

APPENDIX 2

West Area Planning Committee

15th August 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

Relevant Site History:

83/00807/NOH: Buildings for single person accommodation on 2 & 3 floors comprising 26 one person flat / bedsitters; 3 two & 3 four person flats. Closure of Luther St. 20 car parking spaces (with access from Luther Street): Approved

84/00074/NOH: Outline application for accommodation for single persons in 19x1 bed flats and 5 bedsits. 17 car parking spaces, access road, plus dustbin and cycle stores: Approved

84/00627/NRH: 56 single person accommodation units, incl. caretaker (total 68 persons) on 2 & 3 floors. 36 car parking spaces, ancillary accommodation & access from Luther St. (Reserved Matters of NOH/807/83 & NOH/74/84): Approved

Representations Received:

Letters have been received from the following addresses, all on behalf of the Luther Street Medical Centre.

Luther Street Medical Centre (x15); JWPC Planning Consultants; 15 Cave Street; 103 Cromwell Way, Kidlington; and 10 Albert Place, Banbury

- The medical centre provides a comprehensive primary care service for homeless and vulnerably-housed people. The entrance to the medical centre shares a common approach from Luther Street to that of the O'Hanlon House night shelter.
- The centre is accessed via a controlled access system enabling staff to oversee admissions. There is also an emergency exit / fire door which give access from Luther Court via Butterwyke Place.
- This provides the centres staff with an important route whereby staff can escort vulnerable patients out of the building and away from the centre and also enables staff themselves to exit the building when there are potential issues with patients or people congregating outside the Centres entrance adjacent to O'Hanlon House, some with the psychological or alcohol related issues that heighten their behaviour.
- It is the removal of the link with Butterwyke Place that is the centres reason for objecting to the scheme. The removal of this link would not accord with Policy CS19 of the Core Strategy, and Policies CP1 and CP9 of the Oxford Local Plan
- The existing footpath is a functional and vital link to the surrounding area for staff of the medical centre and it should be retained. Its loss reduces the permeability of the area to all pedestrians and poses serious operation and health and safety issues for staff and some of the vulnerable persons who attend the centre.
- Although the applicant has had pre-application discussions with the centre, regarding the removal of this link, no common ground as been achieved. The submitted plans show a service link between Luther Street and Thames Street which will be controlled by secure gates at either end and its mid point and this has been identified as a potential alternative route for staff and patients (when required). No conclusion has been reached about how this could be used, and from the medical centres point it wishes to see the existing footpath retained or an alternative route of equal or enhanced quality provided
- Gated access directly through the development onto Thames Street might be a possible acceptable solution does not feature in the plans
- The housing association should amend the plans to retain the footpath
- Should the health and safety advice contained within the comments of the TVP be heeded then the developer should ensure installation of appropriately placed CCTV with both installation and ongoing costs financed by the developer. This should be conditioned, although it will not completely reduce the threat
- The 5 or 6 storey building would remove all direct sunlight from the Luther Street medical centre from 1pm onwards. The medical centre will be hemmed in by four tall buildings on 4 sides.
- The existing buildings are in a good state and of reasonable height and therefore should be maintained

Statutory and Other Consultees:

Oxfordshire County Highways Authority: No objection subject to conditions

Thames Water Utilities Limited: No objection

Thames Valley Police:

The proposed development has incorporated the recommendations given during our

pre-application discussions. Due to the high level of anti-social behaviour and reported crime in this area we would request that a condition be imposed which requires the development to incorporate the principles of secure by design. Research has shown that developments that incorporate the principles of secured by design are 50% less likely to suffer from burglary, and 25% less likely to suffer car crime and criminal damage.

Environment Agency: The site lies in Flood Zone 2 and therefore the Environment Agency standing advice applies.

