

Application Number: 11/02881/FUL

Decision Due by: 6th February 2012

Proposal: Extension to existing student accommodation at Castle Mill to provide additional 312 postgraduate units consisting of 208 student study rooms, 90 x 1 bed graduate flats and 14 x 2 bed graduate flats, plus ancillary facilities, 360 covered cycle spaces and 3 car parking spaces.

Site Address: Castle Mill, Roger Dudman Way, **Appendix 1.**

Ward: Jericho And Osney Ward

Agent: Terry Gashe

Applicant: The University Of Oxford

Recommendation: Committee is recommended to support the development in principle but defer the application in order to draw up an accompanying legal agreement and delegate to officers the issuing of the Notice of Planning Permission on its completion.

Reasons for Approval.

- 1 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.
- 2 The development seeks to provide purpose built student accommodation at a site allocated for the purpose which is already partly built out for that use, and where the previous planning permission for the remainder of the site remains extant. The site is a brownfield one and lies adjacent to the main line railway into Oxford station to the south and was formerly used for railway related activities. Due to its linear form adjacent to the railway lines and its poor access from Botley Road, the site is ill suited to commercial development, family housing, or other uses which would generate significant levels of traffic. It is well suited to the needs of the University's graduate students however as it would enjoy good links by foot and cycle to the city centre, Walton Street and North Oxford. As such the development makes good and efficient use of the land. Whilst there is some impact in long distance views from Port Meadow, such impact falls to be weighed in the balance with the benefits of the development and the mitigation proposed in response.

- 3 Many of the public comments received express concerns about cycle and pedestrian access to the site, either from Roger Dudman Way or via Walton Well Road to the north. The latter access is intended to be closed during construction. Although these concerns are acknowledged, measures are in hand to create alternative pedestrian routes and to improve current conditions along Roger Dudman Way. On other matters the buildings proposed on up to 5 floors are large but make good use of what might appear an unpromising development site; issues of biodiversity and the relationships to the neighbouring allotments addressed; and the site safeguarded from flood risk. The site is sustainable with good levels of energy efficiency included within the development. There are no objections from statutory organisations.

Conditions

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Student accommodation - management controls
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Landscape management plan
- 8 Car/cycle parking provision before use
- 9 Control of car parking
- 10 Students - no cars
- 11 Restrict delivery times
- 12 Soundproofing from railway noise
- 13 Safeguarding from vibration
- 13 Scheme of lighting and CCTV
- 15 Groundwater quality
- 16 Surface drainage scheme
- 17 Land contamination
- 18 NRIA
- 19 Badgers - management plan.
- 20 Wildlife enhancements
- 21 Construction Environmental Management Plan
- 22 Construction Travel Plan
- 23 Public art

Legal Agreement.

1. Financial contribution towards affordable housing.
2. Permissive public rights for pedestrians and cyclists to pass through the application site.
3. Contribution to indoor sports: £5,100 (City)
4. Contribution to library facilities in the City: £5,355 (County).
5. Contribution to cycling facilities: £11,730 (County).
6. Contribution towards off site landscaping (City): £10,000.

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
CP13 - Accessibility
CP14 - Public Art
CP17 - Recycled Materials
CP18 - Natural Resource Impact Analysis
CP21 - Noise
CP22 - Contaminated Land
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
NE11 - Land Drainage & River Engineering Works
NE12 - Groundwater Flow
NE13 - Water Quality
NE14 - Water and Sewerage Infrastructure
NE21 - Species Protection
NE23 - Habitat Creation in New Developments
HE10 - View Cones of Oxford
SR9 - Footpaths & Bridleways
DS22 - Cripsey Rd, North End Yard - Ox University Use

Oxford Core Strategy 2026.

CS2 - Previously developed and greenfield land
CS4 - Green belt
CS9 - Energy and natural resources
CS10 - Waste and recycling
CS11 - Flooding
CS12 - Biodiversity
CS13 - Supporting access to new development
CS17 - Infrastructure and developer contributions
CS18 - Urban design, town character, historic environment
CS19 - Community safety
CS25 - Student accommodation

Sites and Housing Development Plan Document (DPD) - Proposed Submission

HP5 - Location of Student Accommodation
HP6 - Affordable Housing from Student Accommodation
HP11 - Low Carbon Homes
HP15 - Residential cycle parking
HP16 - Residential car parking
SP26 - Land north of Roger Dudman Way

Supplementary Planning Documents.

