

West Area Planning Committee

13th March 2013

Application Number: 12/03269/FUL

Decision Due by: 27th February 2013

Proposal: Change of use of 229 Cowley Road from dwelling house (Class C3) to student accommodation. Erection of building to rear of 229, 231 and 233 Cowley Road to provide 2 x 3 bed flats (Class C3) with associated vehicle parking and amenity space. (Amended plans)

Site Address: 229 and land to the rear of 229, 231 and 233 Cowley Road
(**site plan: Appendix 1**)

Ward: St Clement's Ward

Agent: West Waddy ADP

Applicant: Ms M Kandola

Application called in by Councillors Benjamin, Altaf-Khan, Goddard and Simmons to enable the application to be discussed in public.

Recommendation: The West Area Planning Committee is recommended to refuse planning permission for the following reasons:

- 1 The proposed development would result in the net loss of a self contained residential dwelling from the East Oxford Neighbourhood Area which is an area identified as having an intense pressure to safeguard new family dwellings and to achieve a higher proportion of family dwellings as part of the mix of new residential developments. Furthermore the flats proposed as replacement self-contained accommodation would not constitute good quality self-contained homes in comparison to the dwelling that they are replacing. This would be contrary to Policy HP1, HP12, HP13 and Hp14 of the Sites and Housing Plan
- 2 That the proposed flats would fail to provide good quality accommodation for the future occupiers of these family dwellings. This would be because their overall layout would be cramped and congested, with small rooms that would not allow reasonable furnishings, circulation space, natural light and outlook that would have an impact upon the quality of the accommodation. Furthermore the proposed gardens for the flats would have limited amenity value as they would be enclosed spaces, and in the case of the first floor flat in a divorced and impractical location so as to make them usable for their potential occupants which could include children. Therefore the proposal would fail to create adequate internal and external living conditions for the

future occupiers of the dwellings, contrary to Policies CP1 and CP10 of the adopted Oxford Local Plan 2001-2016, and Policies HP12, HP13, and HP14 of the Sites and Housing Plan.

- 3 The proposed building would be of a size and scale that would fail to create an appropriate visual relationship with the infill nature of the site, and the character and appearance of Bartlemas Road and wider residential area. Furthermore the overall layout of the dwellings would fail to provide any active frontage to the property or increase natural surveillance of the street scene which would also not reflect the prevailing character of the street. As a result the proposal would be contrary to the aims and objectives of Policy CS18 of the Oxford Core Strategy 2026, Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- CP10 - Siting Development to Meet Functional Needs
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities

Core Strategy

- CS2 - Previously developed and greenfield land
- CS18 - Urban design, town character, historic environment
- CS25- Student accommodation

Sites and Housing Plan

- MP1 - Model Policy
- HP1 - Changes of use to existing homes
- HP2 - Lifetime Homes
- HP5 - Location of Student Accommodation
- HP9 - Design, Character and Context
- HP10 - Developing on residential gardens
- 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
- Balance of Dwellings Supplementary Planning Document

Relevant Site History:

08/00754/FUL - Retention of extension to 229 and 231 Cowley Road. Retention of use of 229, 231 and 233 Cowley Road as student accommodation (39 bedrooms) including change of use from dwelling (229) and guest house (231/233): Withdrawn

09/00032/FUL - Retention of extension to 229/ 231/ Cowley Road and use of 229, 231 and 233 Cowley Road as student accommodation (39 bedrooms) including change of use from dwelling (229) and guest house (231, 233): Withdrawn

09/00087/FUL - Erection of 2/3 storey building fronting Bartlemas Road to provide 9 study bedrooms at rear of 229/231/233 Cowley Road: Refused

09/02099/FUL - Retention of rear extension to 229 Cowley Road. Change of use from residential dwelling to student accommodation. Provision of cycle parking and bin storage: Refused

10/00021/ENF: Enforcement Notice against the alleged unauthorized rear extension, and change of use of dwelling house to student accommodation/HMO:

An appeal against this enforcement notice was dismissed and the enforcement notice upheld. A copy of the decision notice can be found in appendix 2 of this report.

