

WEST AREA PLANNING COMMITTEE

15th August 2012

Application Number: 12/01383/FUL

Decision Due by: 27th July 2012

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

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

Ward: St Marys Ward

Agent: John Philips Planning
Consultancy

Applicant: RMA Properties

Recommendation:

To refuse planning permission for the following reason:

- 1 The development would result in the loss of a self-contained dwelling and fails to provide any replacement residential accommodation within the scheme and, as such, would have a detrimental impact upon the balance and distribution of dwelling types within the area contrary to policies HS10 of the Oxford Local Plan 2001-2016 and HP1 of the Sites and Housing Plan Submission Document.

Planning Obligations:

In the event that the application is supported and in accordance with the Council's Planning Obligations SPD and the emerging Sites and Housing Plan (Proposed Submission), the following contributions would be required to mitigate the impact of the proposals on City and County Services and affordable housing. The contributions set out below are indexed linked to values at 2006 levels and should be increased accordingly at the time of payment.

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

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
HS19 - Privacy & Amenity
HS10 - Loss of Dwellings
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
TR13 - Controlled Parking Zones
RC5 - Secondary Shopping Frontage

Core Strategy

CS18_ - Urb design, town character, historic env
CS25_ - Student accommodation
CS31_ - Retail
CS23_ - Mix of housing
CS17_ - Infrastructure and developer contributions
CS9_ - Energy and natural resources
CS2_ - Previously developed and greenfield land

Sites and Housing Plan - Submission

HP1_ - Changes of use to existing homes
HP5_ - Location of Student Accommodation
HP6_ - Affordable Housing from Student Accommodation
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework
Balance of Dwellings SPD
Planning Obligations SPD
Parking Standards, Transport Assessments and Travel Plans SPD
Manual for Streets

Relevant Site History:

11/03035/FUL - Demolition of existing buildings. Erection of 3 storey building comprising retail shop and Class B1 Business use on ground floor and 18 student study rooms on upper floors. Provision of cycle parking and bin stores – Refused 23rd February 2012

Representations Received:

One comment received from 6 Randolph Street:

- Whilst the scheme looks well designed and makes a better use of the space, there is already a high concentration of students living in the area and the balance would further tipped in this direction by the development proposed harming the mix and balance of residents living locally.

Statutory and Internal Consultees:

Highway Authority – No objection subject to conditions relating to cycle parking and a scheme to prevent student residents bringing cars into the City. Financial contributions also required towards cycle safety measures as set out above.

Thames Water Utilities Limited - No objection

Environmental Development – No objection subject to a phased contamination risk assessment being carried out prior to the commencement of development on the site.

Oxfordshire County Council – Contributions required towards library infrastructure and bookstock.

Officers' Assessment:

Site Description and Proposal

1. The application site is identified on the plan attached as Appendix 1. It comprises Nos. 220 and 222 Cowley Road, a pair of two storey properties (with accommodation in the basement) of no real architectural distinction located on the corner of Randolph Street. No 220 comprises a shop on the ground floor with ancillary office/storage space above whilst No. 222 is a 5 bedroom house currently occupied as a Class C4 HMO. There is a two storey extension to the rear of No. 222 which is occupied as Class B1 offices though it is currently in a somewhat poor state of repair.

2. The application proposes the demolition of Nos. 220 and 222 Cowley Road and the erection of a two storey building with accommodation in the roofspace comprising retail and office uses on the ground floor with 18 student study bedrooms provided on the first and second floors along with associated communal living room/kitchen space. Covered bin and cycle storage is provided for all uses within the building in an area to the side accessed from Cowley Road.

3. Officers consider the principle determining issues in this case to be:

- Design and appearance;
- The loss of residential accommodation;
- Retention of retail space;
- Student accommodation;
- Affordable Housing;
- Impact on neighbouring amenity;

- Parking/Highway Implications.

Design and Appearance

4. Policy CP8 of the Oxford Local Plan 2001-2016 requires the siting, massing and design of development to create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area and CP10 states that planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced. Policy CS18 of the Core Strategy echoes this.

