

West Area Planning Committee

7th February 2012

Application Number: 12/02826/FUL

Decision Due by: 20th February 2013

Proposal: Three storey extension to rear and extension at roof level. Change of use of first, second and third floors to 66-bed hotel with entrance from James Street. Re-cladding of existing facades and provision of 2 disabled parking spaces, cycle and bin stores and external seating at rear accessed from James Street. (Additional information)

Site Address: Tyndale House, 134A Cowley Road, **Appendix 1**

Ward: St Marys Ward

Agent: Savills

Applicant: Wilton Place Properties 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 unilateral undertaking in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion, for the following reasons:

- 1 The proposed development would represent sustainable development in that it would make an efficient use of a previously developed site to provide short-stay accommodation which meets a required need, in a wholly sustainable location without causing an adverse impact upon highway and pedestrian safety or undue environmental disturbance to surrounding residential properties. Although the proposal would result in the loss of an employment site, it would provide an alternative employment-generating use that would add to the diversity of uses within the Cowley Road District Centre that would boost the local economy. The proposed refurbishment and extensions to the building would have a positive impact upon the appearance of this prominent building and its relationship with the Cowley Road and James Street street scene, while also safeguarding the residential amenities of the adjoining residential properties. The proposal would therefore accord with the aims of the National Planning Policy Framework, Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016.

- 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:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material Samples
- 4 Flat roof and Stair for emergency use only
- 5 Details of Cycle and Refuse Storage
- 6 Revised Parking and Servicing Plan
- 7 Travel Plan
- 8 Construction Traffic Management Plan
- 9 Details of air con plant or machinery
- 10 Sustainability Measures

Unilateral Undertaking:

- £480 to County Council for Travel Plan Monitoring over next 5 years

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- 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
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- TA4** - Tourist Accommodation

Core Strategy

- CS1_** - Hierarchy of centres
- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS13_** - Supporting access to new development

CS18 - Urban design, town character, historic environment
CS28 - Employment sites
CS32 - Sustainable Tourism

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

The following applications are relevant to the planning application.

09/00296/FUL: Change of use of 1st floor from office (class B1) to use class D1 non-residential institution: Approved

09/01425/FUL: Change of use of 2nd and 3rd floors from B1 office use to D1 non-residential institution: Approved

10/00821/FUL: Retrospective change of use of ground floor of 134a Cowley Road from B1 (office) to A1 (retail): Approved

10/02626/FUL: Erection of single storey rear extension: Approved

Representations Received:

There were 2 letters of support and 2 objecting received from the following addresses. Their comments are summarised below.

- 23, 26 James Street; 31 Regent Street; 144 Rose Hill
- Support the development of the building into a hotel as this has the potential to contribute to the local economy, but the plans need to address a number of issues
- Oxford is short of good hotel accommodation and this development should improve the situation
- This is a speculative development and therefore there are concerns that this will be used as a hostel, hall of residence, HMO or Temporary Accommodation of which there are too many in the area. It should be for its stated purpose as a Budget Hotel. This should be condition to safeguard this purpose.
- Would object if this was a hostel or low-grade B&B run by the Council or private landlord
- It is a shame that we cannot be told who wants to develop the accommodation as this would provide a clear signal as to the likely clientele
- The development of Tyndale House will improve the area
- There are no details about what will be done to mitigate extra traffic from guests and deliveries
- The proposal will increase traffic generation significantly despite this being a sustainable location
- This is a congested spot with problems of illegal parking and heavy goods vehicles unloading. The proposal will make this junction more congested
- The plans should include the provision of bollards on the pavements in James Street to deter illegal parking
- A one-way section should be provided in James Street from Cowley Road should

be introduced

- The applicant proposes to convert a parking spot into a 15min drop off spot, but how will this accommodate the high number of pick ups/drop offs
- How many service vehicles are going to visit the site
- The increased number of visitors will have the potential to add to the noise and disturbance in the area
- The area is a hot spot for crime and disorder, particularly drug related. The plans should include measures to discourage dealing, begging and rough sleepers
- This could be done by providing a solid gate that stops pedestrians accessing the car park behind Tyndale House
- There should be CCTV cameras in this area
- The increased number of visitors to the hotel will amplify these problems and the developers should take this into account
- The hotel will use substantially more water than the office block and so how will this be dealt with

Statutory and Internal Consultees:

Oxfordshire County Council Highways Authority: No objection subject to conditions

Oxfordshire County Council Drainage Team: No objection

Thames Water Utilities Limited: No objection

Environment Agency Thames Region: No objection

Officers Assessment:

Site Location and Description:

