

# Agenda Item 3

Planning Review Committee

15 December 2011

**Application Number:** 11/02248/FUL

**Decision Due by:** 1<sup>st</sup> November 2011

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

**Site Address:** 51 Union Street, Oxford

**Ward:** St Clement's

**Agent:** John Philips Planning  
Consultancy

**Applicant:** Crampton Smith Properties

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**Call – In:** The planning application was considered by the West Area Planning Committee at its meeting of 9<sup>th</sup> November 2011 when it was resolved to support the proposals subject to conditions and the completion of an accompanying legal agreement. The application has now been called up to Planning Review Committee for further consideration by Councillor Benjamin supported by Councillors Williams, Wolff, Wilkinson, Pressel, Rowley, McCready, Morton, Gotch, Young, Craft and Altaf-Khan.

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**Recommendation:** Committee is recommended to support the development in principle but defer the application in order to complete accompanying legal agreements and to delegate to officers the issuing of planning permission subject to conditions.

## **Reasons 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 existing on the 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 employment 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 and other pedestrians. 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 agreements, the proposals accord 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.

## **Background**

1. The planning application was considered by West Area Planning Committee on 9<sup>th</sup> November 2011 following addresses by the Headteacher of the neighbouring East Oxford Primary School as well as the applicant and the applicant's agent. Committee resolved to approve the proposals subject to conditions and the successful completion of legal agreements on a vote of 6 to 2. However the application has now been called in to the Planning Review Committee by 12 members due to concerns that the development would:

- result in an unsafe access for school children and staff of the neighbouring East Oxford Primary School as well as future student occupiers of the proposed buildings;
- cause overlooking of children's play areas with consequent harm to the safety of children;
- represent overdevelopment of the site; and
- result in the loss of an employment site without sufficient justification for doing so.

2. Following the consideration of the planning application by West Area Planning Committee two objections were made directly to the Rt Hon Andrew Smith MP from local residents:

### 12 Leon Close

- Safety of pedestrians using the access road from Union Street;
- Overlooking of children's play areas and associated risk to child safety;
- Proposals represent overdevelopment with a lack of amenity space provided for students with the result that students could use school play areas as extension of amenity space;
- Dark access road could lead to increase in crime;
- No evidence provided that site could not be modernised for continued B1 use.

### 10 Temple Street

- Increased use of access road is a risk to pedestrian safety, particularly children;
- Students are generally noisy and can use offensive language which school children should not be subject to;
- There is far too much student accommodation being developed in Oxford and they are 'taking over' the city;
- The buildings could be used for more suitable purposes such as for community or youth provision.

3. The officers' report to the 9<sup>th</sup> November 2011 West Area Planning Committee is appended in full.

### **Safety of Access Road for School Children, Staff and Students**

4. Until August 2011 the site was used for business/office purposes (B1 Use Class) by a local charity in accordance with planning permission granted by the Council in 2006. The short access road to the site was therefore shared between the employees of this organisation, East Oxford Primary School staff (for car parking) as well as for pedestrian access for school children and their parents/guardians. The access road is relatively narrow since cars are often parked on either side of it in a relatively unstructured manner, mostly by staff working at the School. This somewhat restricts the navigability of the access road. For clarity, officers would point out that the access road is not owned by the School and does not form part of the East Oxford Primary School site.

5. The site currently has permission to be used for any B1 use which could include offices, laboratories and light industry without being subject to planning control. Officers consider this an undesirable situation and regard it as almost self-evident that the operation of most businesses within such uses classes would not be compatible with the site's location between a residential area and a school with only a single access road to serve it.

6. The development is proposed to be car-free (and officers recommend conditions accordingly) with the exception of two parking bays reserved solely for disabled parking (and therefore used only if necessary) and for the loading/unloading of students' effects at the beginning and end of academic terms. Consequently, officers consider that the level of vehicular traffic associated with the proposed scheme would be likely to be very low in comparison with the current school staff use which provides, numerically at least, the greatest risk to pedestrian safety. Indeed officers believe the scheme would actually result in a reduction in the level of traffic using the access road in comparison with that occurring only several months previously when the site was occupied as business premises. Officers have therefore concluded that the development should not be opposed on these grounds. Moreover Officers of the Highway Authority (Oxfordshire County Council) have raised no objection to the proposal on highway safety grounds.

### **Overlooking and Safeguarding of Children**

7. The application site is located to the north of East Oxford Primary School and adjacent to an all-weather playing pitch. The playing pitch is used by pupils during normal school hours on weekdays in term-time and is open to the general public outside of these times. Some overlooking of the playing pitch would be possible from first floor windows in the south elevation of the larger of the two buildings proposed. Other than the playing pitch, views of some school buildings and outdoor play areas are possible from the access road and some first floor windows.

