- 6 Sample materials
- 7 Boundary Treatment
- 8 Landscaping plan
- 9 Landscaping after completion
- 10 Landscape Management Plan
- 11 New trees

- 12 Arboricultural Method Statement
- 13 Tree Protection Plan
- 14 Details of artificial lighting
- 15 Details of bin and cycle storage
- 16 Sustainable Drainage Scheme
- 17 No cars
- 18 Construction Management Plan
- 19 No demolition prior to photo record
- 20 Architectural Recording
- 21 Architectural and constructional details
- 22 Architectural details of bay element

Legal Agreements:

- 1. Library Contribution - £1701
- 2. Indoor Sports Facilities - £1620
- 3. Cycle Safety Measures - £3726
- 4. Administration & Monitoring charge of £250

Affordable Housing Contribution:

£93,660 plus £4,683 5% administration fee.

12/03122/EXT: Application to extend time limit for implementation of conservation area consent 09/01035/CAC, (Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building).

- 1 New demolition without scheme for redevelopment
- 2 Photographic record

**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
CP20 - Lighting
CP21 - Noise
HE6 - Buildings of Local Interest
HE7 - Conservation Areas
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
HS15 - Housing in Multiple Occupation
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS9: Energy and natural resources
CS10: Waste and recycling
CS11: Flooding
CS12: Biodiversity
CS18: Urban design, town character, historic environment
CS19: Community Safety
CS25: Student accommodation
CS29: The Universities
HP5: Location of student accommodation
HP9: Design, character and context
HP12: Indoor space
HP14: Privacy and daylight

Sites and Housing Plan - Submission

Sites and Housing Plan

HP5 – location of student accommodation
HP6 – affordable housing from student accommodation
HP9 – design, character and context

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the St. Clement's And Iffley Road Conservation Area.

Relevant Site History:

72/27080/A_H: Outline application for demolition of existing house and erection of 10x2-bedroom flats and 12 garages for private cars. Refused 27.02.1973.

73/01194/A_H: Demolition of existing house and erection of 10 no. flats. Refused

09.10.1973.

73/01631/A_H: Demolition of existing house and construction of 10 no flats and garages. Refused 11.12.1973.

74/00134/A_H: Demolition of existing house and erection of block of 9 no. flats with garage for private use. Refused 12.05.1974.

74/00503/A_H: Demolition of existing house and erection of 9 no flats with garage. Approved 23.07.1974.

80/00942/NFH: Removal of garage and erection of two-storey building to form two maisonettes. Approved 14.01.1981.

81/00774/NFH: Retention of use for multiple occupation. Approved 30.11.1981.

83/00190/GFH: 88-190 Iffley Road - Change of use from multi-occupation to 11 bedsitters and warden's accommodation for Housing the Homeless. Deemed Consent 23.05.1983.

86/01045/GFH: New buildings adjacent to existing to provide additional accommodation units for homeless families. Deemed Consent 15.12.1986.

06/01575/CAC & 06/01574/FUL: Demolition of 3 buildings. Erection of 3 and 4 storey buildings for use as student accommodation (49 study bedrooms). Alterations to access, provision of 2 parking spaces. Bicycle and bin storage. Conservation area consent and planning permission refused 10th November 2006.

07/01935/CAC & 07/01936/FUL: Conservation Area consent for demolition of existing 3 buildings. Planning permission for the erection of five storey building including basement level for use as student accommodation (48 study bedrooms) and a wardens flat. Cycle parking to front and rear, and refuse storage to rear. Refused (dismissed on appeal).

Representations Received:

A letter of objection has been received from the owners of 'Heather House', a B&B adjacent to the site:

- Impact on the amount of light afforded Heather House
- Potential noise disturbance from the use of the building

A letter of objection has been received from the occupiers of No. 69 Warwick Street:

- 190 is a unique building of architectural and historic interest and the proposal would result in the substantial loss of the building, its Arts and Crafts interior and its historic associations
- Over-development of the site
- The building would be inaccessible to wheelchair users because there are steps in corridors at all levels and thus would not comply with the requirements of the Equality Act 2010

Statutory and Internal Consultees:

Thames Water: No objections.

English Heritage: Advise that the applications should be determined in accordance with national and local policy guidance and on the basis of the Council's own internal conservation specialists.

Environment Agency: No objections.

Oxford County Council (Drainage): No comments.

Iffley Fields Residents Association:

- The excessive demolition proposed would destroy the architectural and historic integrity of a unique Arts and Crafts house within the Conservation Area
- The extent of the proposed demolition of No. 190 is greatly excessive
- The design of the proposal is not inkeeping with the existing building or the character and appearance of the conservation area
- The physical attachment of the original 190 to a new and larger building would destroy the independence of the house and its pleasing appearance as a separate dwelling
- Lack of a method statement for the proposed demolition work
- Inadequate standard of residential accommodation
- Adverse impact on the residential amenities of neighbouring properties
- Inadequate provision for waste storage, collection and recycling
- Lack of a waste management plan
- Inadequate cycle provision
- Lack of detail in the plans

Issues:

- The extant permission
- Changes in site circumstances or planning policy

Sustainability:

1. The proposal seeks to make efficient use of an existing urban site within close proximity of local services and non-car mode means of transport.

The Proposal

2. The application seeks a new planning permission to replace the extant permission and conservation area consent granted in 2009 in order to extend the time limit for implementation of the development.

The extant permission

3. The original planning permission (09/01036/FUL) was for the erection of a three storey side and rear extension and the conversion of the extended building to form a student hall of residence with 27 study bedrooms, re-landscaping of forecourt with cycle parking and refuse

storage to rear. An application for conservation area consent (09/01035/CAC) was submitted for the demolition of 190A Iffley Road. Both applications were granted at the Strategic Development Control Committee on 25th November 2009.

4. The current proposals are identical to the original applications. The original committee report has been attached below. This report therefore only considers the proposals now against any changes in national and local planning policies and any other material planning considerations such as changes in circumstances on the site and surrounding area.

Changes in site circumstances or planning policy

5. There have been no changes in site circumstances since the grant of planning permission that would alter the recommendation of approval.
6. In terms of planning policy, the main change is the introduction of the National Planning Policy Framework in March 2012 to replace all the PPS's and PPG's that previously constituted Government guidance for planning. Whilst a significant document, the NPPF largely carries forward existing planning policies and protections in a more streamlined and accessible form. It also introduces the presumption in favour of sustainable development which means that proposals that accord with up to date local plan policies should be approved. Both the Oxford Local Plan and the Oxford Core Strategy which comprise the Development Plan for Oxford are up to date.
7. The emerging Sites and Housing Plan was confirmed as sound by the Inspector's final report which was issued on 2nd January 2013. This policy document has the most significant impact on the acceptability of the current proposal. In accordance with policy HP6: Student accommodation and affordable housing, the proposal would be expected to contribute to affordable housing within the city. This contribution is required for sites which ordinarily, would have the potential for providing affordable housing but through alternative developments, this opportunity is lost, further exacerbating the shortage of affordable housing in the city. The current proposal therefore, exceeds the 20 bedroom threshold and would not fall within the exception criteria within this policy. As a result, the Council has requested a sum of £93,660 on the basis of the proposed new floor area and the applicant's have agreed to enter into a legal agreement to provide these contributions.
8. The remaining new policies within the Sites and Housing Plan considered to be relevant to this application have been listed above and the proposal has been found to be in accordance with these policies.
9. In the absence of any overriding reasons not to issue a further planning permission to replace the permission which was extant at the time of

registration of the current application, officers recommend that planning permission be granted.

10. **Conclusion:** The application is still considered to be an appropriate response to the Inspector's decision, the special nature of the conservation area and the site constraints. It is noted that there have been changes in terms of development plan policies (Oxford Core Strategy 2026) and national policies (National Planning Policy Framework). However, these do not significantly alter the principle of the proposed development, and there have been no significant changes on the site or in the surrounding area which could impact on the recommendation. Therefore, it is recommended that the applications to extend the planning permission and conservation area consent for a further 3 years are granted by the West Area Planning Committee but to delegate powers to officers to grant planning permission on completion of the Legal Agreement to secure the contributions set out in the appended report.

APPENDIX 1: Original Committee report for 09/01036/FUL & 09/01035/CAC

East Area Parliament - 21st October 2009

(1) Application Number: 09/01035/CAC

Decision Due by: 16th July 2009

Proposal: Demolition of 190A Iffley Road, service wing attached to 190 Iffley Road and garden building.

(2) Application Number: 09/01036/FUL

Decision Due by: 16th July 2009

Proposal: Rehabilitation of 190 Iffley Road and erection of 3 storey side and rear extensions. Conversion of extended building to form student hall of residence with 27 study bedrooms, re-landscaping of forecourt. Cycle parking and refuse storage to rear (amended plans).

Site Address: 190 Iffley Road Oxford (**Site Location: Appendix 1**)

Ward: Iffley Fields Ward

Agent: Adrian James Architects **Applicant:** 190 Iffley Road Ltd.

Recommendation:

Resolve to **grant conservation area consent** for the following reasons:

- 1 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

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

- 1 Commencement of works CAC consent
- 2 No demolition before rebuilding contract

Resolve to **grant planning permission** and delegate authority to officers to issue the decision notice upon completion of the Legal Agreement. For the following reasons:

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

- 1 Development begun within time limit
- 2 Brookes or Oxford University only
- 3 Nominated Educational Establishment
- 4 Details of site management
- 5 Samples in Conservation Area
- 6 Boundary details before commencement
- 7 Landscape plan required
- 8 Landscape carry out after completion
- 9 Landscape management plan
- 10 Details of artificial lighting
- 11 Details of bin and cycle storage
- 12 Sustainable Drainage Scheme
- 13 No cars
- 14 Construction Management Plan

Legal Agreements:

1. Library Contribution - £1701
2. Indoor Sports Facilities - £1620
1. Cycle Safety Measures - £3726
4. Administration & Monitoring charge of £250

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP2** - Planning Obligations
- CP6** - Efficient Use of Land & Density
- CP7** - Urban Design
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP15** - Energy Efficiency
- CP16** - Renewable Energy
- CP20** - Lighting
- CP21** - Noise
- HE6** - Buildings of Local Interest
- HE7** - Conservation Areas
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- NE10** - Sustainable Drainage
- HS13** - Institutional Student Accommodation
- HS14** - Speculative Student Accommodation

HS15 - Housing in Multiple Occupation
HS19 - Privacy & Amenity
HS20 - Local Residential Environment
HS21 - Private Open Space
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities

Core Strategy – Proposed Changes

CSP18 - Infrastructure & Developer contributions
CSP19 - Urban design townscape char & historic environment
CSP26 - Student accommodation

Other Material Considerations:

This application is in the St. Clement's And Iffley Road Conservation Area.
National Guidance:

- Planning Policy Guidance Note 15 - Planning and the Historic Environment
- PPS 1 – Delivering Sustainable Development
- PPG 13 – Transport
- PPG 15 - Planning and the Historic Environment
- Local Policy and Guidance:
- Regional Spatial Strategy for the South East (May 2009)
- Planning Obligations-Supplementary Planning Document (April 2007)
- Parking Standards, Transport Assessments and Travel Plans, Supplementary Planning Document (October 2006)

- St Clements and Iffley Road Conservation Area Appraisal

Supporting documents

- Design and Access Statement

Relevant Site History:

72/27080/A_H: Outline application for demolition of existing house and erection of 10x2-bedroom flats and 12 garages for private cars. Refused 27.02.1973.

73/01194/A_H: Demolition of existing house and erection of 10 no. flats. Refused 09.10.1973.

73/01631/A_H: Demolition of existing house and construction of 10 no flats and garages. Refused 11.12.1973.

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74/00503/A_H: Demolition of existing house and erection of 9 no flats with garage. Approved 23.07.1974.

80/00942/NFH: Removal of garage and erection of two-storey building to form two maisonettes. Approved 14.01.1981.

81/00774/NFH: Retention of use for multiple occupation. Approved 30.11.1981.

83/00190/GFH: 88-190 Iffley Road - Change of use from multi-occupation to 11 bedsitters and warden's accommodation for Housing the Homeless.

Deemed Consent 23.05.1983.