1. The application site relates to Tyndale House which is situated at the corner of Cowley Road and James Street. It is within the Cowley Road District Shopping Centre and is approximately 1mile from the centre of Oxford (**site plan: appendix 1**)
2. Tyndale House is a large and prominent three/four storey office building of typical 1960s utilitarian design. It is constructed of grey engineering brick with strong horizontal bands of rough cast render between each floor. It has a parking and service area to the rear which is accessed from James Street.
3. There are retail (Class A1) units at ground floor level which front onto Cowley Road and form part of the Cowley Road District Centre. These are currently occupied by Sainsburys and Professional Music Technolgy. The upper levels of the building are accessed from James Street and were previously used as office (class B1) space but are currently providing back office space for a non-residential institution (Class D1) use following the grant of planning permission in 2009.

Proposal

4. Planning permission is sought for the change of use of the first, second, and third floors of the building from office (class B1) use to a 66 bedroom hotel with entrance from James Street.
5. The proposal would also include the erection of a three-storey extension to the rear and extension at roof level in order to facilitate the change of use, and the re-cladding of the existing facades.
6. The service yard will be reorganised to provide 2 disabled parking spaces, cycle and refuse storage and an external seating area which would all be accessed from James Street.
7. Although the application does not identify an end-user for the hotel accommodation, the applicant has confirmed that the preferred operator is Travelodge, although this is subject to contract and planning permission being granted.
8. Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of development
 - Loss of an employment site
 - Provision of short-stay accommodation
 - Highway Matters
 - Form and appearance
 - Impact upon adjoining properties
 - Sustainability

Principle of Development

9. The National Planning Policy Framework [NPPF] has a general presumption in favour of sustainable development. It recognises there are three dimensions to sustainable development; economic, social, and environmental. The economic role centres around building a strong, responsive, and competitive economy by ensuring that sufficient land of the right type is available in right place to support growth.
10. The NPPF goes on to encourage the effective use of land that has been previously developed. This is supported by Policy CS2 of the Oxford Core Strategy 2026 and Policy CP6 of the Oxford Local Plan 2001-2016 which require new development to be focused on previously developed land, and to make the best use of a sites capacity in a manner compatible with the site and the surrounding area.
11. The general principle of reusing this existing building would broadly accord with the above-mentioned aims of the NPPF, Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016.

Loss of an Employment Site

12. The upper floors of Tyndale House currently provide office accommodation albeit within a non-residential (Class D1) use, as the current users are charitable organisations. Therefore the change of use of the building to budget hotel would have the potential to result in the loss of an employment generating site.
13. The Oxford Core Strategy Policy CS28 states that permission will only be granted for the change of use of an employment site, where overriding evidence has been provided that the premises has caused environmental nuisance, or, that no other occupier can be found despite substantial evidence that the premises has been marketed for its present use and for potential modernisation or regeneration for alternative employment-generating uses; and the loss of jobs would not reduce the diversity and availability of job opportunities.
14. With respect to the criteria of Policy CS28, there is no evidence that the existing building has caused an environmental nuisance. A Marketing Statement prepared by Savills has been submitted with the application. It states that the premises were formerly occupied by the County Council but their lease expired in 2007. The property has been marketed since 2007, through Savills website, Estates Gazette, Oxford Times, a lettings board on the building, and emails to potential occupiers on Savills website. Officers note that this advertising was carried out on a flexible basis with space available as a whole, or on a floor-by-floor basis and within a refurbished building. Despite these efforts there was limited interest in the upper floors either 'as is' or once refurbished with the interest confined to the Probation Service who eventually chose a city centre location. The charitable organisations of the Ethical Minority Business Service and Dimensions eventually took some space following the grant of planning permission in 2009 for the change of use from B1 to D1. In terms of loss of jobs, the applicant indicates that the current tenants provide approximately 29 members of staff, whereas the hotel would provide at least 11 full time jobs. It goes on to state that the hotel would also constitute an alternative employment-generating use, and would provide support for the local economy.
15. Having regards to the contents of these statements, officers consider that in relation to Policy CS28 the applicant has satisfied the criterion regarding marketing of the premises. The proposed change of use would result the loss of some office jobs which is certainly regrettable. However, it is fair to say that the current economic climate is making the office market difficult at present, and properties like Tyndale House, which are in need of refurbishment, will be hard to let. The proposal would therefore offer a realistic prospect of the building being significantly refurbished / improved in order to provide an alternative employment-generating use. As a result officers consider that the proposed change of use would accord with the overall aims of Policy CS28 of the Oxford Core Strategy.