English Heritage Commission:

The proposal involves the demolition of some 1980s terraced housing within the Central Conservation Area and its replacement with larger housing units plus two large speculative student accommodation blocks, required to fund the project. English Heritage's brief is to comment on the impact this will have on the significance of the conservation area. The scale, design and detailing of the proposed development is entirely alien to the character of this part of the conservation area and it will have a negative impact on views within and into the Central Conservation Area including those from the Abingdon Rd, a main approach to the city. The City Council should satisfy itself, *inter alia*, that the wider benefits of the proposal outweigh this harm. English Heritage recommends that the Council negotiates a revised scheme that retains the existing buildings, albeit remodelled or, if demolition can be demonstrated to be necessary, that a more sensitive development is sought as discussed above. If the existing scheme is to be considered for approval, the Council should satisfy itself that there are wider public benefits to be gained from the redevelopment of this site in this manner which outweigh the harm to the significance of the conservation area.

Oxford Civic Society:

The objectives of this application, namely to increase and improve the provision of affordable housing on this site, to create an active and interesting frontage to Thames Street as a significant gateway to the southern edge of the central city area, and to attempt to design out some of the social problems of Luther Courts proximity to the Medical Centre and O'Hanlon House, are to be welcomed. The need for some enabling development to achieve this is understood. Nevertheless the current proposals present a number of problems, and unresolved questions, which require that further significant modifications are necessary before approval should be given, and this application should be deferred or refused for the following reasons

- (1) Core 1: The opportunity to site a landmark building on the corner is good. The positioning of the entrance onto this busy part of Thames Street is questionable, when a quieter and more domestic location in Butterwyke Place is available. It is not clear how defensible or private the ground floor outside spaces will be in which full length windows and doors open onto. If protected by high walls, these small spaces will be dark and claustrophobic. Flats 11 and 12 appear to have no amenity space
- (2) Core 2: Some set back from Thames Street provides the interesting variation to the overall frontage scene, but the extent proposed seems unnecessary, creates front border areas which may be difficult to maintain to high standard, and reduces the rear shared amenity space to an area which is undesirably small for such a comparatively dense development.

- (3) Student Block: The attempt to fit accommodation for 82 students on this restricted part of the site, with quite inadequate space for relaxation or any outdoor activity represents serious over-development – in the case of Bellerbys as the proposed end user for 14-18 year old school pupils it is entirely inappropriate. Though 24 hour supervision is mentioned, there is no resident or other warden accommodation, the dining hall only provides for 56 places at any one time, when school-age pupils work to stricter timetables than more senior students. Cycle storage appears inadequate – (but is Thames Street and its surroundings a safe cycling environment for 14 year olds) In addition, noise disturbance from younger pupils, particularly from a crowded courtyard, will have an adverse impact on the quiet lives of the neighbouring residents just over the wall, and reflected from the high walls of the surrounding buildings. The parking of coaches for organised outings, a frequent part of younger pupils programmes, would impede traffic flows in Thames Street – often at off peak periods. In general, the need for purpose-built accommodation for undergraduate and post-graduate students in the city central area should take precedence over that for younger pupils, not on senior courses of study, whose needs can be accommodated elsewhere.
- (4) Has the alternative of further car-free market housing on the site as enabling development, been fully considered?
- (5) The serious concerns of the staff of the medical centre and O’Hanlon House for the provision of a second access for them appears not to have been resolved.
- (6) In general appearance, special attention needs to be paid to the materials of construction, particularly the final colours of rendered type surfaces in this sensitive location.
- (7) In accordance with normal practice, the application for demolition (12/01223/CAC) should not be approved until an acceptable proposal for redevelopment of the site has been approved.

Officers Assessment:

Site Location and Description:

1. The site is situated within the West End Regeneration Area, which forms the south west corner of the city centre. It is also just within the Central Conservation Area (**site plan: appendix 1**)
2. The site is bordered to the east, south, and west by residential accommodation at Butterwyke Place, Thames Street, and Stephenson House. The BT Telephone Exchange, Luther Street Medical Centre, and O’Hanlon House all lie to the north.
3. The site comprises a three-storey terraced block, which provides 56 units of accommodation that are owned by A2 Dominion Homes Limited. The terraced row abuts the public footpath of Thames Street, but is accessed from Luther Street.

Proposal

4. The proposed development is seeking conservation area consent for the demolition of the existing terraced row within the site.