86/01045/GFH: New buildings adjacent to existing to provide additional accommodation units for homeless families. Deemed Consent 15.12.1986.

06/01575/CAC & 06/01574/FUL: Demolition of 3 buildings. Erection of 3 and 4 storey buildings for use as student accommodation (49 study bedrooms).

Alterations to access, provision of 2 parking spaces. Bicycle and bin storage.

Conservation area consent and planning permission refused 10th November 2006.

07/01935/CAC & 07/01936/FUL: Conservation Area consent for demolition of existing 3 buildings. Planning permission for the erection of five storey building including basement level for use as student accommodation (48 study bedrooms) and a wardens flat. Cycle parking to front and rear, and refuse storage to rear. Refused (dismissed on appeal)

Representations Received: Comments have been received from the following properties and are summarised below.

Iffley Road: 192, 194, 198, 200, 211, 225, 240

Stratford Street: 23, 29, 33, 39, 43, 45, 49, 50, 53, 59, 61, 71, 75

Warwick Street: 21, 66, 69

Chester Street: 18, 50

Stanley Road: 17

- Finish of new building not clear (i.e. materials, windows, colour).
- No details of how rainwater from roof is dealt with.
- Potential overlooking of Stratford Street properties.
- Lack of information.
- Relationship between new and existing not clear.
- Not rehabilitation of building but demolition. Only front, north, part of rear and roof retained. Interior changed.
- Poor design that is out of character with conservation area and not sympathetic to 190 or 192 Iffley Road.
- Already overpopulation of students, proposals would make matter worse.
- Small units proposed with insufficient communal areas and service facilities.
- If approved accommodation needs to be managed accommodation.
- If permission is granted site should be removed from CPZ.
- No educational user named.
- No consideration for social or key worker housing that is sorely needed in Oxford.
- Noise and light pollution.
- Drainage and impact on surface water runoff.
- Add to parking pressure on street
- Flooding due to surface runoff
- Refuse provision is inadequate.

- 190 Iffley Road should be retained both externally and internally.
- Poor layout and design for cycle parking

Following reconsultation on the 3rd September one additional comment has been received from No 240 Iffley Road. The comments can be summarised as follows:

- The proposals involve substantial demolition to the existing house, particularly the roof. what is proposed involves more destruction of the original fabric and more alteration to the original design than is acceptable in conserving this house, which is one of only a few buildings of exceptional architectural and historical interest in the Iffley Road conservation area.
- The development is proposed as accommodation for students, but there is no mention of any agreement with an educational institution, and no details of how it can be ensured that the rooms will in fact be let to students.
- The rooms are small, and will receive very little natural light. The proposals offer an unacceptably poor standard of amenity and could be rejected on these grounds alone.
- The arrangements for refuse and bicycle storage appear unworkable, owing to the narrowness of the side passage giving access to the area at the rear of the building.

Statutory and Internal Consultees:

Oxford Civic Society – Proposals are marginally acceptable. Part of exterior of 190 retained but internally it is removed. Not enough space for 27 students. Needs to be properly managed by an institution.

Iffley Road Area Residents' Association – Insufficient information. Proposals will destroy interior of 190 Iffley Road. New building not sympathetic to 190 or conservation area. Substantial demolition of 190 Iffley Road. Further imbalance in housing within area.

Oxford Architectural And Historic Society Victorian Group – No objection to reinstatement of chimney stacks and decoration on the façade. Object to new building which is out of character with 190 and the conservation area. Would destroy independence of original house. Rear elevation is nightmarish. Regret loss of trees though note that this was accepted at appeal.

Thames Water Utilities Limited – No objection

Environment Agency Thames Region: No objection

Thames Valley Police – No objection

Iffley Fields Residents' Association – 190 Iffley Road should be retained both externally and internally. Inadequate information and should be refused on that basis.

No objection on sewage and water infrastructure grounds. Materials of frontage not shown. No plans for the forecourt area. Potential noise and disturbance.

Lighting issues, particularly at night.

Lack of drainage information, could impact on Stratford Street properties at night due to light pollution and when trees are in leaf.

Loss of skyline. Refuse provision seems inadequate, no recycling storage.

Site should not be reserved for student use. Object to more student accommodation.

English Heritage Commission (19/06/09) – No objection to demolition of 190A or the retention and use of 190 Iffley Road. Concern about the design of the new building due to its detailing.

English Heritage Commission 22/07/09) – The application should be determined in accordance with national and local policy guidance and on the basis of the Councils specialist conservation advice.

Highway Authority – No objection subject to a condition preventing students from bringing cars into the city and a contribution towards cycle and pedestrian safety measures in the area.

Issues:

- Principle of Development
- Demolition of Buildings
- Design
- Impact on Character and Appearance of 190 Iffley Road
- Impact on Conservation Area
- Impact on Neighbouring Properties
- Trees
- Flooding and Drainage
- Parking

Sustainability: The proposal seeks to make efficient use of an existing urban site within close proximity of local services and non-car mode means of transport.

Officers Assessment:

Site Description and Proposal

1. The application site, 190 Iffley Road, is located on the southwestern side of Iffley Road, between the junctions of Jackdaw Lane and Chester Street.

The site comprises two frontage buildings, 190 and 190A Iffley Road, with

a third smaller building to the rear. The authorised use of the buildings is as HMO's and the site is located within the St Clements and Iffley Road Conservation Area.

2. The property currently has vehicular access off Iffley Road with a parking area to the front. There is a pronounced slope in the site from Iffley Road (northeast) down to the rear of the site (southwest).

3. The application proposes the demolition of 190A Iffley Road and the rear building, along with the adaptation of 190 Iffley Road which includes elements of restoration such as the heightening of the chimney and installation of decorative panelling below the 1st floor oriel window. The application also proposes the erection of a three-storey side and rear extension to provide 27 student study rooms and communal kitchen/dinning areas. Cycle parking and bin storage is provided to the rear.

4. The extension is contemporary in design and constructed in a mixture of materials including roughcast render, timber boarding, pre-cast stone banding, glass, and plain clay roof tiles. The proposals include the removal of three trees, the implications of which will be set out later in this report.

Background

5. Planning permission was refused in January 2008 for the demolition of the three buildings on the site and the erection of a five-storey building including basement level for use as student accommodation for 50 study bedrooms. This decision was appealed and dismissed by the Planning Inspector in September 2008. This decision and the general comments made in the Inspectors decision letter is a material consideration that should be given significant weight in determining the current application.

Principle of Development

6. In the refused 2007 application the Council raised no objection to the principle of student accommodation on this site and the Inspector in dismissing the appeal commented that *'I agree that in principle the appeal site is an appropriate location for student accommodation.'* Officers acknowledge the concerns raised through the consultation process about the proposed use, however given the inspectors comments it would be unreasonable and unsustainable to object to the use and as such officer's raise no objection to the principle of student accommodation on this site.

Demolition of Existing Buildings

7. The proposals include the demolition of 190A Iffley Road and the single storey building to the rear, while 190 Iffley Road is retained, albeit altered to allow the extension to the side and rear.

8. PPG15 - Planning and the Historic Environment, indicates that the

demolition of a building within a conservation area may be acceptable where it is considered to make little or no contribution to the conservation area, and where there is a suitable scheme for redevelopment . In considering the demolition of the two buildings the Planning Inspector commented that *'No190A and the building to the rear are much later additions.'* than 190 Iffley Road, *'Whilst these later buildings form part of a group, add to the diversity within the Conservation Area and help to create a break in the streetscape, they are of little architectural or historic importance. They do not make a positive contribution to the character and appearance of the Conservation Area.'* English Heritage has not objected to the demolition. In light of the comments made in the Inspector's decision, officers have no objection to the demolition of the two buildings, subject to their replacement with a development that preserves or enhances the character or appearance of the conservation area.

9. During the consultation process concern has been expressed that the proposals also involve demolition of much of 190, leaving more or less only the front elevation. As a result of these concerns additional information was sought to identify clearly the extent of demolition proposed at 190. This additional information has now been received and made available for public comment. The plans show that it is proposed to demolish the existing single storey rear extension (original scullery/pantry area) and to raise the roof over the entrance 'wing'. Internally it is proposed to remove the staircase and re-arrange the partitions. The main external walls and main roof will remain and the proposals show the reinstatement of chimneys and some of the 'half timbering'. Conservation area consent is required for total or substantial demolition. Demolition of part of a building does not require conservation area consent. This means that the demolition of the parts of 190 shown on the submitted drawings is not subject to conservation area controls and consent cannot be refused if there is concern about this aspect of the proposals.

Impact of new building on the conservation area

10. Local planning authorities are required to have special regard to the preservation and enhancement of the character or appearance of conservation areas when considering development proposals. This requirement is given effect in Local Plan policy. Policy HE.7 of the Oxford Local Plan 2001-2016 seeks to preserve or enhance conservation areas. Policy CP1 states that planning permission will only be granted for developments that show a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 reiterates this by stating that all new and extended buildings should relate to their setting to strengthen, enhance and protect local character and building design is specific to the site and its context and should respect local characteristics.

11. Policy CP8 of the Oxford Local Plan 2001-2016 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the

surrounding area and CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.

12. Returning to the dismissed appeal the Inspector recognised that the character of Iffley road is varied and that the lower scale of 190, 190a and 192 does not detract from the contribution that the larger villas, elsewhere in the street, introduce. In other words that the buildings as a group make a positive contribution to the character and appearance of the conservation area. The applicant's response to this has been to propose a replacement for 190a that reflects the smaller scale of the three buildings. In order to maintain the individual identity of each building, yet provide communal circulation space and facilities for students the replacement 190a is proposed with a glazed link to 190. This element of the scheme has been discussed at the pre-application stage and officers are satisfied that the sense of separation between buildings is maintained and that the buildings will read as a group of 3 individual elements.

13. The appearance of the new build 'extension' takes a more contemporary form though its design does draw upon elements of 190 and 192 to integrate the new element into the group. The extension incorporates a gable roof feature as well as a roof running across the main ridge perpendicular to the street, this picks up on the roof style of 190 and 192 more closely. This also continues the horizontal emphasis of 190 and 192 which is further reinforced by the use of the stone banding.

14 Officers recognise the concerns raised during public consultation relating to design. Government advice states that Local Authorities should not impose particular architectural styles on applicants or stifle innovative design. What is important is not that new development should directly imitate earlier styles but that they should be designed with respect for their context as a part of a larger whole which has a well established character and appearance of its own. The proposals seek to achieve this and the overall form, scale and siting will ensure that the character and appearance of the area is preserved. The fenestration details add a contemporary flavour to the building and place the design firmly in the 21st century. This is acceptable but officers are concerned that the detailing of the 'bay window' is not fully resolved and so suggest, if planning permission is granted that this detailed element of the proposal is controlled by a condition that seeks a review of this design.

15. The rear extension links onto the southern corner of 190 preserving the rear oriel window feature. The rear extension, like the frontage, takes a contemporary form, stepping down at the ridge and in from the side boundaries as it projects rearward. The design appears in the form of three tiers with mirrored mono-pitch roofs on both sides of the extension with a recessed flat roof section between. Terminating with a rear gable feature similar to that fronting Iffley Road. The materials as with the front are proposed to match neighbouring buildings with roughcast render, pre-cast stone banding and timber boarding.

16. The Inspector in commenting on the appeal scheme noted that views from the southeast would be much clearer due to the height of the proposed in relation to 192 Iffley Road, the result of which was that *'It would appear as an unduly dominant building, out of scale with its immediate surroundings'*, and that it would *'be incompatible with the domestic scale of neighbouring properties'*. Given the 5-storey nature of the appeal proposal it is easy to see how the Inspector came to this conclusion. The current scheme in contrast takes a more domestic scale, reflecting that of 192 Iffley Road. Due to this reduced height and mass, and the stepping of the rear extension, there would be no views of it from Iffley Road.