Provision of Short-Stay Accommodation

16. The Oxford Core Strategy promotes sustainable tourism through Policy CS23 which recognises that there is a need to improve the range and standard of accommodation available to encourage visitors to stay longer in Oxford. Policy

TA4 of the Oxford Local Plan states that permission will only be granted for the provision additional tourist accommodation provided that it is in an identified location; is acceptable in terms of access, parking, highway safety, traffic generation, pedestrian and cycle movements; and will not result in an unacceptable level of noise and disturbance.

17. The Cowley Road is an identified location for short stay accommodation, being one of the main arterial roads into Oxford. In terms of unacceptable noise and disturbance, the proposed hotel use would not give rise to any undue disturbance when compared to the existing use. The amount of plant & machinery is minimal, and there are no air conditioning units or bar/café proposed. Notwithstanding the concerns raised during the public consultation, there is no evidence that any of the anti-social behaviour experienced within the area would be exacerbated by the provision of the hotel use. Indeed, the provision of such a use would increase the level of natural surveillance and activity in this part of the street scene and in particular the service yard to the rear which would discourage any anti-social activity in this area. It is therefore considered that the proposal would have satisfied two of the criterion of Policy TA4, and would be considered appropriate subject to the satisfaction of any highway concerns.

Highway Matters

18. A Transport Statement and Travel Plan by Hannah Reed & Associates has been submitted which sets out the parking, access, servicing arrangements of the proposal and the impact upon the local highway network.
19. The site is located within the Transport Central Area as designated by the Oxford Local Plan 2001-2014. This is considered to be a highly sustainable location with good public transport links to and from the city. There is also a good range of shops, food and drink establishments and other services within the District Centre. There is a controlled parking zone in the vicinity which controls on-street parking, and a public car park (managed by Oxford City Council) nearby in Union Street which has capacity to provide off-street parking for vehicles.
20. The Transport Statement states that the proposal is intended to be a car-free development. There are to be 2 off-street parking spaces provided within the rear service yard area which will provide disabled spaces for hotel guests. A Travel Plan has been prepared which sets out how guests and staff will be encouraged to travel by sustainable modes of transport. A bike store will also be provided to the rear which will provide cycle parking for 14 bicycles. The statement also indicates that a request will be made to the Local Highways Authority to turn one of the two 1hr parking bays directly in front of the James Street entrance into a 15minute parking space to enable guests arriving by car to check in and drop luggage off before using the Union Street parking space to park their car.
21. The Local Highways Authority has raised no objection to the proposed change of use in terms of highway safety. The Transport Assessment has identified that the proposed hotel would only result in 38 additional daily two-way car borne trips in comparison to the existing uses on the upper levels of the building. While it is accepted that this is a relatively busy junction, it is considered that this would not

result in an unacceptable increase in daily traffic along the Cowley Road. In terms of parking, the maximum parking standards would normally require approximately 33 off-street parking spaces (1 space per dwelling). The site constraints mean that it is not possible to provide this level of off-street parking within the site. The sustainable location of this site would make it eminently suitable for a car-free development. There are on-street parking controls within the area which would make a car-free scheme enforceable, while also preventing the shortfall in parking, placing pressure on the available on-street parking within the area. Furthermore the Union Street Car Park is located approximately 130m from Tyndale House and has sufficient capacity to provide parking for those guests who nevertheless arrive by private car.

22. A Travel Plan has been prepared to demonstrate how the hotel will assist staff and guests to use sustainable forms of transport. This includes providing information regarding transport arrangements on the hotel website; providing new members of staff with a welcome pack setting out how to travel to and from the hotel by sustainable means; reviewing the pedestrian and cycle routes in the vicinity of the site within 6 months after the baseline survey has been concluded; providing secure, well lit and conveniently located cycle parking and including a bike repair kit on site for use by staff; and promotion of car sharing. It will also advise that no car parking is available at the hotel itself, (other than for disabled guests), nor in surrounding streets. A condition should be attached to require this Travel Plan to be approved before occupation once the end user is known. The Local Highways Authority has also requested a contribution towards the monitoring of this plan of £480 for 5 years monitoring.
23. The proposed site plan identifies the location of the car parking for disabled users and cycle parking. However the Local Highways Authority has indicated that a turning space for these parking spaces has not been shown to enable the vehicles to exit the site in a forward gear. A condition should therefore be attached requiring the submission of a revised parking/turning plan to demonstrate egress for the proposed disabled parking spaces and servicing. This facility would also be required during construction works.
24. Therefore subject to conditions, officers consider that the proposal would not have an adverse impact upon highway safety in accordance with Policy CP1 and part (b) of Policy TA4 of the Oxford Local Plan 2001-2016

Form and Appearance

25. Policy CS18 of the Oxford Core Strategy 2026 requires proposals to demonstrate high-quality urban design that responds to the site and its surroundings; create a strong sense of place and attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area.

