

West Area Planning Committee

10th December 2013

Application Number: 13/02417/FUL

Decision Due by: 12th November 2013

Proposal: Change of use of 229 Cowley Road from dwellinghouse (Use Class C3) to student accommodation (Sui Generis). Erection of 1 x 3-bedroom dwellinghouse (Use Class C3) on land to the rear of 229, 231 and 233 Cowley Road.

Site Address: 229 and Land to the rear of 229, 231 and 233 Cowley Road, **Appendix 1)**

Ward: St Clement's

Agent: Mr Stephen Pickles

Applicant: Ms M Kandola

Application called in by Councillors Clack, Fry, O'Hara and Clarkson on grounds that the site has a complex planning history and therefore should be considered in public

Recommendation:

The West Area Planning Committee is recommended to support the development in principle for the following reasons but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to conditions on its completion.

- 1 That the proposed development would seek to make an efficient use of previously developed land in order to provide a replacement dwellinghouse on the parcel of land to the rear of 229-233 Cowley Road in order to enable the conversion of the dwellinghouse at 229 Cowley Road into student accommodation. The property at 229 Cowley Road is in an appropriate location to provide student accommodation, and would be acceptable subject to appropriate conditions that secure the occupation of the property to full-time students on courses of an academic year or more and a suitable management regime for the accommodation which includes an undertaking that prevents residents from parking their cars on site or anywhere in Oxford. The proposed dwellinghouse would provide good quality internal and external living conditions for the future occupants of this family accommodation, and on balance would be designed in a manner whereby the scale and nature of the building would be compatible with the neighbouring uses without creating any adverse impact upon the residential amenities of the adjoining properties or giving rise to any significant noise nuisance, traffic, or on-street parking issues. Therefore on the basis that the dwellinghouse is provided before the student

accommodation at 229 Cowley Road is first occupied, officers consider that the proposed dwelling would represent an appropriate replacement which would overcome the concerns about the net loss of a self-contained family unit of accommodation at 229 Cowley Road from the proposed change of use and thereby accord with the aims of Sites and Housing Plan Policy HP1 and the materiality of the enforcement notice which is in place on site and the previous appeal decision which upheld its requirements. As a result the proposal would be considered to accord with the relevant policies of the National Planning Policy Framework, Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Material Samples
- 4 Details of means of enclosure
- 5 Details of refuse and cycle storage
- 6 Amenity no additional windows
- 7 Design - no additions to dwelling
- 8 Energy statement recommendations carried
- 9 Students - Full-Time course academic year or more
- 10 Students - Management Regime
- 11 Students - No Cars
- 12 Sustainable Urban Drainage Scheme
- 13 Construction Traffic Management Plan

Legal Agreement

- An undertaking that the student accommodation at 229 Cowley Road will not be occupied until the replacement dwelling has been erected on the parcel of land to the rear of 229-233 Cowley Road and is ready to be occupied.

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

Core Strategy

CS2_ - Previously developed and greenfield land

CS18_ - Urban design, town character, historic environment

CS25_ - Student accommodation

Sites and Housing Plan

HP1_ - Change of use from existing homes

HP2_ - Accessible and Adaptable Homes

HP5_ - Location of Student Accommodation

HP9_ - Design, Character and Context

HP10_ - Developing on residential gardens

HP11_ - Low Carbon Homes

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
- Community Infrastructure Levy
- Affordable Housing and Planning Obligations 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

12/03269/FUL: 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): Refuse

Public Consultation:

Statutory Consultees:

Thames Water Utilities Limited: No objection

Third Parties

Letters of comment have been received in support of the application from the following addresses, whose comments can be summarised as follows.

- 101a, 235 Cowley Road; 133 Magdalen Road; Conway House, Old Road; 20 Tawney Street

Comments

- The scheme should be supported
- The property has been in use as a HMO for almost 20 years and so will not result in the loss of housing stock from Oxford.
- Enabling 229 Cowley Road to be used as student accommodation on a busy road would free up family homes on quieter roads.
- The property at 229 Cowley Road has been empty for 18 months which is of benefit to nobody.
- The scheme will have a positive impact on the area
- The applicant has gone out of his way to work with the council to ensure compliance with his requests and demands
- The proposed dwelling will have a positive impact on the street scene, simply because it will have off-street parking
- The proposed dwelling is in keeping with other properties on the road and is a good size with a sensible garden. It will provide a good quality family home
- There is support for 229 Cowley Road to be used as student accommodation. While I am strongly against more student accommodation this application is different.