5. Planning permission is then sought for the erection of new buildings that would front onto Thames Street and provide a mixed-use development of 42 affordable homes in the form of self-contained flats (13x1 beds, and 29x2 beds), and 82 student study rooms for use by Bellerbys College.
6. The development would also include the provision of cycle and refuse storage, shared amenity areas, and the closure of the footpath that links Luther Street to Butterwyke Place.
7. Officers consider the principle determining issues in this case to be:
 - Principle of Development
 - Residential Accommodation
 - Student Accommodation
 - Impact upon the conservation area
 - Siting, size, scale, and design
 - Impact upon adjoining properties
 - Landscaping
 - Community Safety
 - Residential Amenity
 - Highway Matters
 - NRIA
 - Ecology
 - Flood Risk
 - Archaeology
 - Streamlined Contribution

Principle of Development

8. The National Planning Policy Framework and Policy CS2 of the Oxford Core Strategy require development proposals to make an efficient use of previously developed land in built up urban areas.
9. The site is within the West End Area which is a key location whose regeneration has been identified as priority and fundamental to the overall long-term success of Oxford. Policy CS5 of the Oxford Core Strategy identifies this area as suitable for mixed-use developments.
10. Therefore the principle of redeveloping the site for a mixed use development would be consistent with the relevant policies of the West End Area Action Plan and the Oxford Core Strategy.

Residential Development

11. The existing accommodation at Luther Court provides 56 one bedroom affordable bedsits for A2 Dominion Housing Association. The housing was built in the late 1980s, but no longer provides suitable living accommodation for the occupants of the dwellings.

12. The West End Area Action Plan acknowledges that the area contains affordable housing, which is in need of modernisation, although in cases where redevelopment is the only option, the same number of affordable units should be provided. The plan also seeks to establish a balanced and mixed community within the area, which is consistent with Policy CS23 of the Core Strategy and the Balance of Dwellings Supplementary Planning Document. These policies acknowledge that the City centre is more suited to higher-density residential development with a greater number of smaller units of accommodation than would be sought in other locations.
13. The proposed development would replace the existing accommodation with 42 flats (13x1 beds and 29x2 beds). This results in the loss of 14 affordable units and provides a mix of housing that does not exactly strictly meet the policy requirements for the city centre. Nevertheless the applicant has identified specific site circumstances, which justifies the proposed level of development. The existing accommodation has single bedsits, whereas the proposal would increase the number of bed spaces on site (e.g.56 to 71) and the number of persons housed. The draft Oxford City Council Housing Strategy 2012-2015 has identified that the highest demand for social housing in the city is for one and two bedroom units of accommodation (82%). The scheme has been developed in consultation with Oxford City Council Community Housing and amended to provide 2 bed 4 person units rather than 2 bed 3 person units in order to meet the most pressing need. In addition the constrained site is more suitable for smaller units of accommodation as there is limited space to provide the level of amenities required for family dwellings. Therefore although the proposal would result in net loss of units from the site, and provide a level of development that does not exactly meet the prescribed mix of residential units for the city centre, officers consider that the proposal would improve the overall quality of affordable housing within the site and meet the most current and up-to-date housing need. Therefore it would satisfy the general aims of the West End Area Action Plan and the Balance of Dwellings Supplementary Planning Document.
14. Policy WE16 of the West End Area Action Plan makes clear that a minimum of 50% affordable housing will be sought from residential developments on qualifying sites in this area. This is consistent with the affordable housing policy within the Oxford Core Strategy. The residential element within the scheme would provide 100% affordable housing, with 50% social rented and 50% intermediate rent. This would satisfy the aims of the West End Area Action Plan, Oxford Core Strategy, and the emerging Sites and Housing Plan, and would be secured by a legal agreement accompanying the permission if granted.

Student Accommodation

15. The West End Area is suitable for student accommodation as it also contributes to a mixed and balanced community. Policy CS25 of the Oxford Core Strategy states that student accommodation will be restricted in occupation to students that are in full-time education on courses of an academic year or more, and subject to conditions requiring appropriate management controls, including an undertaking that students do not bring any cars into Oxford. This is also

supported by Policy WE18 of the West End Area Action Plan and Policy HP5 of the Sites and Housing Plan.

