

WEST AREA PLANNING COMMITTEE

10th December 2013

Application Number: 13/02107/FUL

Decision Due by: 28th November 2013

Proposal: Demolition of existing buildings. Erection of new buildings to provide workshops, studios, seminar room and office accommodation with external yard for servicing and deliveries. Provision of 3 car parking spaces and covered cycle parking. Boundary wall to Bullingdon Road, gates and landscaping

Site Address: University of Oxford, 128 Bullingdon Road **Appendix 1**

Ward: St Mary's

Agent: Ferax Planning

Applicant: Ruskin School of Art

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval

- 1 The proposals represent a significant upgrading of the site's educational and associated facilities, the structural quality of the buildings on the site, and the external appearance of the site. The architectural response to the characteristics of the site and its surroundings is appropriate and of very high quality. The integration of the scheme with the street scene will contribute positively to making this a better, more inclusive place for students and the local community. The proposals will not result in unacceptable harm to the amenities of adjacent and nearby residential and commercial properties. The loss of the ancillary flat is justified by the benefits to the local community of the consolidation and continued presence of the School at this location and the cultural opportunities it offers to the local community. No objections have been received from statutory consultees or individuals. The proposals accord with the policies of the Core Strategy 2026, the Sites and Housing Plan 2011 to 2026 and the Oxford Local Plan 2001 to 1016.
- 2 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 Samples
- 4 Details of cycle stores and parking area
- 5 Details of fenestration
- 6 Landscape plan required
- 7 Landscape, carry out by completion
- 8 SUDS
- 9 Car/cycle parking provision before use
- 10 Noise attenuation
- 11 Energy efficiency measures
- 12 Biodiversity mitigation measures
- 13 Construction Traffic Management Plan
- 14 Access to flat roofed areas for maintenance only
- 15 No occupation if 3000 limit exceeded

Community Infrastructure Levy (CIL)

CIL is a standard charge on new development of 100 square metres or more, or to new houses of any size. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances. The amount payable in relation to this application is £15,700.

Principal 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
CP11 - Landscape Design
TR1 - Transport Assessment
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows

Core Strategy

CS18_ - Urban design, town character, historic environment
CS25_ - Student accommodation
CS29_ - The universities

Sites and Housing Plan

HP10_ - Developing on residential gardens
HP14_ - Privacy and Daylight

Other Planning Documents

- National Planning Policy Framework
- Draft National Planning Guidance
- Affordable Housing and Planning Obligations SPD
- Parking Standards, Transport Assessment and Travel Plans SPD
- Natural Resource Impact Analysis SPD
- Balance of Dwellings SPD

Relevant Site History

- 59/08612/A H - Change of use from contractors depot and yard and workshop store etc. to wholesale meat depot and cold store. For 128-128A.. PER 27th October 1959.
- 59/08721/A H - Change of use from haulage contractors and builder merchants to manufacture of terrazzo tiles and flooring specialists. For 128-128A.. PER 24th November 1959.
- 59/08754/A H - Change of use from haulage contractors. For 128-128A. WITHDRAWN 20th December 1959.
- 60/08971/A H - Outline app for conversion into showroom and offices with living accommodation on 1st floor; replacement or conversion of existing building at rear into warehouse and private and lock-up garages. PER 8th March 1960.
- 61/10202/A H - Warehouse offices and flat over. PER 10th January 1961.

- 80/00328/NF - Application for permanent consent for use of land as car park, with provision of dwarf wall and entrance gates to close off existing yard area and associated landscaping. PER 29th August 1980.
- 82/00945/NF - Change of use from warehouse to private member' snooker club, with retention of residential flat. PER 3rd May 1983.
- 83/00679/NF - Change of use from warehouse to use by Ruskin School of Drawing and Painting with retention of flat. PER 29th March 1984.
- 85/00934/A - Non-illuminated shop fascia sign (Amended Plans). PER 28th November 1985.
- 91/00013/NF - Change of use of ground floor from shop to teaching and one garage from storage ancillary to educational use. PER 18th April 1991.
- 91/00014/NF - Change of use of two garages to storage ancillary to educational use. REF 28th March 1991.

Public Consultation.

Statutory Consultees:

Natural England – no objection

Thames Water – no objection

Oxfordshire County Council:

- Highways – no objection subject to a condition requiring approval of a Construction Traffic Management Plan;
- Drainage – to be drained using SUDS methods

Third Party Comments

No third party comments have been received.

