

## WEST AREA PLANNING COMMITTEE

<b>Application number:</b>	20/01139/FUL		
<b>Decision due by</b>	8th July 2020		
<b>Extension of time</b>	Determination will be dependent on the completion of the S106 agreement.		
<b>Proposal</b>	Erection of additional second and third floors to provide 26 no. en-suite student bedrooms and 2 x 1-bed warden flats. Extension of existing bin store and erection of new bike shelter. (Amended plans)		
<b>Site address</b>	Cherwell House , Osney Lane, Oxford, OX1 1BZ – see <b>Appendix 1</b> for site plan		
<b>Ward</b>	Jericho And Osney Ward		
<b>Case officer</b>	Jennifer Coppock		
<b>Agent:</b>	Adrian James	<b>Applicant:</b>	Mr Stephen Clarke
<b>Reason at Committee</b>	The application is before the committee because it was called in by the Head of Planning Services following concerns from councillors about the impact on neighbouring amenity.		

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## 1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

**approve the application** for the reasons given in the report subject to the required planning conditions set out in section 12 of this report; and subject to:

the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.1. **agree to delegate authority** to the Head of Planning Services to:

- a. finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and
- b. finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this

report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and

- c. complete the section 106 legal agreement referred to above and issue the planning permission.

## **2. EXECUTIVE SUMMARY**

- 2.1. This report considers the proposal to create a second and third floor to parts of the existing student accommodation building to provide 26 no. en-suite student bedrooms and 2 x 1-bed warden flats. The existing bin store would be extended and a new bike shelter would be erected on site.
- 2.2. It is considered that the principle of intensifying the use of the existing student accommodation on site accords with Policy H8 of the Oxford Local Plan 2036.
- 2.3. It is considered that the proposal to extend the existing building upwards would be effective and efficient use of land on a highly sustainable site. Though this is a predominantly residential area of 2 to 3 storey houses, the massing, scale and appearance of the proposal is well considered and responds sensitively to the site. The proposal would also increase protection from noise and smell from the railway to the neighbouring dwellings with no substantive impact to their amenity.
- 2.4. The proposal would not impact on the views into and out of the City, nor would it cause harm to the setting of Osney Town Conservation Area in accordance with Policies DH1, DH2 and DH3 of the Oxford Local Plan 2036.
- 2.5. The proposed development would create acceptable indoor and outdoor living conditions for the students and support staff in accordance with Policies H8, H15 and H16 of the Oxford Local Plan 2036.
- 2.6. The proposed development, by virtue of its distance from nearby residential properties and angled bedroom windows, would not give rise to an unacceptable impact on neighbouring amenity in accordance with Policy H14 of the Oxford Local Plan 2036.
- 2.7. No evidence of protected species has been found on site. However, subject to recommended conditions, the proposed development would improve the site for wildlife.
- 2.8. A safe access and egress route has been identified, wholly within flood zone 1, via Osney Lane to the east of the site, turning north onto Hollybush Row and then turning east onto Park End Street to ensure that occupants are not put in danger during a flood event.
- 2.9. In terms of fire safety, it has been confirmed by the Council's building control officers and the County Council's fire safety inspector, that the existing access, which is not proposed to be altered, is acceptable for fire services and the existing

dry risers on site could reasonably be extended upwards to serve the proposed upper floors.

2.10. A number of public comments have raised concern regarding the sewer connection from Cherwell House. Thames Water commented twice on the application, firstly in June and again in August confirming that they do not object to the proposed development with regards to the foul water sewerage infrastructure capacity. Officers have had sight of the Thames Water wastewater map which clearly indicates that there is a connection from Cherwell House. Furthermore, the original 2011 proposal was signed off by an external building control consultancy in 2014 (12/00995/IN). The inspectors will have assessed the sewerage connection before signing off the works.

2.11. The proposed cycle parking provision is considered acceptable in accordance with Policy M5 of the Oxford Local Plan 2036. A Construction Traffic Management Plan would be secured by condition prior to the commencement of development to ensure any impacts on local traffic during the construction process would be mitigated. The proposed development is considered unlikely to have a detrimental impact on the local highways in traffic and safety terms.

### **3. LEGAL AGREEMENT**

3.1. This application is subject to a legal agreement to cover a contribution towards off-site affordable housing.

### **4. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

4.1. The proposal is liable for a CIL payment of £93,791.84.

### **5. SITE AND SURROUNDINGS**

5.1. The site is located to the east of the railway line, fronting Osney Lane and currently comprises a two storey linear student accommodation block named 'Cherwell House'. Areas of soft landscaping are located to the west of the building with bin and cycle stores along the western boundary. Pedestrian and vehicular access is located off Osney Lane.

