

WEST AREA PLANNING COMMITTEE

7th November 2012

Application Number: 12/02447/FUL

Decision Due by: 21st November 2012

Proposal: Demolition of existing buildings comprising shop, workshop (Use Class B1) and student accommodation. Erection of new buildings to provide replacement retail, offices (Use Class B1), self contained two bedroom flat, and student accommodation (18 student study bedrooms and ancillary accommodation).

Site Address: 220 and 222 Cowley Road, Oxford – **Appendix 1**

Ward: St Mary's Ward

Agent: Mr Nik Lyzba

Applicant: RMA Properties

Recommendation:

Committee is recommended to support the application in principle but defer the application in order to allow accompanying legal agreements to be drawn up and delegate to officers the issuing of the planning permission once such legal agreements are completed.

Approval is recommended for the following reasons:

- 1 The proposed development, by virtue of its form, scale and appearance would result in an appropriate visual relationship with the surrounding area that would enhance both the Randolph Street and Cowley Road streetscenes. The proposals would also create an improved quality of retail and office accommodation to the benefit of the vitality of the immediate area, provide student accommodation of a satisfactory standard in a sustainable location and preserve the mix of residential accommodation within the City. Consequently the proposals are considered to comply with the requirements of policies CP1, CP6, CP8, CP9, CP10, HS19, TR3, TR4, TR13 and RC5 of the Oxford Local Plan 2001-2016, policies CS9, CS17, CS18, CS23 and CS25 of the Oxford Core Strategy 2026 as well as emerging policies HP1, HP5, HP6, HP9, HP15 and HP16 of the Sites and Housing Plan.
- 2 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:

- 1 Development begun within time limit.
- 2 Develop in accordance with approved plans.
- 3 Sample of all external materials required prior to commencement of the development.
- 4 Variation of Road Traffic Order to ensure the development is excluded from eligibility for parking permits.
- 5 Construction Traffic Management Plan required to be approved prior to commencement of the development.
- 6 Management and Monitoring Scheme ensuring students do not bring motor vehicles to Oxford required to be in place at all times and agreed by the local planning authority prior to occupation of the student accommodation.
- 7 An agreed Construction Environmental Management Plan required prior to commencement of the development.
- 8 Cycle parking and refuse storage facilities required to be provided prior to occupation of the development.
- 9 Student accommodation to be occupied only by full time students in Oxford and only after management controls have been agreed by the Council.
- 10 Covered and Secure Cycle Storage required.
- 11 Details of sustainability measures to be submitted prior to commencement.

Planning Obligations

City Council requirements:

- £1080 towards indoor sport provision.

County Council requirements:

- £1134 towards libraries and bookstock;
- £2484 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
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
CS17_ - Infrastructure and developer contributions
CS23_ - Mix of housing
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
HP9_ - Design, Character and Context
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

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.

12/01383/FUL - 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 – Refused 28th August 2012.

Representations Received:

At the time of writing this report no third party representations had been received though Members will be updated verbally at Committee in the event that any representations are received during the remainder of the consultation period.

Statutory and Internal Consultees:

Highway Authority – No objection subject to conditions being imposed including the removal of the development from eligibility for parking permits and the requirement for a monitoring and management scheme to be agreed preventing future students within the development from bringing cars to the City.

Thames Water Utilities Limited – No objection.

Environmental Development – A phased contamination risk assessment is required to be undertaken prior to the commencement of the development.

Environmental Protection – No objection.

Oxfordshire County Council (Environment and Economy) – Financial contributions towards libraries and bookstock are required to offset the impact of the development.

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 significance located on the corner with 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 has been, until recently, occupied as Class B1 offices though it is in a rather poor state of repair.

2. The application is very similar in nature to that previously refused at Committee, in line with officers' recommendation, in August 2012. This previous application was refused due to the net loss of a self-contained dwelling contrary to policy HS10 of the Local Plan. The current scheme proposes the demolition of Nos. 220 and 222 Cowley Road and their replacement with a two storey building with accommodation in the roofspace. The proposed building would comprise a combination of retail and office uses on the ground floor along with a two bedroom self-contained flat to the rear as well as 18 student study bedrooms on the first and second floors. Covered bin and cycle storage is proposed to serve both the student rooms and the proposed dwelling and these are shown to be provided to the side of the building, accessed from Cowley Road.