Divinity Road Area Residents' Association:

The proposal to formalise the current use of 229 Cowley Road as student accommodation and the development of the unused land, if not required for the

amenity of 229-233 Cowley Road, for a single house is welcome.

The student accommodation should not be eligible for parking permits and the new dwellinghouse should only be approved if conditions can be set to prevent any future change of use to a HMO for as long as 229 Cowley Road remains in HMO use.

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: 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 a 3 bedroom dwellinghouse (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
 - Residential Uses
 - Form and Appearance
 - Student Accommodation
 - Impact upon adjoining properties
 - Highway Matters
 - Community Infrastructure Levy

Background to the Planning History

8. There is a substantive 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 dwellinghouse (C3) 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 internal alterations had also been carried out to increase the number of bedrooms to 13 and that the dwellinghouse was no longer in use as a single family dwelling but 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 2001, an application to retain the extension as built was approved under 10/00562/FUL and the enforcement notice was 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 dwellinghouse 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 dwellinghouse 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 dwellinghouse.
- In June 2012 a further application was submitted for the change of use of the dwellinghouse 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 dwellinghouse at 229 Cowley Road; and the inappropriate design of the detached two-storey dwellinghouse on land to the rear.
- In April 2013 another application for the change of use of the dwellinghouse to student accommodation and the erection of 2x3 bedroom flats on the land to the rear of 229, 231, and 233 Cowley Road was submitted under reference number 12/03269/FUL. Members of the West Area Planning Committee resolved to refuse planning permission on

grounds that it would result in the loss of a self-contained dwellinghouse; the flats would fail to provide good quality internal and external living accommodation; and the size and scale of the building to the rear would have an adverse impact upon the street scene.

9. The planning history is a significant material consideration in the determination of this application. There is an extant enforcement notice in place which requires the building to be used as a (C3) dwellinghouse and this has been upheld on appeal (**appendix 2**). Therefore the decision to grant permission for the change of use of the dwellinghouse at 229 Cowley Road has to be considered within this context. In refusing the previous scheme for the conversion of this dwelling to student accommodation and the provision of 2x3 bedroom flats as a replacement for the loss of the dwelling, Members of the West Area Planning Committee resolved to support officers recommendations that the flats did not provide an appropriate "exchange" and the issues raised in the enforcement appeal had not been suitably addressed.

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 site has been subject of a number of applications which have sought the conversion of the dwellinghouse into student accommodation following the successful enforcement action into the unauthorised conversion of the property in 2010. The previous proposal (12/03269/FUL) which sought the conversion of the property to student accommodation and the provision of 2x3 bedroom flats on the parcel of land to the rear was refused on grounds that the proposed units of accommodation did not represent an appropriate exchange for the dwellinghouse at 229 Cowley Road and as a result the proposal would result in the net loss of a self-contained residential dwelling. The current proposal again seeks the conversion of 229 Cowley Road to student accommodation, but proposes the provision of a single 3 bedroom family dwelling on the land to the rear as replacement self-contained accommodation.
13. 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. The site is also located within the East Oxford Neighbourhood Area, which is identified within the Balance of Dwellings Supplementary Planning document as an area where there is significant pressure to safeguard family dwellings and secure a high proportion of new family dwellings as part of the mix for new development. The proposed change of use would fall under Sites and Housing 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 dwelling 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.

