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| **East Area Planning Committee** | **11 January 2017** |

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| **Application Number:** | 16/01150/VAR |
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| **Decision Due by:** | (original) 27 July 2016 (now) 31 December 2016 |
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| **Proposal:** | Variation of condition 12 (Student accommodation) of planning permission 15/00858/FUL (Demolition of residential houses at 36, 38 and 40 London Road and 2 Latimer Road. Erection of 167 student study rooms and ancillary facilities on 4 and 5 levels plus basement, together with 2 x 2-bed and 2 x 3-bed maisonettes. Provision of 4 car parking spaces and 1 car parking space for disabled drivers, 88 cycle parking spaces, landscaped areas and ancillary works) to enable the student accommodation to be occupied by cultural and academic visitors and by conference and summer school delegates outside of term time. |
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| **Site Address:** | 36, 38 and 40 London Road, and 2 Latimer Road, Oxford |
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| **Ward:** | Headington Ward |

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| **Agent:** | Miss Lillian Duffield | **Applicant:** | Frontier Estates (Oxon) Ltd |

**Recommendation:**

The East Area Planning Committee is recommended to GRANT planning permission for the reasons set out below in the report and subject to the suggested conditions.

Reasons for Approval

1 The proposed variation of condition is regarded as sustainable in that it allows for the efficient use of an approved development. A condition requiring the submission and approval of a Management Plan will mitigate any adverse impacts. The proposal is therefore considered to accord with the requirements of the relevant policies of the Oxford Local Plan, Sites and Housing Plan and Core Strategy.

2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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 in time limit

2 Development in accordance with plans

3 Samples

4 Tree protection

5 Arboricultural Watching Brief

6 Underground Services

7 Hard standing - trees

8 Landscaping

9 Landscape completion

10 Landscape Management

11 Travel plans

12 Student accommodation - no cars and management

13 CTMP

14 Strategy for arrivals and departures

15 Bin and cycle stores

16 Car/cycle parking provision before use

17 Variation of Road Traffic Order Headington West,

18 Biodiversity enhancements

19 Surface Water Drainage

20 Safeguarding scheme

**Main Local Plan Policies:**

Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**TR12** - Private Non-Residential Parking

Core Strategy

**CS18** - Urban design, townscape character and the historic environment

**CS25** - Student accommodation

Sites and Housing Plan

**HP5** - Location of Student Accommodation

Other Planning Documents

* National Planning Policy Framework
* Planning Practice Guidance

**Consultees**

Oxfordshire County Council, Highways – no objection, the proposed dual use of the site outside of term time is unlikely to have any significant or detrimental impacts upon the safe and convenient operation of the highway.

**Public Consultation**

14 letters of objection have been received from addresses in St Annes Road, Gypsy Lane, McMaster House, Stapleton Road, Old Road, Latimer Road, and Latimer Grange; together with objections from Oxford Civic Society, Headington School and the Highfield Residents Association.

The comments may be summarized as follows:

* the condition was imposed to ensure that the building was used for long term student use thus minimising disruption to local residents and other members of the public - the condition is appropriate because it balances the public interest with the interests of residents and others;
* the developer gave assurances that University students arrival and departure would be carefully managed - this proposal would reduce the ability to manage arrivals and departures - in this application there is no balance between the financial interests of the applicant and the impact on residents;
* additional traffic and parking in an area already suffering intolerable problems;
* additional illegal parking in Latimer Grange which is private;
* loss of safety for pedestrians and cyclists;
* there will be additional pressure on local buses;
* additional noise, litter, anti-social behaviour and other disturbance (at times when residents might expect the building to be quieter - outside of term time amounts to 24 weeks) from the greater frequency of arrivals and departures of people staying at Beech House; and from the activities of students and others staying there. If Slade Park is anything to go by there is likely to be a stream of taxis, fast food deliveries and coaches arriving and departing at any time of the day and night all such traffic using the Latimer Road access;
* lack of clarity in the definition of ‘cultural visitor’ ‘academic’ and ‘summer school delegate’- this could mean any person who wishes to hire accommodation – it will not be possible to manage occupancy and the activities of such guests. Much closer definition of cultural visitors and summer school delegates should be provided including age ranges, duration of stay, and behavioural patterns;
* the applicant wishes to run the building as a hotel/hostel out of term time to support tourism - this is unacceptable because of increased traffic, parking, noise and disruption; limited ability to control guests activities; impact on local businesses such as guesthouses;
* material provided in fulfillment of travel plan and tenancy agreements conditions should be reviewed in the light of the proposed widening of the nature and characteristics of the building occupiers;
* the applicant failed to disclose its plans on the original application. If accepted the application would undermine confidence in the planning process. As the application was only recently approved the request gives the appearance of planning by stealth;
* vulnerable elderly people feel intimidated by large groupings of young people such as for language students who often fail to observe basic courtesy towards them;
* overlooking the adjacent school and the associated safeguarding issues become even more serious - short-term occupants are accountable to any authority;
* the presence of short stay visitors with no ongoing commitment would create the feeling of an alien community in a residential area;
* if this application is approved Dorset House may follow suit;
* the building does not have sufficient social space for uses such as summer schools which need considerable outside space for student activities.