1. Planning Obligations (2007)

2. Parking Standards, Transport Assessment and Travel Plans (2006)

Other Policy Documents.

1. PPS1: Delivering Sustainable Communities.
2. PPS3: Transport.
3. PPS5: Planning for the Historic Environment.
4. PPS9: Biodiversity and Geological Conservation.
5. PPS22: Renewable Energy.
6. PPS23: Planning and Pollution Control.
7. PPS24: Planning and Noise.
8. PPS25: Planning and Flood Risk.

Public Consultation

Statutory and Other Bodies.

Highway Authority (i): Details of alternative routes available during construction to be made available; given limited level of vehicle spaces served off Roger Dudman Way, shared use of access road does not give rise to highway safety issues; car free nature of site unlikely to give rise to any material impact on highway infrastructure with regard to cars etc; condition requiring students not to bring cars to Oxford required; cycle parking to be safe, secure and covered conditions; contribution to cycle safety measures of £11,730 required.

Highway Authority (ii): Various details of drainage required in event of permission being granted.

Network Rail: No objection of principle; should not endanger safe operation of railway; if not already provided trespass proof fencing required; no discharge of surface water onto Network Rail land; notification of any change in ground level; buildings at least 2m from common boundary; development should take into account noise issues; certain species only to be planted and none within distance equivalent of height at maturity.

Natural England: No objection to proposals; not likely to have significant impact on Port Meadows with Wolvercote Common and Green SSSI or Oxford Meadows SAC; mitigation of species found on site acceptable; opportunities to introduce features beneficial to wildlife.

Thames Water: No objection on sewerage infrastructure grounds; surface water drainage regulated into to receiving public network; informative suggested on water pressure.

Environment Agency: Site falls within Flood Zone 1 and therefore able to withdraw any objection; suggest conditions relating to contaminated land.

Thames Valley Police Crime Prevention Design Advisor: Do not wish to object but opportunities to design out crime: suggest condition to achieve Secured by Design accreditation; recessed entrances should be no more than 600mm deep; recommend CCTV be installed; boundary treatments to deter casual, intrusion for cycle theft; recommend laminated glass to ground floor windows rather than toughened; support proposals for lighting scheme along Roger Dudman Way.

Environmental Development: Phased risk assessment required for ground contamination.

Third Parties.

Cripley Road Allotment Association: Have been assured development will not cause flooding to allotments due to SUDs proposed; orientation mitigates shading of allotments, but may limit use of 4 plots; dust to be mitigated during construction; noise will be temporary disturbance during construction; trust development will bring improvements in access to Roger Dudman Way as speed humps and poor lighting currently make hazardous.

Other Public Comments:

- Regret loss of route to Walton Well Road during construction.
- Footbridge to Fiddler's island would provide alternative route.
- Footbridge should be provided before development is commenced.
- Existing access along Roger Dudman way poor and dangerous.
- Concerned for safety of pedestrians and cyclists on Roger Dudman Way.
- Need to upgrade Roger Dudman Way and improve lighting.
- Development overambitious in scale with greater density of buildings and solid elevation to cycle route.
- Noise and hours of working need to be limited during construction.
- Construction compound to be located away from existing flats.
- May cause flooding to allotments.
- View across allotments would be lost.

In addition to the above prior to the submission of the planning application the applicant held a series of meetings with ward councillors and representatives of the Cripley Road Allotment Association. A public exhibition of the proposals was also held on 25th October 2011. The main concerns expressed related to existing conditions along Roger Dudman Way, the loss of the pedestrian and cycle route through to Walton Well Road during the construction period, hours of working, and arrangements for vehicle access during construction, especially at the junction with Botley Road.

Officers Assessment:

Background to Case.