10/00562/FUL - Three storey rear extension (retrospective): Approved

11/02068/FUL - Change of use of dwelling house to house in multiple occupation (HMO): Withdrawn

12/00046/FUL - Retention of use as student accommodation: Refused

12/01555/FUL - Change of use of 229 Cowley Road from dwellinghouse to student accommodation and erection of a 3 bed dwelling on land rear of 229, 231 and 233 Cowley Road: Withdrawn

Representations Received:

The following letters of comment have been received in support of the proposal for the reasons summarised below

- 235, 257 Cowley Road; 133 Magdalen Road; 20 Tawney Street; 2a Bartlemas Road
- The property at 229 Cowley Road has not been used as a residential dwelling since the early 90s, and the continued use as student accommodation would make no difference to the area
- The building appears suitable for student accommodation
- Student dwellings are best suited for main roads such as the Cowley Road where they cause minimal disturbance
- The proposal to create 2 dwellings in the rear is a good use of the land and helps east Oxfords lack of residential dwellings issue
- The proposal would provide adequate off-street parking

- The proposal would off-set the loss of a dwelling by creating not one but two additional dwellings
- The redevelopment of the plot to the rear would remove an eyesore and improve the appearance of Bartlemas Road

Statutory and Other Consultees:

Thames Water Utilities Limited: No objection

Oxfordshire County Council Drainage: Development to drain should utilise a SUDs system, soakaway, porous parking area or green roof

Oxfordshire County Council Highways Authority: No objection subject to condition

Divinity Road Area Residents' Association

- The proposal is welcome
- The student accommodation should not be eligible for parking permits and the two flats should have no eligibility as it has off-street parking
- The two residential dwellings are welcome and the proposal from the applicant that the permission will be conditional upon the construction of the flats
- The layout of the flats has fairly limited living space as if it is designed to maximise the potential as shared accommodation
- Would object to their use as HMO's

Oxford Civic Society

The development is acceptable by the objection of the highways authority on parking permits should be adhered to

Officers Assessment:

Site Location and Description

1. The application site is situated on the northern side of Cowley Road, and includes a parcel of land which wraps around to the east onto Bartlemas Road (Site plan attached as **Appendix 1**)
2. The site of 229 Cowley Road comprises a three-storey end of terrace property which is set back from the Cowley Road by a small front garden and has an area of private space to the rear. The authorised use of this building is as a (C3) dwellinghouse. However the property had been operating as student accommodation for a number of years without the benefit of planning permission. An enforcement notice was issued in relation to this unauthorised use which was upheld on appeal.
3. The application also includes a parcel of land which has been formed to the rear of 229-233 Cowley Road by subdividing the rear gardens of these properties, and currently remains undeveloped. The site is being used to store building materials.

Proposal

4. The proposed development can be separated into two parts, which would include the following.
5. The change of use of 229 Cowley Road from dwelling house (Class C3) to student accommodation which would consist of 13 bedrooms, with shared bathrooms and a kitchen.
6. The erection of a two-storey building to rear of 229, 231 and 233 Cowley Road to provide 2 x 3 bed flats (Class C3) with associated vehicle parking and amenity space. (Amended plans)
7. Officers consider that the Officers consider that the principle determining issues with regards to the proposal are as follows:
 - Principle of Development
 - Loss of Dwelling
 - Balance of Dwellings
 - Residential Uses
 - Form and Appearance
 - Impact upon adjoining properties
 - Highway Matters
 - S106 contributions
 - Other Matters

Background and Planning History

8. There is a lengthy planning history on this site. However, for ease of reference the key points are set out below.
 - In 2006 permission was granted for a single and three-storey rear extension to the property, which increased the number of bedrooms from 4 to 6
 - The three-storey extension approved in 2006 was built 1.9m longer than approved, omitting a single storey element entirely. An investigation at the time identified that the dwelling house was actually in use as student accommodation.
 - In 2009 a retrospective application for the retention of the extension as built and the use as student accommodation was refused under 09/02099/FUL
 - An enforcement notice was subsequently issued requiring the use to cease and the extensions to be regularised. In 2010, an application to retain the extension as built was approved under 10/00562/FUL, and the enforcement notice was the appealed by the applicant.
 - The appeal was dismissed in June 2010, on the grounds that the change of use to student accommodation, albeit retrospective, would result in the loss of a dwelling house contrary to Policy HS10 of the Oxford Local Plan. The appeal decision is attached in **Appendix 2**.
 - In February 2012, an application was submitted under reference 12/00046/FUL to change the use of the building from a C3 dwelling house to student accommodation. Members of the West Area Planning Committee

resolved to refuse permission on the grounds that it would result in the loss of a self-contained dwelling house.