16. The student accommodation is intended to be occupied by students of Bellerbys College, whose students are on full-time courses of an academic year or more. The college intends to house students between the ages of 14-17 in the accommodation (although the bulk will be 16 and 17 year olds). In terms of management the college have confirmed that a resident supervisor will be based on site 24 hours a day. A condition should therefore be attached requiring a management plan to be provided, and also includes the method to be used to prevent students from bringing cars into Oxford.
17. The emerging Sites and Housing Plan now requires student accommodation of 8 rooms or more to provide a financial contribution towards affordable housing elsewhere in the city. This would be a qualifying site for such a contribution, however, in this case the student accommodation is subsidising the affordable housing within the scheme with the level of subsidy higher than the financial contribution that would be sought from scheme of this size. Therefore officers consider that this provides a robust justification for not seeking an affordable housing contribution from the student element on this occasion.

Impact upon the Conservation Area

18. The site is on the western edge of the Central Conservation Area, and in accordance with the National Planning Policy Framework a Heritage Assessment has been submitted which uses the Councils Conservation Area Toolkit to assess the significance of the site upon the conservation area.
19. Having reviewed this assessment, officers would agree with the conclusions that Luther Court and surrounding area is a relatively poor quality urban environment in comparison to the rest of the conservation area. The redevelopment of the St Ebbes suburb provided a new street layout (including Thames Street) which removed most remnants of the original urban grain. The nature of Thames Street is that of a wide and busy arterial link road, with 1980s housing that provides no activity or interest within the streets. Therefore officers consider that the demolition of the existing Luther Street housing would not have a significant impact upon the conservation area in these terms, but provides an opportunity for new development to address Thames Street in a more appropriate fashion.
20. During the consultation process, English Heritage have suggested that the scale, design, and detailing of the proposed development would be entirely alien to the character of this part of the conservation area and have a negative impact upon views within and into the conservation area from the Abingdon Road which is a main approach to the city. They go on to acknowledge that there may be wider benefits from the proposal that the Council would need to satisfy itself outweighs this harm.
21. The site could be viewed as a transitional site where the urban scale of the city centre meets the suburban scale of the residential areas that lead southwards from the centre beyond the River Thames. The West End Area has aspirations

to transform this under utilised area of the city in a manner which makes a more efficient use of land. In terms of local context the existing housing has become engulfed by larger building blocks to the north especially the ugly BT Exchange Building fronting Speedwell Street. These big blocks are visible in longer views and therefore the development would to some extent screen the views of these buildings improving longer views of the site, provided of course that they are of a quality appropriate to this part of the Conservation Area. Overall officers consider that the site can accommodate larger buildings without having an adverse impact upon the conservation area, and any such impact would not be so harmful as to outweigh the undoubted benefits of improving the current affordable housing stock within the city.

Siting, Size, Scale, and Design

22. The West End Area Action Plan establishes a framework of design codes for proposals to follow in this area, and the proposal has been designed to follow these codes. The design codes identify Thames Street as a main street, which is appropriate for larger buildings. The buildings have been separated to provide a sense of space between structures and improve the aspects of the individual properties within them while also responding to the adjacent buildings of Stephenson House and O'Hanlon House. The siting of Core 1, 3, and the Student Block provide focal points for the different segments of Thames Street, with the courtyards providing some breathing space at street level and also establishing a rhythm with the courtyard to Stephenson House. The units would vastly improve the active frontage onto Thames Street and level of pedestrian activity within this part of the street.
23. The size and scale of the buildings would reflect the context of the area, and meet the maximum scale of five-storeys as recommended by the West End Area Design Code for this type of street. A sixth storey would be added to the blocks of Core 1 and 2 in order to provide a variation of roof heights throughout the scheme. While this would not necessarily reflect the requirements of the design code, the overall height would not exceed the 18.2m high buildings local plan policy of the local plan and is considered acceptable in this instance. The use of separate buildings rather than one larger block, along with the variations in height is supported in assisting in breaking up the visual impact of the increased massing of the buildings within the street scene. In addition given the position of the buildings in relation to the street, the increased scale would not have a detrimental impact upon the visual appearance of the street scene given there would be limited views from Abingdon Road and also as one travels through Thames Street.
24. In terms of the architectural detailing, officers agree with views of English Heritage that the submitted drawings do not help convey the detailing and variety of materials to be used in the facades as well as they might. While there would be no objection to the more modern appearance of the buildings, it is recommended that a condition be attached which requires prior approval of the range of materials that will be used and also 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