26. The existing building was built in the 1960s and has a utilitarian style of no particular architectural merit. The building has a dated and tired appearance which does not have a positive impact upon the street scene of Cowley Road or James Street. The proposal would involve the complete internal and external refurbishment of the building. This would include replacing the existing windows, and re-cladding the external façade with rainscreen panels along with the extensions to the rear of the building and at roof level.
27. In terms of size, scale, and massing, the proposed extension to the rear would represent a modest addition to the existing building. A single storey rear extension has already been added to the rear of the retail unit occupied by Sainsbury's which was granted permission under 10/02626/FUL. The proposed extension to the rear would represent a modest extension to the building in comparison to the existing size and scale of Tyndale House. The existing building currently has a fourth floor set above the main roofline of building. It is proposed to extend this floor across the entire roof albeit set back from the front and rear of the building, and a different material treatment employed in order to make it appear as a subservient addition to the building and ensure that this sits comfortably with the adjoining properties. The proposed external alterations would improve the visual quality of the building and its contribution to the street scene, which given its prominent location would have a substantial benefit to the amenity of the District Centre. A condition should be attached requiring the palette of materials to be agreed prior to the commencement of work.
28. As a result officers consider that the proposed extensions to the building would create an appropriate visual relationship with the built form of the existing building and the surrounding area. Furthermore the external refurbishment through the replacement windows and recladding of the building would improve the visual appearance of the building in a manner that would enable this prominent building to have a positive impact upon the general character and appearance of the local street scene. This would accord with the aims of Policy CS18 of the Oxford Core Strategy, and Policy CP1, CP6, and CP8 of the Oxford Local Plan 2001-2016.

Impact upon Adjoining Properties

29. Policy HS19 states that permission will only be granted for development that protects the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
30. The properties that would stand to be most affected by the proposal would be the rear of the James Street properties and the student accommodation in Moberly Close located to the south and south-west respectively. Tyndale House is currently a three/four-storey building which along with the rear of the other properties on the Cowley Road already creates a sense of enclosure for these adjoining properties. The proposed extensions would not significantly increase this sense of enclosure, despite the rear extension projecting closer to the rear of these properties. In terms of loss of light, the adjoining James Street properties lie to the south of the Tyndale House and have their rear elevations and gardens

facing westwards. Having regards to this orientation, officers consider that the proposed extensions would not adversely alter the amount of light received to these properties habitable rooms or rear gardens. In addition, there is a sufficient separation distance between Tyndale House and the student accommodation of Moberley Close so as not to unduly overbear or impact upon light received to this accommodation.

31. In terms of overlooking of these adjacent properties, the existing building already has windows in the rear elevation and an external staircase across the three floors which provide a level of overlooking to the rear gardens of the James Street properties and Moberley Close. The proposed extension would maintain the external staircase, while the windows of the hotel rooms have been orientated in such a manner that they do not directly overlook these properties. As such officers consider that the proposal would not give rise to a significant loss of privacy for the adjoining properties in James Street and Moberley Close. There would be an area of flat roof above the existing single storey ground floor extension, and therefore a condition should be attached which prevents this being used as a sitting out area for the hotel.
32. It is also considered that the proposed development would not have an adverse impact upon the amenities of the flats on the eastern side of James Street in terms of overbearing impact, loss of light, and overlooking. Similarly, it would not have an impact upon any residential accommodation above the shops on the Cowley Road to the west and north.

Sustainability

33. The application would not be a qualifying site for a Natural Resource Impact Analysis, however, one has been submitted alongside with a Low and Zero Carbon Technologies Options Appraisal by Blewburton Partnership. In accordance with Policy CS9 of the Oxford Core Strategy, the proposal has been designed to minimise energy demand and operational carbon emissions. The scheme will incorporate energy and water saving measures. The existing cladding around the building is to be replaced by a thermally efficient rainscreen cladding system which will have enhanced u-values by comparison. The en-suite bathrooms will feature water saving devices including floor restricted taps and showers and dual flush WCs. The scheme will employ renewable energy sources to minimise carbon emissions, with the use of Air Source Heat Pumps and Solar Photovoltaic Tiles the preferred option. A condition should be attached requiring these measures to be provided in accordance with the statements.

Conclusion:

34. The proposal is considered to be in accordance with the objectives of the National Planning Policy Framework, and the relevant policies of the Oxford Core Strategy 2026, and Oxford Local Plan 2001-2016 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 unilateral undertaking to secure the necessary financial contributions towards the monitoring of the Travel Plan.

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 24th January 2013

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