

East Area Planning Committee:

4th November 2015

Application Number: 15/02543/FUL

Decision Due by: 10th November 2015

Proposal: Erection of 3-storey building to provide student accommodation of 30 number ensuite rooms with kitchen/diner to each floor and communal hall. Provision of covered bin store, bicycle parking and communal garden. Erection of laundry building.

Site Address: Site Of Former Friar Public House 2 Old Marston Road
Oxford (**site plan: appendix 1**)

Ward: Marston Ward

Agent: Ms Lesley Cotton

Applicant: Mr Steven Dunne

Recommendation:

The East Area Planning Committee is recommended to support the development in principle 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.

Reasons for Approval

- 1 The proposed development is a suitable location for student accommodation having had regard to the Council's planning policies and specifically Policy CP1 and HP5 of the Sites and Housing Plan. The proposed design of the development is considered to be acceptable in terms of its siting, visual impact and choice of materials. Officers have had specific regard to the visual prominence of the site. The proposed development would not have an adverse impact on nearby mature trees and there is adequate scope to ensure that the trees are protected during the construction of the development, subject to the detailed conditions set out in relation to this matter. There are opportunities to provide on-site renewable or low carbon energy to meet the requirements of Policy HP11 of the Sites and Housing Plan. Officers have carefully considered all objections to these proposals and have thoroughly assessed the impact of the development on the amenity of neighbouring residential occupiers; specifically considering the requirements of Policy HP14 of the Sites and Housing Plan. In reaching a recommendation to approve the development Officers have considered the impact of the proposed development on highway safety and on parking conditions in the area. It is considered that for the above reasons the development would be acceptable and consider that the proposals would accord with the Council's

adopted planning policies subject to the conditions as set out below:

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials to be approved
- 4 Landscaping Scheme
- 5 Boundary Treatments
- 6 Arboricultural Method Statement (AMS) 1
- 7 Tree Protection Measures
- 8 Renewable Energy Generation
- 9 Laundry Room
- 10 Cycle Parking
- 11 Bin store
- 12 Construction Traffic Management Plan
- 13 Agreement - no cars
- 14 Student use
- 15 Variation of Local Traffic Order
- 16 Drop off arrangements
- 17 Day to day management
- 18 Student travel packs
- 19 Signage
- 20 Lighting
- 21 Surface water management
- 22 Biodiversity enhancement measures

Legal Agreement

- An off-site affordable housing contribution in accordance with Policy HP6

Principal Local Policies

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- CP11 - Landscape Design

Core Strategy

- CS2_ - Previously developed and greenfield land
- 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

HP5_ - Location of Student Accommodation

HP6_ - Affordable Housing from Student Accommodation

HP9_ - Design, Character and Context

HP11_ - Low Carbon Homes

HP14_ - Privacy and Daylight

HP15_ - Residential cycle parking

HP16_ - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Planning Practice Guidance

Relevant Site History:

08/02606/FUL - Demolition of existing public house building and erection of a 2 storey building comprising a retail unit. – REFUSED AND ALLOWED ON APPEAL

10/01034/FUL - Demolition of existing public house and erection of a two storey building comprising of retail store, provision of nine car parking spaces and pedestrian access. (amended description) – REFUSED AND ALLOWED ON APPEAL

Representations Received:

Mr Baycock (404 Marston Road), Dr Wilson (78a Ferry Road), Mrs Poole (143 Oxford Road), Ms Winnifrith (300 Marston Road), Mrs Bowes (45 Ferry Road), Mrs White (20 Haynes Road) Dr Sykes (12 Hugh Allen Crescent), Ms Smith (125 Oxford Road), Mr Murfett (126 Oxford Road), Mrs Cooper (3 William Street), Mrs Henning (9 Cotswold Crescent), Dr Gray (14 Croft Road), Ms Pope (10A Cromwell Close), Mr Hasler (19 Crotch Crescent), Mrs Clarke (50 Edgeway Road), Dr Haycock (78A Ferry Road), Mr Pearsall (7 Hadow Road), Mrs Fong (75 Hugh Allen Crescent), Mr Yasin (388 Marston Road), Mr Brewer (9 McCabe Place), Mrs Earl (37 Old Marston Road), Mr Norenberg (22 Ouseley Close), Ms Stancliffe (38 William Steet) and Mrs Doran (no address), Objections:

- Effect on character of area
- Effect on traffic
- Height of proposal
- Not enough information provided with application
- On-street parking
- Parking provision
- Effect on privacy
- Noise and disturbance
- Loss of community facilities
- Lack of community facilities within area
- Preference for redevelopment of site for community uses
- Concerns about management of site (no warden on site)
- Effect on pollution
- Concerns about design
- Poor quality of accommodation provided

Statutory and Internal Consultees:

Oxford Civic Society: objections

- Concerns about plans submitted not showing the ground floor of the proposed building.

NB. The above matter was addressed and the correct plans uploaded.

Oxfordshire County Council Highways Authority: No objections, subject to conditions relating to removal of eligibility for permits and the management of the site at the beginnings and ends of term.

Issues:

- Principal of development
- Student Accommodation
- Affordable housing
- Design
- Impact on neighbours
- Trees and landscaping
- Flooding and surface water drainage
- Access and parking
- Biodiversity

Site Description

1. The application site encompasses the former site of the Friar Public House on the corner of Marston Road and Old Marston Road. The site area is approximately 850m², being wider closest to the highway (27m) and narrower at the rear of plot (7m).
2. The Friar pub itself was demolished following the granting of planning permission on appeal in 2010 of a scheme to redevelop the site for a retail store (planning application 10/01034/FUL). The land now encompasses green space and some vegetation at the rear and the slab and site of the former pub at the front of the plot. The original hanging sign for the pub also remains near to the front of the application site.
3. Adjacent to the application site are residential properties on Marston Road (No. 453 Marston Road) and Old Marston Road (No. 4 Old Marston Road). These properties are 1930s semi-detached houses and are representative of the pattern of development in this part of Marston. To the rear of the application site are the rear gardens of properties in Ousley Close; specifically No.s 18 and 20 Ousley Close. This part of Marston is characterised by suburban housing with front gardens (some of which are used for car parking) and long rear gardens, typically of 25m in length.
4. At the front of the application site there are a number of mature trees which screen the existing site. The land where the trees are situated is a large area of verge that separates the corner of the highway with a separate area of pavement in front of the application site (the entire of this area is classified as highway land). The verge and pavements all fall outside of the ownership of

the applicant and are owned by Oxfordshire County Council.

Proposals

5. It is proposed to erect two attached student blocks to provide thirty student bedrooms. Each half of the building is proposed to measure 9m in width by 12.5m in depth. The two identical blocks would be joined by a central lobby area which would provide the main entrance to the building and also contain the shared stairwell. The accommodation would be provided over three floors, with each floor containing two cluster flats with five student rooms sharing a kitchen.
6. The proposed building would have a conventional pitched roof and would have an overall height of 7.5m to the eaves and a total height to the ridge of 10.5m. The building would be approximately 2m higher than adjacent residential properties.
7. The building is proposed to be constructed from a combination of red and buff bricks and render panels between windows with a pre-cast concrete lintel and sill elements. The proposed windows would be metal framed and the tiles are proposed to be plain clay tiles to match surrounding properties.
8. The pattern of windows and render panels on the front and rear elevations are identical. There are also high level windows proposed on the side elevations. The central lobby and stairwell area would be largely glazed and would have a flat roof (with a total height that ties in with the height to the eaves of the adjacent pitched roof sections).
9. The two blocks of the building are proposed to be at an angle to each other; this is to allow the development to 'turn the corner'; meaning that the blocks would face out at a different angle to the streetscene.
10. The proposed plans include details of a detached laundry room to the rear and adjacent bike stores which would be linked to the central lobby and stairwell area by a covered walkway. Details are also provided for two cycle stores either side of the laundry building which would contain parking for thirty-two cycles in a covered building (with the opportunity to mount cycles to Sheffield Stands).
11. Beyond the proposed laundry room the proposed plans include a communal garden and shared outdoor amenity space of approximately 300m². The proposed plans for the shared garden area include details of landscaping, with planting proposed to enclose this space. A paved seating area and a lawn are proposed within this space as well as trees and hedging. Also included within the landscaping plan is a detention basin and swale to be used in the SUDs scheme for the development.