25. In summary officers consider that while the proposal would clearly result in larger scale buildings than the existing terrace, the overall size, scale, and design of these buildings would suit the context of the site and not have an adverse impact upon the character and appearance of the conservation area. As a result it would accord with the aims of the relevant policies of the West End Area Action Plan, Oxford Core Strategy and Oxford Local Plan.

Impact upon Adjoining Properties

26. There is potential for the proposed development to have an impact upon the amenities of the residential properties surrounding the site in Thames Street, Butterwyke Place, Shirelake Close, and Stephenson House. A Daylight and Sunlight Report has been submitted with the application.

27. There is a terraced row of residential dwellings on the southern side of Thames Street, which have their main frontages that address the river but rear elevations and small rear gardens that face directly towards the site. The rear elevations are staggered throughout the row and have a mixture of first floor windows or roof lights that serve habitable rooms or circulation space for the dwellings. It is considered that the orientation of the dwellings to the site would mean that the proposal would not result in a significant loss of light to the habitable rooms in the rear of these dwellings. The buildings would be larger than the existing housing, but would be generally set some 19m-27m away and given the fact that there are other buildings of more urban scale within the area it is considered that the development would not unduly overbear these properties. The proposed buildings would have a number of windows facing onto the Thames Street properties however these would not give rise to an increase in overlooking which could normally be expected for a central urban location such as this.

28. The residential terrace at Butterwyke Place lies to the west of the site, and although the majority of the block fronts onto Thames Street, one of the dwellings has a return frontage onto this road with habitable room windows which face onto the site. Again the orientation of the plot and the urban scale of the surrounding buildings, particularly, the BT Exchange would mean that the size, scale, and siting of the new building (Core 1) would not lead to a loss of light to these habitable rooms or have an overbearing impact. In addition although there would be windows in the elevation of the new building facing this site, they would not increase the level of overlooking that exists between the two sites. Similarly with respect to the residential development of Shirelake Close that lies south-east of the site, officers consider that the orientation of these apartments to the site would mean that the student accommodation would not create any adverse privacy or amenity issues for these properties.

29. Stephenson House lies to the east of the site, and was an old school building that was converted into flats in 1999. There are habitable room windows in the front elevation that face onto Thames Street, and also double height windows in the western elevation that serve both the living room and bedrooms. The existing accommodation at Luther Court has a three storey element sited directly on the boundary with Stephenson House which extends to the rear of the site. The

proposed student accommodation would increase the bulk of the building in this location, but it would be pulled away from the boundary increasing the separation distance. There would be a single storey ground floor element that extends the full depth of the plot, but the upper floors would extent no further into the rear than existing. The sunlight and daylight study has indicated that the proposed development would not result in a material loss of light to the habitable room windows in the front of Stephenson House or on the western end. The windows in the western end in particular are double height and so have more scope to receive natural light. While the student accommodation would be taller than the existing buildings in this part of the site, it would not materially alter the sense of bulk and massing adjacent to these properties. At the same time, the windows of the student accommodation are angled away to prevent any adverse overlooking.

30. During the consultation process, the medical centre has raised concerns that the proposal will lead to the centre being enclosed by tall buildings and will result in a loss of light to the windows of the centre. The Local Plan does not have any policies that deal with the loss of light to uses such as the medical centre, or indeed the night shelter. Nevertheless the centres windows are primarily facing north-west away from the development and as such it is unlikely that the new buildings would have a significant impact upon the centre in this regard. Similarly with respect to the windows in the rear of the night shelter, the proposed student accommodation would not significantly alter the existing back to back relationship that exists between this and the Luther Court buildings. Therefore the development would not have a significant impact overall.