5.2. Surrounding land uses include residential gardens to the north with a car park beyond, the railway line to the east with car parking beyond, Osney cemetery to the south and 2/2.5 storey residential dwellings with private gardens to the west.

5.3. The site is in a highly sustainable location with convenient walking/ cycling access to public transport and local amenities within West Oxford and the City centre. The footbridge over the railway lies immediately south east of the site. The site is immediately adjacent to the West Oxford Controlled Parking Zone (CPZ).

5.4. The site lies partially within flood zone 2 (medium risk of flooding). The site falls within the Raleigh Park view cone and part of the site lies adjacent to the Osney Conservation Area. The site is not subject to any other specific planning policy constraints.

5.5. See location plan below:



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Ordnance Survey 100019348

## 6. PROPOSAL

- 6.1. The application proposes to erect a part 2 storey, part single storey rooftop extension to Cherwell House, creating a second and third floor along parts of the existing building. The extension would accommodate 26 additional student rooms and 2 Warden's flats, one of which would provide permanent accommodation for the college's head of boarding the other would accommodate welfare officers on rolling shifts. Additional external bin and cycle storage would be provided.
- 6.2. The maximum height of the building would be 15.6m at its southernmost section (9m over and above the existing height); the height would gradually fall away to 13.5m, then down to 11m. There would be a stretch of 28.5m in length between the extensions; the height would then rise to 8.7m at the northernmost section. A glazed link would punctuate the second storey extensions in order to break up the proposed mass. The extensions, along with ground and first floor levels, would be wrapped in standing seam copper cladding to create cohesion between the existing and proposed elements of the building.
- 6.3. The proposed second floor would provide 23 en-suite student rooms and 1 flat for the welfare officers on rolling shifts. This floor would also accommodate a new stairwell, providing emergency escape at rooftop level. The proposed third floor, at the southernmost part of the building, would provide 3 en-suite student rooms and permanent accommodation for the head of boarding.
- 6.4. The existing bin store to the western boundary of the site would be extended by removing 10 existing cycle spaces in order to accommodate 2 additional bins and

24 new cycle spaces would be provided in a new shelter, also to the western boundary of the site. The new flat roof bicycle shelter would measure 12.5m in length, 2.6m in height and 2.6m in depth. The shelter would be located approximately 2m from the site's western boundary.

6.5. During the consideration of the applicaiton, amended plans were submitted to include a sedum roof on the existing first floor roof and a cross section was provided to identify the existing rooflights at 1 Abbey Walk following comments from neighbours.

## 7. RELEVANT PLANNING HISTORY

7.1. The table below sets out the relevant planning history for the application site:

11/00927/FUL - Erection of 3 storey building to accommodate 74 student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. (Amended Plans). Refused 3rd August 2011.

11/02382/FUL - Erection of two storey building to provide 55 ensuite student rooms plus warden's accommodation. Provision of cycle and bin storage facilities and landscaping. Access from Osney Lane. Approved 15th February 2012.

14/02397/VAR - Variation of condition 2 of planning permission 11/02382/FUL (for 55 student study rooms) to allow inclusion of kitchen, dining room/common room, reception area etc. Approved 21st November 2014.

## 8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan
Design	117-123, 124-132	H14 - Privacy, daylight and sunlight DH1 - High quality design and placemaking DH2 - Views and building heights DH7 - External servicing features and stores
Conservation/ Heritage	184-202	DH3 - Designated heritage assets
Housing	59-76	H2 - Delivering affordable homes H8 - Provision of new student accommodation H15 - Internal space standards H16 - Outdoor amenity space standards

<b>Natural environment</b>	91-101	G2 - Protection of biodiversity geodiversity G8 - New and enhanced Green and Blue Infrastructure
<b>Social and community</b>	102-111	
<b>Transport</b>	117-123	M1 - Prioritising walking, cycling and public transport M2 – Assessing and managing development M5 - Bicycle Parking
<b>Environmental</b>	117-121, 148-165, 170-183	RE3 - Flood risk management RE4 - Sustainable and foul drainage, surface RE8 - Noise and vibration
<b>Miscellaneous</b>	7-12	S1 – Presumption in favour of sustainable development RE2 – Efficient use of land RE7 – Managing the impact of development

## 9. CONSULTATION RESPONSES

- 9.1. Site notices were displayed around the application site on 27<sup>th</sup> May 2020. Further site notices were displayed on 1st July 2020 following receipt of amended plans.

### **Statutory and non-statutory consultees**

#### Oxfordshire County Council (Highways)

- 9.2. The proposals are in a sustainable location with good access to public transport and local amenities. The proposals are immediately adjacent to the West Oxford CPZ.

The proposals demonstrate an additional 14 spaces for an extra 26 student rooms and 2 warden flats. This provision is considered acceptable. It is expected that a significant number of trips will be made on foot due to the City Centre location of the proposal.

