

West Area Planning Committee

14 September 2011

Application Number: 1. 11/01814/FUL
2. 11/01815/CAC

Decision Due by: 30 August 2011

Proposal:

1. Part demolition of existing sub-station building fronting Red Lion Square. Erection of part 4 storey, part 7 storey building to provide 29 No. en-suite student bedrooms. Provision of 15 No. secure cycle parking spaces.
2. Part demolition of existing sub-station building fronting Red Lion Square

Site Address: 12A Friars Entry Oxford [Appendix 1]

Ward: Carfax Ward

Agent: JP Planning Ltd

Applicant: Eckersley (Oxford) Limited

Recommendation:

11/01814/FUL

APPLICATION BE REFUSED

For the Following Reasons:-

1. The proposal to provide 29 en suite student bedrooms for use by the adjacent Eckersley English Language School is unacceptable in that only a small proportion of the language students attend the School firstly, on a full time basis and secondly, on structured courses of at least one academic years duration. The majority of students attend short, intensive courses. Furthermore there is an extant planning permission for the erection of a building to provide 5 x 1 bedroom and 2 x 2 bedroom open market apartments which, if implemented, would make a positive contribution towards overcoming the general shortage of housing in Oxford City. The proposal is therefore contrary to the strict criteria set out in policy CS25 of the adopted Core Strategy 2026 which states that new student accommodation will be restricted to students in full time education on courses of at least one academic year.

2. The proposal does not provide any communal open space for the occupiers of the student bedrooms and there is only a limited courtyard area outside the caretaker's flat and within the Eckersley site for students to sit outside. The proposal would therefore be contrary to policies CS10 and HS21 of the adopted Oxford Local Plan which seek to ensure that the outdoor needs of occupiers of new developments are adequately catered for.

Legal Agreements:

Should planning permission be granted, the following contributions are required to mitigate the impact of the proposals on City and County services and infrastructure:

£919 towards libraries
£4910 towards cycle safety measures
£1740 towards indoor sports provision

11/01815/CAC

APPLICATION BE REFUSED

For the following reason:

1. The site lies in the Central Conservation Area and the proposal to part demolish the existing building on the site would not be justified in the absence of an appropriate scheme for the development of the site and would be contrary to national advice contained in PPS5 – Planning for the Historic Environment.

Main Local Plan 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
HE2 - Archaeology
HE7 - Conservation Areas
HE9 - High Building Areas
HE10 - View Cones of Oxford
HS19 - Privacy & Amenity

Core Strategy

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling

CS11_ - Flooding
CS17_ - Infrastructure and developer contributions
CS19_ - Community safety
CS25_ - Student accommodation

Other Material Considerations:

This application is in or affecting the Central Conservation Area.

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPG13 - Transport

Relevant Site History:

09/00651/FUL and 09/00650/CAC

Part demolition of existing sub-station building fronting Red Lion Square. Erection of part 3 storey, part 7 storey building to provide 5 x 1 bedroom and 2 x 2 bedroom apartments. Provision of bin/recycling store and 14 covered cycle parking spaces.

Approved

Representations Received:

No neighbour letters received

Statutory and Internal Consultees:

Oxford Civic Society, Oxford Preservation Trust, Thames Water Utilities Limited, Drainage Team Manager, Thames Valley Police, Internal - Conservation – Archaeology.

Thames Water

No objections – the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage.

Thames Valley Police

No objection but recommend the creation of a ‘safe’ entrance from the public realm into the development; the installation of appropriate lighting and CCTV in the area of the entrance door and in the immediate area surrounding it; the use of an uneven pavement finish around the entrance door to discourage people from lingering in the doorway and to reduce the opportunity for anti-social behaviour such as rough sleeping.

Oxford Civic Society

In architecturally terms, the proposal is an improvement on the extant permission.

However concerns that this proposal eliminates the opportunity to provide general residential housing which is a high priority for the Council. The accommodation is intended for English language students at a private college where there is no policy restriction on student numbers and could result in a proliferation of uncontrolled student growth. Language students should live with host families to experience British culture. Also there is no apparent provision for a resident warden.