Impact on Neighbouring Properties

17. No objection was raised in the refused application to the impact on existing residential amenity, and the Inspector in determining the appeal took a similar view. He commented that with regard to the impact on 192 Iffley Road *'the close proximity of No190A already has an effect on both outlook and light. Although it would be higher, the proposed building would be stepped back and then tapered away from neighbouring properties on either side. There would not be a significant reduction in either outlook or light compared with the existing situation therefore.'*

18. The current proposal is 3.7m lower in height at the rear, and like the previous scheme steps back away from the boundary of No 188 and 192 Iffley Road. As a result the proposal would have a lesser impact than the appeal scheme. Notwithstanding the appeal decision the proposal is considered to have an appropriate visual relationship with 188 and 192 Iffley Road, the extension steps away from the boundaries with 188 and 192 by 6m-8m and 2m-2.7m respectively. In addition the boundary with 192 is heavily vegetated and as such only glimpsed views of the proposal would be experienced from the rear of 192. Officers are of the view that in light of the reduced scale of the proposal, its layout, and the Inspectors comments, the application would not unreasonably affect the amenities of 188 and 192 Iffley Road.

19. Concern has been raised with regard to the impact on the Stratford Street properties to the southwest. Again the Inspector in determining the appeal considered this issue and commented that *'given that there would be a minimum separation distance of some 37m, there would no be a significant adverse effect on outlook or privacy.'* The current application is two-stories lower than the appeal scheme and remains 37m away from the rear of the Stratford Street properties. In addition to this there is a dense line of trees along the southwestern boundary that while deciduous would provide a significant screen. Officers are therefore of the view that the impact on the Stratford Street properties would not be unduly harmful.

20. Letters of comment received have drawn the officer's attention to the potential noise and disturbance generated from the proposed student accommodation. The Council seek to house students within purpose built

accommodation among other reasons to control the issue of noise and disturbance, it is the Council's experience that disturbance caused by students more frequently occurs from those living independently in shared houses. The issue can therefore be addressed by a condition requiring a site management plan to include details of a warden or some other representative on site who would be the first port of call in the event of any incidents of noise and disturbance. This approach is consistent with the requirements of policy HS14 of the OLP. In addition this issue is covered by different legislation and should problems of noise and disturbance arise as a result of the proposed development it would be a matter for the Environmental Health Department under the Environmental Protection Act.

Trees

21. The proposal includes the removal of a pink chestnut and a cypress tree that stand in the southeast corner of the site adjacent to Iffley Road, together with a hazel tree that stands in the rear garden of the property adjacent to the northern boundary of the site.

22. No objection to the loss of these trees was raised in the previous application and like the previous application the applicant's propose to replace the removed trees with suitable specimens to be agreed by condition. The Inspector in determining the Appeal had no objection to this approach and commented that *'The appeal proposals would involve the loss of four trees on the site, including two along the frontage. Trees in the street and at the frontage of properties are an important characteristic of Iffley Road. I agree with the Council however that the proposed additional planting would provide adequate mitigation and ensure that there would be no significant overall harm to the character and appearance of the area in terms of tree cover.'* Officers would therefore raise no objection to the removal of the three trees and would recommend that a condition to secure suitable replacements be attached should planning permission granted.

Parking

23. The site is within a sustainable location within close proximity of shops and services along with being on a good public transport and cycle route. No off street car parking is proposed, although an area to the front of the development is retained for service vehicles and disabled residents. Students occupying the development will be prevented from bringing cars into the city and this can be controlled by condition.

24. The Local Highway Authority has no objection to the proposals subject to the condition preventing students having cars and that a contribution of £3726 is secured towards cycle and pedestrian safety measures in the area.

Other Matters

25. In addition to the contribution required towards cycle and pedestrian safety measures the County Council has also requested a further contribution towards library facilities. The City Councils requires a contribution towards indoor sports facilities in accordance with the Planning Obligations Supplementary Planning Document. The applicants have indicated that they are happy to enter into a legal agreement to secure the monies.

26. Concerns have been raised relating to bin and cycle storage. These details are similar to those in the appeal proposal and in terms of the number of cycle parking spaces the scheme provides double the required level. However officers recognise the concerns raised and would suggest a condition relating to the bin and cycle storage on site to provide further consideration to the location and means of enclosure.

27. With regard to the management of the site this can be secured by condition as suggested by policy HS14 of the OLP. The condition would require details of site management to ensure it is maintained in an appropriate manner as well as a contact should noise and disturbance arise from the development. A further condition is suggested to limit the use of the development to full time students of the University of Oxford or Oxford Brookes University.

Conclusion: The proposal is considered to be an appropriate response to the Inspectors decision and the site constraints. It is on balance a well thought out and considerate scheme – the result of extensive pre-application discussions that maintains the independence and architectural qualities of 190 Iffley Road while preserving the appearance of the group of two-storey buildings as a whole, and maintaining their important role within the streetscape. Further to this the development would respect the amenities of neighbouring properties and would make an efficient use of an existing urban site within a sustainable location.

Officers therefore consider the development to be in accordance with the policies of the OLP and would recommend that the Parliament be minded to grant planning permission but defer and delegate powers to officers to grant planning permission on completion of the Legal Agreement to secure the above contributions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the

applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 09/01035/CAC, 09/01036/FUL

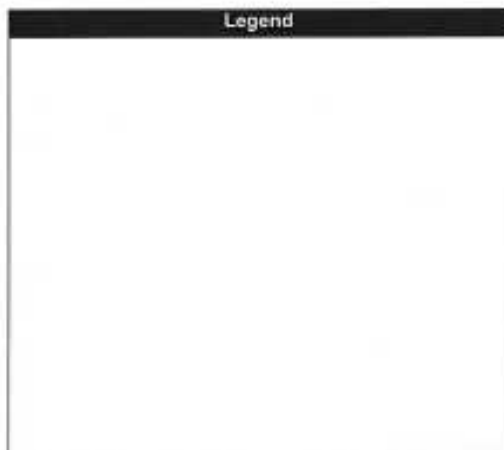
Contact Officer: Steven Roberts

Extension: 2221

Date: 31st July 2009

Appendix 2

190 Ifley Road



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Organisation	Not Set
Department	Not Set
Comments	12/03121/EXT & 12/03122/EXT
Date	25 January 2013
SLA Number	Not Set

West Area Planning Committee

7th February 2012

Application Number: 12/02826/FUL

Decision Due by: 20th February 2013

Proposal: Three storey extension to rear and extension at roof level. Change of use of first, second and third floors to 66-bed hotel with entrance from James Street. Re-cladding of existing facades and provision of 2 disabled parking spaces, cycle and bin stores and external seating at rear accessed from James Street. (Additional information)

Site Address: Tyndale House, 134A Cowley Road, **Appendix 1**

Ward: St Marys Ward

Agent: Savills

Applicant: Wilton Place Properties Ltd

Recommendation:

The West Area Planning Committee is recommended to support the development in principle but defer the application in order to draw up a unilateral undertaking in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion, for the following reasons:

- 1 The proposed development would represent sustainable development in that it would make an efficient use of a previously developed site to provide short-stay accommodation which meets a required need, in a wholly sustainable location without causing an adverse impact upon highway and pedestrian safety or undue environmental disturbance to surrounding residential properties. Although the proposal would result in the loss of an employment site, it would provide an alternative employment-generating use that would add to the diversity of uses within the Cowley Road District Centre that would boost the local economy. The proposed refurbishment and extensions to the building would have a positive impact upon the appearance of this prominent building and its relationship with the Cowley Road and James Street street scene, while also safeguarding the residential amenities of the adjoining residential properties. The proposal would therefore accord with the aims of the National Planning Policy Framework, Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material Samples
- 4 Flat roof and Stair for emergency use only
- 5 Details of Cycle and Refuse Storage
- 6 Revised Parking and Servicing Plan
- 7 Travel Plan
- 8 Construction Traffic Management Plan
- 9 Details of air con plant or machinery
- 10 Sustainability Measures

Unilateral Undertaking:

- £480 to County Council for Travel Plan Monitoring over next 5 years

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- 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
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TA4** - Tourist Accommodation

Core Strategy

- CS1_** - Hierarchy of centres
- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS13_** - Supporting access to new development

CS18 - Urban design, town character, historic environment
CS28 - Employment sites
CS32 - Sustainable Tourism

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

The following applications are relevant to the planning application.

09/00296/FUL: Change of use of 1st floor from office (class B1) to use class D1 non-residential institution: Approved

09/01425/FUL: Change of use of 2nd and 3rd floors from B1 office use to D1 non-residential institution: Approved

10/00821/FUL: Retrospective change of use of ground floor of 134a Cowley Road from B1 (office) to A1 (retail): Approved

10/02626/FUL: Erection of single storey rear extension: Approved

Representations Received:

There were 2 letters of support and 2 objecting received from the following addresses. Their comments are summarised below.

- 23, 26 James Street; 31 Regent Street; 144 Rose Hill
- Support the development of the building into a hotel as this has the potential to contribute to the local economy, but the plans need to address a number of issues
- Oxford is short of good hotel accommodation and this development should improve the situation
- This is a speculative development and therefore there are concerns that this will be used as a hostel, hall of residence, HMO or Temporary Accommodation of which there are too many in the area. It should be for its stated purpose as a Budget Hotel. This should be condition to safeguard this purpose.
- Would object if this was a hostel or low-grade B&B run by the Council or private landlord
- It is a shame that we cannot be told who wants to develop the accommodation as this would provide a clear signal as to the likely clientele
- The development of Tyndale House will improve the area
- There are no details about what will be done to mitigate extra traffic from guests and deliveries
- The proposal will increase traffic generation significantly despite this being a sustainable location
- This is a congested spot with problems of illegal parking and heavy goods vehicles unloading. The proposal will make this junction more congested
- The plans should include the provision of bollards on the pavements in James Street to deter illegal parking
- A one-way section should be provided in James Street from Cowley Road should

be introduced

- The applicant proposes to convert a parking spot into a 15min drop off spot, but how will this accommodate the high number of pick ups/drop offs
- How many service vehicles are going to visit the site
- The increased number of visitors will have the potential to add to the noise and disturbance in the area
- The area is a hot spot for crime and disorder, particularly drug related. The plans should include measures to discourage dealing, begging and rough sleepers
- This could be done by providing a solid gate that stops pedestrians accessing the car park behind Tyndale House
- There should be CCTV cameras in this area
- The increased number of visitors to the hotel will amplify these problems and the developers should take this into account
- The hotel will use substantially more water than the office block and so how will this be dealt with

Statutory and Internal Consultees:

Oxfordshire County Council Highways Authority: No objection subject to conditions

Oxfordshire County Council Drainage Team: No objection

Thames Water Utilities Limited: No objection

Environment Agency Thames Region: No objection

Officers Assessment:

Site Location and Description:

1. The application site relates to Tyndale House which is situated at the corner of Cowley Road and James Street. It is within the Cowley Road District Shopping Centre and is approximately 1mile from the centre of Oxford (**site plan: appendix 1**)
2. Tyndale House is a large and prominent three/four storey office building of typical 1960s utilitarian design. It is constructed of grey engineering brick with strong horizontal bands of rough cast render between each floor. It has a parking and service area to the rear which is accessed from James Street.
3. There are retail (Class A1) units at ground floor level which front onto Cowley Road and form part of the Cowley Road District Centre. These are currently occupied by Sainsburys and Professional Music Technolgy. The upper levels of the building are accessed from James Street and were previously used as office (class B1) space but are currently providing back office space for a non-residential institution (Class D1) use following the grant of planning permission in 2009.

Proposal

4. Planning permission is sought for the change of use of the first, second, and third floors of the building from office (class B1) use to a 66 bedroom hotel with entrance from James Street.
5. The proposal would also include the erection of a three-storey extension to the rear and extension at roof level in order to facilitate the change of use, and the re-cladding of the existing facades.
6. The service yard will be reorganised to provide 2 disabled parking spaces, cycle and refuse storage and an external seating area which would all be accessed from James Street.
7. Although the application does not identify an end-user for the hotel accommodation, the applicant has confirmed that the preferred operator is Travelodge, although this is subject to contract and planning permission being granted.
8. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of development
 - Loss of an employment site
 - Provision of short-stay accommodation
 - Highway Matters
 - Form and appearance
 - Impact upon adjoining properties
 - Sustainability

Principle of Development

9. The National Planning Policy Framework [NPPF] has a general presumption in favour of sustainable development. It recognises there are three dimensions to sustainable development; economic, social, and environmental. The economic role centres around building a strong, responsive, and competitive economy by ensuring that sufficient land of the right type is available in right place to support growth.
10. The NPPF goes on to encourage the effective use of land that has been previously developed. This is supported by Policy CS2 of the Oxford Core Strategy 2026 and Policy CP6 of the Oxford Local Plan 2001-2016 which require new development to be focused on previously developed land, and to make the best use of a sites capacity in a manner compatible with the site and the surrounding area.
11. The general principle of reusing this existing building would broadly accord with the above-mentioned aims of the NPPF, Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016.