5. Cowley Road is a busy commercial frontage and thoroughfare characterised by large two and three storey buildings built hard up to the pavement edge along a strong building line. The buildings are generally of a traditional form and appearance, constructed of brick, tile or slate, with a pitch roof and conventional features such as sash windows and roofed bays. The uses at ground floor are a mix of retail premises, restaurants and bars, with some office accommodation. On the upper floors the buildings are mostly residential or ancillary office or storage accommodation.

6. In contrast to the scale and use of the buildings fronting Cowley Road, the side roads are narrower, predominantly residential in character with buildings of a more domestic scale and mass. In many cases the side roads see a relatively undeveloped return to the Cowley Road frontage or where an infill development has taken place the buildings step down from Cowley Road to meet the scale of the properties fronting the side road.

7. The character of Randolph Street is no exception and is characterised by a narrow road with two storey terrace houses built hard up to the pavement. The terraces on each side of the road are long and only broken by the junction of Green Street and Hawkins Street. The rear of 224 Cowley Road has been recently redeveloped for student accommodation and this has seen the conversion of an existing workshop building and erection of a new two storey building. The scale and mass of this new development respects the domestic characteristics of Randolph Street, albeit with a more contemporary use of materials and detailing.

8. The application proposes a new two storey building with roof accommodation. The Cowley Road elevation would have a greater degree of symmetry than that existing at present which would help it to relate to this part of the Cowley Road in terms of scale and mass though does have a somewhat plain front elevation. Indeed when viewed from Cowley Road, the building's overall dimensions would not appear dissimilar to the existing buildings.

9. The previous application proposals raised concern amongst officers and Members about the appearance from Randolph Street rather than Cowley Road. Following the refusal of the previous scheme this elevation has been given more distinction with opportunities taken to reduce its overall mass and the visual impact resulting from such a significant degree of flat roofed timber clad bays positioned close together. The use of different materials including brick and render, the varying of eaves heights as well as slightly recessing elements of the external walls has enabled this elevation to appear less stark and, ultimately, result in a more appropriate visual

relationship with its surroundings. It is also noted that the proposed ridge height steps up slightly from 1 Randolph Street and this continues the steadily increasing height of the properties on the western side of Randolph Street helping the building to be in keeping with the existing pattern of built development. Overall therefore, the current proposals are considered to overcome officer objections to the design of the previous scheme such that, in this regard, the proposals are considered acceptable.

Impact on Neighbouring Amenity

10. Local Plan policy CP10 states that development should be sited to ensure that the 'use or amenity of other properties is adequately safeguarded'. Local Plan policy HS19 goes further and states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.

11. With regard to the impact on daylight, officers have applied the 45 degree/25 degree guidance to the sill of habitable room windows that would potentially be affected by the proposal as advised by Appendix 6 of the Local Plan. Due to the position of the proposal in relation to the windows of No 1 Randolph Street there would be no breach of the 45 degree guidance. In addition, the layout and dimensions of the proposed building ensure that it does not project beyond the rear of 1 Randolph Street and therefore materially affect the outlook enjoyed by its occupiers from the rear garden. Some windows to the rear of the proposed building will allow some overlooking of the rear garden of 1 Randolph Street though these windows are located in corridors only and therefore unlikely to attract prolonged overlooking. In addition, Randolph Street properties should be seen in the context of their terraced nature and, as a result, there is already the potential to significantly overlook neighbouring gardens from first floor level of houses along the street.

12. With respect to the neighbouring 218 Cowley Road, there are two potentially affected windows in the rear of No 218 Cowley Road, one serving a kitchen and the other a bedroom. Both of these rooms form part of a self-contained flat. However, the current revised proposals reduce the overall bulk of the roof facing into the site, omit the previous two storey kitchen element and alter the siting of the external staircase element such that the revised proposals do result in a contravention of the Council's daylight guidance or result in significant harm to the outlook from 218 Cowley Road.