Oxford Architectural and Historical Society

The site has clear archaeological potential and a proper historic building appraisal should be carried out before the application is approved. The building was a stable or coach house of some kind with the hayloft door and pulley beam still intact above it and was probably associated with the Red Lion public house.

Oxford Preservation Trust

Concern over impact of the development on Red Lion Square. The building which houses the sub station and is proposed to be partly demolished plays a significant role in enhancing the low level streetscape of the area. There does not appear to any historic assessment of this building and this should be provided before any decision is made to change it. At the very least, the whole of the front two storey façade of the building should be saved and incorporated into the new scheme.

Oxfordshire County Council as Local Highway Authority

No comments received. No objection raised to the previously approved application subject to the submission of a construction travel plan and the provision of secure and sheltered cycle parking.

Officers Assessment:

Site location and description

1. The application site comprises a derelict sliver of land in the heart of Oxford City with employment, retail, entertainment and transport facilities all located close by. It has a narrow frontage onto Friars Entry and gradually widens as it goes back towards Red Lion Square where it accommodates a two storey building which partly contains an electricity sub-station.
2. The site lies adjacent to the Debenhams building, a large, imposing building that dominates Friars Entry and to a lesser extent, Red Lion Square where the delivery area is located. The site is only 4 metres wide where it fronts onto Friars Entry and, for this reason, it is not overly prominent. To the west of the site is the Eckersley Oxford English Language School [the applicants for this application] and this building incorporates a caretaker's flat at second floor level with a roof terrace.
3. The site lies within the Central Conservation Area which is characterised by a wide mix of uses although these are limited residential units in the

vicinity of the site.

The Proposal

4. The applications seek planning permission and conservation area consent for the part demolition of the existing sub-station fronting Red Lion Square and the erection of a part 4 storey, part 7 storey building to provide 29 ensuite student study bedrooms for use by the Eckersley Oxford English Language School. The main entrance to the new building would be off Friars Entry which would give access to a communal lift and staircase. The central lobby would also give access to secure and sheltered cycle store for 15 cycles and a new access would be provided into the new lobby area from the existing, adjacent Eckersley building which would provide shared communal facilities and a refuse store.
5. The new building would be erected using facing brickwork with the most prominent flank wall facing Gloucester Green being broken up using brick detailing and glazing.
6. Officers consider the determining issues in the case to be:
 - Principle of the development
 - Demolition
 - Student accommodation
 - Form, appearance and impact in the conservation area
 - Impact on neighbours
 - Amenity space
 - Bin storage and cycle parking
 - Crime prevention

Principle of the development

7. The application proposes the more efficient use of a brown field site within the city centre in accordance with government guidance in PPS3. This advice is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity. However it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. The site lies in a conservation area and the proposal is for student accommodation for an English Language School and both of these issues require further consideration.
8. It should be noted that there is an extant planning permission for the erection of a broadly similar building of the same height and proportions to that now proposed. The approved building would provide 7 duplex apartments together with cycle parking, bin storage and a communal roof terrace. This application was granted planning permission in May 2009.

Demolition

9. The principle of the part demolition of the existing building has been established by the grant of conservation area consent in May 2009. This permitted the demolition of most of the existing building bar the area containing the existing sub-station with the two existing arched windows being retained, repaired and repointed and used as the starting point for the composition of the new façade. The extant conservation area consent is tied to the extant permission for new flats and is due to expire at the end of May 2012.
10. The current application for conservation area consent is part of the proposal to erect new student accommodation on the site which is recommended for refusal. Therefore in accordance with guidance in PPS5, the application for conservation area consent is also recommended for refusal on grounds that demolition is not justified in advance of an appropriate and accompanying redevelopment scheme for the site.