Prior to the submission to the planning application, on 4th June 2013 within the existing buildings, the applicant held a public exhibition of the proposals. No objections to the proposals were recorded from the exhibition.

Officers Assessment:

THE SITE AND SURROUNDINGS

1. The site is located on the south-east side of Bullingdon Road towards the Cowley Road end. Bullingdon Road is a residential street with two-storey terraced and semi-detached houses with low brick walls to small front gardens. It is a one-way street flowing northward towards a junction with Cowley Road which is a busy commercial street at this point. The site abuts 127 Bullingdon Road and 1 Bramwell Place (part of a modern housing

development) on its south-west and south-east sides and fronts residential properties and a car park on the opposite side of Bullingdon Road. On its north-east side it abuts the rear of commercial properties which front Cowley Road and the side of commercial properties at the corner of Bullingdon Road with Cowley Road.

2. The site extends to 0.13 ha and has a principal area which is rectangular in shape with an added rectangular area at the rear of the adjacent residential gardens to 126 and 127 Bullingdon Road. It contains a red brick shop frontage building with a 2-bed caretaker's flat at first floor. There is a vehicle access from Bullingdon Road with an open parking area for 6/7 vehicles.
3. The existing street frontage includes a cherry and a good quality crab apple tree, which stands on the north side of the existing vehicular access. The crab apple tree is wide spreading and makes a valuable contribution to public amenity in the area (although it needs some pruning to provide head clearance over the highway).
4. To the rear of the site there is a number of aged industrial buildings constructed of brick under a combination of clay tiles and corrugated asbestos cement sheet pitched roofs. At the rear the site also contains a number of garages and yard/parking areas which have been fenced and integrated to the use of the main buildings.
5. None of the existing structures is of any architectural merit and the whole site has a run-down appearance, needing updating and renewal.
6. As the planning history indicates, the site was in industrial, warehouse and commercial use until 1984 when permission was granted for use of the warehouse area by the Ruskin School of Drawing and Painting. In 1991 permission was given for use of the rest of the site, the frontage shop and rear garages, for educational use with retention of the first floor flat above the shop. The net internal floor space currently in use by the school is 830m².

THE PROPOSAL

7. The University of Oxford proposes to redevelop the site for its existing purpose to create a 21st century art school within modern, purpose-built accommodation. It had previously been envisaged that the School would relocate to the Outpatients Building at the former Radcliffe Infirmary fronting Woodstock Road. Planning permission and listed building consent was obtained to convert the building accordingly but the work not undertaken. It is now understood that the School had indicated a strong preference to remain in its existing teaching accommodation in High Street, with its workshop facilities remaining in East Oxford where it wished to retain a degree of engagement with the local community. It is further understood that the University's Department of Primary Care Health Sciences is likely to occupy the Outpatients Building in due course.

8. Pre-application meetings were held and advice given that improved facilities and buildings, and contemporary architecture on this site would be welcomed provided that the amenities of adjacent residential and commercial properties would not be unacceptably affected, and that the scheme would blend successfully with the street scene. At that stage further information was requested concerning the caretakers flat and the policy implications of the loss of the flat were explained. The submitted scheme shows that the applicant has engaged with those concerns principally by reducing significantly the scale and bulk of the rear portion of the proposal.
9. The design and layout proposed for the Bullingdon Road site responds positively to the transitional position of the site between residential and commercial properties, and reflects a contemporary interpretation of the historic industrial use of the site. A single building is proposed but may be considered to have two elements: a street frontage building and a rear building. The net internal floor space proposed is 1550m². Access to the building is via a courtyard and glazed entrance set back from the street frontage.
10. The street frontage building is designed to reflect the dwellings adjacent to it and opposite in terms of mass, form and materials: two-storey with a pitched roof, and faced with London stock buff brick. It would house a multi-functional, open-plan, double height 'Project Space' with an interactive glazed façade (to Bullingdon Road) which can be controlled by the School to reveal or conceal the work of the School.
11. To the rear, the building is generally two storey (which is higher than the existing buildings which are generally single storey with a shallow pitched roof). It has an industrial appearance with pitched and flat roofed forms clad in low-maintenance, robust fibre-cement roofing. It is designed with large ground and first floor internal spaces to house arts and media studios and workshops, together with ancillary stores, offices and workplace/teaching amenities.
12. Fenestration is principally confined to roof lights although a glazed entrance and adjacent windows are proposed within the site.
13. Vehicle access is maintained from Bullingdon Road to a parking area for 3 vehicles (including a disabled parking bay): the reduction of parking from 6/7 spaces to 3 is to be welcomed in this area with good public transport links. A bike store (22 cycles in line with policy requirements) is shown on the street frontage.
14. Officers consider the principal determining issues in this case to be:
 - the principle of development;
 - integration of the building with existing the street scene;
 - relationships to adjacent residential and commercial properties; and,
 - sustainability.