3. The application proposals differ from the previously refused scheme only to the extent that some of the proposed office space at ground floor level has been replaced by a two bedroom flat (along with a small courtyard of associated amenity space to the rear) in an attempt to overcome the reason for refusal of the previous application. The changes therefore relate mainly to internal layout and use of the proposed building rather than any notable changes to its external appearance.

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

- Design and appearance;
- Impact on neighbouring amenity;
- Mix of housing;
- Retention of retail/employment premises;
- Student accommodation;
- Affordable Housing;
- Parking/Highway Implications.

Design and Appearance

5. Policy CP1 and CP8 of the Oxford Local Plan 2001-2016 require 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.

6. 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 and indeed, when viewed from Cowley Road, the building's overall dimensions would not appear dissimilar to surrounding existing buildings.

7. In terms of the external appearance of the proposed development, it is near identical to that previously considered by Committee in August 2012 and found to be acceptable in this regard. The only differences are very minor and relate to the number of doors and the fenestration details at ground floor level fronting Randolph Street which is altered to account for the newly proposed two bedroom flat where previously office space was sought. Consequently officers find the design and appearance of the development proposed to be acceptable and in accordance with that required by development plan policy.

Impact on Neighbouring Amenity

8. 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.

9. The proposals now before Members are, in terms of their scale, siting and fenestration, near identical to that previously considered at Committee in August 2012 and judged to be acceptable with respect to impact on neighbouring amenity. Officers therefore consider the current proposals to be acceptable in this regard.

Mix of Housing

10. Whilst the applicant has described 220 Cowley Road as comprising student accommodation, officers continue to regard the property as a house in use as a small HMO. The layout and of the house, its lack of connection to any academic institution and the Council tax records confirm officers' view in this regard and this is

consistent with the opinion expressed by officers on previous applications. Since No. 220 Cowley Road is considered to be an HMO, which allows conversion back to a house without planning permission, officers regard it as a dwellinghouse. The net loss of dwellings within a development scheme has a clear planning policy objection in the form of policy HS10 of the Local Plan and in emerging policy HP1 of the Sites and Housing Plan. As a consequence of these policies the previous scheme, which proposed a net loss of dwellings, was refused by the Council.

11. Emerging policy HP1 is proposed to supersede HS11 of the Local Plan and, following its examination in public in September, this policy has not been subjected to changes as suggested by the Inspector. Officers are therefore now confident that this policy will be found to be sound and thus fully adopted as part of the Sites and Housing Plan by April 2013. As a result, and in accordance with Government guidance in the NPPF, this emerging policy should now be afforded near full weight in the determination of applications such as this.

12. Emerging policy HP1 states that planning permission will not be granted for any development that results in the loss of one or more self-contained dwellings (which specifically includes houses, flats and those in HMO use) unless at least 75 sq m of each dwelling's floorspace is retained as a self-contained dwelling and that the internal and external living conditions of the retained dwelling are appropriate having regard to other amenity policies of the development plan.

13. Despite the above emerging policy requirements none of the existing house is to be retained; both Nos. 220 and 222 are proposed to be demolished to make way for the new development. However a replacement dwelling, in the form of a ground floor flat of 75 sq m in size, is proposed to be provided to compensate for the loss of the existing HMO. This flat is proposed to have its own entrance from Randolph Street and therefore be separate from the main entrance/exit to the student accommodation above it. This helps ensure that occupiers of the flat will not suffer significant disturbance from the student occupiers such that it would detract from the desirability of the replacement dwelling.

14. Officers recognise that the existing house is a five bedroom unit that is, potentially, capable of accommodating a family in the future even though this is somewhat unlikely given its location along a busy part of Cowley Road and the exceptionally small rear garden that it possesses. The replacement flat does not provide the same level of internal floorspace as that of the existing house or enjoy particularly good quality amenity space given that it is in the form of a rather small and overshadowed courtyard area to the rear. However, emerging policy HP1 does not specify that the retained dwelling (or in this case, the replacement dwelling) should be of similar size to that which existed previously (either in floorspace or number of bedrooms) but only that it should exceed 75 sq m in internal floorspace. The proposed scheme therefore complies with the emerging policy requirement in this regard and officers have no objection to it in this regard.