Student accommodation

11. Policy CS25 of the adopted Core Strategy 2026 states that all new student accommodation [built either speculatively or directly by the Universities or Colleges] will be restricted in occupation to students in full time education on courses of an academic year or more. The Inspector's report on the Core Strategy confirmed that any discrimination against non-University Colleges in terms of occupation of student accommodation was not justified in equity terms and that full time students at other colleges, when attending courses of upwards of an academic year, are just as likely as University students to be seeking their own housing as opposed to living in lodgings.
12. At the request of officers, the agent has now provided further information regarding student numbers at the Language School and the types of courses on offer. This information can be summarised as follows:
 - During the current year [2011] there have been 312 students at the school and of these 33 have studied full time for 24 weeks or more with the average being 29 weeks
 - Dover House in Bradmore Road is leased by the Language School to provide accommodation for 16 students
 - The lease will expire in 18 months time
 - There is an existing warden flat that would serve the new student rooms
 - The School expects the number of full time students on pre-University foundation courses to increase
 - A condition could be imposed on a planning permission requiring that occupiers of the new student accommodation must be full time and on courses of at least one year duration
13. The agent goes on to say that the number of full time students at the

Language School for the coming academic year is “likely to be of a similar order, if not increased”.

14. Officers accept that the site is very conveniently sited for the proposed development, being adjacent to the existing Language School site with its existing facilities. Officers also accept that there do appear to be a very small number of students attending for periods longer than a few weeks or months. However these represent a very small minority of students, the majority of which attend short, intensive courses to suit their individual learning needs and who are accommodated with host families living in Oxford.
15. The agent’s lack of clarity regarding student numbers for the coming academic year and the supposition that demand by full time students will increase over the coming years is not considered to constitute firm evidence that there is a need for accommodation for full time students on courses of upwards of an academic year. Furthermore the School currently offers accommodation for 16 students at Dover House in North Oxford which is described in the School Prospectus as “the school’s own residence open all year round”.
16. In addition, there is no evidence to show that longer duration students attend structured courses that are spread over an academic year as with Oxford University and Brookes students who potentially have a housing need for at least 9 months of the year. Attendance at the Language School for between 24 and 29 weeks of the year could effectively mean that the students require accommodation for only half of the year if the courses are intensive.
17. Whilst the former restriction on non-University student accommodation has now been lifted, officers take the view that it is important to ensure that the strict criteria set out in policy CS25 are fully met to avoid a ‘flood’ of student accommodation to serve private colleges. It is considered that insufficient and inadequate information has been submitted with this application to provide the necessary evidence to show that the policy can be satisfactorily complied with.
18. Furthermore the site is suitable for residential accommodation for permanent Oxford residents for which an extant permission exists.

Form, appearance and impact in the Conservation Area

19. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP6 states that development proposals should make the best use of site capacity but in a manner that would be compatible with both the site itself and the surrounding area.

20. Policy CP8 of the Oxford Local Plan states that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area whilst policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
21. There is an extant permission for the erection of a similar building in terms of height, scale and bulk. The main difference to the current proposal is that the applicant is the owner of the Language School and the sites are being considered as a whole and there are no longer the same restrictions on overlooking. This has resulted in a building that would have more windows on the west elevation facing towards Gloucester Green and a more gradual increase in height when compared to the approved scheme.
22. The main west elevation would fold outwards in a sinuous curve as it moves south which would add interest to the elevation and, as with the approved scheme, would serve to screen the unattractive Debenhams building which currently dominates the street scene in short and mid range views.
23. As with the previously approved scheme, the key question is whether the proposed new building would preserve or enhance the special character and appearance of the conservation area. Officers consider that the changes to the west elevation in terms of its design and the addition of numerous windows have broken up the massing of this part of the new building such that it would not appear unacceptably high or imposing and would preserve the character of this part of the conservation area. The approved scheme also breaks up this important elevation but uses recesses and brick detailing rather than windows.
24. Views of the new building from Friars Entry and Red Lion Square would be limited given the narrow nature of the site in Friars Entry and the vertical emphasis of the building and the lack of any significant pedestrian activity in Red Lion Square. Overall therefore, officers consider that the proposal would positively contribute to the character and appearance of the area, would effectively screen the Debenhams side elevation and part of its roofscape and would preserve and enhance the character and appearance of the Central Conservation Area.

