

Agenda Item 4

West Area Planning Committee

8th May 2013

Application Number: 12/02560/VAR

Decision Due by: 9th January 2013

Proposal: Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more

Site Address: Travis Perkins, Chapel Street, **Appendix 1.**

Ward: St Clement's Ward

Agent: Mr Nik Lyzba

Applicant: Dominion Developments
2005 Ltd

Recommendation: Committee is recommended to support the proposals in principle but defer the planning application in order to draw up an accompanying legal agreement, and the delegate to officers the issuing of the notice of planning permission subject to conditions.

Reasons for Approval

- 1 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.
- 2 The planning application seeks to provide employment use and student accommodation by variation to planning permission 09/02518/OUT. The Class B1 offices proposed would contribute to the expansion of employment opportunities in the area whilst extending the purpose built student accommodation permitted to occupation by students other than those of the two universities. Conditions on the public highway would be improved by the removal of heavy vehicle movements to the builders' yard which occupied the site until recently. Financial contributions to highways works and other facilities would assist in mitigating any impact of the development.
- 3 There have been few public comments though the original outline application 09/02518/OUT gave rise to concerns about the scale of development, perceived traffic impacts, potential for overlooking, noise problems, etc. These can be addressed in the submission of subsequent reserved matters applications in due course. Statutory agencies are not opposed to the development subject to the imposition of appropriate conditions.

Conditions

- 1 Time limits
- 2 Maximum floorspace & student rooms
- 3 Approved drawings
- 4 Materials
- 5 Boundary treatment student accommodation
- 6 Boundary treatment B1 offices
- 7 Obscure glazing.
- 8 Student accommodation
- 9 Exclusion from CPZ
- 10 Tenancy agreement.
- 11 Car Parking Spaces
- 12 Car & cycle parking
- 13 Landscaping
- 14 Landscape management
- 15 Construction Traffic Plan
- 16 Construction Man Plan
- 17 Mud on road
- 18 Foul and surface water
- 19 Contamination
- 20 Piling
- 21 Petrol / oil interceptors
- 22 Noise emissions
- 23 Public art
- 24 Sustainability
- 25 Wildlife and habitats
- 26 Fire hydrants

Planning Obligations

- Contribution of £12,000 to County Council for footway / public realm improvements on commencement of the office accommodation permitted.

Main Planning Policies

Oxford Local Plan 2001-2016:

- CP1 - Development Proposals
- CP5 - Mixed-Use Developments
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design
- CP13 - Accessibility
- CP14 - Public Art
- CP17 - Recycled Materials
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- CP21 - Noise
- CP22 - Contaminated Land
- TR1 - Transport Assessment

TR12 - Private Non-Residential Parking
TR14 - Servicing Arrangements
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
HS19 - Privacy & Amenity
HS20 - Local Residential Environment

Core Strategy:

CS2 - Previously developed and greenfield land
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS18 - Urban design, town character, historic environment

Sites and Housing Plan:

MP1 - Model policy
SP58 - Travis Perkins, Chapel Street
HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP15 - Residential cycle parking
HP6 - Residential cycle parking

Other Material Considerations:

National Planning Policy Framework (NPPF)

Public Consultation

Statutory Bodies:

- Oxfordshire County Council, Environment and Economy: No requirement to consult.
- Oxfordshire County Council, Drainage: No comment.
- Thames Water: No comments.

Third Parties:

- 31 East Street: Problems with high density of students in area.
- 68 East Avenue: Impact on character of area; noise and disturbance; inadequate cycle provision; inadequate car parking; significant change to previous permission.
- 3 Ablett Close: Noise and disturbance; dismayed that no longer for St. Hilda's; increased traffic and parking problems; buildings too close to nearby housing; loss of privacy and height.

Officers Assessment:

Summary of Planning History.

