

**West Area Planning Committee**

10<sup>th</sup> December 2013

**Application Number:** 13/02350/FUL

**Decision Due by:** 5th November 2013

**Proposal:** Erection of 9 student study rooms on 3 floors adjacent to Thames Wharf, East of Fiddler's Island stream, together with pedestrian footbridge to the Thames Towpath, 1 disabled car parking space, bin and cycle stores.

**Site Address:** Land Adjacent Thames Wharf, 3 Roger Dudman Way,  
**Appendix 1.**

**Ward:** Jericho and Osney

**Agent:** Asset Max Ltd.

**Applicant:** Mr Tariq Khuja

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**Recommendation:** Committee is recommended to resolve to grant planning permission but defer the application in order to complete an accompanying legal agreement and to delegate the issuing of the notice of permission to officers on its completion.

## **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 development relates to a small parcel of land, part of which only is intended to include the proposed building. This part of the site is brownfield land which is unsuited to other forms of residential use, or other uses. Although the site is not allocated for student use, and does not fully meet all the locational requirements for new student accommodation, it is situated close to other developments of student accommodation and can be considered as an annex to the 48 student study rooms nearing completion nearby by the same applicant. It has good cycle and pedestrian links which would be enhanced by the inclusion of the new footbridge across the Fiddler's Island Stream to the Thames Towpath and beyond. As such the development makes good and efficient use of the land.
3. Whilst the public comments received and their reference to the sensitive nature of the waterside location is acknowledged, the development is of modest size and of

an appearance consistent with its near neighbours. It would also have a similar relationship to the waterside environment at a point along the river corridor which represents a transitional area between a more urban environment to the south, and a more open aspect to the north. The development would be situated at a sustainable location and imposed conditions would require details relating to ground contamination, flooding, landscaping etc to be submitted for approval by the City Council as local planning authority. Subject to conditions, there are no objections from statutory bodies.

## **Conditions**

To include the following:

1. Development begun within time limit.
2. Development in accordance with approved plans.
3. Samples of materials.
4. Landscape plan required.
5. Landscaping carried out after completion.
6. Landscape management plan.
7. Details of covered cycle parking.
8. Car & cycle parking provided before occupation.
9. No parking on any other land.
10. Student accommodation management controls.
11. Students – no cars.
12. Development in accordance with flood risk assessment (FRA).
13. Flood action plan.
14. Further details of bridge construction.
15. No infiltration of surface water without consent.
16. Contamination and remediation measures.
17. No piling without consent.
18. Noise and vibration attenuation.
19. Sustainability measures.
20. Habitat creation.
21. Details to reduce light breakout.
22. Construction management plan.
23. Construction traffic plan.

## **Legal Agreement & Community Infrastructure Levy (CIL)**

1. Permissive public rights to cross site and footbridge to Thames Towpath.
2. CIL contribution of £28,910.

## **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
- CP13 - Accessibility

CP20 - Lighting  
CP21 - Noise  
CP22 - Contaminated Land  
TR5 - Pedestrian and Cycle Routes.  
TR12 - Private Non - Residential Parking.  
TR14 - Servicing arrangements  
NE6 - Oxford's Watercourses  
NE12 - Groundwater Flow  
NE13 - Water Quality  
NE14 - Water and Sewerage Infrastructure.  
NE15 - Loss of Trees and Hedgerows  
NE20 - Wildlife Corridors  
NE21 - Species Protection  
NE23 - Habitat Creation in New Developments  
SR9 - Footpaths & Bridleways

#### Core Strategy 2026

CS2 - Previously developed and greenfield land  
CS4 - Green belt.  
CS9 - Energy and natural resources  
CS10 - Waste and recycling  
CS11 - Flooding  
CS12 - Biodiversity  
CS13 - Supporting access to new development  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environment  
CS19 - Community safety  
CS25 - Student accommodation

#### Sites and Housing Plan 2011-2026.

MP1 - Model policy  
HP5 - Location of Student Accommodation  
HP9 - Design, Character and Context  
HP14 - Privacy and Daylight  
HP15 - Residential cycle parking  
HP16 - Residential car parking

#### Other Material Considerations

- National Planning Policy Framework (NPPF).
- Affordable Housing & Planning Obligations S P D.
- Parking Standards, Transport Assessments & Travel Plans SPD.
- Accessible Homes Technical Advice note (TAN).