PRINCIPLE OF DEVELOPMENT

15. Policy CS29 of the Core Strategy supports the Universities in improving their facilities and aims to build on the benefits they bring to the City. This proposal retains the educational use on its existing site which is supported in principle. Further, the new facility will include flexible project and exhibition space that will also be available to the local community and the University has indicated its desire for the School to “*deepen its contribution to the cultural and artistic life of the area and to develop an expanded programme of activities with added public value*”. It is therefore considered that this investment is to be welcomed in the city-wide context as a consolidation and improvement of a University facility which also sustains and enhances the variety and overall attraction of the Cowley Road Commercial Area and its environs.
16. Policy HP1 of the Sites and Housing Plan however seeks to resist the loss of existing residential accommodation, and in this case the existing buildings incorporate a flat restricted to occupation by a caretaker. The flat is regarded as ancillary to the main use of the site which, as the planning history reveals, has been in a variety of industrial, commercial and latterly educational uses. Although it has a door to the street it lacks access to any private amenity space, it does not have a bin or cycle store and, because of its location and outlook, can only realistically be occupied in connection with the industrial units at the rear. When the University took the site over, the planning permission (ref. 83/00679/NF) was conditional upon the flat being occupied only by a caretaker, i.e. not separately from the main planning unit. Occupancy has been maintained as such since then.
17. The redevelopment proposals do not include a replacement residential unit as a residential caretaker or other residential on-site security is not required. Further, the University has indicated that in order to house the academic programmes that it needs to run from this site, it is necessary for the entire floor space shown in the application to be devoted to education. The University states that to reduce the area available for academic use by incorporating a residential unit unconnected with the arts education facility would, in its terms, make the scheme unviable in this location.
18. This issue has been the subject of very careful consideration given that well established policy would seek to retain residential accommodation. It is noted that the flat cannot realistically be occupied separately from the rest of the site because of the ancillary nature of the flat within the site and the lack of amenity of the accommodation; and that there are considered to be benefits to the Cowley area of the continuation of this University facility on this site within modern and attractive purpose-built accommodation. Officers are therefore prepared, exceptionally, to accept the loss of the flat when weighed in the balance with the benefits to be derived from the retention of the School at this location
19. Separately, policy CS25 of the Core Strategy seeks to permit additional academic floor space only when it is shown that the number of Oxford University students ‘living out’ is at or below a 3,000 threshold figure on

completion of the development. The latest Annual Monitoring Report shows that, as at 1 December 2012, there were 3,508 full-time students with accommodation requirements living outside university/college provided accommodation. The University has indicated that an additional 542 units were under construction across the collegiate university, and that these rooms will be available for occupation for the 13/14 academic year. In relation to this particular planning application the University has indicated that the student numbers at this proposed facility are already included in the calculations. A condition would be imposed accordingly in the event of permission being granted requiring no occupation of the development if the 3000 figure is exceeded.