Assessment

Principle of Development

12. The application site was formerly the site of The Friar public house. The demolition of the pub and the redevelopment of the site received planning permission in 2010 following an appeal. The only aspect of the proposed development associated with that planning permission that was carried out was the demolition of the pub building and the clearing of the site. The result of this means that the site has the status of previously developed land for the purposes of planning. The National Planning Policy Framework (NPPF) encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.
13. For the purposes of clarity, Officers cannot have regard to the previous use of the site as a pub in terms of requiring the retention of that use on the site. The pub has been demolished and this was carried out in conjunction with an extant planning permission on the site. Officers recommend that there is therefore no requirement to consider the viability of the site for use as a pub or to take into account the approach required by Policy RC.18 of the Oxford Local Plan 2001-2016 which requires consideration of the availability of other pubs in the locality.
14. The proposals relate to the provision of student accommodation; the main consideration for such proposals is set out in Policy HP5 of the Sites and Housing Plan (2013). Officers have had regard to this policy that states that planning permission will be granted for student accommodation on specific sites, including on main thoroughfares. For the purpose of the policy, Marston Road is identified as a main thoroughfare and therefore meets the locational requirements of this policy.
15. Policy HP5 of the Sites and Housing Plan (2013) also requires that for schemes of student accommodation where there are more than twenty student bedrooms that there must be communal indoor and outdoor space provided. The proposed development includes these shared areas. There are also specific requirements of the policy in terms of the management of the site and precluding occupiers from bringing cars to Oxford; the application puts forward means for complying with these requirements and Officers recommend that they can be secured by condition.
16. Officers consider that the existing land has not been used for some time; specifically it has been left in its current cleared state for an extended period. As a result existing site is under-used and the proposed application would enable the redevelopment of the site which would make better use of land. This approach is broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.

Affordable Housing

17. Policy HP6 of the Sites and Housing Plan requires that for schemes of student accommodation where twenty or more bedrooms are to be provided that there is a financial contribution made towards delivering affordable housing in

Oxford. The applicant has stated that they agree to paying the full contribution as outlined in the policy and Officers recommend that if members resolve to grant planning permission they do so on the basis that an agreement will be put in place to secure the required contribution as set out in Policy HP6.

Design

18. Officers have had regard to the overall siting of the proposed development and consider that the approach that has been adopted; specifically in relation to the siting of the building and splitting it into two halves would enable it to form an appropriate visual relationship with the streetscene.
19. Further to the above, Officers have had regard to the overall bulk of the development and it is considered that by splitting the proposed development into two blocks it would break up the monolithic appearance of the building and contribute towards making the building acceptable in design terms. Officers also consider that the design is further enhanced by the varying types of materials and attempts to break up the elevations of the building with the use of contrasting but visually complimentary materials; the use of bricks in particular would give the building a high quality appearance.
20. Officers recommend that the design is acceptable in terms of its visual appearance. The proposed development incorporates appropriate contemporary design, whilst also making use of features such as a pitched roof and high quality materials that would enable it to harmonise with surrounding residential development. In addition to this, the proposed design makes use of features that are reminiscent of the former use of the site; the mock chimneys on each of the blocks being similar to those that were on the Friar and other similar 1930s pubs.
21. Officers have had regard to the appearance of the proposed building as viewed from the streetscene. It is considered that the existing trees in front of the application site would soften the appearance of the building when viewed in the wider context of the locality.
22. Officers consider that the proposed quality of indoor space would be acceptable in terms of both the space provided for each student bedroom and the communal living areas. The proposed building makes use of large windows that would provide plentiful natural light and ventilation to the student rooms.
23. Officers have had regard to the suitability of the proposed development for disabled occupiers. The ground floor flats include sufficient space in terms of door and corridor widths to meet the needs of wheelchair users.
24. The proposed central lobby and stairwell area, as well as being a design feature would also provide a safe and secure entrance area because it would be visible because of its visibility.
25. The proposed outdoor amenity area would provide a good quality environment

for the future occupiers of the building. Officers consider this is acceptable and provides both a functional space around the cycle store and laundry room as well as a more private shared garden space.

