

**West Area Planning Committee**

**11 January 2012**

**Application Number:** 11/02447/FUL

**Decision Due by:** 21 November 2011

**Proposal:** Demolition of rearmost building. Erection of 5 storey building to comprise 44 student study rooms plus wardens accommodation.

**Site Address:** Cantay House 36 - 39 Park End Street Oxford [Appendix 1]

**Ward:** Carfax Ward

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Cantay Investments Ltd

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**Recommendation:** Committee is recommended to support the proposal in principle but to defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the notice of planning permission.

### **Reasons for Approval.**

- 1 The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The development would be car free and the site lies in a sustainable location. The proposed student accommodation would be served by adequate amenity areas to the front and rear of the new building together with bin storage and cycle parking. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 Four letters of objection have been received to the proposals. However the points raised do not constitute sustainable reasons for refusing the application and appropriate conditions can be added to the planning permission to ensure a development which would not adversely impact on the amenities enjoyed by neighbouring occupiers.
- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

## **Conditions.**

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Landscape plan required
- 5 Landscape carry out after completion
- 6 Cycle parking details required
- 7 Bin storage
- 8 Flood Risk Assessment
- 9 Landscape Management Plan
- 10 Arch - Implementation of programme - Bronze Age and Early Modern remains
- 11 Provision of fire hydrants
- 12 External lighting
- 13 Sustainability measures
- 14 No cars agreement
- 15 Out of term use
- 16 Full time students only
- 17 Day to day management
- 18 Retain warden accommodation

## **Planning Obligation.**

- £49,984 towards infrastructure improvements in the West End [City]

## **Principle Planning Policies**

### Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- HE2** - Archaeology
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space

### Core Strategy 2026

- CS1** - Hierarchy of centres
- CS2** - Previously developed and greenfield land
- CS5** - West End
- CS9** - Energy and natural resources
- CS10** - Waste and recycling
- CS11** - Flooding
- CS13** - Supporting access to new development
- CS17** - Infrastructure and developer contributions
- CS18** - Urban design, town character, historic environment

**CS21** - Green spaces, leisure and sport  
**CS25** - Student accommodation

West End Area Action Plan

**WE1** - Public realm  
**WE10** - Historic Environment  
**WE11** - Design Code  
**WE12** - Design & construction  
**WE14** - Flooding  
**WE18** - Student accommodation  
**WE30** - Streamlined contributions

Other Material Considerations:

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPG13 - Transport

Relevant Site History:

11/02181/FUL: Demolition of external stairs and rear most building. Change of use and alterations of retained building on ground and first floors from use class D1 [conference use] to use class B1 [A] [offices]. New escape staircase. Redevelopment of rear building and erection of 5 storey building to comprise 9 x 2 bedroom flats, cycle parking, bin stores and landscaping. Withdrawn.

11/02446/FUL: Demolition of rearmost building. Erection of 5 storey building consisting of 9 x 2 bedroom flats with cycle parking, bin stores and landscaping. Approved but called to Planning Review Committee on 22 December 2011.

**Public Consultation**

Statutory Consultees

Highway Authority: No objection. The site is within a 5 minute walk to Oxford rail station to the west and the city centre to the east. The entrance yard will be secured by a brick wall and gate and contain cycle shelters for 50 cycles. Vehicular and pedestrian access to Cantay House is from Park End Street. Pedestrian and cycle access to the student accommodation will also be from Park End Street through a pedestrian gate and over a dedicated and marked walkway. A condition should be imposed preventing the resident students from bringing cars into Oxford.

Thames Water: No objection on grounds of water or sewerage infrastructure.

Environment Agency: No objection subject to the development being carried out in accordance with the approved Flood Risk Assessment; Landscape Management Plan for all communal landscaped areas.

Third Party Comments:

Oxford Civic Society: Speculative student accommodation is not appropriate and the

site should be developed for flats.

Individual Comments: The proposed building is too high and would close off the last bit of open space along the Wareham Stream; the visual impact of the new building would be considerable; more student accommodation would be too great a concentration in a small area with more noise and disturbance especially at night; the existing circle of buildings act as an echo amphitheatre and a higher building will make this worse; if permission is granted could due consideration be paid to construction timings.

