

**EAST AREA PLANNING COMMITTEE**

2nd December 2015

**Application Number:** 15/00858/FUL

**Decision Due by:** 13th July 2015  
extension of time agreed to 29<sup>th</sup> January 2016

**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

**Ward:** Headington Ward

**Agent:** Roger Smith, Savills

**Applicant:** Frontier Estates (Oxon) Ltd

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**Recommendation:**

APPLICATION BE APPROVED

**Reasons for Approval**

- 1 The proposed development can be regarded as sustainable in that it makes good use of an existing developed site, close to the main campus of Oxford Brookes University, and which is located on bus routes serving the University's other campuses at Wheatley and Harcourt Hill. The architecture of the proposed development is contemporary in style, but relates well to the urban character of the immediate surroundings and retains important frontage trees. Appropriate levels of car and cycle parking can be achieved. Conditions relating to materials and landscaping would ensure that the development is of a quality appropriate to the site, whilst other conditions would mitigate any adverse impacts. The proposal is therefore considered to accord with the requirements of the relevant policies of the Oxford Local 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 begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Tree Protection Plan
- 5 Arboricultural Method Statement
- 6 Utilities and Services Plan
- 7 Hard Surfaces Plans (sections)
- 8 Landscape plan
- 9 Landscape plan completion
- 10 Landscape Management Plan
- 11 Travel plans
- 12 Students no cars
- 13 Construction Travel Plan
- 14 Strategy for arrivals and departures
- 15 Bin and bike stores
- 16 Car/cycle parking provision before use
- 17 Variation of Road Traffic Order
- 18 Bio-diversity enhancement

### Legal Agreements and Community Infrastructure Levy (CIL).

Affordable housing contributions are required in two respects in relation to this proposal:

- i. Policy CS24 of the Core Strategy and Policy HP6 of the Sites and Housing Plan, supported by the Affordable Housing and Planning Obligations Supplementary Planning Document (SPD) which describe the circumstances

under which contributions to affordable housing are required from student accommodation. The amount of contribution will be calculated in accordance with Appendix 4 of the Sites and Housing Plan, that is, £140 per m<sup>2</sup> internal residential floorspace; and,

- ii. Policy HP4 of the Sites and Housing Plan, which requires a financial contribution from sites providing between 4 and 9 dwellings towards the provision of affordable housing elsewhere in the City. The amount of contribution will be calculated in accordance with Appendix 2 of the Sites and Housing Plan, that is, 15% of the total sale value of the properties to be built.

The applicant has made an offer in line with those policies which will be of the order of some £573,000 and £285,000 respectively (index linked) which will be secured via a s.106 planning agreement in the event that this application is approved.

A legal agreement is also required to secure Travel Plan monitoring fees of £1,240.

The development generates a contribution under Community Infrastructure Levy (CIL) of some £466,000.

### **Principal Planning Policies:**

#### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**CP6** - Efficient Use of Land & Density