#### **Public Consultation**

##### Statutory Bodies

- Environment Agency (1): Object – flood risk assessment does not comply with requirements of NPPF.
- Environment Agency (2): Objection withdrawn subject to conditions relating to development being in accordance with (revised) flood risk assessment; further

site contamination investigation; no infiltration of surface water drainage other than where no risk to controlled water; no piling or penetrative construction without further consent; landscape management plan required.

- Thames Water: No objection in terms of water or sewerage infrastructure capacity.
- County Highway Authority: No objection subject to S.106 contribution to cycle measures and a Construction Traffic Plan. *(NB: Since comment received CIL has come into effect and a CIL contribution would be required rather than S.106 contribution).*
- English Heritage: Do not wish to offer comments; application to be determined in accordance with national and local advice.
- Natural England: Port Meadow: satisfied development would not damage interest features; River Thames: recommend Environment Agency is consulted; Thames Path National Trail: consideration should be given to potential impacts; Protected Species: no reasonable likelihood of protected species and priority species being affected adversely; assessment for biodiversity may be needed; Local Wildlife Sites: if site on or adjacent to site of nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) impact of proposal needs to be understood; Biodiversity: opportunity to incorporate features beneficial to wildlife; Landscape: opportunity to enhance character and local distinctiveness.
- Network Rail: No objection of principle; land formerly owned by BRB with demarcation agreement with Network Rail; should be no obstruction of NR rights of way or encroach on NR land; increased flows of surface water not to discharge onto NR land; if not in place fencing to NR land required; development should not endanger operation of railway; NR to be consulted on alterations to ground levels; design should take into account noise and vibration issues; planting should be planted at minimum distance of height of tree on maturity; no scaffolding to oversail NR land.

#### Interested Parties

- Oxford Residential Block Management (on behalf of Venneit Close): Object to proposals; site not allocated in Sites and Housing Plan; does not meet locational requirements for student accommodation; loss of riverside vegetation; development would be intrusive; harmful to riverside setting; no details of how students would be prevented from bringing cars to Oxford; private road outside control of Highway Authority; requirements of NPPF not met in respect of flooding issues.
- Oxford Preservation Trust: Care to be taken to ensure that any development displays quality of design and construction that sensitive site should command.
- Campaign to Protect Rural England: Object: development should be located away from residential area; harmful to setting of riverside; not on a main thoroughfare, city centre or academic campus; loss of trees and biodiversity.
- Councillor Pressel: Sensitive site which cannot be screened from view by landscaping; need to protect setting of river; site important for wildlife; building bulky and unattractive.
- St. Margaret's Area Society: Outside of St. Margaret's Area; development visually intrusive; light breakout; out of character with watercourses; flooding issues; general dislike of proposals.

### Individual Comments

- Adversely affects character of area.
- Loss of trees and greenery.
- Possible impact on wildlife.
- Views impaired.
- Insufficient parking.
- Fear damage, disruption and untidy appearance of site.
- Increased noise.
- Additional traffic.
- Light breakout from development.
- Risk of flooding.
- Contamination risk.
- Towpath used by walkers, joggers etc.
- Sensitivity of area not recognised.
- Adversely impacts on setting of St. Barnabas Church.
- Encroaches onto Port Meadow.
- Development intrudes onto Fiddlers Island.
- Fear antisocial behaviour.
- Little impact on position with regard to student accommodation.
- Overdevelopment of site / inappropriate density.
- Concerned at creeping urbanisation.
- Nearer to river than existing blocks of accommodation.
- Design of little merit.
- Would affect wildlife corridor.
- Greenfield development which should be opposed.
- Visual impact misrepresented.

