

West Area Planning Committee

9 November 2011

Application Number: 11/02248/FUL

Decision Due by: 1 November 2011

Proposal: Demolition of former school canteen. Erection of 26 en-suite student rooms with shared facilities, 2 parking spaces for disabled students, 26 covered cycle spaces and bin store.

Site Address: 51 Union Street, Oxford – Appendix 1

Ward: St Clement's Ward

Agent: John Philips Planning
Consultancy

Applicant: Crampton Smith Properties

Recommendation: Committee is recommended to support the proposals in principle but defer the application in order to allow an accompanying legal agreement to be drawn up and to delegate to officers the issuing of planning permission on its completion.

Reason for Approval:

- 1 The proposed development is considered to make an efficient and appropriate use of the site with the scale, form and appearance of the new buildings relating satisfactorily to their context and offering a visual enhancement to the poor quality structure currently existing on site. Whilst the proposed development would result in the loss of an employment site the Council consider the application site to be unsuitable for future B1 use due to the lack of parking facilities and the awkward relationship that the site has with the neighbouring primary school and surrounding residential area. The proposals would preserve reasonable levels of residential amenity and should result in a net reduction in vehicular traffic such that highway safety is improved to the benefit of the neighbouring East Oxford Primary School. The proposals therefore accord with policies CP1, CP6, CP8, CP9, CP10, CP11, HS19, TR3, TR4, NE15 and NE16 of the Oxford Local Plan 2001-2016 and policies CS2, CS17, CS18, CS25 and CS28 of the Oxford Core Strategy 2026.
- 2 The Council considers that, by virtue of the provisions to be made under the section 106 agreement, the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation

and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Full Time Students Only
- 4 Details of Occupier on Building
- 5 Warden or Student Representative
- 6 Management Controls
- 7 No Music from Midnight to 10am
- 8 Samples of Materials
- 9 Means of Enclosure Details
- 10 Landscape Plan
- 11 Landscape carry out by completion
- 12 No Lopping, Felling etc
- 13 Tree Protection Measures
- 14 Bin and Cycle Storage
- 15 Sustainable Drainage Scheme
- 16 No Cars
- 17 Construction Traffic Management Plan
- 18 Variation of RTO

Legal Agreements: The following contributions are required to mitigate the impact of the proposals on City and County Council services and infrastructure. The contributions set out below are index linked to 2006 levels and should be increased accordingly at the time of payment:

- £1,638 towards library infrastructure and bookstock (County Council)
- £3,588 towards cycle safety measures (County Council)
- £1,560 towards indoor sport provision (City Council)
- £200 reasonable administration and monitoring costs

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP8 - Design Development to Relate to its Context
CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP11 - Landscape Design
CP13 - Accessibility
CP19 - Nuisance
CP21 - Noise
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE15 - Loss of Trees and Hedgerows
NE16 - Protected Trees
HS19 - Privacy & Amenity

Core Strategy

CS2 - Previously developed and greenfield land
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS25 - Student accommodation
CS28 - Employment sites

Other Material Considerations:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPG13 – Transport

Planning Obligations SPD – Adopted April 2007

Parking Standards, Transport Assessments and Travel Plans SPD – Adopted February 2007

Sites and Housing DPD Preferred Options Consultation Paper – Published June 2011

Draft National Planning Policy Framework – Published July 2011

Relevant Site History:

49/00490/A_H - Erection of School Canteen – Permitted May 1949

99/00218/NF - (24 study bedrooms with shared facilities on 1st & 2nd floors). 2 car parking spaces & servicing space access – Withdrawn November 1999

99/01095/NF - Change of use from school canteen to business use (B1 A) on a personal and temporary (5 years) basis – Permitted January 2000

06/00883/FUL - Retention of B1(a) use on a personal basis of former school canteen – Permitted July 2006

Representations Received:

Objection received from East Oxford Primary School citing the following reasons:

- Concern over the increasing amount of student accommodation that is being built in the surrounding area.
- The only entrance to the site is through one of the main school entrances and staff car park – an access route used all day by staff, parents, children and other service suppliers. The shared access and therefore lack of independent entrance to the proposed accommodation is therefore highly inappropriate.
- The scheme provides for a limited amount of external amenity space and this makes it likely that some students will be tempted to make use of the adjacent all weather pitch and school grounds. Additional use of the School site is a serious concern in terms of the School's duty to safeguard children.
- The School has concerns over the considerable overlooking of play areas which are part of the School's learning environment and used all day. This overlooking is not appropriate.
- The bin collection point is a long way from the bin store and experience of student accommodation in East Oxford suggests that a lack of foolproof arrangements for rubbish can easily be a cause for unhygienic mess which is a hazard to school children.
- Students may have guests who might regard the School parking spaces as a legitimate area to park. In addition, parents who come to drop off and collect students and their luggage may see fit to park in the adjacent school parking spaces. This could very easily be a source of friction.