## **Officers Assessment:**

### **Site Description**

1. Cantay House lies on the south side of Park End Street and within the area defined in the West End Action Area Plan. The buildings are not listed and do not lie within a conservation area.
2. The application site relates only to the former garage building at the rear of the site which has been used for storage purposes in the past and is now the main conference hall. It is a brick building with large garage doors and a maximum height of 10 metres. It lies between the more substantial Cantay House buildings fronting Park End Street and a traditional, brick built development of residential flats with access off St. Thomas Street.
3. In support of the application, the agent maintains that it would not be cost effective to convert the existing building which is of limited merit and not prominent in the public realm.

### **Proposals**

4. The application seeks planning permission for the demolition of the existing building and the erection of a new building, laid out over 5 floors, to provide 44 student study rooms together with warden accommodation. The scheme also includes the provision of 50 covered cycle rack together with landscaping to the front and rear of the new building. Pedestrian access to the site would be from Park End Street and also via the existing footway adjacent to the rear of Cantay House.
5. The proposed building would possess a flat roof with the top floor inset within a lightweight structure. On each of the lower floors there would be two student accommodation clusters, each with 5 study bedrooms and a shared kitchen. The top floor would have only 4 study bedrooms with a shared kitchen together with a small warden's flat and a plant/boiler room. The new building would have a contemporary appearance and would be erected using facing brick with concrete faced banding and timber cladding.
6. Officers consider the principle determining issues in this case to be:
  - planning policy;
  - flooding;

- form and appearance;
- private amenity space;
- impact on neighbours;
- highways and parking;
- landscaping;
- biodiversity; and
- sustainability

## **Planning Policy**

7. PPS3 identifies the need to make efficient use of land and this is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity; however it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. The site constitutes previously developed land and no in principle objection is raised to its redevelopment.
8. The site lies within the West End and policy WE18 of the West End Area Action Plan acknowledges that the area is suitable for some additional student accommodation; however this should not jeopardise the need to achieve a balanced and mixed community. Policy WE18 states that where speculative student accommodation is proposed, occupancy restrictions will be secured to ensure that the accommodation is only available to full time students studying at Oxford Brooks and Oxford University,
9. The Oxford Core Strategy has now been adopted and is the overarching document of the Local Development Framework within Oxford which all other development plan documents lead from [including the WEAAP]. As a result of its adoption, policy HS14 of the Oxford Local Plan which deals with speculative student accommodation, has now been cancelled.
10. This has been replaced by policy CS25 of the Core Strategy which states that planning permission will be granted for student accommodation which is restricted in occupation to students in full-time education on courses of an academic year or more. Appropriate management controls will be secured, including an undertaking that students do not bring cars into Oxford. The main difference between this policy and policy WE18 of the WEAAP is that reference to Oxford Brooks and Oxford University has been removed. As the Core Strategy is the most recent development plan document, it holds significant weight in the determination of this application.

## **Flooding**

11. The Flood Risk Assessment [FRA] submitted with the application makes the following conclusions:
  - the site is located in Flood Zones 1 and 2;
  - the flow from the site will be reduced due to the soft landscaping proposed;

- the finished floor level of the proposed building would be set at a minimum of 700 mm above the 100 year flood level;
  - ground levels should remain as existing;
  - there is a low flooding risk from river and ground water; and
  - there is a low risk of overland flow from surrounding areas to the site.
12. The Environment Agency has now removed its original 'holding objection' and are now raising no objection to the proposal subject to the development proceeding in accordance with the FRA and the imposition of a condition requiring the submission of a landscape management plan.

### **Form and Appearance**

13. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for development that shows a high standard of design, that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that the siting, massing and design of any new development should create an acceptable, visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation and private amenity space.
14. The proposed new building would be erected using facing bricks with concrete faced banding together with timber cladding and would have a height of some 14 metres. The front elevation of the new building would face away from the stream and would have a large amount of glazing. The elevation facing the stream would have six windows per floor [4 windows on the top floor] and would be broken up with timber cladding. The eaves height of the new building would be very similar to the adjoining buildings to the south and east and its overall height would be over a metre lower than the adjoining Cantay House buildings. The new building would appear modern and bold and is considered to be sympathetic to the character of the area including the recently constructed contemporary developments at Stream Edge.