Landscaping

31. The proposed development would result in the loss of all 11 of the flowering cherries from the site. They have no great significance beyond their current context and their loss could be adequately mitigated through replacement tree planting which could be secured by condition. The proposed development should not adversely affect the health and condition of the Norway Maple that is sited outside the application site alongside the Telephone Exchange, provided suitable tree protection measures are in place during construction.
32. The landscaping proposals for the areas to the frontage are appropriate and the block bedding planting augmented by Hornbeans are at well spaced intervals in the frontage will provide the visual effect of trees punctuating the street scene. Therefore subject to appropriate conditions the landscaping proposals accords with Policies CP1, CP11, and NE15 of the Oxford Local Plan.

Community Safety

33. The Oxford Core Strategy states that new development should promote safe and attractive environments which reduce opportunities for crime and disorder. Policy CS19 states that the principles of 'secured by design' should be met including well-designed public spaces and access routes, which are integrated into the surrounds; maximise natural surveillance; and provide appropriate lighting of public spaces and access.

34. The Luther Court Housing currently has an unsatisfactory relationship with the adjacent night shelter and medical centre, as persons congregating around these uses has caused social problems for the residents. The proposed development has sought to address these problems by orientating the buildings towards Thames Street with the creation of a physical barrier between the site and Luther Street. The scheme has been designed to 'Secure by Design Principles' following discussions with the Thames Valley Policy and involves the closure of the footpath between Luther Court and Butterwyke Place, and the provision of additional lighting and CCTV to the service access created at the rear.
35. The Luther Street Medical Centre has objected to the closure of the footpath to Butterwyke Place as it provides a second exit point for its staff which is important for their safety. While officers are sympathetic to the concerns of the medical centre, there is a clear need to address the existing problems experienced by the residents of the Luther Court accommodation. The proposal has attempted to address these problems and been designed in consultation with Thames Valley Policy to 'Secure by Design' standards. The Thames Valley Policy support the closure of the footpath, as they consider it will improve safety and their ability to police the area. The provision of habitable room windows and balconies from the buildings overlooking this space will improve natural surveillance of this area, and improved lighting and CCTV system is also proposed. The applicant has discussed the possibility of providing staff of the medical centre with access to a secure footpath that leads to Thames Street, which would represent a more practical solution, and they are prepared to enter into an agreement to this effect. This is supported by officers as a means of addressing the medical centres concerns. Having regards to the lack of objection from the Thames Valley Policy officers are satisfied that the proposal would accord with the aims of Policy CS19 of the Oxford Core Strategy.

Residential Amenity

36. The residential units within the scheme would all have good quality internal living environments, which would certainly represent an improvement on the existing accommodation and accord with Policy HS20 of the Oxford Local Plan, and Policy HP12 of the emerging Sites and Housing Plan.
37. In terms of the amenity space provision, the existing accommodation at Luther Court has no designated amenity space for its occupants. The proposed development would provide all units (apart from Flat 11 and 12 in Core 1) with private balconies. In addition to this there would be a reasonable sized shared amenity space which would be available to all occupants. Although the shared space would be relatively enclosed, it would be adequate for this central location and would represent an improvement on the existing provision for Luther Court. This would satisfy Saved Policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.
38. The refuse and cycle storage is in an accessible and practical location in accordance with Policies CP10, HS19, and HS20 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.

Highways Matters

39. A Transport Assessment (TA) has been submitted for the proposal which the Local Highways Authority considers acceptable. The West End is a sustainable location with good walking, cycling and public transport opportunities as well as all facilities of the City Centre, and therefore a car free scheme is appropriate. A Framework Travel Plan for the proposed development should be submitted for approval within 6mths of occupation and then in years 1, 3 & 5. The monitoring fee for this will be advised separately.
40. The proposed closure of the footpath between Luther Court and Butterwyke Place is acceptable to the Local Highways Authority however this requires a stopping up order which is a separate process to the planning application. The proposed loading/unloading bays and new turning area would be acceptable but requires amendments to the Traffic Regulation order (TRO), which should also include exclusion of the premises from the controlled parking zone in order to deliver the car-free scheme.
41. The cycle parking provision would meet the local plan standards and the storage should be secured by condition, including confirmation that the 'Sheffield' type stands are at least 1.0m apart.
42. Having regards to the strategic nature of Thames Street, a Construction Traffic Management Plan (CTMP) will be essential. This will need to take account of all significant/large deliveries being catered for within a 0930-1630hrs 'window', that is outside of the Highway Network peak traffic periods. This should be secured by condition along with other conditions requiring no windows opening onto the highway
43. The proposed development would be considered acceptable in highway terms, subject to the above conditions, and standard conditions which require a sustainable urban drainage scheme to be provided, and that no windows or doors open onto the highway.