1. In August 2000 outline planning permission was granted for a mixed use development of residential and student accommodation on a large tract of land at Roger Dudman Way north of the Sheepwash Channel (Rewley Abbey Stream) on former railway land known as North End Yard. The current application site which forms part of that land is aligned north - south and accessed from the junction of Botley Road with Roger Dudman Way 600m to its south. The linear form of the current application site means it measures approximately 320m in length and 45m in width at its wider southern end, narrowing to 27 m at its northern end where it adjoins the public car parks serving Cripley Road allotments and Port Meadow. In total the application site measures 1.2 ha. (3 acres). **Appendix 1** refers.
2. The outline permission of 2000 was followed by detailed proposals for 87 x 2

bed flats by Persimmon Homes at what is now Venneit Close, and by the University for a development of 354 student units at what is now the University's Castle Mill development. The student accommodation development is occupied by graduates only and is made up of a mix of student study rooms and some larger 1 and 2 bed student flats, representing the first phase of that development. The remainder of the student accommodation has not been laid out however, though its permission remains extant.

3. Shortly after occupation of the student accommodation a cycle and pedestrian route through the site to Walton Well Road was created with permissive rights for use by the wider public. In the years since its opening it has become a well used facility, providing an alternative route between Walton Street and Botley Road avoiding busy city centre streets. The enabling works to this route at Walton Well Road were funded by contributions secured from the outline permission. In total the accompanying S.106 agreement to the outline permission secured:
 - a public cycle route through the site during daylight hours;
 - a transport contribution of £500,000;
 - a social housing contribution of £90,000;
 - a parking enforcement contribution of £5,000; and
 - a footpath improvement contribution of £4,000.
4. Subsequent to these developments other proposals have been permitted on land situated between Venneit Close and the Sheepwash Channel. These were a development of 14 flats granted on appeal at what is now Thames Wharf, and a similarly styled development immediately to its north for 42 student study rooms now commenced construction on site. Proposals to demolish the nursery immediately north of the bridge across the Sheepwash Channel stream and replace it with a new nursery at ground floor level with flats above have not been successful.

Proposals

5. These latest proposals represent a second phase of graduate rooms at Castle Mill but within a reworked scheme which when fully built out would provide some 439 student units in total rather than the 354 previously permitted, an increase of 85 units. As with the phase 1 accommodation, the development consists mainly of single study bedrooms arranged in clusters with a shared amenity / kitchen area; some slightly larger units with a small kitchenette; and larger one and two bed "flats." Typically the accommodation would be occupied for up to 3 years by University graduates, in the main single persons though in some cases couples, occasionally with a child. A small number of rooms would be reserved for visiting academics and students. In addition shared facilities are provided at a central common room.
6. Officers consider the main determining issues in this case to be:
 - built forms and visual impact;
 - access to the site;
 - planning obligations;

- biodiversity;
- sustainability; and
- flood risk.

Built Forms and Visual impact.

7. As the application site is a linear one the development is laid out in a series of 8 linked blocks. As with phase 1 the majority of the blocks are aligned in an east - west direction but with two to the narrower northern end aligned north - south. The 8 blocks accommodate the majority of student rooms whilst set between them are shared facilities such as covered cycle stores, bin storage, laundry room, landscaped spaces and energy centre. Also interspersed between the paired east - west blocks along their eastern edge are 3 "gatehouses" leading to shared foyer areas. A further freestanding communal common room is also provided, though no bar is intended. A 3.8m wide access road for servicing and maintenance purposes would run along the eastern side of the site which would also provide a cycle and pedestrian route through to Walton Well Road on completion. The 3 disabled parking spaces are located along the route.
8. The student rooms in the east - west blocks have their windows facing north and south, avoiding directly overlooking the railway lines to the east and allotments to the west. Within the two north - south blocks corridor access is provided where they face the railway line. There are however one or two student rooms within the gatehouse buildings which do have windows facing the railway lines but these and all other windows along this side of the development are high performance fixed double glazed units to provide light only with additional light and ventilation provided from windows in elevations facing in other directions. The fenestration within the principal eastern elevations is such that there are both vertically and horizontally aligned windows, but in a rhythmical fashion across the blocks of accommodation. Central to each block are full height continuous glazed windows identifying the corridor access at each level of accommodation.
9. The east - west blocks rise to 4 and 5 levels with the linking gatehouse elements set at 3 storeys. The north - south blocks are on 4 levels. The 5 level blocks rise to approximately 17.0m above ground level to the highest point of their pitched roofs, and the north - south ones to 13.0m. The eaves height would be approximately 13.7m and 11.2m respectively. This compares to 13.7m at its highest point in the existing accommodation and 10.4m at eaves. The larger blocks have lift access to all floors whilst 4 rooms are constructed to full disabled standard to add to the two within the existing accommodation. The lift shafts are located "external" to the accommodation blocks with full height vertical glazed slots allowing glimpses both into and out of the lift cars, adding interest to the development. The lift shafts are topped with a glazed cap. A series of entrances to the accommodation blocks along the cycle / pedestrian route plus overlooking windows provide active frontages and natural surveillance to the route.
10. Generally the development responds positively to the particular