Impact on neighbours

25. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring properties.
26. The only residential property directly affected by the proposal is number 13 Friars Entry which is the caretaker's flat for the Language School and is now owned by the school [at the time of the previous approval, this flat

was in separate ownership to the Language School and plans were amended to ensure there was no loss of amenity to the occupiers of this flat]. Given that this is now part of the Language School, officers, consider that the previous restrictions relating to amenity and overlooking are no longer so fundamental and that the windows now inserted in the west elevation of the new building facing towards part of the flat and the courtyard, which serve primarily corridors but also three student bedrooms, would not unacceptably impact upon the amenities of the occupiers of the flat or the enjoyment of their outside sitting area.

Private amenity space

27. Policy HS21 of the Oxford Local Plan relates states that planning permission will not be granted for development proposals involving residential uses where inadequate or poor quality private open space is proposed. Policy CP10 of the Oxford Local Plan refers, in more general terms, to the need to site development to ensure that functional needs, including amenity space, are accommodated.
28. Whilst the provision of communal open space relating to student accommodation is not specifically addressed in policy terms, officers take the view that it is entirely reasonable to require some form of open area where students can sit and socialise outside and enjoy the open air. The approved flatted scheme for this site provided individual balconies to some of the flats together with a sizeable, communal roof terrace. The current proposal for 29 student rooms does not provide any communal open space and the Language School has only one small courtyard within the site where students can sit outside.
29. This lack of any communal open space is considered to be unacceptable and questions whether this site, which is unusual in terms of its limited size and irregular shape, is appropriate for the provision of student accommodation.

Bin storage and cycle parking

30. Policy CP10 of the Oxford Local Plan also requires the provision of screened refuse and recycling storage for new developments and refers to the need to give priority to pedestrians and cyclists both in terms of access to the site and circulation within it. Policy TR4 of the Oxford Local Plan requires the provision of minimum cycle standards which, for student accommodation is one space per 2 residential students and 1 space per resident staff.
31. The proposal would utilise an existing refuse store within the Eckersley building and the new, proposed, internal door would enable students to access this refuse area which has a floor area of approximately 20 square metres. This arrangement is considered to be acceptable.
32. In terms of cycle parking, it is proposed to provide 15 cycle stands on part

of the ground floor of the new building with access from both Friars Entry and Red Lion Square which meets the required standard. There are also public cycle racks opposite the site on Friars Entry.

Crime Prevention

33. Comments received from the Crime Prevention and Design Advisor at Thames Valley Police have been set out earlier in this report. Whilst raising no objection, concerns are raised regarding the proposed access onto Red Lion Square which has minimal pedestrian movements and virtually no natural surveillance. As a result of this and to try and address any fears of crime for the residents to the new building, the following measures are suggested:

- Use of CCTV in the area of the entrance door and its immediate environs
- Use of an uneven pavement finish around the entrance door to discourage people from lingering in the doorway and to reduce the opportunity for anti social behaviour including rough sleeping.

34. Should Members resolve to grant planning permission for the proposed development, these measures could be required by condition.

Sustainability

35. The site lies in a sustainable location within the central core of the city and has easy access to shops, services and public transport links. The design and access statement accompanying the application states that the new building will be extremely energy efficient using highly sustainable heating and ventilation systems which will filter the incoming air and reduce energy consumption for the whole building.

Conclusion:

36. The application for planning permission is recommended for refusal on grounds of non compliance with policy CS25 of the Core Strategy 2026 relating to student accommodation and the lack of any communal amenity space. No objection is raised to the form and appearance of the proposed building, its impact in the Conservation Area, its impact on neighbouring occupiers or the provision of appropriate cycle parking and bin storage.

37. The application for Conservation Area Consent for the part demolition of the existing building on the site is also recommended for refusal on grounds that demolition is not justified in advance of an appropriate and accompanying scheme for the redevelopment of the site.