INTEGRATION WITH THE EXISTING STREET SCENE

20. Policy CS18 of the Core Strategy requires that new development responds appropriately to the site and its surroundings. It suggests that development proposals should gain inspiration from the local environment and respond positively to the character and distinctiveness of the locality. These requirements are echoed in Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan. Policy NE15 seeks the retention of trees where their loss would have a significant adverse impact upon public amenity or ecological interest.
21. As described above, the public view of this site is defined by its currently run-down appearance and its setting in a residential street in close proximity to the Cowley Road with its variety of commercial activities.
22. The frontage building has greater height and scale than the existing frontage building and the immediately adjoining building (127 Bullingdon Road) but replicates the height and scale of 174D Cowley Road which abuts the site at its northern corner. It will be a prominent building in the street scene because of its size and form, and its striking contemporary appearance, particularly its glass facade. Indeed it may be said to dominate this part of the street, but because of its architectural form and external appearance (including its materials) which have drawn on its residential surroundings, it would successfully blend with the robust, characterful residential properties immediately adjacent and opposite and constitute a positive addition to the street scene.
23. The front courtyard, set back from the street, will be used for parking 3 cars and for servicing but nonetheless creates an attractive sense of place for gathering and entry to the building. It allows the frontage building to flow into the more industrial, larger scale elements of the development at the rear.
24. The existing cherry tree on the street frontage is to be removed but a replacement tree is proposed in a suitable location towards the southern end of the new frontage. The crab apple tree is also proposed for removal to make way for the bike store which is shown forward of the building line. The loss of this tree is regretted and to some extent the position of the proposed bike store is not ideal: it will project into the street scene and may obscure some

views of the attractive new building. Since details of the bike store are not provided with the application, a condition is suggested requiring details to be submitted and agreed: given the nature of the occupier an opportunity exists perhaps for an imaginative and bespoke design for the bike store which responds to the new building and incorporates landscaping which compensates for the loss of the crab apple tree.

25. Overall it is concluded these proposals represent a significant upgrading of the appearance of this site. The architectural response of this scheme to the characteristics of the street and its surroundings is appropriate and of very high quality. The integration of the scheme with the street scene will contribute positively to making this a better, more inclusive place for students and the local community alike.

RELATIONSHIP TO EXISTING RESIDENTIAL AND COMMERCIAL PROPERTIES

26. Policy CS18 of the Core Strategy requires that new development responds appropriately to the site and its surroundings. HP14 of the Sites and Housing Plan requires that reasonable privacy and daylight are allowed for occupants of existing homes and states that development that has an overbearing effect on existing homes will be resisted. Policy CP10 of the Oxford Local Plan seeks the safeguarding of privacy, light, outlook and other amenities of other properties.
27. Several residential properties directly abut this proposed development site and are potentially affected in terms of lighting and outlook by its bulk and proximity to the boundaries. Whilst none have raised objection to the proposals, in view of the tight urban context in which they exist, the relationships are referred to in detail in the text which follows.
28. 127 Bullingdon Road - a late 19th century building which pre-dates the existing buildings on the application site. The north-east and south-east boundaries of the rear garden to 127 Bullingdon Road are formed by the existing buildings on the application site which present single storey blank external walls up to eaves level (3.1m) along the north-east side of the garden, with a pitched roof sloping away up to a ridge (at 5m); and, at the south-eastern end of the garden, the blank external gable end wall of a similar sized building.
29. The existing buildings do not unacceptably reduce the sunlight to or outlook from windows at 127 Bullingdon Road because the configuration of windows, doors and single storey rear extension to the property appear, over the years, to have been designed to turn their back on the adjacent buildings. The first floor windows look over the roof of the application site. The outlook from the garden is however totally enclosed on the north and east sides by the buildings with an unenclosed boundary to the garden at 126 which it adjoins. Thus, while the garden is overborne by the existing buildings, it has in fact become a 'private' south facing enclave which receives sun and daylight for much of the day.