circumstances and constraints of the site alongside busy railway lines leading to Oxford station a short distance to the south. As such the architecture is characteristically robust with large building blocks facing east towards the railway line, allowing quieter areas to be created behind. Shadow diagrams accompanying the planning application indicate only a small amount of morning overshadowing of a small number of the allotment plots. The Allotment Association do not object to the proposals. In terms of materials the ground floors of the development are proposed to be of facing brickwork in the main. The upper floors are set on this "plinth" with a 50mm overhang and finished in a textured self cleaning "render" system with timber detailing. Windows are dark grey aluminium units with the roof of standing seam metal construction similar to that used in the existing accommodation.

11. Although the immediate environment of the development consists of railway sidings to the east and allotments to the west, it is also located close to Port Meadow to the north beyond the public car parks at Walton Well Road. Port Meadow is a unique and sensitive location which constitutes an important heritage asset. In this wider context guidance issued in March 2010 in PPS5: *"Planning for the Historic Environment"* is an important consideration. In the guidance the government has re-affirmed its commitment to the historic environment by indicating that heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. It defines the *Historic Environment* as meaning all aspects of the environment resulting from the interaction between people and places and a *Heritage Asset* as:
"a building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets are the valued components of the historic environment."
12. The guidance asks that applicants and the local planning authority have sufficient information to understand the significance of a heritage asset and to understand the impacts that any proposal would have. When making planning decisions Policy HE7.4 of PPS5 explains that local planning authorities should therefore take into account the desirability of sustaining and enhancing the significance of heritage assets and the positive role that their conservation can make to the establishment and maintenance of sustainable communities and economic viability.
13. Policy HE.9 of PPS5 is also relevant as Port Meadow is a designated heritage asset. The policy puts forward the presumption in favour of the conservation of designated heritage assets and advises that any harm needs to be justified and considered against the public benefits.
14. Given the quality of Oxford's built environment and landscape setting, and how they are valued, it is necessary to understand how new additions are perceived and how they relate to their context. The application site is set adjacent to large expanses of open land in the form of the railway lines and public allotments. Although views to and from these areas and immediately beyond would change dramatically as a consequence of the development, they would not be adversely impacted given the nature of their current landscape setting and relationship to the application site. Land at Port

Meadow is more sensitive however. Indeed the very northern tip of the application site falls just within the "View Cone" from Wolvercote where policy HE.10 of the adopted Local Plan seeks to retain significant views and protect the green backcloth to the City from development within or close to a view cone which might detract from them. From the apex of the view from Wolvercote the application site is located in the far distance, approximately 1.7m (2.7km) to the south - east.

