

West Area Planning Committee

7th November 2012

Application Number: 1) 12/01223/CAC

2) 12/01228/FUL

Decision Due by: 24th August 2012

Proposal: 1) Demolition of the existing Luther Court housing

2) Erection of new buildings fronting Thames Street comprising 42 self contained flats (13x1 bed, 29x2 bed) and 82 student study rooms on 5 and 6 storeys. Provision of cycle parking, bin storage and shared amenity areas. Closure of footpath linking Luther Street to Butterwyke Place

Site Address: Luther Court, Luther Street (**site plan: appendix 1**)

Ward: Carfax Ward

Agent: Mr Michael Cross

Applicant: A2 Dominion Homes 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 legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion:

Reasons for Approval

- 1 That the principle of redeveloping this site for mixed-use residential / student accommodation would make an efficient use of previously developed land in the West End Regeneration Area. The residential development would improve the overall quality of the area's affordable housing stock, in a manner that would provide a suitable level and type of affordable housing that meets the priority need for the city as a whole and also provide good standard living accommodation for future occupants. At the same time, the student accommodation would be suitable for the site and would contribute towards creating a balanced and mixed community within the West End. The demolition of the existing Luther Street Housing would not have a detrimental impact upon the character and appearance of the central conservation area. On balance the replacement buildings would be of a size, scale, and design appropriate to the city centre whilst contributing to the provision of affordable

housing. The proposed development has been designed in a manner that would not have a material adverse impact upon the residential amenities of the surrounding properties, and would address the current anti-social problems that exist between the current housing and the adjacent night shelter and medical centre. It would also be considered acceptable in highway terms.

- 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 (12/01223/CAC):

- 1 Development begun within time limit
- 2 Contract for re-development

Conditions (12/01228/FUL):

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Submission of design details
- 4 Samples in Conservation Area
- 5 Details of means of enclosure
- 6 Details of refuse and cycle storage
- 7 Landscape Plan
- 8 No felling lopping cutting
- 9 Landscape carried out after completion
- 10 Landscape management plan
- 11 Landscape underground services - tree roots
- 12 Tree Protection Plan (TPP) 1
- 13 Arboricultural Method Statement (AMS) 1
- 14 Student Accommodation Management Plan
- 15 Students Accommodation - No cars
- 16 Student Accommodation - Out of Term Use
- 17 Design to 'Secure by Design' Standards
- 18 Framework Travel Plan
- 19 Construction Traffic Management
- 20 Exclusion from Residents Parking
- 21 Alterations to the highway
- 22 Details of Flood Risk Assessment carried out
- 23 Drainage Scheme Carried Out
- 24 NRIA and Energy Measures
- 25 Archaeology - mitigation
- 26 Biodiversity Measures
- 27 Contaminated Land

Legal Agreement:

- £118,944 (plus £5,972 admin fee) West End Streamlined Contributions
- Secure affordable housing provision

Main Planning Policies:

Saved 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
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP21** - Noise
- TR1** - Transport Assessment
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE2** - Archaeology
- HE7** - Conservation Areas
- HE9** - High Building Areas
- HE10** - View Cones of Oxford
- HS10** - Loss of Dwellings
- HS4** - Gen Requirement - Provide Affordable Housing
- HS10** - Loss of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- ED10** - Private Colleges - Student Accommodation

Oxford Core Strategy

- CS2_** - Previously developed and greenfield land
- CS5_** - West End
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS23_** - Mix of housing
- CS24_** - Affordable housing
- CS25_** - Student accommodation

West End Area Action Plan

- WE1** - Public realm
- WE3** - Redesign of streets/junctions in W End
- WE4** - Public Parking
- WE10** - Historic Environment

- WE11** - Design Code
- WE12** - Design & construction
- WE13** - Resource efficiency
- WE14** - Flooding
- WE15** - Housing mix
- WE16** - Affordable housing
- WE18** - Student accommodation
- WE20** - Mixed uses
- WE29** - Pooled contributions & forward funding

Sites and Housing Plan

- HP3_** - Affordable Homes from Large Housing Sites
- HP5_** - Location of Student Accommodation
- HP6_** - Affordable Housing from Student Accommodation
- HP9_** - Design, Character and Context
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

- National Planning Policy Framework
- The application site lies within the Central Conservation Area.
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Natural Resource Impact Analysis Supplementary Planning Document
- Parking Standards Supplementary Planning Document

Officers Assessment:

Background to Case:

1. At the West Area Planning Committee on the 15th August 2012, Members resolved to defer consideration of the application for the following reasons:
 - The colour scheme of the development needs to be toned down so that the development fits in more completely with its surroundings. In addition the size of the windows need to be enlarged
 - An 18+ age limit needs to be put on the residents of the development.
2. Following this request, the applicant has carried out further analysis of the proposal and provided revised plans in order to respond to the items identified by the West Area Planning Committee.
3. The details of this analysis are summarised below and should be read in conjunction with the officer's report dated 25th July 2012 attached as **appendix 2**

