

**Planning Review Committee**

28<sup>th</sup> September 2012

**Application Nos.** (i): 12/01370/CAC  
(ii): 12/01369/FUL

**Decision Due by:** 30th August 2012

**Proposal:** (i): 12/01370/CAC: Demolition of public toilets.

(ii): 12/01369/FUL: Redevelopment of St Clement's car park to provide 140 student study rooms and ancillary accommodation in two blocks on 3, 4 and 5 floors. Replacement car park with 80 spaces, public toilets, landscaping and ancillary works.

**Site Address:** St Clement's Car Park, St Clement's St.

**Ward:** St Clement's Ward

**Agent:** Savills

**Applicant:** Watkin Jones Group

Following consideration at West Area Planning Committee on 15<sup>th</sup> August 2012, the planning application has been referred to Planning Review Committee by Councillors Cook, Rowley, Smith, Lygo, Khan, Coulter, Price, Tanner, Fry, Bance, Darke, Humberstone and Baxter.

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**Recommendation:** Committee is recommended to support the proposals in principle but defer the applications in order to secure an accompanying legal agreement, and delegate to officers the issuing of the notices of conservation area consent and planning permission on its completion.

## **Reasons for Approval**

### (i): 12/01370/CAC:

The local planning authority considers that the demolition of the public toilets, would be consistent with the special character and appearance of the conservation area in which they are located, subject to the conditions imposed. It has taken into account all other material matters, including matters raised in response to consultation and publicity.

### (ii): 12/01369/FUL

1. The principle of development of the site for student accommodation is established by policy DS82 of the adopted Oxford Local Plan and policy SP52 of the emerging Sites and Housing Plan (Submission Version). On balance the proposals are not considered to have an unacceptable impact on residential or visual amenity or the character and appearance of the conservation area or the setting of the nearby listed buildings. The arrangements for the provision of car parking on a permanent basis

following construction of the student accommodation is considered acceptable, as is the provision of temporary parking arrangements at the existing car park and at Marston Road with free bus service which will provide continuity in the provision of public parking.

2. The local planning authority has considered the many comments raised in public consultation which are summarised below, but consider that they are not sufficient as to warrant the refusal of planning permission subject to the imposition of appropriate conditions where required.
3. The local planning authority therefore considers that the proposal accords with the policies of the development plan as summarised below and National Planning Policy Framework. It has taken into consideration all other material matters and concluded that any material harm that the development would otherwise give rise to can be offset by the conditions imposed and / or accompanying planning obligations.

### **Conditions.**

#### (ii): 12/01370/CAC.

- 1 Buildings subject to Conservation area consent
- 2 No demolition before rebuilding contract

#### (i): 12/01369/FUL

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials in Conservation Area
- 4 Architectural and constructional details
- 5 Landscape plan
- 6 Landscaping carried out on completion
- 7 Landscape: hard surface design - tree roots
- 8 Landscape: underground services - tree roots
- 9 Tree Protection Plan
- 10 Arboricultural Method Statement
- 11 Ecological mitigation
- 12 Student Accommodation: Full time / Management Controls
- 13 Students no cars in Oxford
- 14 Student Accommodation: Out of Term Use
- 15 Temporary car parking
- 16 Car park available on completion of development
- 17 Temporary pedestrian access to meadow
- 18 Cycle store available on occupation
- 19 Construction Travel Plan
- 20 Amended Travel Plan
- 21 Removal of site from Controlled Parking Zone.
- 22 Construction Environmental Management Plan (including public car parking arrangements, details of signage and of public access to Angel and Greyhound Meadow)
- 23 Contribution to affordable housing
- 24 Contaminated land

- 25 Ground remediation
- 26 Development in accordance with Flood Risk Assessment
- 27 Surface water drainage details
- 28 Management of public toilets
- 29 Scheme of CCTV
- 30 Temporary public toilets during construction
- 31 Archaeology - Implementation of programme of archaeological work.
32. Temporary parking for disabled and motorcycles throughout.
33. Public art.

### **Planning Obligations**

1. Indoor sports facilities - £8,460 (City)
2. Environmental improvements in the locality - £50,000 (City).
3. Library Infrastructure within City - £8,883 (County).
4. Cycle safety measures - £19,458 (County).
5. Oxford Transport Strategy - £19,950 (County).
6. Public transport Infrastructure - £10,000 (County).
7. Travel Plan monitoring - £960 (County).