15. The view across Port Meadow is a low lying, distant and expansive one across the floodplain of the River Thames towards the centre of Oxford. There is virtually no topographic variation to the view except the wooded hills of East Oxford which are just visible in the background to the left (east) of the view. The open and historic grazed common land of Port Meadow which is publicly accessible plays an important part in the character of the view, providing an historic green setting to the city. The line of trees along the railway line and a variety of more ornamental trees in the gardens of North Oxford reinforce this green setting, from which the "dreaming spires" emerge, seen against the open skyline. The green fore and middle grounds contrast with the colour and texture of the buildings on the skyline, enabling the skyline buildings to stand out in silhouette. The expansiveness of the view means that the spires, towers and domes appear relatively small. Closer to the edge of the built up area it is clear that trees and hedgerows around the perimeter of Port Meadow are not unbroken however and views are afforded from various vantage points through gaps in the greenery towards, in particular, the railway line and residential North Oxford to the east and Wolvercote to the north. These remind the viewer that Port Meadow is not set within open countryside but abuts the built up urban edge of the City in these directions.
16. To the south the application side is glimpsed most readily from closer positions, especially along the footpath which leads from Medley to the termination of Walton Well Road at the public car park there. Although this footpath falls just outside the identified View Cone, views along it remain sensitive even though the broken tree line along the Castle Mill Stream at this point allows the existing student accommodation as well as trains idling on the adjacent railway lines to be glimpsed in the distance during winter months. In the summer these features are largely hidden from view. The views along this path are not "static" therefore but "dynamic" where the juxtaposition of features will vary as the viewer proceeds. The views will also change with the passing of the seasons as the gaps "close" during the summer months, and also with the time of day and with the prevailing weather conditions.
17. Nevertheless there can be no doubt of the significance of the Oxford skyline and its landscape setting as one of the enduring images of the City, an image which in planning terms successive Local Plans have sought to protect. In relation to the current application the pre eminent spires on the skyline from Port Meadow are not impacted to any great degree by the current proposals as they are located to the east. The campanile of St. Barnabas Church is an exception however as it is visible above the tree line and between the groups of trees when viewed from the footpath from Medley, and at some points along that route would be seen behind the new accommodation blocks. This

relationship would not be dissimilar however to that created by the extant permission if that were to be proceed instead. Indeed the University has sought to mitigate the impact of its development by lowering the overall height of the accommodation blocks by 1.2m from that originally submitted in the planning application and offering to fund landscaping along the Castle Mill Stream where gaps in the tree and hedge belt currently exist. No objection of principle is raised to such planting, funding for which can be secured by the S.106 agreement. In addition although some of the images supporting the planning application suggest a light coloured render finish to the upper floors of the principal elevations to the development, in further mitigation the University have suggested examining again the choice of colours, textures and tones to materials for external elevations and roofs in order that the development sit more comfortably within views from Port Meadow..

18. In this context a judgement has to be made as to whether the degree of change to the views and landscape setting in this direction which would result from the proposed development is sufficient to warrant refusal of planning permission, taking into account other benefits and objectives to be weighed in the balance. Certainly it is not the case that the development would be entirely hidden from view from Port Meadow or that there would be no impact from the development on the landscape setting and on public views. Rather officers have come to a conclusion, on balance, that with the mitigation described in place then in similar fashion to the extant permission the impact is not such that taken in context with the benefits of the development in provided much needed purpose built student accommodation at an allocated site that planning permission should be denied.

Access to the Site.

19. The 2000 proposals envisaged a development which would generate only low levels of traffic in response to the circumstances of the site with its single vehicular access point off Botley Road via the private road Roger Dudman Way. Along its southern section maintained by Network Rail the access road serves mainly operational requirements for the railway station. It possesses no segregated footways along this section though traffic calming in the form of speed humps are present at various points. North of the bridge over the Sheepwash Channel the road is owned by the University where segregated footways do exist leading to its student accommodation further north. Parking spaces are allocated here for the Turbo Ted nursery, now operated by the Coop.
20. To serve the developments the 2000 permission allowed a total of 40 car parking spaces to be shared between the residential development and student accommodation. In the event 13 car parking spaces were permitted for the 87 flats at Venneit Close in what was one of Oxford's first large scale low car ownership residential developments, and 27 for the 354 student units. Of the latter only 18 of the spaces were laid out however whilst a further 3 for disabled use are proposed in this current application. As the site adjoins but falls outside the West Oxford Controlled Parking Zone, then none of the residents of the development would be eligible for parking permits within the

controlled zone. A condition would also be applied that a clause in students' tenancy agreement would not permit them to bring private vehicles to the City. Instead a total of 360 cycle spaces are proposed to serve the completed development, in excess of the one space per 2 student study rooms required by the adopted Local Plan or 3 spaces per 4 rooms indicated in the emerging Sites and Housing DPD. The cycle parking is provided in covered, secure conditions at various locations set between the accommodation blocks.

