

PLANNING REVIEW COMMITTEE

27th January 2016

Application Number: 15/00858/FUL

Decision Due by: 13th July 2015

Proposal: 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, 88 cycle parking spaces, landscaped areas and ancillary works. (Amended description, amended plans and additional information)

Site Address: 36 38 40 London Road And 2 Latimer Road Headington Oxford Oxfordshire

Ward: Headington Ward

Agent: Roger Smith, Savills

Applicant: Frontier Estates (Oxon) Ltd

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1. This covering report should be read in conjunction with the officer's report dated 20th November 2015 attached as Appendix 1.
 2. At the East Area Planning Committee on the 2nd December 2015, Members resolved to refuse planning permission for the following reasons:
 1. The height, mass and bulk of the main building is overbearing and does not form an appropriate relationship to the street. The design does not appropriately relate to the context of its surroundings and does not show the high standard required for a building of this size on this prominent key location. The height and design has a significant adverse impact on the privacy, outlook and amenity of neighbouring buildings. This is contrary to policies CP1, CP6, CP8, CP10 and CS18 of the adopted local plan.
 2. The development has an unacceptable adverse impact on community safety by reason of overlooking of the adjacent school playground and because of traffic movements and which seriously reduces the safety of pedestrians and cyclists, contrary to policy CS19.
 3. The application has been called-in to the Planning Review Committee by Councillors Darke, Coulter, Upton, Lloyd-Shogbesan, Malik, Tanner, Cook, Lygo, Price, Fry, Simm and Kennedy. Councillors Henwood, Turner and Taylor have also expressed support.

4. The call-in is on the grounds that the robustness of the decision in relation to adopted policy needs to be tested since the decision may put at risk the future use and interpretation of a number of policies especially CP6 Efficient Use of Land and Density, CP10 Siting and Development to Meet Functional Needs, and CS19 Community Safety. The review is also requested in view of the strong officer recommendation to approve with no objections from the main statutory consultees and where the designs have been through three iterations of scrutiny by the Oxford Design Review Panel with increasingly positive comments from the Panel. Further, the review is necessary in view of the possibility of a successful appeal with the possibility of costs awarded against the Council, and the range of conditions that an Inspector might impose.
5. At the meeting on 2nd December, the Committee raised a number of issues and questions to which officers and the applicant have responded (the applicant's agent's response is reproduced at Appendix 2). The issues raised are as follows:
 - i. obtaining the views of the safeguarding officer on the safeguarding implications of the study-bedroom windows overlooking Headington Junior School grounds and playground;
 - ii. obtaining reasoned justification for the level of provision of disabled parking compared to the 9 disability adapted study rooms - Brookes Disability Service should be consulted on likely numbers of disabled students needing parking space for vehicles/carers;
 - iii. obtaining reasoned justification for the level of cycle parking - perhaps comparing with Dorset House;
 - iv. that the mix of trees should be a mixture of evergreen and deciduous species to ensure all year round screening;
 - v. electric bike charging points to be provided;
 - vi. the ward councillors should be consulted on construction travel plans given the busy location and multiple large building works planned; and,
 - vii. a parking barrier should be installed to prevent parking at Latimer Grange.

Safeguarding

6. The Council's nominated safeguarding officer has sought advice from the Oxfordshire Safeguarding Team which advises the Oxfordshire Safeguarding Children Board. The Team's advice was that the Council needs to take account of safeguarding concerns raised when granting planning permission, and needs to satisfy itself that the concerns raised don't lead to children being at risk.

7. In this instance the full extent of the concern raised is 'a degree of potential overlooking of a playground'. There is nothing unusual about this arrangement and nothing has been suggested that could give rise to potential harm to children using the playground. On that basis, the officer view is that there is no tenable basis for refusal of the application on the basis of safeguarding issues. There are many school playgrounds which are overlooked by houses and other buildings. Indeed for many years it has been good planning practice to ensure that play areas for children are actively overlooked for the very purpose of preventing harm.
8. The applicant does not accept that the scheme creates safeguarding issues in these terms but, should the Committee's concerns persist, the applicant has offered to apply 'fins' to the windows overlooking the playground to restrict views from those windows. At the time of writing it has not been possible to assess the implications for the appearance of that elevation, or whether further public consultation or indeed the further involvement of the Oxford Design Review Panel is required. By the time of the meeting an officer view will have been formed and will be reported verbally.

Provision for disabled parking

9. Agent's response (Appendix 2): Oxford Brookes has been consulted and considers that 1 disabled parking space is sufficient given proximity of the site to the academic campus and the level nature of the route.

Cycle parking

10. Agent's response (Appendix 2): the 88 spaces proposed exceeds the Council's standards: can achieve 94-96 if the racks are located slightly closer together: a planning condition could require this if necessary.

Mix of trees

11. Agent's response (Appendix 2): content to have evergreen and deciduous species: can be achieved via the landscape condition.

Electric bike charging point

12. Agent's response (Appendix 2): suggests that 2 charging points should be installed in the internal cycle storage area before first occupation: planning condition.

Consultation on Travel Plan

13. Agent's response (Appendix 2): content to do this no later than 3 months after the permission is granted: planning condition.

Parking barrier at Latimer Grange

14. Agent's response (Appendix 2): offer of £5000 towards this barrier to be included in the legal agreement; barrier to be installed prior to first occupation.

Conclusion:

15. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to approve the development in principle for the reasons set out within **appendix 1** of this report, but defer the application for the completion of a legal agreement.

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: 15/00858/FUL

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Date: 14th January 2016