- In June 2012 a further application was submitted for the change of use of the dwelling house to student accommodation and the erection of a 3 bed dwelling on land rear of 229, 231 and 233 Cowley Road under 12/01555/FUL. This was withdrawn following officers confirmation that they were recommending refusal of the application on the basis that the three bedroom dwelling would not overcome concerns over the loss of the dwelling house at 229 Cowley Road; and the inappropriate design of the detached two-storey dwelling house on land to the rear.

9. As a result of this history, there is an extant enforcement notice in place on the site which requires 229 Cowley Road to be used as a (C3) dwelling house. The Notice was upheld on appeal, **Appendix 2**. At Enforcement appeals the appellant can appeal only on limited grounds. In this case the grounds of appeal were Ground (a) that planning permission ought to be granted; and Ground (g) that the period for compliance with the notice was unreasonable. This appeal decision upholding the Enforcement Notice and refusing planning permission represents a material consideration in the determination of this application.

Principle of Development

10. The National Planning Policy Framework encourages 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 parcel of land to the rear of 229-233 Cowley Road has been formed from the rear gardens of these properties. It would appear that structures have been located within these rear gardens and the remnants of these were visible on a site visit. As such, officers consider that this part of the site would constitute previously developed land and as such the general principle of providing a building to the rear of this site would broadly accord with the above-mentioned aims of the NPPF and the Oxford Core Strategy 2026.

Loss of a dwellinghouse

12. The authorised use of 229 Cowley Road is a C3 dwellinghouse, and contrary to representations made during the consultation process any use as student accommodation or a House in Multiple Occupation did not have the benefit of formal planning permission. This unauthorised use has now ceased through the enforcement notice.

13. The proposed development would seek a change of use of this C3 dwellinghouse to student accommodation. The Sites and Housing Plan recognises that there are not nearly enough homes in Oxford to meet the city's housing needs. The benefit of building new housing would be undermined if the stock of existing housing were

to reduce. Therefore the Council has a longstanding strategy to resist the net loss of self-contained dwellings.

14. The change of use would fall under Sites and Hosing Policy HP1 which states that permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site. It goes on to state that permission will only be granted for such a change of use where in the case of a C3 dwellinghouse at least 75m² of the original dwelling's floorspace is retained as a self-contained dwelling, and the internal and external living conditions of the retained dwelling meet the requirements of the Policies HP12, HP13, and HP14, and the scale and nature of the proposed use is compatible with neighbouring uses. The preamble to this policy explains that any such change of use must demonstrate that the remaining residential accommodation on site still provides at least the same number of good-quality self-contained homes.
15. The planning statement submitted with the application indicates that in order to address the Inspectors concerns over the loss of the dwellinghouse, two flats are proposed at the rear of 229 – 233 Cowley Road and that this results in the net gain of one dwelling within the site itself. Having reviewed the submission, officers would make clear that the intention of Policy HP1 was to address the issue of the loss of existing homes within an individual site. In this case that would be the curtilage of 229 Cowley Road. The parcel of land has been artificially created by removing parts of the gardens that belonged to 229 -233 Cowley Road as they were developed overtime. In that respect the ability to provide this additional accommodation has come at the expense of reducing the amenity value of the other adjoining properties (231 and 233 Cowley Road). It could therefore be argued that as the proposal does not retain any of the original dwelling's floor space as a self-contained dwelling, the proposal would not accord with Policy HP1. However notwithstanding this, the ability to provide additional accommodation in this part of the site is within the applicants gift as the sites are in the same ownership and so it would be important to consider whether the site could accommodate the 2x3 bedroom flats and if the accommodation represents an appropriate swap in terms of the criteria of Policy HP1.

Balance of Dwellings

16. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. In particular it highlights the need to retain the stock of family housing, given the relative lack of new family housing coming forward. The site is located within the East Oxford Neighbourhood Area, which is identified as a 'red' area where there is the most pressure to safeguard family dwellings and secure a high proportion of new family dwellings as part of the mix for new development. In many respects the scale of pressure to retain the stock of family housing within East Oxford, provides further evidence to resist the loss of any existing dwellings within this area to alternative uses such as student accommodation.