Objection received from 42 Union Street citing the following points:

- The buildings will remove privacy to the rear of the property by overlooking the garden and rear bedrooms;
- Despite having only two parking spaces there will be increased traffic and there will be many more pedestrians using Union Street as a cut through to and from the buildings as well as those residing in the much larger student development approved on the Travis Perkins site resulting in more late night disturbance;
- There is a strain on the drainage/sewage system already and with the development proposed there would be a greater risk of flooding/sewage spills locally.

Oxford Civic Society – The proposal development appears crowded and is for students of unspecified colleges.

Statutory and Internal Consultees:

Oxford City Council Tree Officers – Comments incorporated into report

Oxfordshire County Council Highways Authority – No objection subject to the following conditions:

- The proposed units must only be for student accommodation;
- Prior to development commencing, a scheme in the form of a management and monitoring plan shall be approved ensuring that no occupants shall bring or keep motor vehicles in Oxford;
- Cycle parking must be provided in accordance with the Oxford Local Plan standards;
- A cost of £138 per student bedroom as a transport contribution towards cycle safety measures shall be met by the applicant through a Unilateral Undertaking with Oxfordshire County Council.

Oxfordshire County Council – The development, if implemented, will impact upon County Services and Infrastructure and the County Council wish to secure a legal agreement for appropriate financial contributions towards measures to mitigate the effects of the development before any planning permission is granted in accordance with Oxford City Council's Planning Obligations SPD. The SPD requires a library infrastructure and bookstock contribution of £63 per student index linked to 2006.

Officers Assessment:

Site Description

1. The application site relates to a former school canteen building and its curtilage which originally formed part of the Oxford County Junior and Secondary School (now East Oxford Primary School). The building is of a single storey concrete framed construction and appears to be in a poor state of repair such that it has reached the end of its useful lifespan. Access to the site is only achievable, either for pedestrians or vehicles, via the main access road to East Oxford Primary School off Union Street. Residential gardens of properties along Union Street and Morrell Avenue surround the northern half of the site and to the south lies East Oxford Primary School and an all weather playing surface available to members of the public outside East Oxford Primary School hours.

2. The site was previously allocated in the Oxford Local Plan 1991-2001 for development connected with the adjacent all weather playing surface though this allocation was not carried through into the current Local Plan or Core Strategy. Since 1999 it has been used on a personal basis by People and Planet, a student run charity organisation since 1999. The charity has recently vacated the site and the buildings are therefore currently empty.

Description of Proposal

3. The application seeks permission for the erection of 2 x two storey buildings of contemporary design providing 26 en-suite student rooms along with four associated amenity rooms providing kitchen/dining and lounge space. The larger of the two buildings is oriented in a west-east direction and features 22 of the student rooms and all four of the shared amenity rooms. The smaller building comprises four student rooms and lies to the north of the site; orientated at right angles to the main building.

4. The proposals also include provision for both bin and cycle stores as well as two disabled car parking spaces at the front of the site which could also be used for cars

during the loading/unloading of student effects at the beginning and end of academic terms.

5. As part of the application an existing Ash tree located along the western boundary of the site is proposed to be removed. Some replacement landscaping works are proposed as mitigation.

Issues:

6. Officers consider the principle determining issues to be:

Loss of Employment Land
Principle of Student Accommodation
Built Form, Appearance and Layout
Impact on Residential Amenity
Trees
Highways, Access and Parking
Planning Obligations

Loss of an Employment Site

7. As a result of the planning permission granted in 2006, the last lawful use of the application site was for B1 (Business) use and it is therefore, for the purposes of the Council's Development Plan, an 'employment site'. Policy CS28 of the Oxford Core Strategy 2026 states that '*planning permission will only be granted for the change of use or loss of an employment site, subject to the following criteria:*

Either

- *Overriding evidence is produced to show that the premises are presently causing and have caused significant nuisance or environmental problems that could not have been mitigated;*

Or

- *No other future occupiers can be found despite substantial evidence to show that the premises has been marketed both for its present use and for potential modernisation/regeneration; **and***
- *The loss of jobs would not reduce the diversity and availability of job opportunities and does not result in the loss of small and start-up business premises.*

8. Planning permission was granted in 1999 for the use of the former canteen buildings as B1(a) [offices] use on the basis that the permission was restricted to People and Planet only, that the hours of use were restricted to 8am-8pm and because the permission was temporary for five years. The small number of staff employed by People and Planet and the nature of the organisation (office based with few visitors/deliveries and few environmental impacts) ensured that the Council considered the particular circumstances and characteristics of the organisation to be appropriate to the site when other employment uses would not have been. The Council imposed these conditions due to concerns that unrestricted B1 employment use would conflict with the residential amenity of the surrounding area as well as the operation of the neighbouring school as a result of the narrow shared access and lack of parking spaces.