21. Whilst the site is well located for public transport facilities at the railway station and Park End Street, and the cycle and pedestrian route to Walton Well Road and beyond has become well used, other routes are currently lacking. The funding received at the outline stage has allowed this to be addressed by the creation of a footpath link from Roger Dudman Way south of Thames Wharf to the Thames Towpath at Fiddler's Island. Planning permission has already been granted for a permanent structure at this point, similar to that at Walton Well Road. This is due to be erected in the coming weeks. In the meantime a temporary footbridge is in place which both enables the construction work for the permanent bridge to proceed and also permit alternative routes to be available to existing residents and the wider public with the closure of the through route to Walton Well Road. The footbridge allows routes to be created to Port Meadow at Medley; to Botley Road via the towpath to the rear of Abbey Place; and towards Jericho via the footpath under the railway lines alongside the Sheepwash Channel.
22. A lighting scheme for the southern section of Roger Dudman Way from that point where it crosses the Sheepwash Channel to Botley Road is also funded from the S.106 monies previously secured. This replaces the very poor lighting currently present. The northern section owned by the University is already adequately lit. At the time of writing final details of the scheme are being confirmed with Network Rail and First Great Western with installation due to commence in the weeks ahead. From the remaining S.106 funds it is also hoped to improve conditions along the Sheepwash Channel footpath under the railway lines leading to Isis Lock.
23. Whilst the cycle and pedestrian route through to Walton Well Road is required to be closed during the 18 month construction period for health and safety reasons, it would be re opened on completion of the development on a slightly amended alignment. At 3.8m in width (to allow emergency vehicles to access the site if required), the route would be wider than its current 3.0m width.
24. These supporting measures taken together would greatly increase the accessibility of the site and are fully supported by the Highway Authority. It would request however a contribution towards off site cycling facilities in line with its usual requirement. A Construction Travel Plan should also be required to regulate the movement of construction vehicles to and from the site. That can be secured by condition, but in preliminary discussions with officers the University has indicated an intention to avoid vehicle movements at busy times for the nursery, and to provide a lay over facility at Osney Mead Industrial Estate from which vehicles can be called to site when required. It

also indicates that as with its development at the former Radcliffe Infirmary, a banksman would be stationed at the junction of Botley Road and Roger Dudman Way at delivery times in order to facilitate the safe movement of construction vehicles gaining access to the development site.

Planning Obligations.

25. A list of matters to be secured by planning obligation which have been agreed with the applicant appears at the head of this report. The financial contributions are in line with the normal requirements of City and County Councils as set out in the Planning Obligations Supplementary Planning Document (SPD) in terms of library and sports facilities, and as required by the Highway Authority in terms of off - site cycling facilities. The cycle / pedestrian route through the site to Walton Well Road continues that secured by the previous permissions on the land.

26. Following the consideration of the emerging Sites and Housing Development Plan Document (DPD) at Council on 19th December 2011 however, additional financial contributions towards affordable housing as outlined in draft policy HP.6 of that document may be appropriate in certain circumstances. This arises as the emerging DPD now constitutes a material consideration in determining planning applications. The policies in the DPD build upon those of the adopted Core Strategy and are based upon detailed evidence following earlier rounds of consultation. Unlike when drawing up the current Local Plan the production of DPDs is "front loaded" whereby policies are shaped by a greater amount of early evidence gathering and consultation. At the time of writing this stage has now been completed and the DPD has reached the stage where formal consultation is about to take place with a view to an Examination in Public late this year and formal adoption early in 2013.

27. In relation to the current case the emerging DPD policies and existing ones within the adopted Oxford Core Strategy and Local Plan which are especially relevant to the provision of student accommodation at the application site are as follows.

Adopted Oxford Core Strategy: Policy CS.25:

"Planning permission will only be granted for additional academic / administrative accommodation for the University of Oxford and Oxford Brookes University where that University can demonstrate: in the first place that the number of full - time students at that University, who live in Oxford but outside of university - provided accommodation, will, before the particular development is completed, be below the 3,000 level and once that figure is reached, thereafter will not exceed that level. All future increases in student numbers at the two Universities as a result of increases in academic / administrative floor-space must be matched by a corresponding increase in purpose built student accommodation. Student accommodation will be 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 to Oxford."