**NB:** In the public comments received, there appear to be some misunderstandings on behalf of some respondents in respect of the development, which is submitted as a commercial development and is not made by or on behalf of the University. The land is not in University ownership. The access road north of the Sheepwash Channel is owned by the University however with occupiers along Roger Dudman Way, ie the Cooperative Nursery, Thames Wharf and Venneit Close as well as the Castle Mill development all having rights of access over it. Moreover the location of the proposed building is not set between the River Thames and Fiddlers Island Stream, but is wholly on the higher ground to the east of the stream immediately adjacent to Thames Wharf and the Roger Dudman Way access road. Only the proposed footbridge extends across the stream to the Thames Towpath. Nor is the building located within the Green Belt or adjacent to Port Meadow which at its nearest point is approximately 600m to the north beyond Cripsey Meadow Allotments, Thames Wharf, Venneit Close and the first and second phases of the Castle Mill development.

## **Officers Assessment:**

### **Background to Proposals**

1. The planning application relates to a roughly rectangular parcel of land accessed from Roger Dudman Way to the rear of the Oxford Railway Station. To the north of the application site is a development of 14 x 2 bedroomed flats in the same ownership known as Thames Wharf. Beyond is a commercial development of 48 student study rooms nearing completion, also in the same ownership, and beyond a development of 87 x 2 bedroomed flats at Venneit Close. Further north still are two phases of student accommodation for the University known as Castle Mill. The access road serving these developments gives way to a permissive cycle and pedestrian route through the Castle Mill development to Walton Well Road. To the south of the application site is land alongside the River Thames with the Cooperative Nursery located at a point where Roger Dudman Way spans the Sheepwash Channel, leading eventually to Botley Road. A site plan is attached as **Appendix 1**.
2. The application site measures approximately 738 sq m and is divided into 2 roughly similar sized parcels of land either side of the Fiddler's Island Stream, each broadly triangular in shape. The proposed building is located wholly within the northern parcel of land on higher ground fronting onto Roger Dudman Way. This is brownfield land which formally formed part of railway landholdings, and has seen recent developments on adjacent much larger plots. The second parcel of land to the south extends to the west of the Fiddler's Island Stream and is greenfield land set at a lower level and prone to flooding. At this point the boundary of the Green Belt extends along the line of the stream such that the southern parcel of land falls wholly within that designation.
3. Also included as part of the planning application is a footbridge giving access from Roger Dudman Way across the Fiddler's Island Stream to the Thames Towpath. Apart from where the footbridge structures meet the towpath no building works are proposed on this second triangle of land west of the stream. The footbridge is already funded from other developments now completed further north along Roger Dudman Way, and permissive rights for the public to pass over a short footpath link and the bridge leading to the towpath itself would be secured by legal agreement if the development is permitted. Currently a temporary footbridge is in place a little further north than proposed for the permanent facility. This is owned by the University and was erected during the recent second phase of the Castle Mill development to provide alternative footpath routes whilst the pedestrian and cycle path through that site was closed during construction works. This remains in place at the time of writing.
4. Officers consider the principle determining issues in this case to be:
  - planning policy;
  - built forms and visual impact;
  - access;

- landscaping;
- biodiversity;
- contamination;
- flooding; and
- sustainability

## Planning Policy

5. The planning application site bears no allocation in the Sites and Housing Plan, though had previously been allocated in the 1997 Local Plan for student accommodation use as part of a much larger tract of former railway land then commonly known as “North End Yard”. The Sites and Housing Plan was adopted only in February of this year however when the majority of land at North End Yard had been built out or committed. The use of the land for the purposes now proposed therefore falls to be considered on its merits, in accordance with adopted policies of the development plan and any other material considerations. This approach is enshrined within the NPPF where there is a general presumption in favour of sustainable development, and encourages the effective use of land that has been previously developed. This in turn is supported by Policy CS2 of the Core Strategy and policy CP6 of the Local Plan which require new development to be focused on previously developed land, and to make the best use of a site’s capacity in a manner compatible with the site and the surrounding area.
6. Moreover policy CS18 of the Core Strategy requires development to respond to the site and its surroundings; create a strong sense of place and attractive public realm; and provide high quality architecture, whilst policy HP9 of the Sites and Housing Plan states that the form, layout, and density of the scheme should make efficient use of land whilst respecting site context. It also seeks development that exploits opportunities to makes a positive contribution to local character and distinctiveness, and maintains natural surveillance of the public realm. This is further supported by Policy CP8 of the Local Plan.
7. In respect of the use of the land in locational terms for the purposes proposed, the recently adopted Sites and Housing Plan requires at policy HP5 that student accommodation should be located on or adjacent to an existing college academic site; in the city centre or district centre; adjacent to a main thoroughfare; or on an allocated site. The supporting text to the policy gives further guidance at paragraphs A2.33 and A2.34:
 