**Officers Assessment:**

**Background to Proposals.**

1. Planning permission was granted by the Planning Review Committee on 27th January 2016 for the demolition of 4 properties at the corner of London Road and Latimer Road, Headington, and the erection of student accommodation (167 study bedrooms and ancillary facilities) and 4 dwellings. This was subject to a condition limiting occupation of the student accommodation to students on full-time courses of a year or more.
2. The proposal is to vary that condition to allow occupation of the student accommodation outside of term time by cultural and academic visitors and by conference and summer school delegates.
3. Officers consider the principal determining issues to be:

planning policy;

highway impact;

impact on residential amenity;

letting and occupancy management.

**Planning Policy**

1. Core Strategy Policy CS25 limits occupation to full-time students enrolled on courses of one academic year (including vacation periods).

Paragraph A2.37 of the Sites and Housing Plan states that:

*“this restriction does not apply outside the semester or term-time, provided that during term-time the development is occupied only by university students. This ensures opportunity for efficient use of the buildings for short-stay visitors, such as conference delegates or summer language school students, whist providing permanent university student accommodation when needed”.*

There is therefore no policy objection to the proposed change.

**Highway impact**

1. Initially the highway authority objected to this application on the grounds that the highway impact could not be properly assessed from the information submitted. Subsequently, a Travel Plan Addendum was submitted to be read in conjunction with the approved Travel Plan. It sets out the expected use of the site (out of term time) if the application is approved; the expected patterns of arrivals and departures; the availability and expected use of public transport; the expected trip generation of the user groups; the impact on the local Controlled Parking Zones; and the marketing and promotion of the facility.
2. On the basis of the TP Addendum the highway authority has concluded that the proposed use of the site outside of term time is unlikely to have any significant or detrimental impacts upon the safe and convenient operation of the highway. The Highway Authority does not object to the application.

**Impact on residential amenity**

1. Policy CS18 of the adopted Core Strategy requires new development to respond appropriately to the amenity of sites and their surroundings.
2. Local residents are concerned about the effects on their lives, out of term time, of traffic and parking generation, and the activities of ‘guests’, including possible antisocial behaviour if the variation is allowed.
3. Such issues were taken into account in adopting the Sites and Housing Plan which not only directs student accommodation to this type of site fronting a main thoroughfare, but also states that the use of student accommodation out of term time by short-stay visitors such as conference delegates or summer language school students is acceptable.
4. In this case, the disturbance to local residents is likely to be no greater than as under the approved scheme although it will take place out of term time. In the absence of any objections from the highway authority to traffic and parking generation there is no evidence or policy restriction upon which to refuse this development on grounds of unacceptable impact on residential amenity.

**Management Plan**

1. The condition as varied would still include the requirement for the submission and approval by the Council prior to occupation of the development, of a management plan for the scheme. The purpose of the management plan would be to maintain the availability of appropriate student accommodation and controls on its management in the interests of amenity, and to ensure that the development does not generate a level of vehicular parking which would be prejudicial to highway safety, or cause parking stress in the immediate locality. It is considered that the nomenclature of the intended out-of-term occupiers will not present difficulties in drafting the required management Plan.

**Conclusion:**

The East Area Planning Committee is recommended to grant planning permission for the reasons set out in the report and subject to the suggested conditions.

**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:**

**Contact Officer:** Fiona Bartholomew

**Extension:** 2774

**Date:** 15th December 2016