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| **East Area Planning Committee** | 6th April 2016 |

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| **Application Number:** | 15/02542/OUT |
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| **Decision Due by:** | 15th December 2015 |
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| **Proposal:** | Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities. |
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| **Site Address:** | Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road, |
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| **Ward:** | Cowley Marsh Ward |

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| **Agent:** | JPPC | **Applicant:** | Cantay Estates Ltd |

**Recommendation:**

Officers have revised their recommendation in light of recent appeal decisions and therefore recommend that the East Area Planning Committee resolve to approve this hybrid application for the following reasons and subject to and including the listed conditions and the satisfactory completion of a S106 legal agreement.

**Reasons:**

1. The proposed development provides student accommodation in a sustainable and appropriate location that preserves the special character and appearance of Canterbury House which is a non-designated heritage asset and the street scene. There would be no harm to adjoining neighbours. The proposal accords with the Policies contained within the Local Development Framework and NPPF.
2. Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

**Conditions:**

1. Time – outline / reserved matters
2. Plans – in accordance with approved plans
3. Materials – samples agree prior to construction
4. Construction Traffic Management Plan – details prior to construction
5. Contamination –phased risk assessment prior to commencement
6. Contamination – validation report prior to occupation
7. Car parking – as shown, prior to occupation
8. Cycle & bin storage – further details prior to substantial completion
9. Sustainability –details to be submitted prior to construction
10. SUDS – build in accordance with
11. Landscape plan – further hard and soft landscaping details required prior occupation
12. Landscape – planting carry out after completion
13. Details of boundary treatment prior to occupation
14. Travel Plan
15. Student Accommodation– Warden
16. Student Accommodation and Out of Term Use
17. Student Accommodation – Management Plan; prior occupation
18. Students - No cars
19. Details of Booking system for beginning / end term; prior occupation
20. Restrict hours of use of outside amenity space; 08:00 and 21:00
21. Biodiversity – measures for wildlife details to be submitted

**Background:**

1. This application was reported to the EAPC on 4th November 2015 with a recommendation to refuse planning permission, Officer’s report attached at **Appendix A.** The site plan is found at **Appendix 1** to that report (appendix A1). Committee resolved to defer the application for further information to be supplied by Officers on any recent changes in the supply of and need for available employment land; and the impact of this on the application of policy; and options for the use of this site.
2. Previous applications refused on this site namely:

* Conversion of Canterbury House from Office to residential under current Permitted Development regulations 15/00360/B56 refers.
* Outline application for 98 student study rooms on land comprising Adams and Riviera House (demolished) 14/03204/OUT refers.
* Outline application for 9 flats on the vacant plot adjacent to Canterbury House, facing Cowley Road. 15/00597/OUT refers.

1. These applications were refused for, amongst other things, loss of employment use, lack of marketing, design and impact on the non-designated heritage asset of Canterbury House (see Appendix A for planning history and full reasons for refusal) and went to appeal. These appeals were the subject of an Appeal Hearing on 22nd Oct during which the very issues and information requested by EAPC in November were discussed. In view of this fact, Officers took the view that it would be prudent to wait for the Inspector’s decision before bringing it back to Committee as it was considered likely it would direct on key issues regarding the principle of the loss of employment use, housing need and marketing done. This has been the case and the Inspector’s decision is attached in full at **Appendix B**.
2. The 2 key points are:
3. The loss of employment use for the whole of the site (i.e. existing office blocks, vacant block and Canterbury House) has been accepted by the Inspector and therefore the principle of residential use in this location is now agreed;
4. Notwithstanding 1 above, the appeals relating to the student and flat accommodation were both dismissed on grounds of, amongst other things, relating to impact and proximity to the non-heritage asset of Canterbury House, impact on street scene and inadequate (quality/ amount of) amenity space in relation to both student accommodation and flats.