26. Waste and recycling storage is proposed to be located at the front of the building behind a low wall; the storage would be screened. Officers consider that the proposed arrangements would be acceptable in the context of the Council's adopted policies and provide a practical solution to waste and recycling storage that would not be visually obtrusive.
27. The proposed site plan details some proposals for boundary treatments on the site. Officers have had regard to this proposals but consider that it would be important to ensure that the details relating to the boundary treatments, including the materials to be used should be the subject of further submitted plans and have therefore recommended that if planning permission is granted a condition be included to require this prior to the commencement of the development.
28. Officers have included in the recommendation that if members are minded to approve the application that there are conditions requiring details of outdoor lighting in order that there is suitable provision of lighting but also to ensure that it does not have an adverse impact on the amenity of neighbouring residential occupiers.
29. There are limited proposals detailed on the submitted plans that relate to the provision of signage for the site. Officers consider that given that the site occupies a prominent location it is important that any signage proposed should be the subject of further consideration by way of advertisement consent applications; this has been included as a condition in the recommendation. This would also ensure that no unsuitable illuminated signage is provided.

Sustainability

30. The proposals detail that the development would provide a high quality of built fabric that would ensure high efficiency of energy use on the site. Despite this, there are no details within the application in relation to the generation of energy on site by low carbon or renewable technologies. Officers have specifically addressed this issue with the applicant and their agent and have been informed that there are proposals to make use of these technologies with specific consideration being made in relation to a CHP boiler or air exchange unit. Officers are therefore satisfied that this can be addressed by condition if approval is granted that would require the submission of an energy statement and a scheme that would detail the provision of on-site generation.

View cones

31. Officers have had regard to the location which would fall slightly within a view cone as identified in the Oxford Local Plan 2001-2016, Policy HE10. An assessment has been made of the impact of the proposed development on

the viewcone and it is considered that because the overall height to the ridge of the proposed development would in fact be lower than the original building that occupied the site (the Friar pub) the development would be acceptable.

Trees and Landscaping

32. A scheme of landscaping has been provided with the application. This proposed to provide landscaping within the rear garden that would enhance the visual appearance of the rear aspect of the application site. Officers also consider that the proposed landscaping would create a more private area for the occupiers of the proposed development which would create a higher quality of amenity for those occupiers.
33. There are no proposals to remove or damage the trees in front of the application site. These trees do not lie in the application site area or the ownership of the applicant but the applicant has indicated that they would be protected during construction work. Officers have recommended a condition be included that requires details of the tree protection measure to be provided prior to the commencement of the approved development. The protection measures are likely to include hoardings around the verge and areas in front of the application site; the applicant has provided information to suggest that an agreement to do this is being arranged with the Highway Authority.
34. Further to the above, in summary, Officers recommend that the proposed landscaping and impact of the development on trees are acceptable in the context of the application site and subject to the conditions as recommended.

Impact on Neighbours

35. Officers consider that the proposed development, by virtue of the shape, orientation and size of the building proposed would not have an adverse impact on the amenity of neighbouring residential occupiers through a loss of light or privacy.
36. The above assessment of the impact on neighbouring amenity has included consideration of the 25/45 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013). This suggests that there would be no material harm arising from the development in terms of loss of light.
37. The proposed windows on side elevations of the proposed building would be high level windows that would not have an adverse impact on privacy for neighbouring residential occupiers.
38. The proposed development has been carefully designed to ensure that it represents high quality design which would not have an overbearing or obtrusive impact on neighbours. Officers have had regard to the proximity of the proposed development to neighbouring residential occupiers and do not consider that the development, including the proposed walkway and laundry room would detrimentally alter the outlook from nearby dwellings.