*“Accessibility by public transport is important as students in bespoke accommodation do not have access to a car. It is also important to locate student accommodation in a way which avoids great increases in activity along quieter residential streets. The policy should ensure students are able to live in a convenient location as well as helping to maintain the character of residential areas....Main thoroughfares for the purposes of this policy.....must provide its main pedestrian and cycle access directly onto the main thoroughfare, or via a route that does not pass any dwelling frontage.”*
8. The city centre is not defined for these purposes within the policy and the land in question falls just outside the defined city centre for commercial purposes, but

within the transport central area. Moreover although there are residential flats beyond the site to the north, there are no residential properties fronting Roger Dudman Way south towards Botley Road. Furthermore, the development is modest at 9 student study rooms; car parking can be controlled; the site is close to other large student developments along Roger Dudman Way; and as a small brownfield site the land has little potential for other forms of built development. Taking these factors into account, then overall officers have concluded that the principle of the use of the land for that proposed can be accepted.

### **Built Forms and Visual Impact**

9. The proposed development is located immediately to the south of the Thames Wharf flats, and set at an angle to them. Being of a similar form and appearance it would form a visual extension to that development. The proposal is for a 3 storey building constructed in a very similar design and materials to Thames Wharf and the student accommodation under construction beyond, though at a much smaller scale. To accommodate the building an existing bin store to Thames Wharf would be demolished and new cycle and bin stores shared between the two developments. A single disabled parking space would be provided. Some 9 student study rooms are proposed, including one to disabled standards, together with a shared kitchen and common room area and laundry room. The disabled car parking space would be located in a gated undercroft arrangement with rooms above. A lift gives access to upper levels.
10. The materials proposed to its eastern elevation fronting Roger Dudman Way would consist of render and buff coloured brickwork to match Thames Wharf. To the western elevation facing the Fiddler's Island Stream and towpath, some of the brickwork gives way to cedar cladding in recognition of the riverside environment in this direction. The roof would be in a metal, barrel profiled form, again matching Thames Wharf, whilst window frames would be of grey UPVC. Facing south along Roger Dudman Way the building would include a semi circular feature containing the stairs and lift to upper levels, lit by full length windows fitted with opaque glass.
11. In terms of its appearance close comparisons can be made between the development and that of Thames Wharf to the north and the student development beyond now nearing completion. Whilst these other buildings are of the same architectural language as the current proposal, they are of a very different scale. The total floorspace within the current proposal at 289 sq m is less than a quarter of the 1,300 sq m at Thames Wharf, whilst at 9.5m to the height of the roof and 10.00m to the lift overrun of its 3 storeys, it is 1.75 m lower than the 11.75m height of the 4 storey structure there. The student accommodation nearing completion beyond is of similar dimensions. Further north still Venneit Close is of a more traditional style, being 3 storeys with pitched roof to its eastern wing, and 4 storeys plus pitched roof to its western wing.
12. The comparison with Thames Wharf is an important one in considering this latest case as that development had been refused planning permission by the then Central South and West Area Committee in November 2003 on the basis that it was overlarge at this location and did not make provision in line with then



emerging policies on affordable housing. Following refusal the case was appealed and a public hearing subsequently held. However the development was allowed with conditions, with the Inspector commenting that:

*“I note the concerns of the Council relating to the impact of the proposed building when viewed from the River Thames and the towpath, and from open land within the Green Belt and Areas of High Landscape Value / Landscape of Key Significance beyond. In my opinion, given the siting, scale and mass of the proposed building, along with the existing and proposed landscaping along this frontage, it would not appear visually intrusive or prominent when viewed from the west. Indeed, I consider that only glimpsed views of the proposed building would be likely through the existing and proposed landscaping, given its set back nature and scale. In my opinion, these views would not be dissimilar to those already gained of the Venneit Close development. As such, I consider that the proposal would not be detrimental to, or out of keeping with, the character and appearance of the area, and would retain the green backcloth to the River Thames.”*

13. She concluded:

*“I am satisfied, therefore, that the proposed development would not harm the character and appearance of the area. As such it would not be contrary to Structure Plan policies H3 and G3 or Local Plan Policies EN26, EN45 and EN76.”*

14. The full text of the decision letter appears as **Appendix 2** to this report.

15. The Inspector’s conclusions are a material consideration in this current case, as whilst it is acknowledged that Thames Wharf is angled away from Fiddler’s Island Stream as one moves progressively north along the towpath, equally it is of a very significantly larger scale than the development now proposed.

16. The architecture of this latest proposal is understated but entirely consistent with that of the two larger developments immediately to the north, one completed and occupied for several years, and one nearing completion. It is robust in terms of its relationship to the large expanse of railway land to the east, but as with its neighbours would be visible from the towpath to the river to the west. That said, the use of materials such as timber cladding, (which could be extended to other elevations if appropriate), and the general greenery assists in assimilating the building into this transitional area between “urban” and “rural” environments. The locality is acknowledged to be a sensitive one however, and for a very short stretch of only a few metres along the towpath at this point a glimpse of the campanile of the St. Barnabas Church is currently just visible beyond Roger Dudman Way, the railway sidings, bank of trees to their eastern side and the residential area beyond, especially in the winter months. This short glimpsed view would be lost behind the new building when viewed from the towpath. Nevertheless, visually the proposed development would read as part of a greater whole, extending the rhythm of buildings to its north when seen from the towpath and from Roger Dudman Way. In this way it would enable the buildings to step up in scale as they progress northwards, whilst also acting as an appropriate end stop at the southern end.

17. In summary, the building work is confined to the brownfield former railway land on the higher ground with the only construction on the lower ground within the Green Belt west of the stream being where the new footbridge and ramps would alight. The small parcel of brownfield land involved has little potential for other forms of development and to that extent makes good and efficient use of the available land. Although the expressed concerns received are understood and acknowledged, officers have concluded that the development can be accepted, subject to appropriate conditions.

## **Access**

18. In common with neighbouring developments to the north, the proposal is intended as a low or car free development in recognition of the site's central location within the defined Transport Central Area where policies of traffic and parking restraint are long established. As such a single disabled car parking space only is provided. As the site falls outside the West Oxford Controlled Parking Zone residents of the development would not be eligible for parking permits there, and a condition to the permission would require a clause in residents' tenancy arrangements requiring that they do not bring private vehicles to Oxford. This is in line with established policy for developments of student accommodation elsewhere in the city. As a private road Roger Dudman Way is owned and controlled by the University with permits required to park within the parking bays south of the current application site. Signs erected along the route indicate the absence of a parking permit may result in a fine of £80.

19. In addition current cycle parking standards require 3 cycle spaces per 4 student rooms or 7 spaces in this case. Some 14 spaces are indicated which may also be shared with the Thames Wharf flats to the north along with the shared bin stores. When the Thames Wharf development was permitted on appeal a cycle parking standard of 1 cycle parking space per flat was required. In the event some 16 cycle spaces were provided to the frontage to serve the 14 flats. Current standards would require 2 spaces per flat, but with the additional 14 shared stands proposed, officers are satisfied that sufficient cycle parking is provided to meet the needs of both developments. Further details of the cycle parking in covered conditions would be required by condition.