Loss of an Employment Site

12. The upper floors of Tyndale House currently provide office accommodation albeit within a non-residential (Class D1) use, as the current users are charitable organisations. Therefore the change of use of the building to budget hotel would have the potential to result in the loss of an employment generating site.
13. The Oxford Core Strategy Policy CS28 states that permission will only be granted for the change of use of an employment site, where overriding evidence has been provided that the premises has caused environmental nuisance, or, that no other occupier can be found despite substantial evidence that the premises has been marketed for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and the loss of jobs would not reduce the diversity and availability of job opportunities.
14. With respect to the criteria of Policy CS28, there is no evidence that the existing building has caused an environmental nuisance. A Marketing Statement prepared by Savills has been submitted with the application. It states that the premises were formerly occupied by the County Council but their lease expired in 2007. The property has been marketed since 2007, through Savills website, Estates Gazette, Oxford Times, a lettings board on the building, and emails to potential occupiers on Savills website. Officers note that this advertising was carried out on a flexible basis with space available as a whole, or on a floor-by-floor basis and within a refurbished building. Despite these efforts there was limited interest in the upper floors either 'as is' or once refurbished with the interest confined to the Probation Service who eventually chose a city centre location. The charitable organisations of the Ethical Minority Business Service and Dimensions eventually took some space following the grant of planning permission in 2009 for the change of use from B1 to D1. In terms of loss of jobs, the applicant indicates that the current tenants provide approximately 29 members of staff, whereas the hotel would provide at least 11 full time jobs. It goes on to state that the hotel would also constitute an alternative employment-generating use, and would provide support for the local economy.
15. Having regards to the contents of these statements, officers consider that in relation to Policy CS28 the applicant has satisfied the criterion regarding marketing of the premises. The proposed change of use would result the loss of some office jobs which is certainly regrettable. However, it is fair to say that the current economic climate is making the office market difficult at present, and properties like Tyndale House, which are in need of refurbishment, will be hard to let. The proposal would therefore offer a realistic prospect of the building being significantly refurbished / improved in order to provide an alternative employment-generating use. As a result officers consider that the proposed change of use would accord with the overall aims of Policy CS28 of the Oxford Core Strategy.

Provision of Short-Stay Accommodation

16. The Oxford Core Strategy promotes sustainable tourism through Policy CS23 which recognises that there is a need to improve the range and standard of accommodation available to encourage visitors to stay longer in Oxford. Policy

TA4 of the Oxford Local Plan states that permission will only be granted for the provision additional tourist accommodation provided that it is in an identified location; is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; and will not result in an unacceptable level of noise and disturbance.

17. The Cowley Road is an identified location for short stay accommodation, being one of the main arterial roads into Oxford. In terms of unacceptable noise and disturbance, the proposed hotel use would not give rise to any undue disturbance when compared to the existing use. The amount of plant & machinery is minimal, and there are no air conditioning units or bar/café proposed. Notwithstanding the concerns raised during the public consultation, there is no evidence that any of the anti-social behaviour experienced within the area would be exacerbated by the provision of the hotel use. Indeed, the provision of such a use would increase the level of natural surveillance and activity in this part of the street scene and in particular the service yard to the rear which would discourage any anti-social activity in this area. It is therefore considered that the proposal would have satisfied two of the criterion of Policy TA4, and would be considered appropriate subject to the satisfaction of any highway concerns.

Highway Matters

18. A Transport Statement and Travel Plan by Hannah Reed & Associates has been submitted which sets out the parking, access, servicing arrangements of the proposal and the impact upon the local highway network.
19. The site is located within the Transport Central Area as designated by the Oxford Local Plan 2001-2014. This is considered to be a highly sustainable location with good public transport links to and from the city. There is also a good range of shops, food and drink establishments and other services within the District Centre. There is a controlled parking zone in the vicinity which controls on-street parking, and a public car park (managed by Oxford City Council) nearby in Union Street which has capacity to provide off-street parking for vehicles.
20. The Transport Statement states that the proposal is intended to be a car-free development. There are to be 2 off-street parking spaces provided within the rear service yard area which will provide disabled spaces for hotel guests. A Travel Plan has been prepared which sets out how guests and staff will be encouraged to travel by sustainable modes of transport. A bike store will also be provided to the rear which will provide cycle parking for 14 bicycles. The statement also indicates that a request will be made to the Local Highways Authority to turn one of the two 1hr parking bays directly in front of the James Street entrance into a 15minute parking space to enable guests arriving by car to check in and drop luggage off before using the Union Street parking space to park their car.
21. The Local Highways Authority has raised no objection to the proposed change of use in terms of highway safety. The Transport Assessment has identified that the proposed hotel would only result in 38 additional daily two-way car borne trips in comparison to the existing uses on the upper levels of the building. While it is accepted that this is a relatively busy junction, it is considered that this would not

result in an unacceptable increase in daily traffic along the Cowley Road. In terms of parking, the maximum parking standards would normally require approximately 33 off-street parking spaces (1 space per dwelling). The site constraints mean that it is not possible to provide this level of off-street parking within the site. The sustainable location of this site would make it eminently suitable for a car-free development. There are on-street parking controls within the area which would make a car-free scheme enforceable, while also preventing the shortfall in parking, placing pressure on the available on-street parking within the area. Furthermore the Union Street Car Park is located approximately 130m from Tyndale House and has sufficient capacity to provide parking for those guests who nevertheless arrive by private car.

22. A Travel Plan has been prepared to demonstrate how the hotel will assist staff and guests to use sustainable forms of transport. This includes providing information regarding transport arrangements on the hotel website; providing new members of staff with a welcome pack setting out how to travel to and from the hotel by sustainable means; reviewing the pedestrian and cycle routes in the vicinity of the site within 6 months after the baseline survey has been concluded; providing secure, well lit and conveniently located cycle parking and including a bike repair kit on site for use by staff; and promotion of car sharing. It will also advise that no car parking is available at the hotel itself, (other than for disabled guests), nor in surrounding streets. A condition should be attached to require this Travel Plan to be approved before occupation once the end user is known. The Local Highways Authority has also requested a contribution towards the monitoring of this plan of £480 for 5 years monitoring.
23. The proposed site plan identifies the location of the car parking for disabled users and cycle parking. However the Local Highways Authority has indicated that a turning space for these parking spaces has not been shown to enable the vehicles to exit the site in a forward gear. A condition should therefore be attached requiring the submission of a revised parking/turning plan to demonstrate egress for the proposed disabled parking spaces and servicing. This facility would also be required during construction works.
24. Therefore subject to conditions, officers consider that the proposal would not have an adverse impact upon highway safety in accordance with Policy CP1 and part (b) of Policy TA4 of the Oxford Local Plan 2001-2016

Form and Appearance

25. Policy CS18 of the Oxford Core Strategy 2026 requires proposals to demonstrate high-quality urban design that responds to the site and its surroundings; create a strong sense of place and attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area.

26. The existing building was built in the 1960s and has a utilitarian style of no particular architectural merit. The building has a dated and tired appearance which does not have a positive impact upon the street scene of Cowley Road or James Street. The proposal would involve the complete internal and external refurbishment of the building. This would include replacing the existing windows, and re-cladding the external façade with rainscreen panels along with the extensions to the rear of the building and at roof level.
27. In terms of size, scale, and massing, the proposed extension to the rear would represent a modest addition to the existing building. A single storey rear extension has already been added to the rear of the retail unit occupied by Sainsbury's which was granted permission under 10/02626/FUL. The proposed extension to the rear would represent a modest extension to the building in comparison to the existing size and scale of Tyndale House. The existing building currently has a fourth floor set above the main roofline of building. It is proposed to extend this floor across the entire roof albeit set back from the front and rear of the building, and a different material treatment employed in order to make it appear as a subservient addition to the building and ensure that this sits comfortably with the adjoining properties. The proposed external alterations would improve the visual quality of the building and its contribution to the street scene, which given its prominent location would have a substantial benefit to the amenity of the District Centre. A condition should be attached requiring the palette of materials to be agreed prior to the commencement of work.
28. As a result officers consider that the proposed extensions to the building would create an appropriate visual relationship with the built form of the existing building and the surrounding area. Furthermore the external refurbishment through the replacement windows and recladding of the building would improve the visual appearance of the building in a manner that would enable this prominent building to have a positive impact upon the general character and appearance of the local street scene. This would accord with the aims of Policy CS18 of the Oxford Core Strategy, and Policy CP1, CP6, and CP8 of the Oxford Local Plan 2001-2016.

Impact upon Adjoining Properties

29. Policy HS19 states that permission will only be granted for development that protects the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
30. The properties that would stand to be most affected by the proposal would be the rear of the James Street properties and the student accommodation in Moberly Close located to the south and south-west respectively. Tyndale House is currently a three/four-storey building which along with the rear of the other properties on the Cowley Road already creates a sense of enclosure for these adjoining properties. The proposed extensions would not significantly increase this sense of enclosure, despite the rear extension projecting closer to the rear of these properties. In terms of loss of light, the adjoining James Street properties lie to the south of the Tyndale House and have their rear elevations and gardens

facing westwards. Having regards to this orientation, officers consider that the proposed extensions would not adversely alter the amount of light received to these properties habitable rooms or rear gardens. In addition, there is a sufficient separation distance between Tyndale House and the student accommodation of Moberley Close so as not to unduly overbear or impact upon light received to this accommodation.

31. In terms of overlooking of these adjacent properties, the existing building already has windows in the rear elevation and an external staircase across the three floors which provide a level of overlooking to the rear gardens of the James Street properties and Moberley Close. The proposed extension would maintain the external staircase, while the windows of the hotel rooms have been orientated in such a manner that they do not directly overlook these properties. As such officers consider that the proposal would not give rise to a significant loss of privacy for the adjoining properties in James Street and Moberley Close. There would be an area of flat roof above the existing single storey ground floor extension, and therefore a condition should be attached which prevents this being used as a sitting out area for the hotel.
32. It is also considered that the proposed development would not have an adverse impact upon the amenities of the flats on the eastern side of James Street in terms of overbearing impact, loss of light, and overlooking. Similarly, it would not have an impact upon any residential accommodation above the shops on the Cowley Road to the west and north.

Sustainability

33. The application would not be a qualifying site for a Natural Resource Impact Analysis, however, one has been submitted alongside with a Low and Zero Carbon Technologies Options Appraisal by Blewburton Partnership. In accordance with Policy CS9 of the Oxford Core Strategy, the proposal has been designed to minimise energy demand and operational carbon emissions. The scheme will incorporate energy and water saving measures. The existing cladding around the building is to be replaced by a thermally efficient rainscreen cladding system which will have enhanced u-values by comparison. The en-suite bathrooms will feature water saving devices including floor restricted taps and showers and dual flush WCs. The scheme will employ renewable energy sources to minimise carbon emissions, with the use of Air Source Heat Pumps and Solar Photovoltaic Tiles the preferred option. A condition should be attached requiring these measures to be provided in accordance with the statements.

Conclusion:

34. The proposal is considered to be in accordance with the objectives of the National Planning Policy Framework, and the relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development in principle, but defer the application for the completion of a unilateral undertaking to secure the necessary financial contributions towards the monitoring of the Travel Plan.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 24th January 2013

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Appendix 1

Tyndale House,



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	
Date	25 January 2013
SLA Number	Not Set

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West Area Planning Committee

7th February 2013

Application Number: 12/01970/FUL

Decision Due by: 1st October 2012

Proposal: Alterations and conversion of existing building to provide 6 x 1 bedroom dwellings (Amended plans)

Site Address: The former Maroon Public House, 44 St. Thomas Street
[Appendix 1]

Ward: Carfax Ward

Agent: Mr Peter Uzzell

Applicant: Saxonville Ltd

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed scheme for the erection of 6 x 1 bedroom dwellings does not include a contribution towards the provision of affordable housing elsewhere in Oxford which is contrary to policy HP4 of the Sites and Housing Plan 2012, would fail to contribute to the provision of mixed and balanced communities and would be harmful to the quality and quantity of Oxford's housing stock.