The development does not include any additional off-street parking, this is considered acceptable as the primary users will be students aged 12-19 years old. There are very limited parking opportunities in the vicinity and significant parking controls are in place. A construction traffic management plan (CTMP) should be submitted prior to construction to mitigate against any impacts on local traffic caused by the construction process. Considering the above factors, it is considered that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms. Oxfordshire County Council do not object to the granting of planning permission, subject to conditions.

#### Thames Water Utilities Limited

- 9.3. Thames Water would advise that with regard to surface water network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Thames Water would advise that with regard to foul water sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

#### Thames Valley Police

- 9.4. Although I do not wish to object to the proposals, I do have some concerns in relation to community safety/crime prevention design, given that the main purpose is to provide accommodation for students, which are considered to be more vulnerable members of society.

However, given that the proposals relate primarily to an upward extension of existing student accommodation with more of the same, I can only recommend that the applicants incorporate Secured by Design (SBD) principles and standards wherever possible. In particular, I recommend they follow the guidance relating to doors and windows in the New Homes document.

In addition, where existing designs/features do not already meet SBD guidance on the following, they should be brought up to the relevant standards:

- Access control. This would be an excellent opportunity to upgrade the existing access control system. An audio/visual system that provides security for students and creates compartmentation of the accommodation by floor is recommended. The applicants should also consider alteration and automation of the site's main vehicular access gates to provide more secure entrance to the site. The current arrangement means that the gates are left open for the majority of the day.
- Lighting. Internal communal areas should be controlled by switched, photoelectric cells to create an environment that feels safe 24/7. Two-stage lighting could be considered to provide a more energy efficient system. In addition, external lighting must be provided at each point of entry or egress, which again should be operated by switched, photoelectric cell.
- CCTV. Additions to the existing system should ensure that it covers all building (internally and externally) and site access points, and the areas on the north and east of the building.
- The cycle and refuse storage must be secure. The existing units are not and this leaves the facilities open to theft and arson etc. SBD guidance on design and physical security standards must be applied here. If the recommendation on the automation of the vehicle gates is followed then this may not be necessary.
- The configuration and construction of the boundary treatment at the southeast corner of the site and the adjacent bridge aid climbing and provide an access point in to the grounds of Cherwell House. I strongly recommend that this area is re-designed as part of the proposals to prevent this in future.

- Finally, the Design and Access Statement (which, by the way makes no mention of security or community safety at all) says that the college are committed to providing lighting to the Osney Lane Bridge. However, it also says that this can only be provided if the building is high enough for light to ‘Wash over’ the footbridge. I am concerned with this statement and strongly advise that very careful thought and appropriate design are employed to ensure that any lighting provided for the bridge meets police recommended standards in addition to satisfying any environmental concerns. Lighting should be provided on the bridge, not simply creating a wash over it from nearby buildings, if this is the intention.

#### Oxfordshire County Council Fire Department

- 9.5. With regard to the proposed development/extension as shown on the planning portal, it appears that the building is served by two dry risers and it is taken these will be extended upwards to serve the all of the upper floors. On the assumption that fire service vehicle access will be maintained as shown in “Fire Strategy site plan Drg 4386 Ver F” including management of overhanging trees to ensure fire service vehicle access can be achieved; then we would have no adverse comments at this stage with regard to fire service access to the premises as proposed. When consulted under Building Regulations it is likely we would recommend that due to the risk from fire we would recommend that any cladding system used is non-combustible, and that consideration is given for installing sprinklers within the proposed extension. Also means of escape from the third floor as the stairway shown doesn’t appear to be protected at ground floor level.

#### Oxfordshire Badger Group

- 9.6. As you heard there are many concerns about this speculative application and it is hoped that the Planning Officer will judge that this is an over-development of the site which will impact negatively on the basic rights of the neighbours.

What is clear is that residents are very enthusiastic and supportive of the rich variety of wildlife that visit their gardens and which they have nurtured over the years. As I explained, I visited the site before it was first developed and although there were no active setts there was evidence that the the wooded, scrub area was a welcome refuge for a range of wildlife including protected species, in an increasingly built up city setting. The building that went up was a clear and intrusive over-development of the site with no environmental benefits, biodiversity gain or understanding of its context. The fact that there is a wealth of wildlife in the area, including protected species, has not been recognised in any part of this inappropriate development, The mitigation has fallen on the neighbours who have welcomed the dispersed wildlife into their own gardens.

OBG hope that this further application which is clearly about greed and not need, will be rejected. Times have changed because of the worldwide pandemic and the need for more student accommodation and park and rides need to be reconsidered in the light of fundamental changes in travel, work/ study environment and retail.