14. The importance of safeguarding dwellings was recognised by the inspector in the appeal decision which upheld the enforcement notice against the unauthorised subdivision of the property. In many respects the scale of pressure to retain the stock of family housing within East Oxford identified within the Balance of Dwellings Supplementary Planning Document provides further evidence to resist the loss of any existing dwellings within this area to alternative uses such as student accommodation. The intention of Policy HP1 was to address the issue of the loss of existing homes within an individual site. In dealing with the previous application (12/03269/FUL) officers took the view that this meant the curtilage of 229 Cowley Road rather than the parcel of land to the rear of 229-233 Cowley Road also. In that respect it was recognised that not only was the parcel of land required to provide the replacement accommodation, but further land was to be taken from the adjoining properties at 231 and 233 Cowley Road to provide the accommodation. In addition the fact that the proposed dwellings did not provide suitable internal and external living accommodation for the accommodation and the building was of a size and scale that would not sit comfortably with the surrounding area, officers took the view that the applicant was overdeveloping the plot in order to overcome the concerns about the loss of the dwellinghouse at 229 Cowley Road.
15. The current proposal is different to the one previously refused in that it only proposes a single dwellinghouse as a replacement for 229 Cowley Road and this would be contained solely within the parcel of land to the rear of 229-233 Cowley Road without significantly impacting on the available land to the rear of these properties. Following the pre-application discussions held since the previous refusal, officers are satisfied that the parcel of land could be viewed as part of the whole site and therefore in accordance with the requirements of Policy HP1, it may be appropriate to consider the suitability of providing a family dwelling on this land as a replacement for the single family dwelling that would be lost at 229 Cowley Road through the conversion to student accommodation. The planning

statement submitted with the application has suggested that the retention of the existing building at 229 Cowley Road as a single dwellinghouse or conversion to flats would not be commercially viable. This is not a material consideration for the determination of the application, as there is clearly an enforcement notice in place for the property which seeks the retention of the property as a Class C3 dwellinghouse and this has been upheld on appeal. Instead the proposed conversion of the property which results in the loss of the dwellinghouse would depend on satisfying the criteria of Sites and Housing Plan Policy HP1 and these matters will be discussed through this report.

16. Notwithstanding this there is an enforcement notice on the property which requires the use to be retained as a single family (C3) dwellinghouse. As the proposal is essentially seeking to overcome the requirements of the notice in order to enable the conversion of the dwelling to student accommodation then it would be necessary to ensure that the replacement dwelling is provided before the student accommodation is occupied. If the student accommodation is occupied before the new dwelling is completed then there would be a net loss of a family dwelling which would be contrary to the requirement of the enforcement notice and Sites and Housing Plan Policy HP1. The planning statement accompanying the application makes clear that the applicant is prepared to enter into a legal agreement in these terms and so any grant of planning permission should be subject to the completion of such an agreement. The applicant has suggested an alternative agreement whereby they guarantee that the replacement dwelling would be erected at the same time as the student accommodation was occupied, and that the student accommodation would then cease if the replacement dwelling was not completed by a specific time. Officers consider that any arrangement other than the erection of the replacement dwelling before the student accommodation is occupied would not overcome the clear objection to the loss of the dwellinghouse secured by the enforcement notice.

Residential Use

17. The previous scheme (12/03269/FUL) which proposed 2x3 bedroom flats as a replacement to the dwellinghouse at 229 Cowley Road was refused on grounds that they would fail to provide good quality accommodation on the basis that the flats would have a cramped and congested internal environment and would provide inadequate garden space for these types of family accommodation.
18. The current proposal is seeking permission for a single 3 bedroom family dwellinghouse which would have an internal floor area of approximately 97.10m² be of a size that comfortably exceeds the 75m² requirements for family accommodation of this size. The overall layout is greatly improved in comparison to the cramped environments of the 2x3 bedroom flats in the previously refused scheme and is designed to Lifetime Home standards. Therefore officers consider that proposal would provide a good quality internal living environment for future occupants that would accord with the aims of Policy HP2 and HP12 of the Sites and Housing Plan 2011-2016.

19. The site layout would provide a private garden to the rear which would be of suitable size and proportions to the dwelling it serves and be used exclusively by the occupants of the dwellinghouse in accordance with Policy HP13 of the Sites and Housing Plan 2011-2026.
20. Therefore officers consider that the proposed dwelling would provide an appropriate indoor and outdoor environment for the future occupants of the dwelling and on balance could be considered a suitable replacement for the loss of a large dwellinghouse at 229 Cowley Road in accordance with Part (b) of Sites and Housing Plan Policy HP1.