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

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

HS19 - Privacy & Amenity

HS20 - Local Residential Environment

HS21 - Private Open Space

RC18 - Public Houses

Core Strategy 2026

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

CS23_ - Mix of housing

West End Area Action Plan

WE1 - Public realm

WE10 - Historic Environment

WE12 - Design & construction

WE13 - Resource efficiency

WE14 - Flooding

WE30 - Streamlined contributions

Sites and Housing Plan - Submission

HP4_ - Affordable Homes from Small Housing Sites

HP9_ - Design, Character and Context

HP12_ - Indoor Space

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

The application property was erected as a purpose built public house called The Chequers in 1913 and externally retains many of its original features. The only relevant, recent planning decision is as follows:

06/01631/FUL: Provision of timber pergola over existing bin store. Erection of first floor rear extension. Approved

Representations Received:

1 letter of objection from the occupier of 5 Beckett Street on the following grounds:

- Loss of the public house
- A car free development of 6 dwellings would exacerbate an already difficult situation regarding on street car parking in the local area.

Statutory and Internal Consultees:

Oxfordshire County Council as Local Highway Authority: No objection. The site lies in a sustainable location within Oxford city centre and is well located for easy access to trains and buses. If planning permission is granted, conditions should be imposed relating to the provision of secure and sheltered cycle parking, secure and covered bin stores that do not encroach onto the public highway. A construction traffic

management plan will also be required to be submitted and approved.

Oxfordshire County Council – Drainage: No objection. The development will not put any additional water into the existing surface water sewer but measures such as green roofs and rain water harvesting could be used to reduce the discharge from the development. In addition, more efforts should be made to demonstrate how the development will be made resilient to the effects of flooding.

Oxford Civic Society: Too many houses are proposed and they are small with limited outlook. Cycle parking and bin storage would seem to be inadequate.

Issues:

- Loss of public house
- Form and appearance
- Residential amenity
- Balance of Dwellings
- Private amenity space
- Highways and parking
- Sustainability
- Flooding
- Contributions towards affordable housing

Officers Assessment:

Site location and description

1. The application site lies at the corner of St. Thomas Street and Hollybush Row close to its junction with Park End Street. The existing building was erected in 1913 as a purpose built public house known then as The Chequers and in 2006 it became The Maroon Public House. It is a predominantly two storey building erected using stone, red brick and render under a tiled roof.
2. The site does not lie within a Conservation Area although the building is identified in the Historic Buildings and Areas Appraisal for the West End Area Action Plan 2007 as a building that contributes to the historic character of the area.
3. The site lies in the Central Transport Area and within an area vulnerable to flooding. It is surrounded by a mix of residential and commercial development and in close proximity to The Honeypot public house which is located to the north of the site.

The Proposal

4. The application seeks planning permission to extend and convert the existing building to provide 6 x 1 bedroom flats together with a communal cycle parking and bin storage area. The development would be entirely car free.
5. The six new units would vary in size from 35 square metres to 68 square metres and would each consist of an open plan ground floor living, dining

and kitchen space together with a first floor bedroom and bathroom. In the case of the largest dwelling [unit 6] the bedroom would be at second floor level with further living space on the first floor. This unit also has a small external ground floor terrace whilst all the other units have no private amenity space.

6. The proposal includes the erection of first floor extensions at the side and rear of the building but otherwise the sub-division of the building is achieved without the need for additional windows or door openings in the principal elevations and the main fabric of the building would be retained and repaired where necessary.
7. There is an existing mature tree that lies in the gap between the application building and The Honey Pot on the Hollybush Row frontage whose canopy overhangs the site. No further building is proposed on this side of the site and the development would not adversely impact upon the health and well being on this tree.

Loss of Public House

8. Policy RC18 of the Oxford Local Plan states that planning permission will only be granted for the change of use of a public house if one or more of the following criteria are met:
 - No other potential occupier can be found following a realistic effort to market the premises for its existing use
 - Substantial evidence of non-viability is submitted; and
 - It is demonstrated that suitable, alternative public houses exist to meet the needs of the local community.
9. The application is accompanied by a Viability Assessment which considers the details of the public house, its accommodation and its condition in the context of an overview of the licensed trade and the shift in drinking patterns over the last few years. It also considers its current viability, assesses its trade potential and sets out the marketing details. The assessment concludes that the Maroon public house has been a marginal pub since the mid 1990's despite undergoing two refurbishments. It is already intensively developed with no scope for diversification of its existing use and lies in a peripheral location. The assessment concludes that the licensed trade market continues to be depressed; the likely level of return is insufficient to induce an operator to re-open the pub and there are adequate alternative licensed premises within a 1000 metre radius to meet the needs of the local community.
10. Officers have carefully considered the viability assessment submitted. In terms of the marketing exercise, officers take the view that there has been no real evidence submitted providing any details of the marketing campaign undertaken and for this reason consider that this criterion has not been fully satisfied.
11. As regards non-viability, officers consider that a better case has been

made including a number of temporary tenancies in recent years which do not seem to have been successful together with investments and refurbishments which again do not appear to have turned the business around. Officers agree that the marginal location of the pub on the edge of the city centre has resulted in the pub not being capable of being supported by residents, tourists or office workers which does not help the potential viability of such a pub business. Although the property fronts Hollybush Row, the level of passing trade would be unlikely to be substantial and it is not on the direct route for pedestrians using the train station. These factors, together with the challenging economic conditions make it difficult for the pub sector and for those in more marginal locations, the difficulty is even greater.

12. Given the location of the application site, there are numerous other bars, clubs and other licensed premises in relatively close proximity. Officers therefore take the view that the application satisfies 2 of the 3 criteria set out in policy RC18 and that the loss of the public house has been justified.

Form and appearance

13. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.
14. Policy CP8 suggests that the siting, massing and design of any new development should create an appropriate visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
15. Policy CS18 of the Oxford Core Strategy emphasises the importance of good urban design which should contribute to an attractive public realm and a sense of local distinctiveness.
16. Whilst the building is not listed and does not lie in a conservation area, it is considered to have significance that contributes to the streetscape and the character of the area. The building benefits from strong arts and crafts detailing which has remained virtually intact on the principal elevations.
17. Whilst the building has been little altered externally, the interior has been greatly altered over the years which does allow the building to be relatively easily sub-divided and to make the best use of existing doors and windows.
18. The proposed first floor link extension fronting St. Thomas Street has

been designed as a low key element which has been set back at ground and first floor levels. To reinforce its subservient nature, the link extension would be simply detailed rather than mimicking the fussier details of the pub and the adjacent Castle Mews Buildings.

19. The elevation facing Hollybush Row would undergo only minor changes, essentially to the first floor recessed element which features a high parapet. The proposed design would recreate this link but it would be sited slightly further forward. Officers do not consider that this would appear intrusive in the street scene.

Residential amenity

20. Policy HP12 of the Sites and Housing Plan 2012 states that planning permission will only be granted for new dwellings that provide good quality living accommodation for the intended use if:
 - Each dwelling has its own lockable entrance, its own kitchen and at least one bathroom
 - The space provided within each room allows for reasonable furnishing, circulation and use of household facilities including for desk based home working
 - Each dwelling contains adequate storage space
 - Any single family dwelling provides 39 square metres of internal floor space
 - Regard has been given to ceiling height, ventilation and outlook
21. In terms of the application proposal, all the new units would be fully self contained with their own lockable entrance, kitchen and bathroom. Storage areas would be provided underneath the staircases and there is only one bedroom proposed in the roofspace of the building that would have a reduced headroom. The internal floor areas of units 3, 4, 5 and 6 are 48, 40, 52 and 65 square metres respectively which exceed the policy requirement of 39 square metres. Units 1 and 2 do have slightly smaller internal floor areas [35 square metres]; however they still provide a ground floor living area with a cloakroom and a first floor bedroom and en-suite bathroom. On balance, officers consider these units to be acceptable particularly given the constraints of the building and the site.

Balance of Dwellings

22. The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] was approved in January 2008 to elaborate upon the provisions of policy HS8 of the Oxford Local Plan [now superseded by policy CS23 of the Oxford Core Strategy] and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas described in the SPD. These are set out as red, amber and green and the City Centre lies in an amber area where pressure on family housing is seen to be growing.
23. High density housing developments are historically more common in the city centre where excellent public transport links can offer opportunities for

car free development at higher densities. Whilst a balanced mix of dwellings is sought across Oxford, the City centre is considered more suitable for high density residential development providing a higher proportion of smaller units. The SPD does not require any particular mix for schemes of between 1 – 9 dwellings in the City centre and therefore the proposed erection of 6 x 1 bedroom flats is considered to be BoDS compliant.

Private amenity space

24. Policy HP21 of the Oxford Local Plan and policy HP13 of the Sites and Housing Plan both state that planning permission will not be granted for new development involving residential uses where insufficient or poor quality private open space is proposed. For small, one or two bedroom flats, the policies suggest that private balconies may be an appropriate way of providing some private open space
25. Five of the six flats proposed would have no private amenity space and it would not be acceptable or appropriate to add balcony features to the existing building given its historic interest. The only communal area on the site is the bin and cycle store sited at the western end of the building. Flat 6, which is the largest, would have a small, external patio measuring 2 x 2.4 metres.
26. The site lies on the edge of the city centre with easy access to all of its facilities, walkways and open spaces. The flats would be small, one bedroom units which would not be suitable for occupation by families with children. Given the need to find a new use for the building which would enable renovation and improve its appearance in the street scene together with the constraints of the site, officers take the view that the provision of small flats without any amenity space on the site is acceptable in this instance.

Highways and parking

27. Oxfordshire County Council as Local Highway Authority are not raising an objection to the application. It is satisfied with the proposed provision of 6 Sheffield type cycle stands [each of which provides two cycle parking spaces] together with bin stores in a covered communal store. It is also satisfied that the scheme can satisfactorily operate as a car free development.

Sustainability

28. The Design and Access Statement submitted with the application states that the recent amendments to Part L [conservation of fuel and energy] and Part F [ventilation] of the Building Regulations are the latest step taken by Government in its commitment towards achieving zero carbon rating in new dwellings by 2016. These amendments require a 25% reduction in carbon emissions above the previous regulations.

29. The statement goes on to say that the emphasis is towards improving the fabric of the building to reduce thermal loss and reduce the energy requirement for heating. In addition to the required improvements in 'U' values, accredited details will be adopted that ensure a continuity of insulation especially around door and window openings. In addition air leakage from the building will be minimised by the adoption of good detailing and responsible workmanship.

Flooding

30. The site lies within the Environment Agency Flood Zones 2 and 3a and the application is accompanied by a Flood Risk Assessment. The FRA concludes that the proposed development:
- can incorporate appropriate construction techniques to mitigate against flood risk
 - will not contribute to increased flood risk elsewhere and
 - has adopted a design process which has responded to the potential impacts of climate change.
31. No comments have been received from the Environment Agency to date and officers have no reasons to doubt the conclusions of the FRA which has been prepared by Glanville Consultants.

Contributions towards Affordable Housing

32. On 19th December 2011 the full Council endorsed the proposed submission Sites and Housing Plan for publication and submission to the Secretary of State for examination. Council also adopted the Sites and Housing Plan for development control purposes, considering the advanced stage it is in production, the front loading of the evidence base and the responses from the earlier consultation stages. The Sites and Housing Plan was formally submitted to the SoS for examination in May 2012 and the examination was undertaken over the summer of 2012. The Council has now received and published the Inspector's Report which finds the Plan sound and full Council will formally adopt the Sites and Housing Plan on 18th February 2013.
33. Policy HP4 of the Sites and Housing Plan states that planning permission will only be granted for residential development on sites with capacity for 4 – 9 dwellings if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution is equivalent to 15% of the sales value of the units [otherwise known as the gross development value] and in addition a 5% [of the contribution] administrative charge is required to cover the administrative costs of being able to spend and implement the affordable housing contribution. The policy requires the contribution to be paid prior to the sale [or occupation] of more than 50% of the new units. This has the advantage of improving the cash flow for the developer and removes any uncertainty about the sales values of the units.