20. The site is in close proximity to the railway station and to a variety of bus routes from there and along Botley Road. In addition the permissive cycle and pedestrian route through to Walton Well Road has now reopened on completion of the second phase of student accommodation at Castle Mill. To supplement these routes, and provide access to the Thames Towpath and beyond, a pedestrian and cycle footbridge suitable for disabled use is proposed from the site of the new building across the Fiddler's Island Stream. This would allow links to be created to Medley to the north, and to Botley Road to the south via the towpath to the rear of Abbey Place. It would also allow connections along the existing footpath alongside the Sheepwash Channel under the railway bridge leading to the Rewley Park development, and the canal towpath and Jericho beyond via the Whitworth Place footbridge. This is an important new link for all the residents of Roger Dudman Way, (and the wider community), avoiding the long detour to the facilities in the Walton Street area which would otherwise have

to be approached via much longer routes either via Walton Well Road to the north, or via Botley Road, Frideswide Square, and Hythe Bridge Street to the south. Other funds may also be available to improve the route along the Sheepwash Channel.

## **Landscaping**

21. An arboricultural survey accompanies the planning application and identifies some 10 trees within the planning application site, made up of 4 crack willow, 4 beech, 1 birch and 1 hawthorn. Individually none are of great arboricultural value and have not been well maintained with a number of them having fallen branches etc. Collectively however they add to the general greenery of the location. Three are intended for removal, a newly planted birch and young hawthorn within the northern parcel of land where the building is located, and a dead crack willow to the south. The 7 other identified specimens would remain.
22. In order to erect the permanent footbridge and accommodate a crane to lift it into position, coppicing would be required to the crack willows west of the stream. However this would represent appropriate management of the trees in any event irrespective of the development as some stems are already collapsing across the stream, and sound management practice would require periodic coppicing on a 5 year cycle.
23. The proposed building is tight against the boundary of the stream bank at a point where the towpath after passing north from the backs of the Victorian terrace houses of Abbey Road, enters a transitional area where an urban landscape with developments at Thames Wharf and Venneit Close progressively gives way to a landscape more open in character and appearance. Appropriate management of the willows along the Fiddler's Island bank could play a crucial role in mitigating any visual landscape impact, as spatial constraints on the eastern side of the stream limit landscape planting opportunities there.
24. The western elevation of the proposed building abuts the eastern bank of the Fiddler's Island Stream which represents the boundary of the Green Belt at this point, and where the width of the bank varies from 2.5 to 4.0m. Maintenance practicalities and biodiversity considerations require that the bank remains relatively clear of tree and shrub planting, though one specimen tree could perhaps be planted between the existing and proposed buildings with adjustment to the cycle parking if required. A narrow triangle of land at the top of the bank to the south of the proposed building may also afford a limited area for shrub and tree planting, though biodiversity considerations may require that planting should avoid excessive shading of the bank.
25. On the west side of the stream, some of the existing emergent scrub vegetation adjacent to the towpath, such as hawthorn, should be allowed to develop as a screen to maintain canopy cover between periodic coppicing of the willows. Some additional planting may also be possible at this point. Whilst any loss of tree coverage and general greenery is regretted at this location, conditions are suggested requiring a landscaping scheme plus future management regime.

## Contamination

26. A Phase 1 Geo-Environmental Desk Study accompanies the planning application and has been examined in detail by the Council's Environmental Development Team and the Environment Agency. The report meets the requirements of a Phase 1 Desk Study and site walkover in respect of contaminated land issues.
27. The site for the proposed building was previously in use as land associated with railway activities, including sidings and sheds. **Appendix 3** refers. The Geo-Environmental Study shows the site to be underlain by Made Ground overlying superficial deposits of alluvium and river terrace deposits. The bedrock geology consists of West Walton and Oxford Clay formations. The report identifies low to moderate contamination risks due to its previous uses, with deposits of ash and clinker probable. A number of off - site landfills are located within the vicinity plus former above ground tanks located within the adjacent railway land. Potential contaminants could include Polycyclic Aromatic Hydrocarbons (PAH), petroleum hydrocarbons, (diesel, lubricating oils, greases and / or petrol), metals, acids and alkalis. Landfill gases such as carbon dioxide and methane and asbestos containing materials may also be present.
28. As potential contamination sources are identified, the Study recommends that a Phase 2 Contamination Assessment be commissioned with the most appropriate form of investigation suggested being through the use of narrow diameter boreholes to enable gas and groundwater monitoring installations to be fitted. The investigation should also determine the depth and strength of near surface soils.
29. These findings are accepted by Environmental Development colleagues and the Environment Agency who recommend that a condition be imposed on any permission requiring the submission of a full intrusive site investigation, together with remediation strategy and subsequent verification.