### **Main 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
- CP20 - Lighting
- CP21 - Noise
- NE14 - Water and Sewerage Infrastructure
- NE15 - Loss of Trees and Hedgerows
- NE16 - Protected Trees
- HE2 - Archaeology
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- HE9 - High Building Areas
- HE10 - View Cones of Oxford
- HS19 - Privacy & Amenity
- TR1 - Transport Assessment
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR11 - City Centre Car Parking
- DS82 - Part of St. Clement's Car Park - Ox University Use

#### Core Strategy 2026:

CS2 - Previously developed and greenfield land  
CS4 - Green Belt  
CS9 - Energy and natural resources  
CS11 - Flooding  
CS13 - Supporting access to new development  
CS14 - Supporting city-wide movement  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS25 - Student accommodation

Sites and Housing Plan – Submission Document:

HP5 - Location of Student Accommodation  
HP6 - Affordable Housing from Student Accommodation  
HP9 - Design, Character and Context  
HP11 - Low Carbon Homes  
HP13 - Outdoor Space  
HP15 - Residential cycle parking  
SP52 - St Clements Car Park

Other Material Considerations:

- National Planning Policy Framework (NPPF).
- St. Clements & Iffley Road Conservation Appraisal.
- Planning Obligations Supplementary Planning Document (SPD)
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- The application site lies within the St. Clement's and Iffley Road Conservation.

**Officers' Assessment.**

**Background to Case.**

1. At its meeting of 15<sup>th</sup> August 2012 the West Area Planning Committee considered applications for conservation area consent and planning permission for a development of 140 student study rooms at St. Clements car park. The officers' report to committee is attached in full elsewhere on this agenda. This supplementary report should be read in conjunction with that previous one.
2. In the event the West Area Planning Committee resolved to refuse planning permission for the proposed student accommodation as in its view the development failed to provide satisfactory car parking facilities as required by policies DS82 and TR11 of the Oxford Local Plan as the number of proposed car parking spaces on site and the location of the proposed temporary replacement car park would not represent a satisfactory replacement for the current parking provision. Subsequently the planning application was referred to this Planning Review Committee for further consideration.

3. Whilst the proposals remain unchanged since West Area Planning Committee considered them, further supporting information has now been received on how additional car parking facilities could be provided throughout the construction period. As a consequence of the receipt of this information, further public consultation has been undertaken with a request for comments on the proposed temporary arrangements. At the time of writing only three additional comments have been received. The first is from London Place Residents' Association who welcome additional temporary car parking which it considers to be realistic and workable. The association seek clarification if parking at Marston Road would also be available and if disabled parking spaces are provided, and also comment that the relationship to existing buildings should be revisited, and that there should be a named occupier in place. The second was from a householder at 13 Abberbury Road, Iffley who feels the development would cause serious harm to St. Clements and would be unacceptable in a conservation area. A third from 28 St. Clements requested disabled parking being made available throughout the temporary arrangements.
4. Any further comments received will be reported separately to committee.

#### **Additional Parking Provision.**

5. When West Area Planning Committee considered the planning application on 15<sup>th</sup> August 2012 officers had been advised, and accepted in good faith, that land ownership issues prevented temporary access being taken to the St. Clements car park from existing gates located to its south - east corner accessed from Caroline Street. In the light of this information and details supplied of health and safety requirements during construction of the development, officers had advised committee that a phased development with temporary access from Caroline Street allowing for the retention of some car parking on site during construction was not possible, and that imposing a condition for a phased development accordingly would not be reasonable. Paragraphs 49 and 50 of the officers' report to that committee refer.
6. However following further research by the applicants, it now emerges that a right of access does in fact exist from Caroline Street to the car park. This has allowed the issue to be revisited and revised arrangements brought forward for car parking during construction. It would however entail extending the construction period from 48 to 69 weeks. In the event of planning permission being granted by committee the development is envisaged to commence early in 2013 with completion in early summer 2014.
7. Whilst the free bus service to a temporary car park in Marston Road would still be available as previously, the applicants now propose

partial use of the existing car park throughout construction. During Phase One of the main construction period of some 12 weeks diversion of surface water and foul drainage would be under way on site. However up to 28 car parking spaces including a minimum of 2 disabled spaces plus a small amount of motorcycle parking would be available, (as it would throughout construction), accessed as now direct from St. Clements. The access would be shared with construction and delivery vehicles but managed onto site by an experienced banksman permanently employed by the applicants to oversee use access by construction vehicles. During this period construction vehicles would consist in the main of concrete laden vehicles which would pass through the reduced car park to the cordoned off construction compound.