**CP8** - Design Development to Relate to its Context

**CP10** - Siting Development to Meet Functional Needs

**CP11** - Landscape Design

**CP13** - Accessibility

**TR1** - Transport Assessment

**TR2** - Travel Plans

**NE15** - Loss of Trees and Hedgerows

**NE16** - Protected Trees

**NE23** - Habitat Creation in New Developments

**HE2** - Archaeology

**HE10** - View Cones of Oxford

#### Core Strategy

**CS2\_** - Previously developed and greenfield land

**CS9\_** - Energy and natural resources

**CS10\_** - Waste and recycling

**CS12\_** - Biodiversity

**CS18\_** - Urban design, town character, historic environment

**CS19\_** - Community safety

**CS22\_** - Level of housing growth

**CS23\_** - Mix of housing

**CS24\_** - Affordable housing

**CS25\_** - Student accommodation

### Sites and Housing Plan

- HP1\_ - Change of use from existing homes
- HP2\_ - Accessible and Adaptable Homes Sites
- HP5\_ - Location of Student Accommodation
- HP6\_ - Affordable Housing from Student Accommodation
- HP9\_ - Design, Character and Context
- HP10\_ - Developing on residential gardens
- HP11\_ - Low Carbon Homes
- HP12\_ - Indoor Space
- HP13\_ - Outdoor Space
- HP14\_ - Privacy and Daylight
- HP15\_ - Residential cycle parking
- HP16\_ - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework  
Planning Practice Guidance  
Affordable Housing and Planning Obligations SPD  
Balance of Dwellings SPD  
Parking Standards SPD  
Accessible Homes TAN  
Energy Statement TAN  
Waste storage TAN

### **Background**

The proposed development has been some time in preparation. The first pre-application discussion took place in May 2014, in which relevant policies and issues were identified. A second pre-application meeting was held in August 2014, primarily to discuss the design.

Two public exhibitions were mounted by the applicant, the first at Oxford Brookes University on 21 October 2014, the second at the St Clements Family Centre on 27 January 2015.

The application was validated in April 2015. It was subsequently amended in the light of issues raised by the City Council, the Oxford Design Review Panel, and others. The amendments have resulted in the reduction in the amount of student accommodation from 174 to 167 units, and changes in design, particularly in respect of the parts of the building facing Latimer Road. The comments of the Oxford Design Review Panel (3 sets) are attached here as Appendices 2-4.

There has been a steady flow of representations from local people, societies and further afield since the submission of the planning application, and then after the submission of the revised proposals.

### Representations Received

#### *Objections*

Counting comments made before and after the scheme was amended, 310 objections and a petition were received, raising the following issues (in summary):

- Site was not included in the Local Plan (contrary to policy)
- No real consultation with residents
- Loss of residential dwellings
- Too much student accommodation/too many students in the area
- Amount of new people coming into the area
- No parking spaces for students leading to parking pressures
- Detrimental to the students amenity (size of rooms)
- How to stop students bringing cars anyway
- Congestion for and safety of pedestrians and cyclists
- Increase in cycle/foot traffic
- Development unsuitable on crowded junction
- Not enough cycle storage proposed
- Need to control the noise and disturbance created by students properly
- Trouble when students move in/out
- Building will not adhere to the building line
- Proposal not integrated with the local area
- Overlooking of Headington School
- Overshadowing/overbearing to St Lukes' residents
- Should be turned round so the courtyards face the road
- Flooding risk
- Impact on water, sewerage and telecommunications of area
- Loss of green space for biodiversity
- Trees will not screen building year round
- Negative impact on amenity (shopping) of area.
- Pressure being put on local services/facilities with no contribution
- Unsuitable given proximity to conservation area.
- Construction management plan needed if approved
- Disruption during construction including effect on St Luke's Hospital.

Highfield Residents Association: no proper engagement by the developer with the community over the future of the site, many competing demands for land in Oxford, there needs to be some limit on overall student numbers in Oxford. Developers offer inflated prices for land for redevelopment. Design and scale inappropriate, 5-storeys is unprecedented, height and position forward in the site makes it dominant, visual blight, will jump out when viewed along London Road, not softened by planting. Trees will only provide partial screening because deciduous. Design is cube-like, boxy which jars with more traditional local forms with pitched roofs and differing materials. Pays no regard to local arts and crafts heritage asset adjacent, nor to the school adjacent which has been advised to keep its buildings lower. Security and privacy concerns with school adjacent. The proposal would change the appearance

of Latimer Road and unacceptably dominate this part of Headington. Substantial overlooking and overbearing of neighbouring properties and loss of privacy and outlook. Poor quality internal and external environment for the students. Lack of manoeuvrability within the site – possible clash on residential access road. Overall does not respond to its surroundings. Replacement of four substantial family homes with gardens for maisonettes with limited external space is not a like-for-like replacement. Would bring a high concentration of students to this area adversely impacting on the amenities of local residents through noise and disturbance. Adversely impact on the balance and mix of the local community and affect community cohesion. Increased pedestrian and vehicle movements would lead to increased congestion at the junction. Drainage and sewerage under strain locally which has worsened since Dorset House developed.