34. The applicant has submitted 2 viability assessments for the development, both of which conclude that the scheme is not sufficiently viable to make any contribution towards affordable housing. The Sites and Housing Plan policy does make it clear that if there are specific issues which would make a scheme unviable, then the planning authority will take this into account when applying the policy. This reflects the normal approach of considering whether there are any material considerations which would justify a departure from the development plan policy.
35. It is worth noting that the Planning Statement accompanying the application states in paragraph 6.26 that the applicant is prepared to contribute £21,820 in accordance with the streamlined contributions schedule for the West End Area Action Plan. The agent has been advised that, given the nature of the existing and proposed uses on this site, a contribution towards the WEAAP is not required in this instance. The applicant originally agreed to offer this sum as a contribution towards affordable housing but has since withdrawn this offer and declined to make any affordable housing contribution, based upon their case on viability. Further details on this are set out below.
36. The applicant's viability assessment includes 3 valuations of the development when it had been completed [Gross Development Value]. These vary between £1,280,000 and £1,410,000. Based upon these valuations, the affordable housing contribution, including the administrative fee, would be between £201,600 and £222,075.

Viability methodology

37. The normal methodology to assess viability is relatively straight forward and is based upon Residual Land Value. One considers the gross development value [GDV] of the scheme, in this case the total value expected of the sales of the residential units. One subtracts the costs of the scheme which includes the cost of construction, the finance costs, developers' profit and other planning policy requirements. The difference between the cost of the development plus profit and the GDV is how much the land is worth [this difference is called the 'residual land value' or RLV]. If the residual land value is significantly greater than the existing use value [plus a reasonable incentive for the landowner to bring the site to the market], then the scheme is viable.
38. The difficulty comes when trying to assess the assumptions and values which are fed into the model as this is where significant differences in results can occur. Therefore in assessing viability information, it is important that all of the figures are clearly evidenced.

Viability details

39. The applicant uses Connells estate agents to provide their viability evidence and they have used the Three Dragons Toolkit to present the

figures. The 3D toolkit is an acceptable methodology but the key issues are what figures are used within the appraisal.

40. One of the key issues in this viability assessment is the existing use value [EUV]. The applicant has already sought to argue that the pub is not a viable business and have submitted evidence to that effect to overcome the protection of pubs policy [RC18] in the Oxford Local Plan. As such the EUV would need to be judged against a non-viable business. The logic behind this is that if the pub is a successful business, then the site is worth much more but then policy RC18 would suggest that the application be refused. In this case the pub is apparently no longer a viable business and therefore the value of the site needs to be judged against this background.
41. The applicant has stated that the site was purchased for £482,121.20 in June 2011. The site area is 0.03 hectare and this is equivalent to over £9,600,000 per hectare. The applicant has ignored the fact that viability assessments are based upon existing use value, nor purchase price and has not provided a real Existing Use Value for a closed pub.
42. The applicant also seeks to suggest that an incentive of between 15 and 30% should be added to the EUV to entice a landowner to sell. In certain circumstances, such an allowance is reasonable. However in the case of a closed pub where there is no business interest, the landowner would not require any incentive to sell the site for development.
43. The applicant has used a build cost of £1,756 per square metre. The proposal is for the conversion and extension of an existing building and build costs for new build based on the industry standard BCIS are approximately half the quoted costs. This high level of build costs have not been adequately justified.
44. The 3D toolkit has a number of 'standard values'. The applicant has in a number of circumstances used values which are higher than the standard values but has not justified this. Similarly there are a number of costs and exceptional costs in the appraisal which have not been justified.
45. The applicant has selected a series of sales values from one of the 3 surveyors and this is not the most valuable of the valuations which has an impact on the overall viability. There is no justification why the lower figures have been used. In terms of GDV, the lowest figure used in the appraisal is £1,295,000; however the highest figure is £1,410,000 which would create a higher value by some £115,000.
46. Even using the applicant's costs, the developer would make £220,150 profit of a cost of £701,850 which gives a developers' profit of 31.3%, significantly higher than would normally be expected.
47. Having regard to the numerous flaws in the viability assessment, officers consider that it does not provide a robust justification to deviate away

from the standard policy requirement for an affordable housing contribution.

Conclusion:

48. The proposed scheme for the erection of 6 x 1 bedroom dwellings does not include a contribution towards the provision of affordable housing elsewhere in Oxford which is contrary to policy HP4 of the Sites and Housing Plan 2012, would fail to contribute to the provision of mixed and balanced communities and would be harmful to the quantity and quality of Oxford's housing stock.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

12/01970/FUL

Contact Officer: Angela Fettiplace

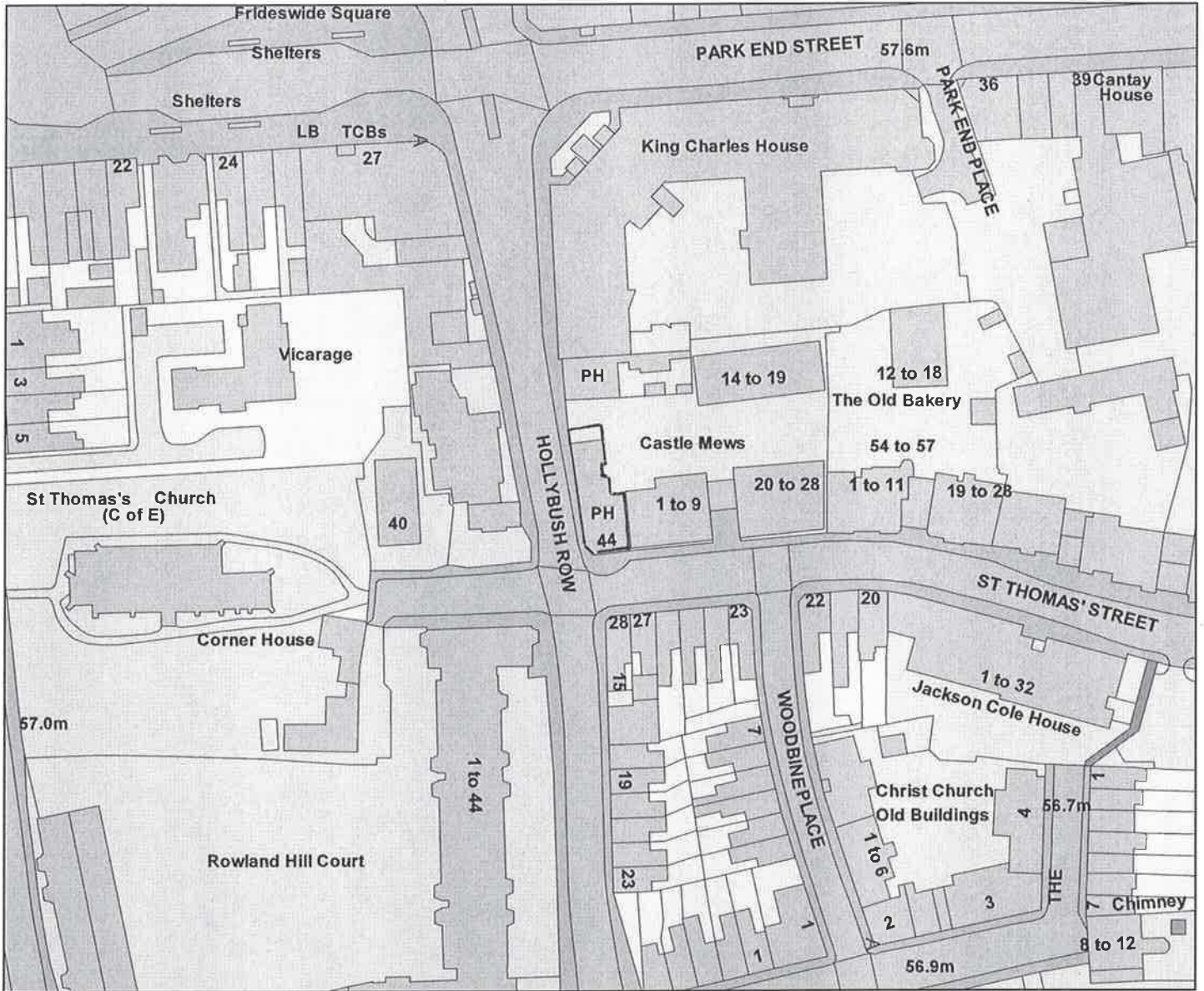
Extension: 2445

Date: 22nd January 2013

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Appendix 1

The former Maroon Public House, 44 St. Thomas Street



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	23 January 2013
SLA Number	Not Set

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West Area Planning Committee

-7th February 2013

Application Number: 12/02829/FUL

Decision Due by: 10th January 2013

Proposal: Change of use from class C3 dwelling house to C4 House in Multiple Occupation (Additional information)
(Location Plan – Appendix 1)

Site Address: 36 Morrell Avenue Oxford OX4 1ND

Ward: St Clement's Ward

Agent: N/A

Applicant: Mr Leonardo Bocci

Application Called in – by Councillors Clack, Coulter, Fry and Seamons for the following reasons – Possible overconcentration of HMOs in the area.

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

HS15 - Housing in Multiple Occupation

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

12/02226/CPU - Certificate of lawfulness for proposed formation of dormer, including Juliet balcony, to rear roofslope.. PER 11th October 2012.

12/02227/FUL - Erection of single storey rear extension.. PER 25th October 2012.

Representations Received:

12 London Place: Object – Contrary to Balance of Dwellings policy, no need for more C4s.

17 London Place: Object – Incorrect information supplied, no street survey included contrary to Policy H1, may lead to noise and disturbance.

20 Tawney Street: No specific objection, but hopes density regulations will be applied.

Statutory and Internal Consultees:

Local Highways Authority: No objection subject to conditions to ensure adequate bin and cycle storage.

Local Drainage Authority: No comment

Issues:

Concentration of HMOs
Amenities and Facilities

Officers Assessment:

Site description and proposal

1. 36 Morrell Avenue is a mid terrace house in the St Clements / East Oxford area with an undercroft giving access to the rear.

2. Permission is sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO – Use Class C4).

Concentration of HMOs

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.
4. The application site is within the HMO Registration Area and Policy HS15 of the Local Plan states that permission will not be granted for the change of use of any building to an HMO where it falls within the HMO Registration Area as identified on the Proposals Map.
5. The emerging Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%. The Sites and Housing Plan is expected to be adopted by the council on the 18th February 2013, at which point Policy HS15 of the Local plan will be superseded.
6. There are around 45 buildings within 100m street length of 36 Morrell Avenue, both along the road itself and along Union Street to a distance of 100m. Of these, licencing records indicate that 12 of these have, or have applied for an HMO licence. The actual number may be higher, due to some HMOs not being licenced, but the figures indicate that around 27% of buildings in the relevant area are HMOs, already in excess of the 20% concentration defined in Policy HP7. The proposal is therefore likely to result in a further over-concentration of HMOs in the area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.
7. In her Inspectors Report dated 23rd January 2013 (12/01325/FUL), the inspector noted that the examination of the Sites and Housing Development Plan Document found that the document was sound and that adoption was expected shortly. She therefore gave significant weight to the new document, specifically where it was in conflict with policies of the Local Plan that will be superseded upon adoption of the Sites and Housing Plan. The Sites and Housing Plan is therefore a material consideration in the determination to which substantial weight has been given.

Amenities and Facilities

8. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities.
9. The application does not contain any evidence that the development would comply with the HMO good practice guidance. If this were to have been the only problem with the proposal it may have been possible for evidence to have been provided after submission, but as there is a problem with the principle of the development, addressing the issue would not have resulted in a recommendation to approve the application. Nevertheless, the proposal fails to comply with Policy HP7 in this regard.