17. The existing dwellinghouse is a three-storey property that would be large enough for a conversion into flats, providing that one three-bedroom unit is retained within the building if it was converted into 3 flats, or 45% of the total number of units if it was converted into 4-9 units. Therefore it could be argued that the existing building and site to the rear has the potential to provide more family housing than the net gain of one unit proposed within the scheme. However, in strict terms there would be no reason to object to the creation of 2x3 bedroom units under Core Strategy Policy CS23 and the BoDSPD.

Residential Uses

18. It is the overall quality of the internal and external environments for the 2x3 bedroom flats where the scheme fails to provide an appropriate replacement for 229 Cowley Road.

19. Sites and Housing Plan Policy HP12 makes clear that new dwellings should provide good-quality living accommodation for the intended use. This means that for internal space, each dwelling has its own lockable entrance, kitchen, bathroom; the space provided allows for reasonable furnishing, circulation and use of household facilities in each part of the home; and the dwellings have adequate storage space, taking account of the occupation intended. It goes on to state that permission will not be granted for any single family dwelling (such as a 3 bedroom flat) which have less than 75m² floorspace, or inadequate ceiling height, lack of natural lighting or natural ventilation, or a restricted outlook that prevents property enjoyment of the dwelling. At the same time, Policy HP2 requires new dwellings to meet lifetime homes standards.

20. According to the submitted floor plans the proposed flats would have an internal floor area of 75.49m² and the first floor flat 80.02m². Having scaled from the submitted plans, officers would make the ground floor flat 73.52m² falling just short of the 75m² and the first floor flat 79.5m² and therefore contrary to the applicants planning statement the ground floor flat does not exceed the required standard. However, merely providing an internal floor area of 75m² does not automatically mean that the flats would have a good internal environment for future occupants. In the case of the ground floor flat much of this space is taken up by the hall leading to habitable rooms, with the main habitable living areas (kitchen, lounge, bedroom) being too small for accommodation of this type so that the layout would feel cramped when furnishings were added. Similarly, the two middle bedrooms would have north-eastern aspects which would restrict the amount of light received in these rooms and a poor outlook as the face onto the boundary fence and side elevation of 1 Bartlemas Road. Similarly the hallway would only receive natural light from the doorway, making this a dark space. The kitchen would be predominately lit by rooflights, having no windows to the side and rear, and also relies on borrowed light from the French doors to the lounge. There would also be limited storage space available for a flat of this size. The same concerns would apply to the first floor flat, whereby the kitchen / dining room would feel cramped, and from the plans the provision of a dining table would seemingly make the kitchen units inaccessible. The study/bedroom would have little space for furnishings other than a bed and bedside tables and still allow space to walk around the bed. At first floor level, the sections show the

available head height at 2.3m. The main bedroom would have restricted space for a bed within this area of headroom, and certainly bedroom 2 would also have limited space beyond this headroom. The ensuite also would have to use most of this available headroom to provide the shower, and the plans do not show any other bathroom furnishings. At the same time, the application has not demonstrated how the flats would meet the Lifetime Homes standards as required by Policy HP2 of the Sites and Housing Plan, and it would be difficult for them to do so with this layout. Officers consider that the proposed flats would provide poor quality living environments for their future occupants in accordance with the aims of Policy HP2 and HP12 of the Sites and Housing Plan