What is clear is that there needs to be a greater focus on preserving the diminishing wildlife of Oxford and making sure that any development results in biodiversity gain and not loss, which has not been the case with the Cherwell development. OBG would like to see the following measures implemented on the Mill Street application site, if permission is granted:

- Measures to compensate for the initial loss of habitat and foraging on the site
- Fencing which is wildlife friendly
- Reduced light and noise pollution. Why are lights allowed 24/7 ?
- Planting which is species friendly, including living roofs.
- Method statement for construction which is environmentally friendly.

OBG would like to see the City Council adopt strategies which respect the mosaic of habitats of and wildlife within the city, with a more coherent and joined up policy. Too many badger setts have been lost because of development and wildlife is diminishing at an alarming rate. A new approach is needed and Oxfordshire Badger Group would work with the Council and other authorities to bring about changes before it is too late.

### **Public representations**

9.7. 61 local people commented on this application from addresses in Barrett Street, Mill Street, Blenheim Drive, Murray Court, Prestwich Place, Abbey Walk, Rayson Lane, Arthur Street, Gibbs Crescent and Osney Mill.

9.8. In summary, the main points of objection (60 residents) were:

- Height of development
- Loss of daylight and privacy
- Effect on character of area
- Effect on traffic
- Living conditions
- Noise from students
- Increased footfall along Mill Street
- Fire escape
- Occupancy rate
- Badgers
- The current state of the footbridge
- Sewerage connection

### **Officer response**

9.9. In response to comments received, Officers sought clarity from the applicant regarding the occupancy rate and need for additional student rooms, the fire escapes and the location of neighbouring rooflights. The Council's ecology officer visited the site to assess the potential for badgers. The Officer contacted Thames Water, the agent and the Council's flood risk and drainage officer to seek clarity on the sewer connection to Cherwell House.

## **10. PLANNING MATERIAL CONSIDERATIONS**

10.1. Officers consider the determining issues to be:

- a. Principle of development
- b. Design and impact on the historic environment
- c. Living conditions
- d. Impact on neighbouring amenity
- e. Flooding
- f. Ecology
- g. Fire safety
- h. Sewerage
- i. Highways

### **a. Principle of development**

10.2. Policy H8 of the Oxford Local Plan 2036 permits new student accommodation in the following locations:

- on or adjacent to an existing\* university or college campus or academic site, or hospital and research site, and only if the use during university terms or semesters is to accommodate students being taught or conducting research at that site; or
- In the city centre or a district centre; or
- On a site which is allocated in the development plan to potentially include student accommodation.

10.3. The site would not fall into any of the above categories; however it is considered that the intensification of an existing student accommodation site would be acceptable in principle. Therefore the proposal complies with Policy H8 above.

10.4. Following comments from local residents regarding the existing underutilisation of the building, the applicant has confirmed that there are currently 38 residential plus 13 day students enrolled at the college. Since January 2020, the College has enrolled 4 more residential students plus 3 day students who are flexible residential (weekdays only). The total number of residential students in Cherwell House for the academic year 2019-2020 is 45 which equates to more than 80% capacity. The College expects to increase to 50+ in the academic year 2020-21. The College strategy from occupation in 2015 was to align with increased teaching facilities, the College now has 4 study centres in Oxford City centre, which can cater for 100+ students which gives rise to the need to increase the number of rooms to prepare for future residential intake.

### **b. Design and impact on the historic environment**

- 10.5. Policy DH1 of the Oxford Local Plan 2036 stipulates that planning permission will only be granted for development which shows a high standard of design, and which respects the character and appearance of an area and uses materials appropriate to the site and surroundings.
- 10.6. As set out at Policy DH2, the City Council will seek to retain significant views both within Oxford and from outside, in particular to and from the historic skyline. Planning permission will not be granted for any building or structure that would harm the special significance of Oxford's historic skyline. Policy DH3 requires development to respect and draw inspiration from Oxford's unique historic environment (above and below ground), responding positively to the significance character and distinctiveness of the heritage asset and locality.
- 10.7. When determining an application affecting a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended and Chapter 16 of the NPPF which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 10.8. Firstly, it is acknowledged that application 11/00927/FUL for a linear three storey building was refused and subsequently dismissed at appeal. A number of local representations have commented on this aspect of the site's history and therefore it is important to explain the findings of the Inspector's decision in relation to this proposal. The Inspector found that the proposed 2011 development with its blank north-west facing panels would *create the impression of a more or less continuous wall in various views from the Mill Street properties. A dark zinc roof, a consistent ridgeline along its full length and the detailing of the two mid-way entrances would all add to this somewhat forbidding wall-like effect, which the curved alignment would not dispel...the particular combination of length, height and design (rather than height alone) would result in an unsympathetic addition to the locality.* In contrast to the appeal scheme, the roofline of the proposed development varies in height with active frontages to all elevations. In terms of the impact on neighbouring amenity, the Inspector concluded that *given the generous separation distances between the proposed building and the Mill Street properties, and the recessed third (roof) storey in the new building, the relationships created would not be so close as to cause a material loss of outlook or harmful sense of enclosure at any individual Mill Street property. Nor would there be unacceptable impacts in these respects at the Abbey Walk flats...Given the orientation of the various properties, in addition to separation distances, the proposal's impacts in terms of daylight and sunlight to neighbouring properties would not be significant.* The relationship between the proposed development and properties at Mill Street and Abbey Walk would be much the same as that assessed by the inspector in 2011.
- 10.9. The proposed extension creates a new and more visually interesting roofline for the building. The existing flat, long and continuous roof now steps up and down, broken up into three distinct parts. This articulated roof form responds to the interest and rhythm of the roof scape beyond. The new proposed roof form prevents the increased height of this long building creating the sense of a singular, dominant wall. The three differing heights provide hierarchy within the