### **Amenity Space**

15. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for new development proposals involving residential uses where inadequate or poor quality open space is proposed. Whilst there is no specific requirement to provide amenity space for student accommodation, officers consider that some outdoor amenity space should be provided for use by students in their leisure time.
16. Given the physical constraints of the site, it is not possible to provide extensive amenity areas in this case. At the front of the new building, it is proposed to provide 50 covered cycle racks which would utilise much of the space available although the plans do show the provision of benches.

At the back of the new building, facing towards the stream, would be a larger sitting out area which would be enhanced by shrub and tree planting. It is considered that this provision of amenity space is acceptable, particularly given the proximity of the site to public sitting out areas by the stream and the Oxford Canal.

## **Impact on Neighbours**

17. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupants of the proposed and existing neighbouring, residential properties.
18. In this case, the properties primarily affected by the proposals are the flats at Stream Edge on the opposite side of the Wareham Stream and flatted development to the south accessed from St. Thomas' Street. In addition there are residential units to the west at The Old Bakery site. The building to the south of the site, which has a long flank wall running along the boundary with the application site and which would be only 1.8 metres away from the side wall of the new building, contains only small windows serving mainly corridors and other non-habitable rooms. There would not therefore be any loss of privacy to these properties.
19. Stream Edge, opposite the site, comprises a four storey flatted development with balconies looking towards the site. The proposed new building is significantly larger than the existing building on the site and clearly, outlook from the Stream Edge flats will be affected. However the distance involved is some 25 metres and officers consider this to be acceptable in such a tight, urban environment to ensure that the new building does not appear overbearing in the outlook from the flats opposite or affect the amount of daylight they receive.
20. In relation to the residential flats to the west, there is also a separation distance of 22 metres between these units and the front wall of the proposed new building and this is also considered to be acceptable. There are no upper floor balconies on either the front or rear elevations and all of the windows serve only study bedrooms, shared kitchens or communal stairwells.
21. Concern has been raised that occupation of the new building by 44 students will cause additional noise and disturbance to nearby residents, especially at night. However the proposal includes a small flat for a resident warden and a condition is recommended to ensure this is retained and not lost to provide a further study bedroom. A further condition requires details of the day to day management of the student accommodation.

## **Landscaping**

22. The application is accompanied by a landscaping scheme which includes the planting of 4 new trees together with shrub planting to the rear of the building facing towards the stream and further shrub planting to the front of the new building. Officers welcome the planting of new trees in a tightly constrained area where currently none exist. The landscaping scheme includes a predominantly evergreen framework of shrub and herbaceous perennial planting to provide year round cover and interest.
23. Officers however consider that there is further scope to plant new trees at the front of the building and for this reason, a landscaping condition is recommended to secure additional planting. It is the case that 6 new birch trees were proposed for the current residential scheme on the same site and it is considered that this level of planting should be maintained on the current scheme.
24. Officers take the view that the landscaping proposals, together with additional tree planting required by condition, will positively enhance the appearance of the site and will also provide a foil to the new and existing buildings.

### **Biodiversity**

25. Policy CS25 of the Core Strategy states that new developments will be expected to enhance Oxford's biodiversity where there is an opportunity. In this case, the existing stream which borders part of the site provides such an opportunity and in particular officers consider that new nesting facilities for Kingfishers and Sand Martins would be appropriate. An informative is recommended to encourage the applicants to consider such provision.

### **Sustainability**

26. The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal constitutes a sustainable form of development in that it would make more efficient use of an existing brownfield site.
27. The application is accompanied by an Energy Statement that sets out the passive and active energy efficiency measures that will be considered and, if feasible, incorporated into the development. The report considers the form of the development and its orientation in terms of sunlight and solar gain; the shape and mass of the building in terms of low energy use; the installation of a high efficiency natural gas boiler plant, lights, pumping arrangements and heating/hot water systems and the possibility of installing centralised plant; the use of sustainable materials with a green guide rating of A or A+ together with measures to reduce water usage.
28. In terms of renewable energy, the report confirms the use of solar water heating as the most appropriate low carbon technology for the site given



its restraints in terms of site area and limited roof area for the use of photovoltaics.