21. Turning to outdoor space, Policy HP13 requires new dwellings to have direct and convenient access to an area of private open space, with 3 bedroom flats having a private balcony or terrace of usable space, or, in the case of ground floor flats, direct access to a private garden. The following factors are then assessed in relation to the amenity value of this space; the location and context of the development in relation to the layout of the existing residential plots, and proximity to open space, the orientation of the outdoor area in relation to the sun; the degree to which enclosure and overlooking impact upon the new dwellings and any neighbouring dwellings, and the overall shape, access to an usability of the whole space.
22. The two flats would each have their own private gardens set to the rear of approximately 7m in length. These spaces would be north-west facing, and would be bordered to the south-west by the large three storey terraced properties that front onto the Cowley Road which lie approximately 6.5m away. The orientation and sense of enclosure would have some bearing on the gardens overall quality. While the ground floor flat would have direct access to their garden, the first floor flat would be divorced from its garden, having to access via the frontage of the property and a side passage which officers consider would not be desirable for occupants of the family accommodation especially when you consider this would be likely to house children. There would be a small balcony at roof level for this accommodation, but it would not provide usable space. As such the amenity areas would also fail to satisfy Policy HP13 of the Sites and Housing Plan.
23. Therefore officers consider that the proposed flats would fail to create an appropriate indoor and outdoor environment for the future occupants of the dwellings in their own right, let alone as potential replacement for the loss of a large dwellinghouse at 229 Cowley Road. As such they would also fail to accord with Part (b) of Policy HP1 which deals with the change of use of existing homes.

Student Accommodation

24. In terms of student accommodation, Policy CS25 of the Oxford Core Strategy states that student accommodation should be for students in full time education on courses of an academic year or more. Policy HP5 of the Sites and Housing Plan also states that student accommodation should be located on main thoroughfares such as the Cowley Road; provide suitable management controls, and an undertaking that residents will be prevented from bring cars into oxford, or parking

on site.

25. The planning statement confirms that the accommodation will be restricted to students in full-time education on courses of an academic year or more, although they do not specify who the intended end user would be. Similarly they would agree to appropriate conditions setting out a management regime and restricting residents from bringing cars into Oxford. The proposal would accord with the aims of the above-mentioned policies. However, officers consider that this would not outweigh the overall concerns regarding the general principle of the loss of the dwellinghouse and the inadequacy of the replacement accommodation for the reasons stated in this report.

Form and Appearance

26. Policy CS18 of the Oxford Core Strategy 2026 requires development to demonstrate a high-quality urban design that responds to the site and its surroundings; creates a strong sense of place; attractive public realm; and provide high quality architecture. Policy HP9 of the Sites and Housing Plan states that the form, layout, and density of the scheme should make an efficient use of land whilst respecting site context; and the development exploits opportunities to make a positive contribution to local character and distinctiveness, and maintains natural surveillance of the public realm. This is supported by Policy CP8 of the Oxford Local Plan 2001-2016.
27. The residential suburb is characterised by the large three-storey terraced properties that front onto the Cowley Road, and the smaller two-storey Victorian terraced and semi-detached properties on the side streets leading from that main thoroughfare. The properties that front onto Cowley Road have been extended significantly, and there are a number of infill developments within Bartlemas Road. The proposed two-storey building would have a main range with a pitched roof that measures approximately 8m (l) x 7.2m (w) x 8.7m (h) and a single storey pitched roof that measures approximately 4.9m (l) x 7.2m (w) x 4m (h). The building would be brick built with similar detailing to other properties in the area, two front doors and a projecting gable / bay window.
28. The provision of a building that faces onto Bartlemas Road certainly has the potential to improve this part of the street scene, as the existing site has been allowed to fall into a poor condition. It is clear that the building has been designed in a manner that would try and reflect the appearance of the dwellings surrounding the site. However, it should be recognised that this is an infill plot and so the overall size and scale of the building should ensure that it does not appear cramped within the plot. Officers consider that the overall size and scale of the building has been designed with the intention of providing 2x3 bedroom units of adequate size, rather than ensuring that it suits the sites capacity. There would only be a 6.5m gap between the side elevation of the Cowley Road frontage buildings and the proposed dwelling and a 1.5m gap between 1 Bartlemas Road. The building would have a wide frontage, and have a ridge and eaves height that exceeds the ridge height of 1 Bartlemas Road. Officers do not consider this an appropriate approach for an infill site such as this and again the height is dictated more by the need to provide sufficient space for 2x3 bedroom units rather than

the context of the street scene. The width of the façade and the two front doors only serve to make the building appear wider than adjoining properties and as such a larger building than appropriate for the site. Similarly, the layout of the ground floor flat in particular would not encourage natural surveillance of the public realm given the bedroom windows face onto the street.