13. Policy CS25 of the Core Strategy states that the management of the site should be controlled by the submission of appropriate measures, to be secured by planning condition in the event of permission being granted. This would adequately address any concerns there are about potential for noise and disturbance or other management matters. If the proposals were to be supported by Committee, officers would therefore suggest that a condition be imposed requiring details of site management to be submitted for subsequent approval.

Loss of residential accommodation

14. 222 Cowley Road is an existing family sized dwelling albeit in use as a small HMO. Given that the use of the building could easily revert back to a dwellinghouse without the benefit of planning permission and provide family accommodation its loss should be treated, in planning policy terms, as the same as the loss of a typical

dwellinghouse. Policy HS10 of the Local Plan seeks to prevent the loss of self-contained dwellings (i.e. No. 222 Cowley Road) and policy HP1 of the Sites and Housing Plan requires at least a 75 sq m dwelling to be retained and that it should be of adequate internal and external quality.

15. The application proposals however neither retain the existing dwelling nor make provision for a replacement dwelling and as such would result in the net loss of residential accommodation in the City to the detriment of the area's housing mix and balance.

Retention of retail space

16. The site lies within a designated secondary shopping frontage as set out in policy RC5 of the Local Plan. Shopping units such as that on the ground floor of 220 Cowley Road are protected from loss by the policy. However, whilst the proposals include demolition of the existing shop they also provide for a larger more modern shopping unit at ground floor level fronting Cowley Road. Consequently officers have no objection to this element of the proposals.

Student Accommodation

17. The City Council wishes to see an increase in the proportion of students housed in purpose built accommodation. Core Strategy policy CS25 supports the provision of purpose built student accommodation subject to it being of appropriate standard and states that matters of site management and the prevention of students bringing cars into the City can be controlled by planning condition.

18. Policy HP5 of the Sites and Housing Plan states that planning permission will only be granted for student accommodation unless it is on an existing campus, in the city or a district centre, on allocated sites or on a main thoroughfare. The site is located within a designated district centre and on a main thoroughfare such that it fulfils the requirements of this emerging policy.

19. Consequently, and in light of the policy context, officers consider that there is no objection to the principle of student accommodation at this location.

Affordable Housing

20. Policy HP6 of the Site and Housing Plan (Submission Document) states that "planning permission will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford". The application proposes 18 student bedrooms and therefore triggers the requirement for affordable housing delivery (this figure is set out above under the planning obligations heading). Committee should be mindful that whilst the document is not adopted it is a material planning consideration and does carry weight in determining the planning application. The applicant has agreed to make the contribution subject to the policy being formally adopted following the public examination later this year. Officers would therefore recommend that, if permission is granted, that authority be delegated to officers to issue the permission on completion of a legal agreement to secure the affordable housing contribution along with that also required to offset the impact on indoor sport, libraries and cycle safety.

Parking/Highway Implications

21. Core Strategy policy CS25 requires a condition to prevent future residents of student accommodation bringing cars into the City and, if imposed, this ensures that student occupiers would not add to existing parking pressure in the locality and encourages more sustainable modes of travel. If planning permission is granted officers would recommend that the committee impose a condition requiring details of how this will be achieved and enforced as well as a condition requiring submission and approval of a Travel Plan. If such conditions are imposed the Highway Authority would not object to the proposal.

22. The scheme proposes 18 covered and secure cycle parking spaces and this meets the requirements of the Council's relevant Local Plan policy (TR4) as well as policy HP15 of the Sites and Housing Plan (Submission Document).

Sustainability

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

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

Conclusion:

25. The development would result in the net loss of a self-contained dwelling to the detriment of the overall mix and balance of residential accommodation within the area and the city as a whole. Officers would therefore recommend that Committee refuse planning permission for the proposed development. However, if Members are minded to grant planning permission, officers would ask that authority be delegated to officers to allow the decision notice to be issued following the completion of a legal agreement to secure the required contributions set out at the beginning of this report.

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

Background Papers: 11/03035/FUL & 12/01383/FUL

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Extension: 2160

Appendix 1

220 & 222 Cowley Road



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	12/01/83/FUL
Date	10 July 2012

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