Conclusion:

10. The proposed development would result in an over concentration of Houses in Multiple Occupation within Morrell Avenue, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants of the units. The application would therefore be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

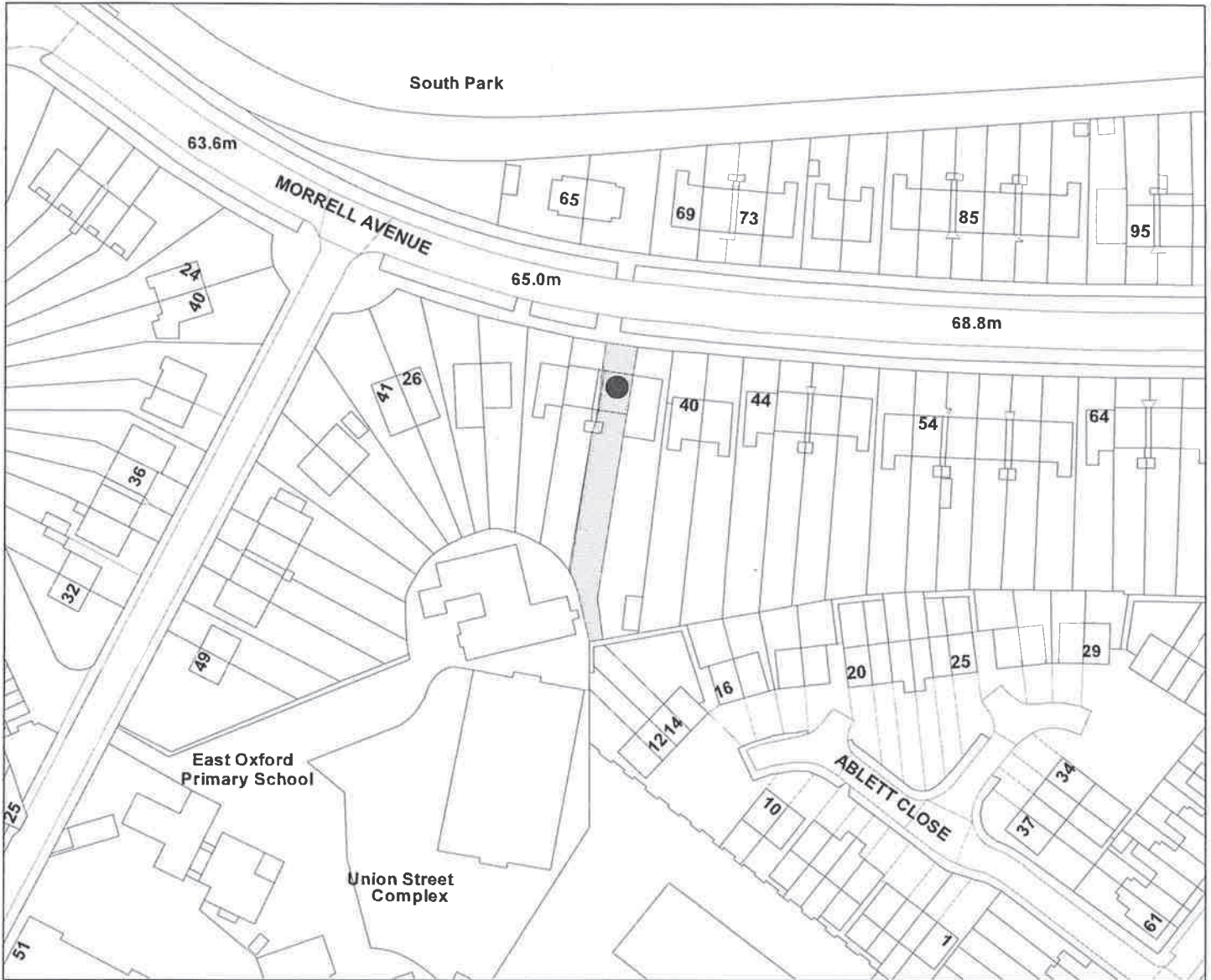
Background Papers: 12/02829/FUL

Contact Officer: Tim Hunter
Extension: 2154
Date: 24th January 2013

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36 Morrell Avenue

12/02829/FUL



Legend



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Organisation	Appendix 1
Department	57 Wilkins Road 12
Comments	Not Set
Date	30 January 2013
SLA Number	Not Set

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West Area Planning Committee

7th February 2013

Application Number: 12/03104/FUL

Decision Due by: 5th February 2013

Proposal: Change of use from a dwelling house (use class C3) to a House of Multiple Occupation (use class C4)
(Location Plan – Appendix 1)

Site Address: 47 Jeune Street Oxford Oxfordshire OX4 1BN

Ward: St Clement's Ward

Agent: N/A

Applicant: Ms Sarah Farrow

Application Called in – by Councillors Clack, Rowley, Tanner, McManners, Fry and Lygo for the following reason – Overconcentration of HMOs in the area.

Recommendation:

APPLICATION BE REFUSED

For the Following Reasons:-

- 1 The proposed development would result in an over concentration of Houses in Multiple Occupation within Jeune Street, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan.
- 2 The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. This would be contrary to Policy HS15 of the Oxford Local Plan 2001-2016 and Policy HP7 of the emerging Sites and Housing Plan.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP10 - Siting Development to Meet Functional Needs

HS15 - Housing in Multiple Occupation

Core Strategy

CS23_ - Mix of housing

Sites and Housing Plan - Submission

HP7_ - Houses in Multiple Occupation

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

None relevant

Representations Received:

No comments received

Statutory and Internal Consultees:

Local Drainage Authority: No comment

Issues:

Concentration of HMOs
Amenities and Facilities

Officers Assessment:

Site description and proposal

1. 47 Jeune Street is an end of terrace house in the St Clements / East Oxford area that is also attached to a commercial premises providing car tyres and a car valet service.
2. The applicant states that most of the dwellings in the surrounding area are already HMOs and that there is considerable noise and disturbance from other surrounding land uses and that this has made it difficult to secure a buyer for the property as a single dwelling. Permission is therefore now sought for a change of use from a single family dwelling (Use Class C3) to a small House in Multiple Occupation (HMO – Use Class C4).

Concentration of HMOs

3. Policy CS23 of the Core Strategy states that Planning permission will only be granted for residential development that delivers a balanced mix of housing

both within each site and across Oxford as a whole. Oxford has a large number of HMOs and in some areas of the city, high concentrations of HMOs are resulting in changes to the character of the local area.

4. The application site is within the HMO Registration Area and Policy HS15 of the Local Plan states that permission will not be granted for the change of use of any building to an HMO where it falls within the HMO Registration Area as identified on the Proposals Map.
5. The emerging Sites and Housing Plan states that the Council will use its planning responsibilities to prevent any further over-concentration of HMOs in areas where there are already significant numbers. Policy HP7 of the Sites and Housing Plan states that permission for a change of use to an HMO will only be granted where the proportion of buildings used as an HMO within 100m of street length of the application site does not exceed 20%. The Sites and Housing Plan is expected to be adopted by the council on the 18th February 2013, at which point Policy HS15 of the Local plan will be superseded.
6. There are around 53 buildings within 100m street length of 47 Jeune Street, both along the street itself and along Cowley Road and Stockmore Street to a distance of 100m. Of these, licencing records indicate that 20 of these have, or have applied for an HMO licence. The actual number may be higher, due to some HMOs not being licenced, but the figures indicate that around 38% of buildings in the relevant area are HMOs, well in excess of the 20% concentration defined in Policy HP7. The proposal is therefore likely to result in a further over-concentration of HMOs in the area, which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area, failing to contribute to the objective of balanced and mixed communities. This would be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the Sites and Housing Plan.
7. In her Inspectors Report dated 23rd January 2013 (12/01325/FUL), the inspector noted that the examination of the Sites and Housing Development Plan Document found that the document was sound and that adoption was expected shortly. She therefore gave significant weight to the new document, specifically where it was in conflict with policies of the Local Plan that will be superseded upon adoption of the Sites and Housing Plan. The Sites and Housing Plan is therefore a material consideration in the determination to which substantial weight has been given.

Amenities and Facilities

8. Policy HP7 of the Sites and Housing Plan also states that permission for a change of use to an HMO will only be granted where the applicant has demonstrated compliance with the City Council's good practice guide on HMO amenities and facilities.
9. The application does not contain any evidence that the development

would comply with the HMO good practice guidance. If this were to have been the only problem with the proposal it may have been possible for evidence to have been provided after submission, but as there is a problem with the principle of the development, addressing the issue would not have resulted in a recommendation to approve the application. Nevertheless, the proposal fails to comply with Policy HP7 in this regard.

Conclusion:

10. The proposed development would result in an over concentration of Houses in Multiple Occupation within Jeune Street, the wider local area and the HMO Registration Area which would have a detrimental impact upon the balance and mix of dwelling types within the surrounding area failing to contribute to the objective of balanced and mixed communities. The application fails to demonstrate that the development could provide good quality internal living environments capable of accommodating the likely number of occupants within the house (House in Multiple Occupation) and as a result would have a detrimental impact upon the living conditions for the future occupants. The application would therefore be contrary to Policy HS15 of the adopted Oxford Local Plan 2001-2016, Policy CS23 of the Core Strategy and Policy HP7 of the emerging Sites and Housing Plan. The existing nature of the area and the problems the applicant has had in selling the property are noted, but these considerations are not considered sufficient to justify a departure from the adopted and emerging policies of the Local Plan.

Human Rights Act 1998

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

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/03104/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 24th January 2013

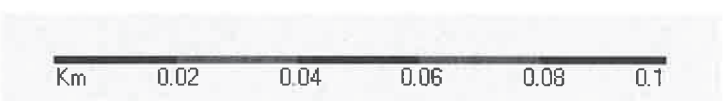
47 Jeune Street

12/03104/FUL



Legend

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Organisation	Appendix 1
Department	57 Wilkins Road 12
Comments	Not Set
Date	30 January 2013
SLA Number	Not Set

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West Area Planning Committee

-7th February 2013

Application Number: 12/02949/FUL

Decision Due by: 11th January 2013

Proposal: Erection of outbuilding in rear garden.

Site Address: 53 Stanley Road Oxford Oxfordshire OX4 1QY
(Location Plan – Appendix 1)

Ward: St Marys Ward

Agent: Embling Associates Ltd

Applicant: Mrs I Bettencourt

Application Called in – by Councillors – Clack, Fry, Tanner and Kennedy
for the following reasons – Potential overdevelopment.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development forms an acceptable visual relationship with the existing site and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. An adequate size of garden will be retained and concerns over flooding can be dealt with by condition. The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.
- 2 Objections have been received from a number of local residents and the comments made have been carefully considered. However it is the Council's view that the comments made do not constitute sustainable reasons for refusing planning permission that would be supported on appeal and that the imposition of appropriate planning conditions will ensure the provision of a good quality form of development that would not unacceptably impact on the amenities enjoyed by neighbouring occupiers.
- 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.

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

- 1 Development begun within time limit
- 2 Deemed in accordance with approved plans
- 3 Building materials as specified
- 4 Specific exclusion approved plans - side facing windows, 12/1104/P1 and 02A (Elevations), 16.11.2012,
- 5 Private open space - no garden buildings
- 6 Exclusion of other uses purposes incidental to the main dwelling (not primary living,

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HS19 - Privacy & Amenity

HS21 - Private Open Space

Core Strategy

CS11_ - Flooding

CS18_ - Urban design, town character, historic environment

Sites and Housing Plan - Submission

HP9_ - Design, Character and Context

HP13_ - Outdoor Space

HP14_ - Privacy and Daylight

Other Material Considerations:

National Planning Policy Framework

Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (GPDO)

Relevant Site History:

12/00129/FUL - Rear single and two storey extension. (Amended plans). PER 29th March 2012.

Representations Received:

51 Stanley Road: Objection – Too large for site, possible use, precedent.

55 Stanley Road: Objection –Overlooking, overbearing, too large for site, precedent.

Statutory and Internal Consultees:

Local Drainage Authority: Drainage should be SUDs compliant.