Adopted Local Plan: Policy DS.22:

"Planning permission will not be granted at land at North End Yard, Criphey Road for uses other than purpose - built student accommodation for use by the University of Oxford".

Emerging Sites and Housing DPD: Policy HP.6:

"Planning policy will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution will be calculated using the formula in Appendix 4.

An exception to this requirement will be made for any proposal that is within an existing academic campus or college site that includes regular teaching activities and facilities.

Developers may not circumvent this policy by artificially subdividing sites. For mixed – use developments of student accommodation with general housing or commercial floorspace, a pro rata approach will be used to determine whether a contribution is required, and how much this should be"

Emerging Sites and Housing DPD: Policy SP.16:

"Planning permission will be granted for student accommodation at Land North of Roger Dudman Way. Planning permission will not be granted for any other uses.

Adequate measures should be in place to relocate any badger setts found on the site. Development should incorporate fencing along the boundary with Criphey Meadow allotments adequate enough to prevent badgers migrating onto the allotments.

Development should be designed to ensure that there is no adverse impact on Port Meadow SSSI."

28. In addition the supporting text to the emerging policy HP.6 indicates that:
"A key objective of the Core Strategy is to ensure that new residential development contributes to a balance of housing types and tenures, which in turn contribute to mixed and balanced communities. New student accommodation is often proposed on sites that could otherwise be developed for housing, which would include affordable homes of a wider tenure mix".
29. Attached as **Appendix 2** to this report is the applicants' comments on policy HP.6 and related matters as a supporting submission to the planning application. In the letter the University argues that the site continues to be allocated for student accommodation only, and that an extant permission exists for the same. The provision of student accommodation here therefore remains a commitment. Moreover whereas individual colleges have relief from the requirement to contribute to affordable housing from developments of student accommodation where they are on sites which also possess academic / teaching floorspace, such relief is not given to the central University as its academic and teaching facilities are not on the same sites. The University feels this is inconsistent and representations to this effect have already been made at the DPD's options stage, and are likely to be repeated

in the formal consultation period about to commence.

30. Moreover the University argues that as its site is not suitable for family housing, then no potential family housing is lost and there is no adverse impact on the general housing market. Rather there are benefits as a large number of University students would be taken out of the housing market. It therefore requests relief from the policy in this case.
31. Furthermore the University is required by restrictive planning conditions to academic floorspace already granted planning permission to provide matching purpose - built student accommodation such that the numbers of students living in open market accommodation do not exceed 3000 and should remain below that figure in the years ahead, (Core Strategy policy CS.25 above). The University is currently at or about that figure. The current proposal would permit a large number of its postgraduate students to be taken out of open market accommodation accordingly, allowing the requirements of the restrictive conditions to be met. In the event that the current application did not proceed, the University could however build out the site in accordance with its extant permission without requiring further consents. That would result in some 85 fewer purpose built units being available for its postgraduate students however.
32. Notwithstanding these considerations the University nevertheless recognizes the direction of travel of emerging policy HP6 of the Sites and Housing DPD and is prepared to make a financial contribution towards affordable housing commensurate with its current status. The contribution would be secured as part of the S.106 agreement referred to at the head of this report and in common with other such agreements would be payable in the event of the policy being adopted following the Examination in Public later this year. Further details of the contribution will be provided at committee.
33. In summary, as the emerging DPD policy HP.6 does not yet carry full weight ahead of its formal adoption, and the outcome of the Examination in Public cannot be entirely anticipated at this stage, then officers would acknowledge the University's cogent arguments in this particular case and at this particular stage in the DPD process. Accordingly Officers would accept the case made for a financial contribution on the basis suggested.

Biodiversity

34. Following construction of the existing phase of development at Castle Mill, the remainder of this brownfield site has been laid out in the main as semi neutral grassland and scrub. In January and March 2011 badger surveys of the site were undertaken and more general wildlife surveys in March and August of the same year.
35. In terms of badgers an annex sett with 4 entrances was identified in the March survey close to the western boundary of the site. The sett was evidently not active in July however, suggesting it might have been seasonally active only as other setts are known to exist off - site in the general locality.