39. Officers have had regard to the impact of the development on neighbouring residential occupiers and have been particularly mindful of the comments and objections that have been received in respect of the proposals. For the above reasons as set out in this report, it is the view of Officers that the development would not have an adverse impact on neighbouring occupiers.
40. A condition has been recommended if planning permission is granted that would require the submission of a day to day management plan of the site. This would include details relating to wardens and staff visiting the site as well as contact information for local residents relating to noise complaints. Similar management conditions operate on other student accommodation schemes within the City and Officers recommend that this condition can assist with ensuring that proper arrangements are made to deal with the occupation of these buildings.

Access and Parking

41. The development is proposed to be car free and does not contain any provision of car parking.
42. There is a 'drop off' area that is shown on the submitted plans that would be for the purpose of maintenance vehicles visiting the site. The arrangements for this space fall outside of the application site but the applicant has suggested that there would be an agreement put in place with the highway authority that would ensure that there was no unauthorised parking in this area which currently serves (and is proposed to continue to serve) primarily as a footway. Officers have recommended that a management agreement is sought by condition that deals with the day to day management of the site including arrangements to prevent parking in this location; which is likely to be provided by a rising bollard (subject to the approval for that work being carried out in conjunction with the Highway Authority).
43. Officers have included two specific conditions to ensure that the development is genuinely car free and the students that would reside in the proposed development would not bring cars to Oxford. Firstly a condition has been recommended that would ensure that the Local Traffic Order is varied prior to the first occupation of the development that would ensure that occupiers would not be entitled to permits in the Marston South CPZ. A second condition has also been included that would ensure that a tenancy clause is submitted to the Council prior to the first occupation of the development that would prescribe that no occupiers could bring cars to Oxford and would be financially penalised for doing so. It is a requirement of the recommended condition that the approved tenancy clause be signed by all occupiers of the proposed building. Similar arrangements have been put in place for other student accommodation in the area and Officers recommend that this condition can be successfully incorporated into planning permissions granted and can be adequately enforced. In the case of this application, the end user is likely to be Oxford Brookes University (as stated in the submitted Design and Access Statement); Oxford Brookes successfully apply a tenancy agreement requiring students to not bring cars to Oxford on a number of their site (and have an

enforcement regime in place).

44. Officers have recommended that if planning permission is granted a condition be included that ensures that a Construction Traffic Management Plan is submitted prior to the commencement of the development. This has been justified on the basis that the application site is situated in a predominantly residential area, is close to a busy road junction (Marston/Old Marston Roads) and is close to nearby shops where frequent on-street parking is present.
45. Cycle storage is proposed to be located within a covered store at the rear of the proposed building. The proposed site plan details capacity for thirty-two cycles which would meet the requirements of the occupiers of the proposed building and conform to the Council's adopted planning policy HP15 of the Sites and Housing Plan (2013). The proposed cycle store would be covered and located at the rear of the building which would mean it would be secure. The cycle store would also have Sheffield stands which would provide occupiers with an opportunity to lock their cycles within the storage area.
46. Officers consider that the proposed development would not have an adverse impact on the highway safety or on parking conditions within the locality. No objections have been submitted by the Highway Authority subject to the conditions as recommended in this report.

Flooding and Surface Water Drainage

47. The application site does not lie in an area of high flood risk.
48. The proposed plans include details relating to drainage on the site and the management of surface water. The proposals also indicate the use of SUDs, including a swale and detention basin. Officers have had regard to these plans and although this indicates that there are practical measures put forward to manage surface water these should be the subject of further information to be submitted prior to the commencement of development if approval is granted; this can be secured by condition. The specific information required relates to the submission of more data about the capacity of the detention basin and application of SUDs on the site.

Biodiversity

49. The application site is currently vacant and is not likely to be habitat for protected species. Officers have recommended that a condition be included if approval is granted that requires the submission of biodiversity enhancement measures; including the provision of a bat box within the rear garden amenity space of the site.

Conclusion:

50. The proposal is considered to accord with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2016. Therefore officer's recommendation to the Members of the

East Area Planning Committee is to approve the development in principle, but defer the application for the completion of a legal agreement to secure the necessary financial contribution towards affordable housing as set out above.

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.

Background Papers:
15/02543/FUL

Contact Officer: Robert Fowler
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Date: 22nd October 2015