NRIA

44. A Natural Resource Impact Analysis (NRIA) and Energy Statement has been submitted as required by Local Plan Policy CP18 and Policy CS9 of the Core Strategy, and the NRIA Supplementary Planning Document.
45. The NRIA scores 9/11 and focuses using a centralised gas fired Combined Heat and Power to meet the NRIA renewable energy target. The energy statement also predicts a total reduction in carbon dioxide emissions against a baseline through the use of the Combined Heat and Power System which will be employed in both the residential and student element. Therefore officers would raise no objection to this aspect of the proposal.

Ecology

46. A Phase 1 Habitat Survey and Initial Bat Survey have been submitted with the application. These surveys have raised no major concerns in terms of the impact upon biodiversity. The Bat Survey found no evidence of bat roosts, but recommended that two further surveys be carried out. These are currently underway although officers consider it unlikely that these buildings will be used given the urban setting.
47. A condition should be attached requiring the recommendations within these surveys to be carried out. In addition a further requirement would be to include the provision of bat boxes and roosts and bird boxes into the building design.

Flood Risk

48. The site is identified by the Oxford City Council Strategic Flood Risk Assessment as being within Flood Zone 2, and therefore the Environment Agencies advise is that an assessment is provided which identifies how the development will be designed to minimise flood risk, manage surface water, and provide flood resilience and resistance measures.
49. A Flood Risk Assessment and Surface Water Drainage Scheme has been submitted with the application. This measures contained within these documents would accord with the Environment Agencies advise and therefore in order to ensure that the development minimises flood risk, a condition should be attached to ensure that the recommendations of this report are carried out.

Archaeology

50. An archaeological desk based assessment has been produced which notes that the site has the potential to preserve waterlogged features from the medieval and post-medieval periods relating to waterside activity including fishing, water management and dumping. In order to mitigate any potential archaeological impact, a condition should be attached which requires a scheme of archaeological investigation to be carried out.

Streamlined Contributions

51. The renaissance of the West End Area requires investment in significant infrastructure projects. These fall into 3 categories, strategic infrastructure to enable the West End to function (e.g. transport and utilities); service infrastructure, to meet the day-to-day needs of the population (e.g. schools, affordable housing, community facilities, open space, sewerage etc); and transformational infrastructure (e.g. public realm improvements).
52. Policy WE29 states that contributions will be calculated for the increased impact of the scheme, and in this case regard has been given to the fact that the proposal is effectively replacing existing housing on the site. A contribution of £118,944 (plus £5,972 admin fee) is sought as a global sum from the development towards these infrastructure projects. During the consultation process the Oxfordshire County Council and Local Highways Authority has requested contributions towards infrastructure improvements however the global

sum already takes these requested contributions into consideration.

53. Thames Valley Police have also requested a financial contribution of £69,070 to fund 2 Police Community Support Officers (PCSOs) for a period of 4 years, on the basis that 82 additional students living in the area may lead to additional crime as student populated areas are often targeted by criminals. However legal advice has been taken on the matter and confirmed that such funding falls outside the terms of Core Strategy Policy CS17 and / or any mechanism agreed within the current Planning Obligations Supplementary Planning Document (SPD) where in any event S106 contributions should properly relate to capital rather than revenue expenditure. Moreover the emerging arrangements under the Community Infrastructure Levy (CIL) would also suggest funding of physical infrastructure rather than the provision of a service, but these arrangements are not yet in place in any event. For these reasons Officers cannot support the request of Thames Valley Police on this occasion.

Conclusion:

54. 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

Extension: 2228

Date: 25th July 2012