massing, creating interest and a sense of arrival within the site context. The prow of the building, at the southern elevation, responds to the adjacent footbridge and scale of the buildings beyond, for example, Student Castle (which is a large student accommodation on the opposite side of the railway line from the application site). The fenestration, with a combination of offset portrait and landscape windows provide rhythm and interest, avoiding what could be a monotonous long façade. The use of copper within the façade creates a cohesive whole for the varied massing. The light tone of the proposed materials for the facade responds well to the local brick creating an unassuming building that will not have significant visual impact.

- 10.10. Within the Design and Access Statement and as shown on the 'Bridge lighting' documents, the proposal includes the installation of lighting on the railway footbridge however details have not been supplied. Details of the exact location and specifications of the lighting would be secured by condition to ensure that the lighting meets police recommended standards, satisfies environmental concerns and does not detract from views from outside the City or within the Conservation Area.
- 10.11. As set out above, the site lies within the Raleigh Park view cone and is adjacent to part of the Osney Town Conservation Area. When assessing views out of the City, from St George's Tower and the former Prison, it is considered that the proposed extension when viewed within the context of existing tree canopies, would not result in any less visibility of the terraced housing that characterises the Osney Town Conservation Area. The proposed development would add a complimentary dimension to the urban fabric of this part of the City and it is considered that there would be no harm to the significance of the Conservation Area or the setting of local heritage assets i.e. the Power Station, Osney Cemetery and the former Mill buildings to the south west of the application site, which would be screened by Student Castle from this vantage point. Views from Castle Motte would be similar, if at a slightly different angle. Importantly, these views are layered with fore, middle and distant grounds. The proposed development would sit in the middle ground, with Student Castle and the Power Station.
- 10.12. With regards to long views into the City (including from Raleigh Park), it is considered that the southern four storey element may be visible as a small punctuation mark in views. However, if this is the case, the proposed development would not distract from the important subject matter of the view which is the historic skyline, therefore it is considered that there would be no harm to views into the City.
- 10.13. From within Osney Cemetery, the immediate views of the proposed development would be fractured by the surviving trees that border this space. The significance of the cemetery derives from its particular character, a quiet contemplative green space that memorialises those buried. This character would not be lost through the changed, partial view of the southern end of Cherwell House. The activity of those within Cherwell House would be inward looking rather than having any particular views out, it is therefore considered that there would be no harm on the immediate views of the site.

- 10.14. In terms of the potential impact on the setting of the Conservation Area, it is considered that the existing site does not contribute to the setting of the designated heritage asset. The proposed design would make the building more visible due to its increased height but because of the raised railway line to the east, it would not disturb any views back to St Thomas or St Ebbes beyond and therefore, the proposed development would not cause harm to the setting of the Conservation Area.
- 10.15. The proposal is not considered to impact on the setting of the Conservation Area or the City's skyline for the reasons outlined above. The development would therefore be acceptable in the context policies DH2 and DH3 of the Oxford Local Plan 2036 and Paragraphs 192-196 of the NPPF and would have no harmful impact.

**c. Living conditions**

- 10.16. Policy H8 of the Oxford Local Plan 2036 requires student accommodation developments of 20 or more bedrooms to provide communal amenity space for students to gather and socialise. Communal areas including a seating and games area, a study area and refectory are provided for students on the existing ground floor. It is therefore considered that the proposal complies with criterion b) of policy H8.
- 10.17. The student rooms would measure between approximately 12sq. m. and 14sq. m. including the en-suites and would all have an outlook to the south west. Whilst there are no prescribed space standards for student rooms, the internal private living conditions are considered acceptable.
- 10.18. The Warden's flat proposed on the third floor would provide permanent accommodation for the college's head of boarding. Therefore, the flat would need to comply with nationally described space standards as required by policy H15 of the Oxford Local Plan 2036. In accordance with the national space standards (March 2015), a single storey, 1 bedroom dwelling for 1 person is required to have a minimum floor area of 39sq. m. with a bedroom measuring 7.5sq. m. and at least 2.15m wide. The proposed head of boarding's flat would measure 45sq. m. with the bedroom measuring 10.3sq. m. (excluding en-suite) and 2.5m in width.
- 10.19. Policy H16 requires 1 or 2 bedroom flats to provide either a private balcony, terrace or direct access to a private or shared garden. Currently, there are two landscaped areas to the west of the building providing outdoor amenity space for students and staff.
- 10.20. It is considered that proposed internal and external living conditions would comply with the requirements of policies H15 and H16 of the Oxford Local Plan 2036.