29. As such officers consider that the proposed building would fail to create an appropriate visual relationship with the built form of the site and the character and appearance of Bartlemas Road and wider residential area. Furthermore the overall layout of the dwellings would fail to provide any active frontage to the property or increase natural surveillance of the street scene which would also not reflect the prevailing character of the street. As a result the proposal would be contrary to the aims and objectives of Policy CS18 of the Oxford Core Strategy 2026, Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

Impact upon adjoining properties

30. Policy HP14 of the Sites and Housing Plan states that residential development should safeguard the amenities of existing and new homes. In making any assessment the following factors will be considered; whether the degree of overlooking to and from neighbouring properties or gardens resulting from development will compromise privacy of existing or new homes; the orientation of windows in existing and new dwelling in respect of access to daylight, sunlight and solar gain, and that existing and proposed walls hedges, trees and fences help protect privacy and also do not create an overbearing impact. This is also supported through Policy CP10.
31. The property at 1 Bartlemas Road would stand to be most affected by the proposed two-storey building to the rear of the site. This property is sited to the north-east and has habitable room windows in the rear elevation, and also within the two-storey outrigger to the rear. The proposed building has been designed in such a manner to respect the main range of the adjoining house so as to prevent any loss of light, outlook from habitable rooms in the main range. Although the single storey element would project beyond the rear wall of the main range, this would not have an impact upon any habitable room windows in the two-storey outrigger of the adjoining property. Similarly, although there would be habitable room windows in the rear of the proposed building, this would not result in a loss of privacy over and above that which can normally be found at first floor level between buildings in a linear street pattern.
32. The proposed building would not have an adverse impact upon amenities of 229-233 Cowley Road.

Highway Matters

33. The site is located in a sustainable location with access to shops and facilities and regular bus services. It is also within a newly-created Controlled Parking Zone (CPZ), which is aimed at minimising on-street parking pressure in the vicinity. The application site is currently eligible for resident and visitor parking

permits where these are limited per residential dwelling.

34. The proposal is likely to increase the demand for on-street parking, where it is proposed to provide additional residential units and student accommodation. It is therefore considered that the development site should be excluded from eligibility for parking permits. A condition should be attached to prevent students from bringing cars into Oxford and the exclusion from resident permits assists this.
35. The provision of 1 off-street car parking space for each of the flats is considered acceptable at this location. The proposed parking layout would not meet the required standards (2.5m x 5.0m) with a space obstructed on one side having a width of 2.7m, a space obstructed on both sides having a minimum width of 2.9 metres. A minimum buffer of 500 millimetres between the boundary wall/fencing indicated on the plans and parking spaces should be provide. In the event that permission is granted, a condition should be attached requiring a revised parking layout to be provided including suitable visibility splays.
36. The Local Highways Authority have raised no objection to the proposal on highway grounds in accordance with Local Plan Policies CP1, TR3 and TR4, and Sites and Housing Plan Policies HP15 and HP16. In the event that permission is granted the above-mentioned conditions should be attached, along with a Construction Traffic Management Plan and a Sustainable Urban Drainage Scheme.

S106 Contributions

37. Notwithstanding the recommendation to refuse planning permission, if nevertheless committee was minded to grant permission, then the following financial contributions would be required, in line with the Planning Obligations Supplementary Planning Document (SPD):

City Council

- £780 from student accommodation towards indoor sport
- £480 from residential towards indoor sport

County Council

- £1271 from the student accommodation and flats towards Libraries
- £1794 from the student accommodation towards cycling facilities and highway safety

38. The County Council have sought contributions towards educational facilities, waster recycling, and fire and rescue. However under the terms of the Planning Obligations Supplementary Planning Document, such contributions are only taken from residential development of 10 units or more and so do not apply. In the event that permission is granted, these contributions should be sought via legal agreement.

Other Matters

39. The applicant has suggested that should permission be granted they are

prepared to enter into a legal agreement to guarantee that the replacement flats will be erected within a specific period and that the student accommodation would cease until the flats had been completed. Officers would agree that in the event permission is granted, it would be necessary to secure the provision of the flats as they are being put forward to overcome the loss of the dwellinghouse. However, the proposed timings within these heads of terms would not be desirable and it would be necessary to negotiate a more appropriate timing to ensure that the student accommodation is not occupied before the flats are built or occupied.

Conclusion:

40. The proposal would be contrary to the aims and objectives of the National Planning Policy Framework, and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to refuse planning permission.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 27th February 2013

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