8. During Phase Two of 19 weeks approximately 50 car parking spaces, would be available, again direct from St Clements with the access again shared between construction vehicles and private cars managed by the banksman. At this time the construction compound would be reduced in size as construction of the eastern blocks of accommodation was under way, allowing more space for public car parking. During this phase occasional smaller construction vehicles of up to 10m would gain access from Caroline Street. These would mainly be sub contractors required to bring tools and equipment to site. Currently Caroline Street has 3 on - street 1 hour limited parking spaces present. The use of these would be required to be suspended throughout the construction period, authorised by the Highway Authority.
9. Phase Three would also be of 19 weeks when the main construction works would be transferred to the western blocks of accommodation. This would allow the segregation of construction and private vehicles with the former continuing to enter from St Clements with private cars entering from Caroline Street. Up to 33 car parking spaces would be available during this phase.
10. Following these main phases of construction work, on site activity would transfer to mainly internal work of services installation, fitting out, decoration etc for the remaining 19 weeks of the contract. At this stage the 80 public car parking spaces to serve as a permanent public car park would be in place, but not yet fully available until completion of all work on site. During this period approximately 50 car parking spaces would be available to the public, with the precise location varying accordingly to the needs of the remaining work on site. During this time access to the public car parking would vary between St. Clements and Caroline Street.
11. At this time and throughout construction signage would be in place directing users of the public car park to the access in use at that time. This would include information on whether spaces were available within the car park. Use of the public car park during the day would be

require a ticket to be obtained as now but use restricted to 1 hour. Parking would be free of charge but with no return within 2 hours. This would be managed by the Council's car park staff. During the evenings longer stays would be possible but on a first come first served basis up until 7.30 am the next day.

12. The working hours for the construction period would be standard hours of 7.30 am to 6.00 pm Mondays to Friday, and 7.30 am to 1.00 pm Saturdays. There would be no working on Sundays or Bank Holidays. On rare occasions there may be the need to work outside these hours, for example when a large construction crane arrives at site which would be timed to avoid busy traffic periods. There may also be some internal working to buildings beyond these hours. All deliveries would be timed so as not to coincide with peak hour traffic movements of 7.30 am to 9.30 am and 4.30 pm to 6.30 pm. Contact details for the site manager would be made available throughout in the event of problems arising. The applicant operates the Considerate Contractors Scheme at all its construction sites.
13. The Highway Authority has been fully involved in the drawing up these arrangements and does not raise objection. The arrangements are also supported by Planning Officers as they provide additional parking facilities to serve the local area during the 69 week construction period.

### **Conclusion.**

14. In reporting to the West Area Planning Committee officers had supported the design, layout and build forms of the student accommodation as proposed which reintroduced the historic street line of Pensons Gardens and related better to statutory listed buildings and the wider conservation area than did the refused 2011 application. Committee was also advised that in their officers' view the architectural quality was much superior. That remains their view.
15. For its part the West Area Planning Committee opposed the development not on these grounds but on the basis of inadequate car parking arrangements. The additional temporary and free car parking now to be made available at the existing St. Clements car park responds positively to these concerns whilst the longer stay car park with free bus service to Marston Road remains in place.
16. Although the amended arrangements necessarily result in a longer construction period, they do allow for better parking facilities to be in place throughout construction which is supported, as is the development itself.
17. Committee is recommended to support the proposals accordingly.

## **Human Rights Act 1998**

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

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

## **Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers:** Applications 10/02848/CAC, 10/02790/FUL, 11/01044/CAC, 11/01040/FUL, 12/01370/CAC, 12/01369/FUL.

**Contact Officers:** Murray Hancock

**Extension:** 2153

**Date:** 17<sup>th</sup> September 2012