Issues:

Private amenity space
Visual amenity
Effect on adjacent occupiers
Drainage

Officers Assessment:

Site description and background

1. 53 Stanley Road is a terraced house over four floors, with the upper and lower ground floors having been extended with permission granted under application 12/00129/FUL. Part of the rear garden has also been dug out behind the lower ground floor extension, creating a two level garden with a patio at the lower level and a lawned area behind. The total garden remaining measures around 11 metres in depth.
2. Permission is now sought to construct a detached garden building at the rear of the garden. The proposal requires planning permission because the building would be within 2 metres of the boundary of the site and is in excess of 2.5 metres high, and also because of the removal of Permitted Development rights by Condition 4 of the previous planning permission:
 - *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or enacting that Order) no structure, building or enclosure as defined in Class E of Schedule 2, Part 1 of the Order shall be erected or otherwise provided within the curtilage without the prior written consent of the Local Planning Authority.*

Reason: The Local Planning Authority considers that even small losses of garden space should be the subject of further consideration to safeguard the provision of private open space in accordance with policy HS21 of the Adopted Oxford Local Plan 2001-2016.

3. The outbuilding is intended to be used by the applicant as a summer house for sitting out and uses incidental to the main dwelling.

Private amenity space

4. The adopted Oxford Local Plan requires that new dwellings should provide an amount of private open space to allow their occupants to enjoy fresh air and light in privacy, whilst Policy CP10 states that permission will only be granted where developments are sited to ensure that outdoor needs are properly accommodated, including private amenity space.
5. Policy HS21 states that planning permission will not be granted for development proposals where insufficient or poor quality private open space is proposed. The accompanying text says that where occupiers are likely to be children, then shared amenity space is not appropriate and, generally, the length of a private garden for a family house should be 10 metres.
6. Policy HP13 of the Sites and Housing Plan requires that houses of 2 or more bedrooms must provide a private garden of adequate size and the accompanying text states that the City Council will expect an area which is at least equivalent to the original building footprint.
7. The inspectors report into the emerging Sites and Housing Development Plan Document concluded that the document was “sound”. It is therefore intended to be formally adopted at Council on the 18th February 2013. As such it can be afforded almost full weight in determining planning applications.
8. The proposed development would result in the loss of garden space to the rear of the property, the remainder of which would measure around 7 metres in depth, marginally less than the depth of the original house. Bearing in mind the additional amenity offered by the proposed garden building, the remaining garden size is considered adequate to serve the house and the shortfall of 0.5 metres from the requirement of the Sites and Housing Plan is not considered sufficient to justify a refusal of planning permission on these grounds.

Visual amenity

9. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
10. The proposed development is not easily visible from the public domain and represents a form of development typical for domestic gardens. Whilst somewhat large relative to the remaining plot, it is noted that a flat roofed structure with the same footprint could have been erected under Permitted Development rights had these not been previously removed. The current pitched roof design is considered an appropriate form of development for its context and subject to a condition of planning permission to control the appearance of materials used in the build, the proposal is not materially out of character with the existing house or local area, and complies with Policies

CP1 and CP8 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

Effect on adjacent occupiers

11. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1, CP10 and HS19 of the Local Plan and Policy HP14 of the Sites and Housing Plan support this aim.
12. Appendix 6 of the OLP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties and this is reiterated in Appendix 7 of the Sites and Housing Plan.
13. The windows and glazed doors of the building would face the rear of the properties along Stanley Road and would be positioned in an elevated position relative to the lower ground floors of surrounding properties. However given the existing boundary treatments, it will be highly difficult, if not impossible, to gain sight of the lower ground floor windows of 21 and 25 Stanley Road from the windows and door of the proposed building. Any increase in overlooking or the perception of overlooking, over that already present by the existing use of the garden, is therefore considered marginal and it would be unreasonable to refuse planning permission on this basis.
14. The proposal complies with the 45-degree guidance and will not lead to a material loss of light to neighboring windows. There will be some effect on the gardens at 21 and 25 Stanley Road but with an eaves height of less than 2.3 metres it will not be unacceptably overbearing or overshadowing and subject to conditions to control the use of the building and reduce the perception of overlooking from the adjacent gardens there will be no unacceptable effect on adjacent occupiers, and the proposal complies with Policies CP1, CP10 and HS19 of the Local Plan and HP14 of the Sites and Housing Plan.

Drainage

15. Oxford's Core Strategy states that sustainable drainage systems may be required for smaller developments, such as hard-standing on front gardens, as cumulatively these can increase flood risk. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk, floodwater flows and flood water storage and states that all developments will be expected to incorporate sustainable drainage systems or techniques to limit runoff from new development.
16. The garden building will increase the area of non permeable surface in the area and a condition to ensure the implementation of a sustainable drainage scheme is considered reasonable to ensure the development does not result in an increased risk of flooding and that the proposal complies with policy CS11 of the Core Strategy.

Conclusion:

17. The development forms an acceptable visual relationship with the existing site and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. An adequate size of garden will be retained and concerns over flooding can be dealt with by condition. The proposals therefore comply with Policies CP1, CP8, CP10, HS19 and HS21 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9, HP13 and HP14 of the Sites and Housing Plan.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 12/02949/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 23rd January 2013

APPENDIX 1

53 Stanley Road

12/02949/FUL



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	25 January 2013
SLA Number	LA100019348

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Ordnance Survey 100019348.

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Agenda Item 10

Monthly Planning Appeals Performance Update – December 2012

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 31 December 2012, while Table B does the same for the current business plan year, ie. 1 April 2012 to 31 December 2012.

Table A. BV204 Rolling annual performance (to 31 December 2012)

A.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	11	(33%)	2 (40%)	9 (32%)
Dismissed	22	67%	3 (60%)	19 (68%)
<i>Total BV204 appeals</i>	33		5	28

Table B. BV204: Current Business plan year performance (1 April to 31 December 2012)

B.	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	8	(35%)	1(25%)	7 (37%)
Dismissed	15	65%	3 (75%)	12 (63%)
<i>Total BV204 appeals</i>	23		4	19

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 31 December 2012

	Appeals	Percentage performance
Allowed	14	(36%)
Dismissed	15	64%
All appeals decided	39	
Withdrawn	0	

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 December 2012.
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 December 2012. 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 1/12/12 and 31/12/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by 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, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS - Dismissed

DC CASE NO.	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
12/01188/FUL	12/00045/REFUSE	DEL	REF	ALC	04/12/2012	STMARY	1 Alhambra Lane Oxford Oxfordshire OX4 1FA	Demolition of existing single storey extension. Erection of two storey side and rear extension.
12/00435/FUL	12/00029/REFUSE	DEL	REF	DIS	17/12/2012	SUMMTN	7 Wentworth Road Oxford Oxfordshire OX2 7TG	Erection of two storey building, providing garage on ground floor and self-contained flat on the first floor, to be used as accommodation ancillary to main dwelling

Total Decided: 2

TABLE E Appeals Received Between 1/12/12 and 31/12/12

DECTYPE KEY: COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by 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
12/01926/FUL	12/00052/REFUSE	DEL	REF	W	7 Stephen Road Headington Oxford OX3 9AY	HEAD	Erection of two storey two bedroom dwelling house (Use Class C3).
12/02089/FUL	12/00051/REFUSE	DEL	REF	W	42 Collinwood Road Oxford Oxfordshire OX3 8HJ	QUARIS	Erection of two storey side extension. Conversion of existing dwelling to provide 2 x1 bed flats and provision of replacement 3 bed dwelling house in extension. Provision of bin and cycle stores and forecourt parking
12/02113/FUL	12/00050/REFUSE	DELCOM	PER	H	37 Meadow Prospect Wolvercote Oxford OX2 8PP	WOLVER	Demolition of existing outbuildings. Erection of part single, part two storey, side and rear extensions and insertion loft rooflights to front and rear roofslopes. (Amended Plans)

Total Received: 3

WEST AREA PLANNING COMMITTEE

Wednesday 16 January 2013

COUNCILLORS PRESENT: Councillors Goddard (Vice-Chair), Benjamin, Canning, Clack, Cook, Jones, Khan, Tanner and Clarkson.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Michael Morgan (Law and Governance), Murray Hancock (City Development) and Nick Worledge (City Development)

108. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Van Nooijen with Councillor Clarkson attending as substitute.

109. DECLARATIONS OF INTEREST

Councillor Colin Cook, as an employee of the University, declared an interest in the University Science Area Masterplan (minute 110 refers).

110. UNIVERSITY SCIENCE AREA MASTERPLAN

The Head of City Development submitted a report (previously circulated, now appended) concerning the University Science Area Masterplan.

Murray Hancock presented the report to the Committee. He informed the Committee that this was not a planning application; it was a proposed masterplan upon which the Committee was invited to comment.

The Committee made the following comments:-

1. Welcomed the proposal – the science area has been a difficult place to live and work for some time;
2. Proposed energy saving devices and low carbon proposals are to be commended;
3. Important to prioritise cycle parking, especially in places where people will want to park, that is, close to the buildings that will be used. Try to be creative in regards to bicycle parking;
4. There should be sufficient car parking for operational needs. It should be noted that this area receives significant service traffic, and to ensure an efficient service, it needs a reasonable amount of parking space;
5. Please make sure any rubbish and waste materials accumulated in skips etc is removed, preferably before the proposed masterplan comes into effect;
6. Landscaping and the pleasant presentation of the public realm, is important. Equally important is the need to keep this as an integral part of the overall area;

The Committee resolved to welcome the plan, and asked to be kept informed of its progress in the long term.

111. PLANNING APPLICATION FOR DETERMINATION - 12/02740/LBC AND 12/02739/FUL - CONVERSION OF COACH HOUSE AND ALTERATIONS TO LISTED BUILDING SITE, 7 PARK TOWN

The Head of City Development submitted a report (previously circulated, now appended) concerning the following application:-

- Use of former coach house as an independent self contained dwelling at 7 Park Town.

Nick Worlledge presented the report to the Committee.

In accordance with the criteria for public speaking, Mr Kawecki (on behalf of the Applicant) and Mr Armitage spoke in favour of the application. No-one spoke against it.

Councillor Cook suggested that any planning consent be made personal to the applicant. However, officers confirmed that suggested condition 9 (removal of householder permitted development rights for extensions/alterations to the building and removal of permitted development rights in order to subdivide the garden) for application number 12/02739/FUL would, in their view, provide sufficient controls over the use of this building as a separate dwelling.

The Committee took all submissions into account, both written and oral.

Resolved to approve the applications 12/02740/LBC and 12/02739/FUL with conditions as laid out in the planning officer's report and that the Head of City Development be authorised to issue the notice of permission.

(Note: this did not include conditions personal to the applicant.)

112. PLANNING APPLICATION FOR DETERMINATION - 12/02794/FUL - CONVERSION OF 3 FLATS, 10 GORDON STREET

The Head of City Development submitted a report (previously circulated, now appended) concerning the following application:

- Change of use of former South Oxfordshire Social Club to form 1x2 bedroom dwelling house and 2x1 bed flats (all Class C3).

Murray Hancock presented the application to the Committee.

In accordance with the criteria for public speaking, Mr Shelton (Agent for the Applicant) spoke in favour of the application. No-one spoke against it.

The Committee took all submissions into account both written and oral.

Resolved to approve the application with conditions as laid out in the planning officer's report, and that the Head of City Development be authorised to issue the notice of permission.

113. PLANNING APPEALS

The Head of City Development submitted a report (previously circulated, now appended) giving details of planning appeals received and determined during November 2012.

Resolved to note the report

114. FORTHCOMING APPLICATIONS

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

- 82 Freelands Road: 12/02609/FUL: Garden outbuilding;
- 36 Morrell Avenue: 12/02829/FUL: Change of use to HMO.
- 53 Stanley Road: 12/02949/FUL: Outbuilding in garden.
- 12/01809/FUL & 12/01818/LBD: Worcester College: Lecture theatre etc.
- 190 Iffley Road – 12/03121/EXT and 12/03122/EXT - extension of permission for student accommodation.

115. MINUTES

Resolved to approve as a correct record the minutes of the meeting held on 12th December 2012.

116. DATES OF FUTURE MEETINGS

Resolved to note the following dates:-

7th February 2013 (and 13th February if needed)
13th March 2013 (and 14th March if needed)

The meeting started at 6.00 pm and ended at 7.00 pm

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