30. The proposals are configured with the same blank side and end walls to the garden, with the eaves at the same height as the existing building, but with a steeper pitch and higher ridge to the roof (7.2m). Notwithstanding this increase in height and scale, the sunlight available to the house and its garden will not be affected by the proposals. There will however be a slightly increased sense of enclosure in the garden at 127 Bullington Road resulting from the increased roof pitch and ridge height. This will not be to an unacceptable degree given the existing disposition and form of buildings on the boundaries.
31. 1 Bramwell Place - this was built within the last 30 years as part of a 'back land' scheme and post-dates the existing buildings on the application site. This property adjoins the south-east boundary of the site. Currently the blank gable end walls of two lengths of the existing building are located along this boundary (3m to the eaves, 5m to the ridge) and effectively enclose the garden from the north-west. This garden is also already enclosed from the north-east by the two storey rear wall of a building associated with The Oxford O2 Academy which faces Cowley Road.
32. The proposals change this aspect from two gable ends to a higher gable end (7.2m) and a length of two storey wall (6.6m). Despite the increase in height over the existing buildings, the proposals will not affect the sunlight or daylight available to 1 Bramwell Place or its garden. It is further considered that although the sense of enclosure in the garden at 1 Bramwell Place will increase this will not be to such an unacceptable degree that refusal could be justified.
33. Further, a first floor door gives access to a flat roofed area adjacent to the garden at 1 Bramwell Place, and then by external stairs to a higher flat roofed area. A condition is suggested restricting access to the flat roofed areas of the development to be for the purposes only of maintenance.
34. Lysander Court: These flats are located on the boundary of the application site but are oriented away from the site with only roof lights facing towards the site. The relationship between the proposed roof lights and those on Lysander Court has been examined in terms of inter-visibility and light penetration. A condition is recommended requesting details of the proposed roof lights to ensure that the amenities at Lysander Court are not adversely affected.
35. Flats above and to the rear of 174B and D Cowley Road fronting Bullington Road. These properties run alongside the site and have a balcony looking over the existing parking area at the site. This open area is retained in the proposal as the forecourt to the new School entrance and the amenities of these flats are not adversely affected.
36. Flats above Shops and Restaurants which front Cowley Road. These are located some 20 metres back from the development site. The increased height of the proposed development over the existing will not affect the daylight available to these properties or the outlook from them.

37. Impact on Adjacent Commercial Properties. A number of restaurants and shops fronting Cowley Road, and the Oxford O2 Academy (music venue) abut the site. The proposals bring the development closer to these properties and enclose them at the rear (where there is currently an open parking area). The proposed eaves level and pitched roof sloping away from these properties, mean that the amenities currently available in their rear gardens will not be adversely affected.
38. A Dental Practice at 174D Cowley Road which fronts Bullingdon Road abuts the site but will be unaffected by the proposals.
39. Notwithstanding the foregoing analysis, in order to secure privacy in general for surrounding properties, a condition is recommended to ensure that windows are placed sufficiently high in the roof slope that visibility into adjacent properties is not possible.
40. Given the proximity of residential development a noise survey has been submitted with the application to establish existing background noise levels. A condition is recommended requiring that noise emissions are attenuated to a level 10 decibels below existing background levels which will maintain the existing noise climate and prevent 'ambient noise creep'.
41. In respect of its potential impacts on the amenities of nearby residential and commercial properties, it is therefore concluded that conditions would be much as currently experienced and therefore that no unacceptable reductions in amenity are likely to result.

SUSTAINABILITY

42. This development may be characterised as sustainable in terms of the NPPF in helping to fulfil the economic, social and environmental dimensions of sustainability. The proposals are well designed and enhance the built environment; they contribute to local society and the local economy by retaining, improving and making more inclusive, an important educational and cultural facility in this part of the city.
43. The proposals do not require submission of a Natural Resource Impact Analysis as the size is below the threshold.
44. The submitted energy statement indicates that the scheme has been designed in accordance with University policy, to achieve energy efficiency beyond building regulations requirements. Further, that since renewable energy options for the site are limited (some solar PV panels are shown), the strategy places emphasis on the building fabric. A condition is recommended requiring submission and approval of details to ensure that the development minimises its carbon emissions in line with Policy CS9 of the Core Strategy.
45. Hard landscaping is to be of permeable block paving and a condition is recommended securing Sustainable Urban Drainage.

46. The site does not provide habitats for protected or notable species and is of very low ecological value. Bird boxes are recommended to mitigate the loss of trees, and directional, cowled and muted lighting is recommended near to any trees and the suggested bird boxes as birds are deterred by strong lights. A condition is recommended to secure this.

47. It can be concluded that this is a highly sustainable proposal.

CONCLUSIONS

48. The retention and upgrading of educational facilities on this site are welcomed in their own right and in helping to sustain the economy and community of the Cowley Road area. The architectural response to the site and its surroundings is appropriate and of high quality, as is the integration of the proposed development into the street scene. Despite the close relationship of the proposed building to its residential and commercial neighbours, the conditions experienced by them in terms of lighting, outlook and noise, would be very similar to those which currently exist. The proposals are highly sustainable and the recommendation is that the application be approved.

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 subject to conditions, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 13/02107/FUL and planning applications listed above.

Contact Officer: Fiona Bartholomew

Extension: 2774

Date: 28th November 2013