**Conclusion:**

29. The proposal forms an appropriate visual relationship with the site and the surrounding development and would contribute to the character and appearance of the area. The development would be car free and the site lies in a sustainable location. The proposed student accommodation would be served by adequate amenity areas to the front and rear of the new building together with bin storage and cycle parking. No objections have been received from statutory consultees and the proposal complies with adopted policies contained in the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

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

**Background Papers:**

11/00218/FUL  
11/02446/FUL  
11/02447/FUL

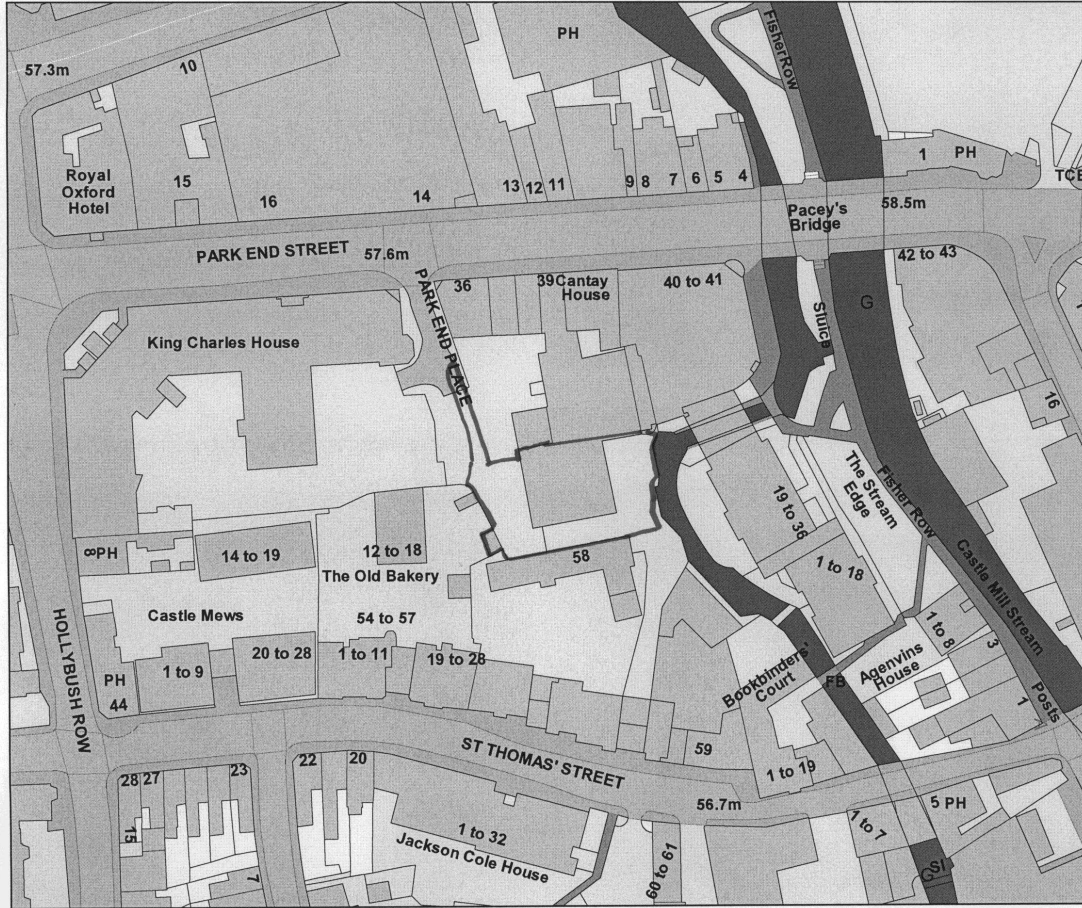
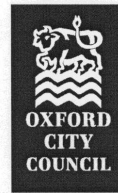
**Contact Officer:** Angela Fettiplace

**Extension:** 2445

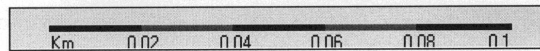
**Date:** 13 December 2011

# Appendix 1

## Cantay House, Park End Street, Oxford



Legend	
Scale:	1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	13 December 2011
SLA Number	Not Set