9. Following the expiration of the original planning permission in 2005, People and Planet remained at the site and applied for planning permission again. The Council again saw fit to impose conditions restricting the permission to People and Planet as well as limiting the hours of operation. However, in light of the lack of identified adverse impact on the surrounding area during the previous five years it was not considered necessary to impose another temporary condition. Currently the site is capable of being used by any operation falling within the B1 (Business) use class and only subject to the 8am-8pm hours of operation condition. Officers consider unrestricted Business use to be undesirable however given the concerns previously acknowledged by the Council with respect to residential amenity and highway safety.

10. Officers therefore retain the same view taken in 1999 that the site is generally unsuitable for any form of employment use as a result of its location to the rear of a residential area, the lack of parking spaces and the shared access with the adjacent school. In addition, officers consider it extremely unlikely that another occupier with the same low key characteristics as People and Planet could be found and, as stated above, there is no now requirement to do so.

11. Consequently, officers consider it likely that if the premises were to continue in employment use then the site would be occupied more intensively than by People and Planet and that this would generate greater vehicle movements and additional disturbance for occupiers of neighbouring dwellings. This could lead to greater congestion in Union Street and might conflict with the safety of children, staff and parents attending East Oxford Primary School

12. Officers therefore consider the continuation of an employment use at the site to be unsatisfactory and that the proposed loss of an employment site would meet the requirements of policy CS28 of the Core Strategy

Principle of Student Accommodation

12. The site represents previously developed land and policy CS2 of the Core Strategy seeks to focus new development on such land to prevent the unnecessary development of greenfield land. The supporting text to policy CS2 adds that providing new housing on previously developed land within the existing built-up area of Oxford enables people to live closer to shops, services and places of work which can reduce the need to travel as well as help to sustain existing local businesses.

13. The development of purpose built student accommodation as part of achieving balanced housing delivery is supported by policy CS25 of the Core Strategy and it states that such student accommodation should be 'designed and managed in a way that attracts students to take it up'.

14. Notwithstanding the current application, officers consider it relevant for Members to give regard to what officers consider to be the relative lack of other suitable alternative forms of development that could take place on the site as a result of its backland location, limited parking availability and shared access with East Oxford Primary School. Indeed officers consider that almost any other use of the site would be likely to create additional and unacceptable levels of traffic movements and parking pressures adversely impacting the day-to-day school operations and the safety of children going to/leaving school.

Built Form, Appearance and Layout

15. The application proposes 2 x two storey buildings orientated at right angles to one another which are of contemporary design utilising a combination of brick and pale rendered external walls with horizontal timber cladding between the fenestration. The surrounding area features mostly two storey semi-detached family sized houses of varying appearance and form. The proposed buildings are of a similar height to that found in the surrounding area with an overall design and material choice that would complement the variety of styles found in the immediate surroundings.

16. The buildings would, in the main, not be visible from Morrell Avenue or Union Street since they would be screened by existing houses and by the existing and proposed landscaping surrounding the application site. Some views of the proposed buildings may however be possible from between the blocks of houses on both streets but, in any event, officers consider the buildings to form an appropriate visual relationship with the surrounding area such that they would sit well within the streetscene.

17. Whilst there is little external space proposed, officers note the generous provision of communal/amenity rooms inside the buildings as well as the close proximity of the site to South Park and other local amenities and conclude that the level of amenity provision is satisfactory.

18. Officers recognise that some concern has been raised by East Oxford Primary School with respect to waste collection and management. It is currently proposed that the student representative/warden would be responsible for taking waste bins to the proposed waste collection point (on Union Street) since the access road is not accessible by Council waste collection vehicles. Officers however recommend that a condition be imposed requiring the details of waste management to be agreed prior to the commencement of the development so as to ensure that there is no adverse impact on the operation of the adjacent East Oxford Primary School.

Impact on Residential Amenity

19. Policy CS25 of the Core Strategy states that student accommodation will not be permitted where it would have an unacceptable impact on the amenity of local residents. In this regard Officers recognise that the site is at a backland location to the rear of residential properties in both Union Street and Morrell Avenue. However, due to the significant lengths of the rear gardens of these properties the buildings achieve a minimum of a 26m distance between their closest points. This distance, coupled with the modest height of the proposed buildings (maximum 6m) ensures that they will not be overbearing on existing properties and have sufficient window to window distances such that there would not be overlooking directly into the rear windows of existing dwellings.

20. Officers note that the buildings have been designed to minimise overlooking with the smaller building (sited closest to the Union Street dwellings) having no bedroom windows on the north elevation. The larger of the two proposed buildings does have a number of windows on the north elevation though this building is proposed to be located further back into the site such that it achieves a minimum distance of 30m to the rear walls of the Union Street houses.