8. The existing authorised use of the site (offices/light industrial) already allows for a potentially considerable number of employees to be on the site and therefore overlook neighbouring playing areas. Indeed the road is currently a public access

way with views into the school playground. Officers consider that, contrary to being a risk to safety, redevelopment of the site would provide regular natural surveillance to the benefit of users of the access way, including staff, pupils and visitors to the school. Officers have therefore concluded that the use of the building for student accommodation does not pose any undue risk to child safety at the school and indeed may improve conditions. Nor has the Thames Valley Police Crime Prevention Design Advisor raised an objection to the proposals.

### **Overdevelopment**

9. Policy CS25 of the Core Strategy relates to the development of student accommodation within the City. The policy does not specifically require outdoor amenity space as part of such developments but does state that overall, student accommodation should be designed and managed in a way that attracts students to take it up. In addition to this, policies CP6 and CP8 of the Local Plan require development to make efficient use of site capacity whilst forming an appropriate visual relationship with the surrounding area. In light of these policies, officers consider the amount of built development to make efficient use of the site whilst providing for a level of outdoor amenity space which is considered to be of adequate quality and quantity particularly as the development proposes significant amounts of internal amenity areas including communal kitchens/living areas. The surrounding amenity area will have natural surveillance from the student accommodation buildings and should be sufficiently lit using lighting incorporated into the development as well as that required along the access road by the planning condition suggested by Members of the West Area Planning Committee. The site is also very close to South Park (less than 200m). The vast majority of the existing landscaping on the site is proposed to be retained and a landscape plan is recommended to be required by a planning condition to ensure the site provides a pleasant environment for future students as well as adequate screening between the residential properties of Union Street.

### **Loss of Employment Site**

10. As a result of planning permission granted by the Council in 2006 the site has a B1 (business) use and, as such, could be used for office or light industrial purposes by any organisation with the Council having no control other than through the restriction of operations to 8am-8pm on any day of the week (by an existing planning condition). Whilst the operations of the student charity People and Planet were, by and large, commensurate with the site and its constraints, it is almost certain that any future business would intensify the use of the site with consequent significant adverse impact on residential amenity and highway safety as well as the wider school operations.

11. It is also evident from viewing the site that the current building is in a poor state of repair and therefore does not contribute positively to the appearance of the surrounding area. Additionally, it is considered to be of a form that is not suitable for modern business use without substantial alteration such that a redevelopment of the site would likely be necessary regardless of future use. Whilst the site has not been marketed for business use in accordance with policy CS28 of the Core Strategy, officers consider that, despite this, the site and buildings are generally unsuitable for

its existing B1 use for reasons outlined above and in the original report to West Area Planning Committee. Consequently, a change of use is considered by officers to be desirable and that the student accommodation proposed is an appropriate use for the site such that no unacceptable harm to residential amenity or highway safety would occur as a result of the development.

## **Summary**

12. Whilst the concerns of East Oxford Primary School are acknowledged, officers have concluded that there are no cogent reasons why the proposed development should be refused planning permission. The site is a brownfield one where buildings are of poor and deteriorating quality. Officers are satisfied that the proposals would improve the appearance of the area without causing unacceptable harm to existing residential amenity or cause any additional harm to pedestrian safety since there would be no student car parking on the site or on Union Street. Indeed there are no objections to the proposals from any statutory agencies including Oxfordshire County Council as the Highway Authority. In sum, officers consider the development to make good use of this brownfield site which, due to its backland location and siting adjacent to the Primary School, has limited potential to accommodate beneficial development.

13. Committee is recommended to support the proposals in line with the conditions and legal agreement detailed at the head of the report to West Area Planning Committee on 9<sup>th</sup> November 2011, plus an additional condition requiring lighting to be provided on the access road prior to commencement of the development (as requested by Members of the West Area Planning Committee).

## **Human Rights Act 1998**

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and 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 with accompanying legal agreement. Officers consider that the conditions and legal agreement 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 permission 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:** 99/00218/NF, 99/01095/NF, 06/00883/FUL & 11/02248/FUL

Appendix 1 – Report to 9<sup>th</sup> November 2011 West Area Planning Committee  
Appendix 2 – Site Location Plan

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 2nd December 2011

**Appendix 1 - Committee Report to 9<sup>th</sup> November 2011 West Area Planning Committee**

**Application Number:** 11/02248/FUL

**Decision Due by:** 1st 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

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**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.

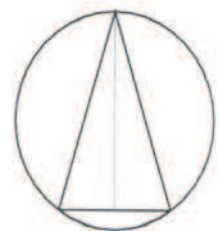
**Background Papers:** 99/00218/NF, 99/01095/NF, 06/00883/FUL & 11/02248/FUL

**Contact Officer:** Matthew Parry

**Extension:** 2160

**Date:** 25th October 2011

## Appendix 2 – Site Location Plan



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