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

Background Papers:

09/00651/FUL and 09/00650/CAC
11/01814/FUL and 11/01815/CAC

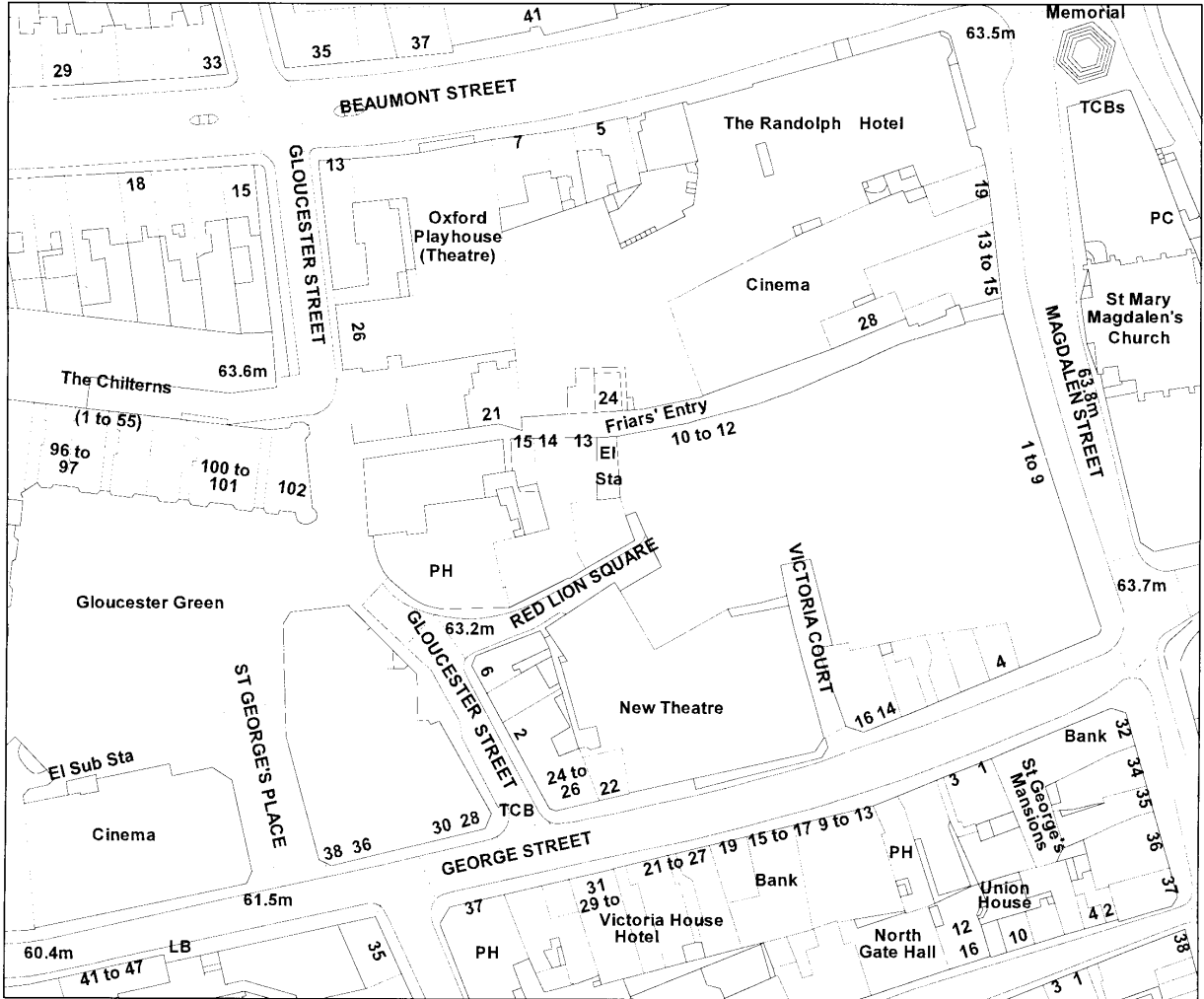
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Extension: 2445

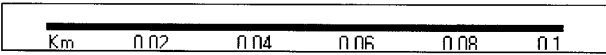
Date: 18 August 2011

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12A Friars Entry - APPENDIX 1



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	31 August 2011
SLA Number	Not Set