**d. Impact on neighbouring amenity**

- 10.21. Policy H14 of the Oxford Local Plan 2036 requires new development to provide reasonable privacy, daylight and sunlight for occupants of existing homes.

Consideration must be given to the degree of overlooking to and from neighbouring properties or gardens, the orientation of windows in both new and existing development in respect of access to daylight, sunlight and solar gain and existing and proposed walls, hedges, trees and fences in respect of their impact on overshadowing both existing and new development. Planning permission will not be granted for any development that has an overbearing effect on existing homes.

#### Daylight/sunlight

- 10.22. The proposed development would not contravene the 45 or 25 degree lines when applied to habitable windows at nearby residential dwellings. It is therefore considered that the development would not materially impact on the levels of daylight/ sunlight currently afforded Privacy
- 10.23. The proposed extensions would sit between approximately 18m and 45m east of residential dwellings on Abbey Walk and Mill Street respectively, set back from the existing western elevations of Cherwell House, with bedroom windows angled south west, to ensure occupiers do not directly overlook the private rear gardens of properties fronting Abbey Walk and Mill Street.
- 10.24. Due to the distance between the proposed development and nearby residential properties and the orientation of bedroom windows, it is considered that the development would not lead to an unacceptable loss of privacy. There are existing bedrooms within the building that provide a similar view of these properties.

#### Overbearing

- 10.25. It is acknowledged that the outlook for neighbours would alter, as is the case with most proposed developments within a built up urban setting. However, taking into account the distance between the proposed development and nearest dwellings, as set out above, and the fact that this proposal is for a partial rooftop extension on an existing building, it is considered that the proposal would not have an unacceptable overbearing impact on neighbours.
- 10.26. It is therefore considered that the proposed development would not lead to an unacceptable impact on neighbouring amenity in accordance with policy H14 of the Oxford Local Plan 2036.

#### **e. Flooding**

- 10.27. The up to date Environment Agency Product 4 data (27.07.2020) has established that Cherwell House and the eastern side of the site are located wholly within flood zone 1 (lowest probability of flooding). The submitted FRA addendum recommends a safe access and egress route via Osney Lane to the east of the site, turning north onto Hollybush Row and then turning east onto Park End Street. It is considered this would be acceptable. Furthermore, a condition has been recommended requiring a flood warning and evacuation plan to be submitted to and approved by the Council prior to the commencement of development.

**f. Ecology**

- 10.28. Concerns were raised amongst local residents and the Oxfordshire Badger Group over the potential impacts the scheme would have on local wildlife, most notably badgers. Badgers are known to be present within the local area, utilising the neighbouring gardens for foraging and sett building. The Council's ecologist therefore visited the application site, however no evidence of badger use was found. The site is largely well sealed with no significant gaps in the fence line present. One hole was found, however it was considered too small for badgers and no snagged hair was found to indicate that badgers have passed underneath.
- 10.29. Whilst no evidence of protected species activity was found within the site, it is considered that opportunities must be taken to improve the site for wildlife. A number of conditions have therefore been recommended in relation to ecological enhancements, lighting design strategy for light sensitive biodiversity and the requirement for a Construction Environmental Management Plan.

**g. Fire safety**

- 10.30. The building is currently served by two dry risers and it is anticipated that these would be extended upwards to serve the proposed upper floors. Vehicular access to the site would be maintained as illustrated on the fire strategy site plan (dwg. no. 4386 version F) and as such, the fire service access to the site is considered acceptable as confirmed by the fire safety inspector and building control liaison officer.

**h. Sewerage**

- 10.31. A number of public comments have raised concern regarding the sewer connection from Cherwell House. Thames Water commented twice on the application, firstly in June and again in August confirming that they do not object to the proposed development with regards to the foul water sewerage infrastructure capacity. Officers have had sight of the Thames Water wastewater map which clearly indicates that there is a connection from Cherwell House. Furthermore, the original 2011 proposal was signed off by an external building control consultancy in 2014 (12/00995/IN). The inspectors will have assessed the sewerage connection before signing off the works.