1. The site was formally occupied as a builders yard, for many years known as Tuckwells Yard. Subsequently it was occupied by Travis Perkins also as a builders yard who in recent times have relocated to a site at Sandy Lane. Part of the site was developed in the early 1980s for residential purposes accessed off East Avenue at what is now Ablett Close.
2. In 2004 planning permission was sought to redevelop the remainder of the site with outline planning permission being granted in 2005 for 57 x 2 bed flats and 2044 sq m of business floorspace under reference 04/02259/OUT. At that time the outgoing 1997 Local Plan was still in force which did not allocate the site for redevelopment, though the successor Local Plan intended to identify the site as a key employment site under policy EC2. In the event the Plan was adopted in November 2005 as the 2005 Local Plan though by this time the outline permission had been granted.
3. In 2009 a further outline application was submitted under 09/02518/OUT which was similar to the previous one but substituting student accommodation for the residential element. Although no occupier was identified for the business floorspace, the intended occupier for the student accommodation was St. Hilda's College who intended to relocate its graduate students from a number of college owned houses (along Iffley Road in particular) to this site. As part of that process it had committed to return those properties to the open market so that they could be made potentially available for family housing. This would be secured by a S.106 agreement, which would also secure financial contributions to cycling facilities, library services, indoor sports facilities and public realm improvements. The S.106 would also secure exclusion for students at the site from eligibility for residents' parking permits:
Student Accommodation:
 - Contribution of £12,000 to County Council for footway / public realm improvements.
 - Contribution of £138 per student study room to County Council for cycling improvements in the locality.
 - Contribution of £63 per student study room to County Council for library services.
 - Contribution of £60 per student study room to City Council for indoor sports facilities.
 - Contribution of £1000 to County Council's costs of excluding site from eligibility for residents parking permits in the CPZ in operation.Office Accommodation:
 - Contribution of £12,000 to County Council for footway / public realm improvements.
4. The outline permission was followed up by a reserved matters application for the student accommodation only part of the development under reference 11/01712/RES, again with St. Hilda's as the intended occupier. The S.106 commitments followed accordingly. Although St. Hilda's had been the

intended occupiers at both outline and reserved matters stages, the planning permissions were not personal to the college, and subsequent to the grant of permission to 11/01712/RES the college withdrew its interest in the development. As a consequence a revised reserved matters application was submitted as 12/01388/FUL which remained essentially as the previous one but without some of the features which the college had sought, such as the central buildings accommodating fitness and meeting rooms etc. These were replaced by a central landscaped area. Again the reserved matters application related to the student part of the site only, with the S.106 requirements following. No reserved matters application has been submitted for the business part of the site fronting Chapel Street.

5. Attached as **Appendices 2 and 3** are letters from the applicant's agent and St. Hilda's College which refer.

Current Proposal

6. This latest proposal represents a variation of the outline planning permission by changing only the terms of condition no. 7 of the outline permission 09/02518/OUT. That condition limited occupation of the student accommodation to the two universities and constituent colleges, in line with policy HS14 of the 2005 Local Plan in force at the time the permission was issued. However since the grant of the outline permission that policy has been superseded by policy CS25 of the Oxford Core Strategy which widens the possible occupation to other institutions providing the students are on full - time courses of at least a year. In granting permission for the current application it would therefore allow the development to reflect the current policy position. Moreover the occupants could be a variety of different types of students, whether from the 2 universities or other institutions such as tutorial colleges etc. There could also be more than one institution occupying the site.
7. Although the application forms a variation to the outline permission 09/02518/OUT, it represents a new permission in its own right with a requirement that the same restrictive conditions be applied again. As most of the details required to be submitted for approval by the outline permission have now been agreed however, then the wording to conditions would need to be varied accordingly to reflect that. The intention would still be to implement the permission in accordance with these details and the reserved matters permission 12/01388/RES. As the financial contributions arising from the student accommodation have now been paid in full however, and the requirements on St. Hilda's fall away, then only the public realm works to be funded from the business element of the outline permission is required to be retained in the S.106 agreement.

Conclusion

8. The planning application seeks the modification of condition no. 7 of outline permission 09/02518/OUT in order to bring it into line with current policy requirements in respect of the occupation of the student accommodation. In all other respects the intention is to implement the development in accordance with outline and reserved matters permissions 09/02518/OUT

and 12/01388/RES.

9. The application can be supported accordingly, subject to the imposition of the same requirements by condition and a revised S.106 agreement.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and accompanying legal agreement. 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 subject to conditions and accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: Planning applications 04/02259/OUT, 09/02518/OUT, 11/01712/RES, 12/01388/RES, 12/02560/VAR.

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Date: 29th April 2013