Oxford Civic Society: first response - inadequate replacement of family housing, overdevelopment of site, poor design, overlooking of adjacent sites. Response to amended design – amendments do not adequately address the Society's concerns.

Oxford Preservation Trust: out of keeping, too large in scale height and massing, negative impact on street scene, harmful to character of Headington contrary to local and national policy. The proposal would dominate the immediate neighbourhood of historic buildings and sit poorly in London Road. The recent Henry Brookes building is an award-winning addition to Headington – similar quality of design is needed here.

### *Support*

There were 62 representations in support of the proposed development, together with 140 letters of support and two petitions in support provided by the applicant. The representations of support raised the following matters (in summary):

- Need for student accommodation
- Close to local amenities
- Eases pressure on other housing
- Sustainable, close to transport links
- Will contribute to vibrant community
- Will benefit local economy
- Accords with policies.

### **Consultees:**

Oxfordshire County Council Highways raise no objection subject to conditions, but require a Construction Traffic Management Plan, a Travel Plan, students' information travel pack, a strategy for managing arrivals and departures, and alteration of the CPZ to exclude the site from eligibility for parking permits. More cycle storage spaces are suggested.

Oxfordshire County Council Drainage – no objections

Tree Officer - Despite the large numbers of trees that are lost directly to this development proposal, the great majority of these are only of Low quality; the key landscape trees along the London Road are to be retained. The retained trees can be adequately protected from any of the potential adverse impacts of construction activities through tree protection measures to be approved under pre-commencement conditions. Any residual adverse public visual amenity impacts associated with the tree removals to the landscape along the Latimer Road are considered able to be adequately mitigated by new tree planting and associated soft landscape features, to be secured under landscape conditions.

Archaeology - the proposed development is unlikely to have significant archaeological implications.

Ecology - the ecology report is an accurate account of species and habitats, but expects features for wildlife to be secured by condition.

### Officers Assessment

Officers consider the principal determining issues to be:

- Principle
- Design
- Sustainability
- Residential amenity
- Highways and parking
- Trees and landscaping
- Flood risk and drainage
- Archaeology and heritage
- Ecology

### The Site and its Surroundings

1. The site is located at the junction of London Road and Latimer Road in Headington, about 600 metres north-east from Oxford Brookes' Gypsy Lane campus. The site currently contains four detached dwellings: 36, 38 and 40 London Road (granted planning permission in 1957), and 2 Latimer Road. All are two storey houses, except number 38, which is a bungalow. The gable end of number 40 faces London Road, with a single storey garage in front.
2. The site is rectangular, and has a frontage of 50 metres facing London Road and of 56 metres to Latimer Road. The site area is some 0.28ha.
3. The corner of London Road and Latimer Road is bounded by a brick wall. An area behind it, some 20 metres wide on the London Road frontage and some 12 metres deep on the Latimer Road frontage, contains a number of trees of varying sizes and ages. The largest are two mature beech trees which make a very significant beneficial contribution to the street scene. There is also a substantial mature tree in the front garden of number 38 London Road.
4. Adjoining the site to the south west is Headington School. Adjoining to the south east on Latimer Road is McMaster House, an elderly persons home of

three storeys. South of the site, next to the school and joined to McMaster House, is St Luke's Hospital, which also provides care for the elderly.