Form and Appearance

21. 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 makes 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.
22. The residential suburb is characterised by the large three-storey terraced properties that front onto the Cowley Road with the smaller two-storey Victorian terraced and semi-detached properties on the side streets leading from that main thoroughfare. There are varying ranges of building styles within Bartlemas Road many of which have come through infill developments. The proposed two-storey building would have a main range with a pitched roof that measures approximately 8m (l) x 6.4m (w) x 8.4m (h) and a single storey pitched roof element to the rear that measures approximately 4m (l) x 4.4m (w) x 3.2m (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.
23. The previous scheme (12/03269/FUL) was refused on grounds that the two-storey building did not create an appropriate visual relationship with the built form of the area. The current scheme proposes a two-storey dwelling of similar design to the previously refused scheme albeit of a slightly reduced size and scale. The provision of a building that faces onto Bartlemas Road has the potential to improve this part of the street scene, but this would entirely depend on the form and appearance being designed carefully to insure it is well integrated into the street scene. In terms of size and scale, the overall height of the building has been reduced to reflect the height of 1 Bartlemas Road which is an improvement. The building would still be relatively wide for the plot (6.5m) although there are a varying range of plot and dwelling widths within the street. The applicant suggests that the need to provide good quality internal space for the family accommodation has had a bearing on the size of the building but it would be unlikely that a further reduction would significantly alter the quality of the accommodation. As this is an infill site it would be more appropriate for the building to respond to the smaller plot widths within the street. However this does

not necessarily mean that the proposed width would be inappropriate in this context. The area is a high density urban environment and the width would reflect similar proportions of dwellings within the street. Therefore although a slight reduction in the width of the building would be preferable, officers consider that on balance the proposal would represent the limit of acceptability for an infill plot in this location. As with the previous proposal the overall appearance has been designed to reflect the prevailing Victorian character of the street and it is successful in this regard subject to a condition requiring the prior approval of building materials.

24. As such officers consider that on balance the proposed building would have addressed the reason for refusal of the previous proposal (12/03269/FUL) and albeit at the limit of acceptability would be of a size, scale and design that would reflect the built form and appearance of Bartlemas Road and wider residential area and the infill nature of the plot in accordance with Policy CS18 of the Oxford Core Strategy 2026, Policies CP1 and CP10 of the Oxford Local Plan 2001-2016, and Policy HP9 of the Sites and Housing Plan.

Student Accommodation

25. 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 bringing cars into Oxford, or parking on site.
26. The planning statement recognises that the student 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.

Impact upon adjoining properties

27. 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.
28. 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 situated 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.

29. The proposed building would not have an adverse impact upon amenities of 229-233 Cowley Road.

Sustainability

30. An energy statement has been submitted with the application in accordance with Policy HP11 of the Sites and Housing Plan. This states that the building has been designed to maximise solar gain with the windows provided around the southern elevation. It will be designed to have high thermal value insulation, and will exceed current building regulations. It is also designed to Lifetime Homes Standards. Officers would recommend a condition be attached ensuring that the details of the energy statement are carried out.

Highway Matters

31. 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.
32. 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 is also recommended that prevents students from bringing cars into Oxford and the exclusion from resident permits assists this.
33. The provision of 1 off-street car parking space for the dwelling would be considered acceptable at this location, and this appears to be of a size which meets the standard dimensions. The student accommodation and new dwelling would have cycle parking located on site. These would need to be in safe and secured shelters, and so a condition should be attached requiring these details to be provided.
34. The proposal would accord with Local Plan Policies CP1 and Sites and Housing Plan Policies HP15 and HP16. In the event that permission is granted the above-mentioned conditions should be attached requiring a Construction Traffic Management Plan and a Sustainable Urban Drainage Scheme.

Community Infrastructure Levy (CIL)

35. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square metres or more, or to new houses of any size. 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.

36. As this application is proposing a change of use and new dwelling it will be liable for a CIL payment should permission be granted. The CIL payment has been calculated as approximately £9,710. However this will only apply if planning permission is granted and the scheme is implemented.

Conclusion:

37. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026 and therefore the officer's recommendation is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the mechanism for securing the replacement building before the student accommodation is occupied.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 27th November 2013

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