15. As discussed above, officers consider the external amenity space provided to serve the replacement two bedroom flat to be relatively poor. It is small, and would be overshadowed and overborne by not only the existing surrounding development but also the development proposed. However, the space proposed is actually as

large, if not slightly larger than that which currently serves the five bedroom house. Given that it is designed to serve fewer occupiers and still provides enough space for the reasonable storage of bins and cycles, officers consider, on balance, that it can be accepted in this case in accordance with the requirements of emerging policy HP1 as well as the other amenity standards policies of the development plan.

16. In conclusion, officers consider the replacement dwelling to be of a size and quality that can be accepted to offset the loss of the existing five bedroom HMO and therefore overcome the reason for refusal on the previous application.

Retention of Retail/Employment Premises

17. 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. The application proposals also include an office on the ground floor (behind the retail unit and accessed from Randolph Street) which would replace a current poor quality vacant office building thus also providing improved employment premises that should prove more attractive to businesses to the benefit of the economic vitality of the immediate area. Officers therefore welcome these elements of the proposals which, in any event, were previously considered acceptable by Committee as part of the last unsuccessful application.

Student Accommodation

18. 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.

19. Policy HP5 of the Sites and Housing Plan, which has now undergone examination in public, states that planning permission will only be granted for student accommodation unless it is on an existing campus, in the city centre 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.

20. Conditions are recommended to be imposed to ensure that future student occupiers do not bring cars into the City and that, prior to occupation of the development, appropriate management controls are agreed by the Council to prevent potential harm to neighbouring amenity. Officers therefore have no objection to the proposals in this regard which is also a position that Committee has previously supported in its consideration of the previous refused application.

Affordable Housing

21. Policy HP6 of the emerging Site and Housing Plan states that planning permission will only be granted for new student accommodation that provides an appropriate financial contribution towards delivering affordable housing elsewhere in Oxford. However, following the examination in public of the Sites and Housing Plan

in September 2012, the threshold at which such affordable housing contributions are required from student accommodation development has been raised to 20 student rooms. The scheme proposes only 18 student rooms and, as a result, no such affordable housing cash-in-lieu contributions are required from the development proposed.

Parking/Highway Implications

22. Core Strategy policy CS25 and emerging policy HP5 of the Sites and Housing Plan require 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. It also encourages more sustainable modes of travel. Such a condition is recommended to be imposed in accordance with the requirements of the policy and as such the development should not adversely impact highway safety.

23. The existing house, as confirmed by the Highway Authority, does not benefit from eligibility for parking permits within the CPZ. The proposed new flat would therefore potentially result in an increase in on-street parking in an area that suffers from extreme parking pressure. As a consequence, a condition is recommended to be imposed removing the eligibility of future occupiers of the proposed flat for residents or visitors parking permits.

24. The proposed student rooms and the new dwelling are shown to be served by dedicated cycle parking in accordance with the level required by policy TR4 of the Local Plan. This is proposed to be covered and secure. A condition is recommended to ensure that this cycle parking provision is in place prior to occupation of the development. Officers therefore have no concerns with respect to the impact of the proposed development on the highway and the Highway Authority concur with this view.

Sustainability

25. 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 for residents of the student rooms and the flats. Although a full NRIA is not required in this case, 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.

26. 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 try to achieve Zero Carbon Development.

Other Matters

27. As a result of the number of new student rooms proposed, the development triggers a number of planning obligation requirements as set out within the Planning Obligations SPD to offset the impact on local services. These relate to cycle safety/improvement schemes, library bookstock and indoor sport provision. These requirements are set out at the beginning of the report and officers recommend that Members resolve to approve the scheme but allow officers to secure these necessary contributions by legal agreement prior to the issuing of the decision.

Conclusion:

28. The proposals are considered to result in a visually appropriate form of development that should help improve the vitality of the Cowley Road shopping frontage and provide sustainably located student accommodation of a reasonable quality without harming the overall mix of dwellings within Oxford. Officers therefore feel the current package of proposals can be accepted. Committee are therefore recommended to support the application subject to the conditions suggested and delegate to Officers the issuing of the decision notice following the above planning obligations being secured by legal agreements between both the City and County Councils.

Human Rights Act 1998

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

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

Section 17 of the Crime and Disorder Act 1998

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

Background Papers: 11/03035/FUL, 12/01383/FUL & 12/02447/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 26th October 2012

Appendix 1

220 & 222 Cowley Road



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	1201383/FUL
Date	10 July 2012
SLA Number	Not Set