5. On the east side of Latimer Road, facing London Road, is Dorset House, which is up to four storeys high and provides student accommodation Oxford Brookes University (313 bed spaces). At the junction is a dwelling in the Arts and Crafts style (formerly the Coach House to Dorset House) which is on the legacy list of properties awaiting consideration for inclusion in the Oxford Heritage Asset Register.
6. Opposite the site on the north side of London Road are substantial detached houses and an apartment block, London Court. Some of the properties have been converted to guest houses: Pickwick's Guest House (15-17 London Road), Sandfield House (19 London Road) and Red Mullions (23 London Road).
7. The nearest non-institutional residences to the site are the flats on the north east side of Latimer Road, off Latimer Grange. These buildings are three storeys high and at a distance of 20 metres from the easternmost corner of the site of the proposed development. The nearest residences on the south west side of Latimer Road, off Bramble Close, consist of a three storey apartment block at a distance of 76 metres.
8. In the vicinity of the site, the dominant urban character and grain of London Road is created by large well-spaced buildings of various ages and styles, and large mature trees. London Road is a very wide street, and the buildings are generally set well back from the highway allowing room for many very large mature trees along the street frontage.
9. The buildings at the junction of London Road and Latimer Road, including the existing dwellings on the site, have a domestic scale which soon gives way, moving south down Latimer Road, to large well-spaced buildings. Beyond those, at its southern end, Latimer Road retains its domestic scale with characterful detached and semi-detached residential dwellings.

### The Proposals

10. The proposed development consists of 167 units of student accommodation, and 4 maisonettes to replace the four dwellings to be demolished. The applicant has supplied a letter from Oxford Brookes University indicating that the University supports the development and is happy to enter into negotiation as to its future use.
11. The layout of the student accommodation consists of a single building whose inverted U shape faces London Road, with a south facing courtyard between the east and west wings. It consists of six floors, including lower ground. The student accommodation is grouped in clusters with kitchen and other communal facilities to match, mostly of 9, 10 or 11 bedspaces, but some containing fewer bedspaces which include one larger room for a disabled student.

12. The lower ground floor consists of a communal lounge, laundry room, secure storage for 84 bicycles, bin store and energy centre plant room. The student accommodation on this level consists of a four bedspace cluster and a twelve bed cluster, including one larger room for a disabled student. The internal courtyard is at this level. All the student rooms on this floor have natural lighting.
13. The ground floor provides a reception area, an open communal lounge, a smaller enclosed lounge, an office, and a study area. Student accommodation consists of a three bedspace cluster and two larger clusters.
14. The layout of the first, second and third floors is virtually identical: each floor contains four clusters of between 9 and 11 bedspaces with kitchen and other communal facilities. Photovoltaic panels are located on the roof of the west wing.
15. The building extends to a fourth floor only on the north eastern corner (the east wing), part overlooking London Road, part overlooking Latimer Road. This floor provides a three bedspace cluster and a four bedspace cluster.
16. Externally the front (London Road) elevation is set back from the site boundary by about 13 metres in order to clear the tree canopies and root protection areas. Steps lead up from the London Road footway to the centrally placed main entrance. In front a landscaped area is proposed in which the three beech trees the subject of Tree Preservation Orders will be retained; this area will be landscaped with additional planting and informal seating.
17. A vehicular access will be created off Latimer Road for services and deliveries, access to the one parking space for a disabled student, and to a drop-off area for students at the beginning and end of term.
18. The four replacement dwellings are proposed in a single block to the south of the student accommodation and are arranged as two 3-bed maisonettes on the ground and first floors, and two 2-bed maisonettes the second and third floors. The footprint is the same on each floor. The internal floorspace of the 3-bed units is 108m<sup>2</sup> and 102m<sup>2</sup>; and 97m<sup>2</sup> and 94 m<sup>2</sup> for the 2-bed units. The two 3-bed maisonettes have access from the ground floor to enclosed gardens, which include bicycle storage. The difference in internal floorspace is accounted for the two outdoor terraces facing Latimer Road attached to the 2-bed maisonettes.
19. Four car parking spaces, one for each of the units, are located in the southernmost corner of the site.
20. The elevational treatment is a contemporary gridded form with a masonry frame in buff brick, and generously proportioned openings with windows and inset pale coloured panels.