## Flooding

30. The application site is broadly defined in the Local Plan proposals map as an area of flood risk. In such areas policy CS11 of the Core Strategy would apply. That policy indicates that for land in these areas planning permission would not be granted for development within Flood Zone 3b as defined by the Environment Agency which equates to the functional floodplain. The suitability of sites in other zones would fall to be assessed in accordance with the technical guidance accompanying the NPPF, which should include a full flood risk assessment. A short statement on flood risk accompanied the planning application, and upon request a more detailed Flood Risk Assessment (FRA) was submitted. In the initial statement the site is defined as within Flood Zone 2 (Medium Risk), where although student accommodation is acknowledged as a "*more vulnerable*" use in terms of the guidance, it can be permitted subject to the requirements of a full Flood Risk Assessment (FRA). In any event in the more detailed FRA which followed the site was assessed as within Flood Zone 1 where student accommodation would be an appropriate use of the land in these terms.

31. The proposed building would be located on the higher ground immediately adjacent to the Thames Wharf flats and Roger Dudman Way access road where ground levels are approximately 58.50m AOD, varying from 58.40m to 58.60m AOD. This is approximately 1.30m higher than the ground level at the Thames Towpath to the west of the Fiddlers Island Stream. Although there have been a number of flood events in Oxford in the post war years, land at this upper level where the building is proposed has never been recorded as flooding, and risk of flooding in the FRA is assessed as low, even allowing for a 30% increase in rainfall for climate change.
32. In terms of specific measures, the development proposes permeable paving as part of a sustainable surface water drainage system, with an outfall to the Fiddler's Island Stream. The outfall would be designed to mimic existing run off rates from the site. A subbase to the permeable paving would store water as part of the system and also form an infiltration medium before discharging via a 100mm diameter pipe to the stream. To protect the foundations of the structures from being undermined, the subbase would be wrapped in an impermeable membrane, storing water prior to its discharge.
33. The building itself would be waterproofed up to a level of 300mm above the predicted 1 in 100 year flood event including climate change, with all services such as electrical sockets above this level. In addition a Flood Action Plan is proposed with copies of the Plan posted at relevant locations within the building. The footbridge is recommended to possess piers of a lattice construction of a ratio of 1:5 void to solid so that water can pass through it in flood conditions. The bridge deck itself would be raised well above water levels so that floating debris does not collect in flood conditions.
34. The Environment Agency has been fully consulted on the FRA, and its response is summarised in the text above. No objections are raised by the Agency subject to the development being fully in compliance with the details contained within the FRA and other requirements. In the event of permission being granted, such conditions would be imposed accordingly.

### **Sustainability**

35. The development falls well below the size required for a Natural Resource Impact Analysis, and only limited amounts of information are provided in respect of its sustainability credentials. Nevertheless it is proposed that recycled and renewable materials be used throughout wherever possible, plus materials with low VOC emissions. Energy saving appliances and fittings are proposed, with the development as a whole conforming and wherever possible exceeding Building Regulation requirements. A condition is suggested requiring further details to be submitted and approved.

### **Other Matters**

36. Management of Students. Although no on - site supervision would be present in the building, the student accommodation nearing completion a short distance to the north by the same applicant is intended to have an on - site warden. As this

latest application is effectively an annex to that development, then the arrangements can be extended to this accordingly. A condition is suggested to secure.