**Appeal Decision and relevance in determining this Application:**

*Loss of Employment Use:*

1. The Appeal decision is a material consideration in determining this application. The Inspector considered that the marketing evidence submitted adequately demonstrated the lack of interest and suitability for employment or other potential modernisation or regeneration for alternative employment-generating uses and was considered acceptable. The Inspector was also convinced that the loss of jobs would not reduce the diversity and availability of job opportunities. Nor would it result in the loss of small and start-up business premises in Oxford. In relation to the vacant plot the Inspector considered that there was no realistic prospect of it coming forward for its intended use. In balancing up the employment and housing need under policy CS28 of the Core Strategy (CS) the Inspector considered that student accommodation would release family housing back to the general market. The loss of employment use was therefore accepted, paragraphs 57-62 refer.
2. In view of the fact that the marketing and economic justification submitted with this application was the same for the Appeals and therefore in light of the Inspector’s view above, Officers now advise Committee that it must also be considered acceptable in this case. Consequently the change of use of the existing office buildings Adams House, Riviera House & Canterbury House to residential use is considered acceptable under CS28 of the CS. It is also accepted that the vacant plot can accommodate residential development, subject to issues of design (see below) under CS28 of the CS.

*Principle of Student accommodation:*

1. It is understood that the proposed development is speculative. Policy CS25 of the Core Strategy encourages the provision of high quality purpose-built student accommodation buildings that do not significantly harm the amenity enjoyed by local residents. The policy also states that the Council will seek appropriate management controls to restrict students from bringing cars to Oxford through the imposition of appropriate conditions or planning obligations.
2. SHP Policy HP5 sets out the criteria for locating student accommodation and permission will only be granted for student accommodation which can be accessed from a major thoroughfare. Where 20 or more rooms are proposed, as in this case, permission will only be granted where the Developer undertakes to prevent the students from bringing cars to Oxford, implements a Management regime and provides indoor and outdoor amenity space.
3. It is considered that the principle of student accommodation is acceptable in this location as the site is adjacent to the Cowley Road, a major thoroughfare, and indoor and outdoor space is shown, discussed elsewhere in this report. The Applicant has also agreed to an on-site Warden. Conditions are suggested relating to bringing cars to Oxford and management of the students.
4. In terms of use of the accommodation out of term time, it is considered reasonable to allow such a use given that Mansion Mews adjacent is allowed out of term time use, as it the case with much of the student accommodation within the City now.

*Design and impact on Streetscene and Heritage Assets:*

1. The Inspector did concur with the Council’s view that the appeal schemes would be harmful to the non-designated heritage asset of Canterbury House in terms of scale, massing and proximity, paras 67- 78 refer. She agreed that the vacant plot is a transition site between Canterbury House and the taller flats on Reliance Way and any new building should address the change in massing between the two.
2. The Applicant has amended the submitted plans in light of the Inspector’s decision in relation to the proximity layout and scale (height and bulk) of the indicative building adjacent to Canterbury House. This part of the application is in outline for which layout, scale and access is secured and other matters of appearance and landscaping are reserved.
3. The revised layout shows the building set back in line with Canterbury House and then staggered out to come in line with the flats on the corner of Reliance Way and Cowley Road. The new building would have a distance of approximately 3.5m to Canterbury House to allow access through to the rear courtyard area. Officers consider that the distance from Canterbury House is appropriate, as is the building line proposed.
4. It should be noted that indicative alternative elevations (A, B & C) have been submitted also to show what could be achieved with this revised layout in terms of overall scale, and appearance. It should be emphasised that these are indicative and hold no material weight as appearance is a reserved matter. However, scale i.e. the proportions of the building (height/ width) in relation to its footprint and relationship to other buildings is sought. It is clear that the building should form a transition between the higher flats on Reliance Way and step down to Canterbury House.
5. The floor plans show the new building effectively as two elements connected by a central landing core, providing direct ground floor access from Cowley Rd, through to the rear. It is envisaged that ground and first floors would have 9 rooms, and 6 on the second making 24 rooms in total with shared facilities.  The indicative elevations do show that to a certain extent, albeit with an unusual roof formation on a contemporary block form in Alternative B and C, a transitional building could be achieved. However, the building shown is essentially 3 storeys and where adjacent to Canterbury House the top floor accommodation would be at roof level. In a traditional architectural form this could be achieved with a pitched roof and dormer windows.
6. Notwithstanding the alternative elevations, it is considered that the new building should not be higher than the ridge line of Canterbury House in order for it to have an appropriate relationship to that building. However, it is also considered acceptable for the building to go higher on the corner with Reliance Way so as to have an appropriate relationship to the flats on the opposite corner. It is considered that a condition on the outline element of any permission could reasonably secure these maxima heights. This layout together with restricted heights would in Officer’s view achieve a building of an appropriate scale such that approval is recommended.