**i. Highways**

Transport sustainability

- 10.32. The application site is in a highly sustainable location with good access to public transport and local amenities either by foot, cycle or public transport modes. The application site is immediately adjacent to the West Oxford Controlled Parking Zone (CPZ).
- 10.33. An additional 14 covered cycle parking spaces would be provided within a new bike shelter along the western boundary of the application site. This provision is considered acceptable in accordance with Policy M5 of the Oxford Local Plan 2036.

- 10.34. The proposals do not include any additional off-street parking, this is considered acceptable as the primary occupants would be students aged 16-19 years old. There are very limited parking opportunities in the vicinity and significant parking controls are in place.
- 10.35. A condition has been recommended requiring the submission of a Construction Traffic Management Plan (CTMP) to be submitted prior to the commencement of development to ensure that any impacts on local traffic caused by the construction process are mitigated in accordance with Policy M2 of the Oxford Local Plan 2036.
- 10.36. It is considered that the proposals are unlikely to have a detrimental impact on the local highway network in traffic and safety terms.

## **11. CONCLUSION**

- 11.1. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions in section 12 of this report and to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.
- 11.2. Having regards to the matters discussed in the report, officers would make members aware that the starting point for the determination of this application is in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which makes clear that proposals should be assessed in accordance with the development plan unless material considerations indicate otherwise.
- 11.3. The NPPF recognises the need to take decisions in accordance with Section 38 (6) but also makes clear that it is a material consideration in the determination of any planning application (paragraph 2). The main aim of the NPPF is to deliver Sustainable Development, with paragraph 11 the key principle for achieving this aim. The NPPF also goes on to state that development plan policies should be given due weight depending on their consistency with the aims and objectives of the Framework. The relevant development plan policies are considered to be consistent with the NPPF.
- 11.4. Therefore it would be necessary to consider the degree to which the proposal complies with the policies of the development plan as a whole and whether there are any material considerations, such as the NPPF, which are inconsistent with the result of the application of the development plan as a whole.
- 11.5. In summary, the proposed development would be an acceptable addition to the site, in compliance with the relevant policies of the Oxford Local Plan 2036.
- 11.6. Therefore officers consider that the development accords with the development plan as a whole.

### *Material consideration*

- 11.7. The principal material considerations which arise have been addressed in earlier sections of this report.



- 11.8. National Planning Policy: the NPPF has a presumption in favour of sustainable development.
- 11.9. NPPF paragraph 11 states that proposals that accord with the development plan should be approved without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 11.10. Officers consider that the proposal would accord with the overall aims and objectives of the NPPF for the reasons set out within the report. Therefore in such circumstances, paragraph 11 is clear that planning permission should be granted without delay.
- 11.11. Officers would advise members that, having considered the application carefully, the proposal is considered to be acceptable in terms of the aims and objectives of the National Planning Policy Framework and relevant policies of the Oxford Local Plan 2036 when considered as a whole. There are no material considerations that would outweigh these policies.
- 11.12. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the conditions set out in section 12 of this report and to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

## **12. CONDITIONS**

- 1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

- 2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

- 3. The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy RE7 of the Oxford Local Plan 2036.

4. Prior to the commencement of development, details and specifications of external lighting in accordance with Secured by Design standards, shall be submitted to, and approved in writing by, the Local Planning Authority. Only the approved external lighting shall be installed.

Reason: To ensure an appropriate design is implemented which enhances community safety and amenity in accordance with policies DH1 and RE7 of the Oxford Local Plan 2036.

5. Prior to the commencement of development, details of the boundary treatment at the southeast corner of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatment shall be carried out in accordance with approved details prior to the completion of works.

Reason: To provide a secure boundary, enhancing community safety and amenity in accordance with policy RE7 of the Oxford Local Plan 2036.

6. A Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of works. Works shall be carried out in accordance with the approved CTMP during construction. This should identify;

- The routing of construction vehicles,

- Access arrangements for construction vehicles,

- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours (to minimise the impact on the surrounding highway network)

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times in accordance with policies M2 and RE7 of the Oxford Local Plan 2036.

7. During term time the development hereby permitted shall be used for student accommodation occupied by students on full time courses as specified in the submitted application and accompanying details and for no other purpose without the prior written approval of the Local Planning Authority. Outside term time the permitted use may be extended to include accommodation for cultural and academic visitors and for conference and summer school delegates. The buildings shall be used for no other purpose without the prior written approval of the Local Planning Authority.

Reason: To avoid doubt and to allow the Local Planning Authority to give further consideration to other forms of occupation which may result in the loss of student accommodation, in accordance with Policy H8 of the Oxford Local Plan 2036.