37. Biodiversity. Building works are confined to the northern, brownfield parcel of land north of the Fiddler's Island Stream where two small hawthorn and birch trees are intended to be removed. To the western side of the stream the land is of general wildlife value but is not known to provide habitat for protected species, though an opportunity now exists through new tree planting etc to create new habitats. The watercourse is likely to represent a flyway for bats however which could be affected by light spillage from windows overlooking the stream. A condition is suggested seeking details of measures to reduce light spillage which could be through glass specification, blinds controlled automatically by sensors, lights turned off by movement sensors etc. A further condition is appropriate requiring details of the new habitats to be created, as suggested by Natural England.
38. Noise and Vibration. As the land lies close to active railway lines, then it is potentially affected by noise and perhaps vibration created by nearby railway activity. Only two of the student study rooms have windows directly facing in this direction however as others serve laundry and common room / kitchen. For the two bedrooms affected, they also have windows in other elevations, so that east facing windows can be fixed closed with the alternative windows providing ventilation. A similar arrangement has been employed in the Castle Mill development. A condition is suggested requiring further details of noise and vibration attenuation measures to achieve acceptable internal standards.
39. Heritage Asset. On one further point, a request has been received that the land at this point, and in particular the Fiddler's Island Stream, should be designated as a "heritage asset". The Council has adopted a procedure for inclusion on its Heritage Assets Register which is more informal than that for a conservation area and does not involve public consultation for example. Consequently although designation is confirmed by committee it does not carry the same status or significance in determining planning applications as would conservation area or other designations. The NPPF defines a heritage asset as:  
*"A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated assets and assets identified by the local planning authority (including local listing)."*
40. In order to meet the Council's requirements for inclusion on the Register the asset has to satisfy a number of criteria. It must:
- be capable of meeting the government's definition of a heritage asset;
  - possess heritage interest that can be conserved and enjoyed;
  - have a value as heritage for the character and identity of the city, neighbourhood or community because of its heritage interest beyond personal or family connections, or the interest of individual property owners; and
  - have a level of significance that is greater than the general positive identified character of the local area.
41. As indicated earlier in this report the land subject to the planning application is

made up of two quite different parcels of land: brownfield former railway land on higher ground to the north and east of the Fiddler's Island Stream, and more naturalistic lower lying land liable to flooding within the Green Belt to its south and west. The stream dividing these two parcels of land appears to be a man - made channel of the river, possibly created to provide drainage and water to the former engine sheds that stood nearby in the mid and later 19<sup>th</sup> century and afterwards. Over the course of time the lower land has become somewhat separated from the industrial land and has developed an attractive semi - natural character through the establishment of self - sown woodland.

42. As an engineered river channel the stream has some archaeological interest and a low level of associated historical interest as all river channels do. It also has value in understanding the development of water management in the floodplain adjacent to the city, particularly in the 19<sup>th</sup> century. It has some fortuitous aesthetic value as an attractive tree lined channel, although this does not appear to be related to its heritage interest, and some communal value because people use the footpath alongside it, though again this is not demonstrably due to its heritage interest.
43. As the stream is one of numerous channels that run through the Thames Valley in the meadows surrounding the city it is not rare, and therefore does not demonstrably have more or less integrity than any of the others. It is not part of a particular group with others that are considered to have a collective value, nor is there evidence that it is of a particular age that is significant to the development of the area. Unlike the Thames just to the west it is not a notable feature of Oxford's identity or the identity of the local neighbourhood.
44. Overall therefore, officers have assessed the proposal designation as weak in terms of criteria 2 and 3 above, and fails on criteria 4. Whilst the general attractiveness of the stream environment is recognised, officers have concluded that the land and stream should not therefore be considered as suitable for inclusion on the Heritage Assets Register.

## **Conclusion**

45. Although it is acknowledged that the application site is at a sensitive location within a transitional area between built development and open land, the proposed building is modest in scale and of a very similar appearance to its neighbours immediately to its north. Moreover the proposed footbridge greatly improves pedestrian routes in the locality.
46. Subject to the conditions indicated, it is recommended that the application be supported.

## **Human Rights Act 1998**

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

**Background Papers:** 13/02350/FUL, 13/0636/FUL.

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**Extension:** 2153

**Date:** 2nd December 2013.