**Other Matters:**

*Highways Matters :*

*Access*

1. The access is now narrower as a result of the revised layout submitted. The County Highway Authority has been re-consulted on the revised plan and is content with the access given the low number of car users (limited to disabled and servicing).

*Car parking*

1. Where large infill student accommodation developments are proposed in areas outside the Transport Central Area such as this and where an existing access is used, car parking should be for servicing and disabled parking only (5% per room guideline). The plans indicate 3 disabled parking spaces shared with servicing parking. This would be adequate in this sustainable location with good bus services. However, they should be marked out and in such a way so that vehicles can turn around and exit in a forward gear. A plan showing tracking has been submitted and demonstrates that vehicles can turn and exit even with all three parking spaces occupied.
2. Students will be required not to bring cars to Oxford, HP16 of the SHP refers, which can be secured via condition, and the Applicant confirms this would be the case. The HA raised concerns previously regarding car parking at the beginning and end of terms and impact on the highway. Officers consider this could be effectively managed via a management booking system or similar procedure, which has been effectively implemented for other student Accommodation in similar locations (e.g. Dorset House, Headington). This could be secured via condition.

*Cycle parking*

1. The standard parking cycle requirement is 3 spaces for every 4 study bedrooms, HP15 of the SHP refers. The proposal meets this requirement and further details can be secured via condition.

*Internal and External Amenity space:*

1. Paragraphs 70-73 of the previous Officer report are relevant. The previous student scheme that was dismissed at appeal had the amount and quality of external amenity space cited as a reason for refusal. The Inspector found that in that case the amount and quality would have been poor on the basis of the quantum and height and scale of development proposed, para 84 refers.
2. In this case the outdoor space is for 60 rooms, as opposed to 98, and the revised layout and reduction in height or block A together with the conversion of the existing buildings, would mean that the quality of the internal courtyard space would be improved. Furthermore a reduction in the level of cycle parking and increased grassed/ tree’d area would provide a larger & more usable space. It would be 10% of the overall site area in accordance with Policy HP5(e) of the SHP. Whilst revised landscaping is shown it is considered that this could be improved further and more soft landscaping provided (e.g. in between the rear of Mansion Mews and the cycle parking). Further conditions would be necessary to secure revised landscaping, planting and improved car parking layout (in light of the HA comments above).
3. Internally the communal space provided has improved given the re-design of Block A to the front. The communal kitchen/ diners measure a reasonable 4m x 8m in the converted blocks and 4.2m x 6m in Canterbury House and 5m x 5m in new block A. On balance it is considered that this would be acceptable.

*Impact on Amenities:*

1. The Inspector found that there would be no harm to neighbouring residential amenities from additional noise and disturbance due to more students in this location, para 90 in particular refers. Nevertheless the Applicant has said that they would be content for a condition to be imposed to ensure that there is a Warden on site. Officers consider that this would enable effective on-site management of the students in all regards.
2. In additionOfficers consider that a condition should be imposed restricting the hours of use of the outdoor space between 08:00 and 21:00hrs to correspond with that imposed on Mansion Mews to mitigate against late night noise on neighbouring residents.

*Other matters:*

1. Other issues relating to Biodiversity, Energy Efficiency, Flooding, Contamination and Affordable Housing are as set out in the Officers’ previous report appended.

**Conclusion:**

1. In light of the recent Appeal Decision residential accommodation is now acceptable in this location and student accommodation would not be unacceptable in this sustainable location subject to conditions. Officers’ therefore recommend approval subject to and including conditions and the satisfactory completion of a S106 to secure a contribution to affordable housing.

**Human Rights Act 1998**

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

**Section 17 of the Crime and Disorder Act 1998**

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

**Background Papers:** 15/02542/OUT, 15/00360/B56, 14/03204/OUT, 15/00597/OUT and respective Appeal Decision(s).

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**Date:** March 2015