Subsequently a license was obtained from Natural England for closure of the sett to allow development to proceed, with the creation an artificial sett as a replacement elsewhere on the application site. In the event of planning permission being granted, it is also intended to create and retain a 2m badger run along the western boundary of the application site to allow movement of badgers through the site.

36. In terms of other species the surveys revealed no great crested newts on site or within 500m, though some suitable habitats for reptiles were present, resulting in a small population of slow worms with the possibility of grass snakes and common lizards occasionally using the site. There were no suitable roosting habitats for bats recorded, and a very low potential for invertebrates. There was some potential to support nesting birds.
37. Overall the ecological report concludes that other than for badgers the site is currently only of limited ecological interest. However the development does create the potential to enhance wildlife by providing new facilities accordingly. Attached as **Appendix 3** to this report is a schedule of works as wildlife enhancements which could be incorporated into the development. Officers would support these enhancements which can be secured by condition.

Sustainability:

38. The development would possess 21 car parking spaces only but 360 cycle spaces to serve a total of 439 student residential units. It is located close to the railway station and its associated bus interchange, and would possess good cycle and pedestrian links to Botley Road, North Oxford, Jericho and Port Meadow, making the application site a highly sustainable location.
39. In terms of the new buildings, a Natural Resource Impact Analysis, (NRIA) and Energy Statement accompany the planning application. A minimum score is achieved in each of the NRIA categories of energy efficiency, renewable energy, use of materials and water resources to attain an overall score of 6 out of a possible 11. In terms of actual measures a dedicated district heating system is included, serving all of the buildings existing and proposed on the site and a central energy centre building is created accordingly. This is supported by photovoltaics on south facing roofs across the development. High thermal insulation, air tightness and high performance windows etc are all included to increase energy efficiency, whilst external lighting is controlled by photoelectric sensors. "A rated" appliances are also included throughout. Timber would be acquired from renewable sources and materials sourced locally and / or recycled wherever possible. Low flow showers and WCs etc would be included and rainwater harvested and stored to serve the adjacent allotments. The development is aimed at achieving a BREEAM excellent rating.

Flood Risk

40. A full flood risk assessment (FRA) accompanies the planning application. The FRA confirms the site as falling within defined flood zone 1 where a low

probability of flooding exists of 1 in 1000 years. Land adjacent falls within higher risk categories however, zones 2 and 3. The FRA goes on to indicate that the application site would remain in flood zone 1 even allowing for climate change over the assumed 75 year lifespan of the development. The land on which the development would be sited would also be approximately 0.7m higher than the ground level for phase 1.

41. On completion of the development it would be the intention to store water from roof areas in a series of underground storage tanks before releasing it into the existing pumping chamber within the existing phase1 development and from there into the river system. The access road / cycle route would be constructed of permeable materials within a tanked granular medium. Water from there would flow to the existing storage tank within phase 1.
42. The Environment Agency has been fully consulted on these arrangements and raise no objection to them or to other aspects of the development. It suggests conditions only, relating to surface water drainage and to the remediation of contaminants on the site, in order to protect groundwater quality.

Conclusion.

43. The planning application proposes a major development of student accommodation on a site allocated for the purpose which will allow the University to accommodate more of its postgraduates in purpose built surroundings. In doing so it will also allow the University to meet and maintain the requirements of other recent permissions for academic floorspace that no more than 3,000 of its students should live in open market housing. The development relates appropriately to the adjacent railway lines and to Cripsey Meadow allotments, though as with the extant permission, it would be seen to an extent from various vantage points within Port Meadow through and above the tree line, especially in winter months. Mitigation through on and off site planting and in the judicious choice of materials and their colours, tones and textures would however assist the development in sitting more easily in these views.
44. Officers have concluded that the balance of advantage lies with supporting the proposals.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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 the planning application subject to conditions and an accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: Applications 97/00342/NOY, 02/00898/RES, 11/02881/FUL.

Contact Officer: Murray Hancock

Extension: 2153

Date: 3 February 2012.