8. Prior the first occupation of the approved development, details relating to the

arrangements for a phased drop off of occupiers at the approved development at the start and end of term shall be submitted to and approved in writing by the Local Planning Authority. The submitted details will include information relating to the different periods of arrival and departure for occupiers of the building in the form of a timetable and corresponding plan indicating the time periods for drop off and collection of occupiers and their possessions from each of the student rooms. The information provided will also include the identified areas within the vicinity of the application site that shall be used as drop off or collection zones and how these spaces will be managed to minimise the impact of inconsiderate parking on nearby residential roads. The approved details and timetable shall be adhered to throughout each year unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality, in accordance with policies RE7 and H8 of the Oxford Local Plan 2036.

9. Details of the day to day management of the student accommodation permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The details as approved shall be brought into operation upon first occupation of the development and shall remain in place and be adhered to at all times thereafter unless otherwise agreed in writing beforehand by the Local Planning Authority.

Reason: To avoid doubt and in order to ensure the development is appropriately managed so as to protect the amenities of neighbouring occupiers, in accordance with policies RE7 and H8 of the Oxford Local Plan 2036.

10. Prior to commencement of the development, a noise assessment shall be submitted to the Council for approval of external noise levels including reflected and re-radiated noise and details of the sound insulation of the building envelope, orientation of habitable rooms away from major noise sources and of acoustically attenuated mechanical ventilation as necessary to achieve internal room- and (if provided) external amenity noise standards in accordance with the criteria of BS8233:2014. The approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: In the interests of the health and wellbeing of neighbouring residents and occupiers/users of the application site subject to the development, in accordance with Policies RE7 and RE8 of the Oxford Local Plan 2036.

11. Prior to the commencement of development, a maintenance plan for the proposed sedum roof shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented prior to occupation and maintained thereafter.

Reason: To ensure the longevity of this new green infrastructure in accordance with policy G8 of the Oxford Local Plan 2036.

12. Prior to the commencement of development, a scheme of ecological enhancements shall be submitted to, and approved in writing by, the Local Planning Authority to ensure a net gain in biodiversity will be achieved. The scheme shall include details of new landscape planting of known benefit to wildlife and provision of artificial roost features, including specifications and locations of bird and bat boxes. Other features such as invertebrate houses shall also be detailed. The approved details shall be implemented prior to occupation.

Reason: To comply with the requirements of the National Planning Policy Framework, the Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981 (as amended) and Policy G2 of the Oxford Local Plan 2036.

13. Prior to occupation of the development, details of external lighting for the buildings, features or areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to prevent disturbance to light sensitive wildlife such as bats. Only the approved external lighting shall be installed.

Reason: The prevention of disturbance to species within the site during operation in accordance with Policy G2 of the Oxford Local Plan 2036.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones" including off-site receptors (most notably Badgers);
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The prevention of harm to species and habitats within and outside the site during construction in accordance with Policy G2 of the Oxford Local Plan 2036.

15. Prior to the commencement of development, a flood warning and evacuation

plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved plan shall be in place prior to the first occupation of the development.

Reason: To ensure that safe access and egress can be provided in the event of a flood in accordance with policy RE3 of the Oxford Local Plan 2036 and the NPPF.

#### INFORMATIVES :-

- 1 Construction and demolition works and associated activities at the development, audible beyond the boundary of the site should not be carried out other than between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Public/Bank Holidays, unless otherwise agreed with the Environmental Health Officer.

At least 21 days prior to the commencement of any site works, all occupiers surrounding the site should be notified in writing of the nature and duration of works to be undertaken. The name and contact details of a person responsible for the site works should be made available for enquiries and complaints for the entire duration of the works and updates of work should be provided regularly. Any complaints should be properly addressed as quickly as possible.

No waste materials should be burnt on site of the development hereby approved. All waste materials and rubbish associated with the construction should be contained on site in appropriate containers which, when full, should be promptly removed to a licensed disposal site.

- 2 Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. Initially the outside party should contact [assetprotectionwestern@networkrail.co.uk](mailto:assetprotectionwestern@networkrail.co.uk).
- 3 The applicant must meet the obligations under the demarcation agreement of 15th March 1996 which include submitting plans for approval via Property Services in addition to securing an Asset Protection Agreement. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.
- 4 Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable

drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels - if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

- 5 Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.
- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
7. The development hereby permitted is liable to pay the Community Infrastructure Levy. The Liability Notice issued by Oxford City Council will state the current chargeable amount. A revised Liability Notice will be issued if this amount changes. Anyone can formally assume liability to pay, but if no one does so then liability will rest with the landowner. There are certain legal requirements that must be complied with. For instance, whoever will pay the levy must submit an Assumption of Liability form and a Commencement Notice to Oxford City Council prior to commencement of development. For more information see: [www.oxford.gov.uk/CIL](http://www.oxford.gov.uk/CIL)

## **16. APPENDICES**

**Appendix 1 – Site location plan**

## **17. HUMAN RIGHTS ACT 1998**

- a. 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.

## **18. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

- a. 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.