21. To the west and east of the site the rear gardens of properties are even longer with the result that overlooking of only the far ends of the gardens would be realistically likely. To the south-east of the site lies 11, 12, 14 and 15 Ablett Close however the ground level rises up between the application site and these properties such that they will be difficult to view from the proposed buildings and vice versa.

22. The proposed outdoor amenity space is may attract students to enjoy the outside, particularly during more pleasant weather. Officers however consider that the significant distances between the existing houses and the site as well as the existing landscaping will ensure that the privacy of adjacent dwellings is not significantly harmed. Officers would additionally point out that the existing properties are of semi-detached or terraced form and therefore already experience a significant degree of overlooking from neighbouring properties.

23. Whilst officers are satisfied that the modest number of students would not cause nuisance to neighbouring occupiers it is recommended to impose conditions to restrict the playing of music from midnight until 10am (as has been imposed on other similar approved developments) as well as requiring a warden or student representative to live on site at all times and for them to have day to day management responsibilities

Trees

24. The application proposes the retention of the vast majority of the trees currently on the site and officers consider the proposals to provide satisfactory protection for the existing trees such that both trees on the site and off the site will not be harmed by the development or during the construction process. The trees currently on site are a mixture of Ash, Sycamore and Leyland Cypress and one Ash tree is proposed for removal to allow 2 car parking spaces to be provided. The tree proposed to be removed is however considered by officers to be of limited public amenity value. Officers recommend imposing a condition requiring the submission of a landscaping plan to ensure that appropriate species are planted along the northern boundary to help protect neighbouring amenity and supplement the existing tree coverage.

Highways, Access and Parking

25. The previous use of the site by People and Planet resulted in very few traffic movements and involved the informal use of surrounding hardstanding as occasional parking spaces. Policy CS25 of the Core Strategy states that planning permission will not be granted for new student accommodation unless appropriate management controls are secured, including an undertaking that students do not bring cars to Oxford. The application reflects this policy by accepting the requirement for such management controls and by providing for only two parking spaces that would be used only by disabled students or for the very occasional loading and unloading of student effects at the beginning and end of academic years. Officers consider this balance of parking provision to be acceptable and realistic so as to prevent any conflict with the adjacent school's parking area yet essentially resulting in a car-free development.

26. Given the car-free nature of the student accommodation officers consider that the scheme overall would be likely to generate less traffic movement than the site's

previous use by People and Planet. As such, the proposals should result in an improved relationship with the adjacent school to the benefit of highway and pedestrian safety particularly with respect to parents and children attending East Oxford Primary School. Oxfordshire County Council as the local highway authority does not object to the proposed development providing a suitable management plan is in place to prevent students from bringing cars to the City and that the development is excluded from eligibility for residents of visitors parking permits.

27. Officers welcome the proposed erection of a secure and covered cycle store capable of accommodating 26 cycles. This provision exceeds that required by policy TR3 of the Local Plan and will help to ensure that students utilise more sustainable modes of transport during their study time in Oxford.

Planning Obligations

28. The development of additional student accommodation can put pressure on existing services offered by both the City and County Councils. As such, and in accordance with the Council's Planning Obligations SPD, prior to the granting of planning permission financial contributions towards cycle safety, libraries and indoor sports provision should be paid to mitigate the impact of the development. The level of contributions required is set out at the beginning of this report. The applicants have indicated that they are prepared to make the required contributions subject to Committee resolving to grant planning permission.

Sustainability

29. The proposed development is located in a relatively central location well served by public transport and which is close to universities and colleges in addition to the amenities and services typically used by students.

30. The buildings are designed to meet the requirements of Part L of the Building Regulations and photovoltaic panels will be installed on south facing roofs to generate part of the energy needs of the building. Low energy light fittings will be fitted both internally and externally.

Conclusion:

31. Officers consider the proposed development to make an efficient and appropriate use of the site with the new buildings forming an appropriate visual relationship with the surrounding area. Whilst the proposed development would result in the loss of an employment site officers consider the application site to be unsuitable for future B1 (office/light industrial) use due to the lack of parking facilities and the awkward relationship that the site has with the neighbouring primary school and surrounding residential area. The proposals are considered to preserve reasonable levels of residential amenity and are likely to result in a reduction in car movements thereby improving safety for pedestrians and vehicles alike. The proposals therefore accord with all relevant policies of the Development Plan and officers recommend approval accordingly.

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 99/00218/NF, 99/01095/NF, 06/00883/FUL & 11/02248/FUL

Contact Officer: Matthew Parry

Extension: 2160

Date: 25 October 2011

Appendix 1 – Site Location Plan

Appendix 1