Visual Impact Analysis

4. Members expressed concerns with the overall quality of the buildings appearance and its impact upon the historic core of the city, particularly when viewed from Boars Hill View Cone. The submitted image of the proposal from the view cone highlighted the visual prominence of the buildings and that the original choice of materials did not help integrate them into the view. The applicant has sought to address this by carrying out a further impact assessment from the Boars Hill View Cone and reconsidering the palette of materials.
5. The Boars Hill View Cone Impact Assessment prepared by Yurky Cross identifies the character of the view, as a city set within a landscape of open meadows and wooded hills. The gentle topography of the foreground woodland and meadows, taken with the distant hills, places the historic city centre and its iconic spires squarely in the centre of the view. The historic centre itself is then characterised by a close array of spires and domes that are set against the hills beyond. The view can be separated into layers of woodland, meadow, and historic core. The proposed site would sit within a small window in the foreground of the view of the historic core. The existing BT Exchange building can be seen in this window, and appears as a monolithic structure while the view in front of Christ Church is one of a texture of brown and reds from the roofs of the Thames Street housing.
6. The buildings of Core 1-3 would sit in front of the BT Exchange and would break up the mass of this building reducing its prominence in the view. The materials within the Core 1-3 elements are more traditional brick, with zinc cladding at roof level in order to provide more traditional appearance that sits comfortably within this view and also within the local street scene. The applicant has provided further drawings to show a typical section of the front elevation of one of the core buildings to demonstrate these materials fit together. The drawing shows that the buildings will have cleanly defined facades using different colour brickwork to provide a crisp finish with the windows and balconies having a high quality composite finish.
7. It is the palette of materials for the student accommodation which has been subject to most change as this part of the proposal was identified as having the most impact from upon the historic core from view cone. As a result of the applicants view cone analysis, the following design approach has been employed. The colour patterns of the buildings have been used as scale breaking devices in order to create a visual texture that reflects the patterns and textures identified within the core view analysis. The palette will replace the copper and blue toned cladding system originally proposed with a grey and copper cladding tones, that reflect the colours within this part of the view cone formed from the roofs of the Thames Street housing. The different scales of the vertical cladding pattern attempt to mimic the scales of elements of this part of the view such as the spiky silhouette of the towers and spires, but also helping to break up the scale of the building and ensure that it sits comfortably within the local street scene.
8. Having reviewed these revisions, officers consider that the applicant has demonstrated that alternative materials could be used to better integrate the building into the long distance views of the site from the view cone, as well as the shorter views within the local street scene. Overall officers would agree with the

analysis set out within the visual impact assessment. The bright coloured materials did stand out especially as the overall grain of buildings within the centre are quite fine. The BT building was visible because of its light coloured upper part and the long continuous roofline. The proposed buildings help break that up, and the fact that the proposed buildings would be no higher than this building and employ a change in colour / material at roof level do help integrate them into the backdrop. The use of grey / copper tones certainly enables the student accommodation to sit more comfortably within the historic core and local street scene although officers would suggest that the grey cladding may need further consideration to reduce the size of the colour blocks in order to provide a finer detail similar to that within the copper clad element. Officers would raise no objection subject to a condition which requires further approval of the materials to be used in the external elevations.

Fenestration Design

9. Members also raised concerns about the size and design of the windows in the elevations of the residential elements of the building (Core 1, 2, & 3).
10. The applicant has investigated the potential to increase the window sizes within the building. The fenestration serves both habitable spaces for the residential units and common circulation areas. With regards to the habitable spaces, the applicant has appraised the impact that enlarged areas of glazing would have on the quality of the internal living environment of the flats taking into account the impact this would have in terms of solar gain, and also issues such as noise intrusion and privacy / overlooking. In their view the sizes of the windows serving south facing habitable accommodation are of an appropriate size to strike a balance between optimising internal comfort criteria through controlled solar gain and good levels of direct sunlight and daylight, with providing balanced, well articulated external facades, where devices such as coloured panels are employed in the fenestration arrays to add to the visual interest of the facades.
11. With regards to the circulation areas, this has also been assessed with a view to identifying scope to enlarge the fenestration. In reviewing this element it has been important to ensure that any revisions do not compromise the internal environment of the stairwells, wherein overheating can be a serious problem if too much direct sunlight is allowed into the wells without adequate means of natural ventilation. As a result the fenestration pattern to the Core 1 stairwell has been revised to include more glazing for the upper storeys and an additional feature window over the entrance. This has the effect of reducing the area of facing brickwork and adding visual interest to this important focal point in the street scene.
12. Officers would raise no objection to the modern appearance of the buildings and particularly the size of windows within the scheme. As set out within paragraph 24 of the officer report (**appendix 2**) a condition should be attached which requires prior approval of the window details etc in order to ensure that the development achieves the high quality of design required by Policy WE12 of the West End Area Action Plan

Student Accommodation

13. Members expressed concerns that the student accommodation was to be occupied by 15-17 year olds. Although the minutes from the meeting, stated the age limit should be restricted to 18+, the discussion at the meeting was that the accommodation should only be used by students of 17 years of age or older. The reasons for this were that the layout of the accommodation and the supervision arrangements proposed for this site were not suitable for students younger than 17, and it is not appropriate to concentrate significant numbers of vulnerable juveniles in an area which has a profile of anti-social behaviour.
14. In response to these concerns Bellerbys College have re-assessed their admission strategy. The college has confirmed that the students occupying the building will be 17 years of age and over. The younger students previously earmarked for the accommodation will be housed in other buildings operated by the Group or in Home Stay accommodation. A Management Plan has also been submitted by the college which confirms the supervision arrangements for the premises. As part of these arrangements a resident supervisor will be based on site 24 hours a day, with additional supervision provided at high occupancy times when there are students residing in the building under the age of 18.
15. Officers welcome the intention of the college to restrict the age of the students to 17 and over, and consider that the management plan would form a sound basis for the management of the facility. As such a condition should be attached requiring this to be approved prior to occupation.

Conclusion

16. Overall officers consider that the applicant has attempted to respond to Members concerns, and that these changes are welcomed. As such officers would maintain their recommendation that for the reasons set out within the report contained within appendix 2, the proposal is considered to be in accordance with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016 and West End Area Action Plan 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 legal agreement to secure the necessary financial contributions as set out above.

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

Contact Officer: Andrew Murdoch

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Date: 26th October 2012