### Principle of Development

21. The National Planning Policy Framework (NPPF) encourages the effective use of land by reusing land which has been previously developed, it also aims to secure good standards of design and amenity, to support the transition to a low carbon future, and to focus significant development in locations which are sustainable and where the fullest possible use of transport by sustainable mean can be made. The proposed development is consistent with those principles.
22. Policy CP6 of the Oxford Local Plan requires that development proposals make maximum and appropriate use of land and the best use of a site's capacity in a manner both compatible with the site itself as well as the surrounding area. Larger scale and higher density proposals are encouraged in appropriate locations.
23. Policy CS25 of the Council's adopted Core Strategy seeks to ensure that the number of students at both universities living outside accommodation provided by either institution does not exceed 3,000, and that the provision of new student accommodation keeps pace with any expansion of the universities. Thus the need for additional student accommodation is established. Policy CS25 also makes specific reference to management measures to ensure that students do not bring cars to Oxford.
24. Policy HP5 of the adopted Sites and Housing Plan identifies locations, including "main thoroughfares", of which London Road is one, where planning permission may be granted for student accommodation. Paragraph A2.34 explains that adjacent means having the main pedestrian and cycle access directly on to the main thoroughfare. The location of the proposed development and its main entrance comply with this policy and its reasoned justification, and the principle of development is therefore established.
25. Criteria e, f and g of Policy HP5 deal respectively with the provision of communal space in student accommodation, a management regime for the accommodation, and the prevention of car parking. The proposed development meets criterion e. Criteria f and g are fully capable of being met through planning conditions, planning obligations or other measures that the policy specifies.
26. Policy HP5 is complemented and reinforced by Policy HP16 Residential Car Parking. For the purposes of this policy, residential development includes student accommodation. Appendix 8 of the Sites and Housing Plan provides only for operational and disabled parking at student accommodation. In this context, "operational" means for services and deliveries, and drop off points for the arrival and departure of students at the beginning and end of term.
27. Policy HP15 covers residential cycle parking. For student accommodation, it provides for 1 space per 2 rooms in the case of accommodation located close to the institution where most of its residents will be studying. The site is as indicated earlier located about 600 metres from the Gypsy Lane campus and

therefore this reduced standard applies. The provision of 84 cycle storage spaces thus enables the requirements of this policy to be met.

28. For the purposes of Policy HP16, Residential Car Parking, residential development includes student accommodation. The policy also refers to the maximum car parking standards in Appendix 8, which in the case of student accommodation consist of operational and disabled parking only. The proposed development complies with this policy.
29. Policy HP1 of the Sites and Housing Plan resists the loss of self-contained dwellings on a site. Four replacement dwellings are proposed in this development which thus complies with Policy HP1. The mix of dwellings complies with the guidance in Policy CS23 and the Balance of Dwellings SPD.
30. Turning to policies specifically applicable to the four replacement dwellings, Policy HP2 Accessible and Adaptable Homes requires that all the proposed new dwellings meet the Lifetime homes Standard, and that on sites of fewer than 20 dwellings (as in this case) at least one is fully wheel chair accessible, or can be suitably adapted for such use. The design of the residential units accommodates these requirements.
31. Policies H12, H13 and H14 are addressed below under the heading Residential Amenity.
32. Policies HP15 and HP16, already referred to in respect of the student accommodation, also apply to new dwellings. Provision for both cycle and car parking for the four replacement dwellings is consistent with the requirements of this policy.

### Design

33. The design has gone through a number of stages since it was discussed at the first pre-application meeting in May 2014.
34. An Addendum to the Design and Access Statement dated September 2015 illustrates the changes to the design made in response to consultation, and in particular the comments of the independent Oxford Design Review Panel, since the planning application was submitted in March 2015.
35. The most important changes are as follows:
  - The possibility of overlooking of Headington School and McMaster House, and the privacy issues arising, have been further addressed, as have the privacy issues within the development;
  - The scale and mass of the part of student accommodation building facing Latimer Road has been altered; building heights have been reduced and most of the fourth floor accommodation stepped back;

- The energy centre has been relocated to the lower ground floor of the student accommodation;
  - The space thus vacated in the south west corner of the site has been used to enlarge the gardens of the four residential units, and to relocate the car parking spaces attached to them;
  - Further attention has been given to the detail of the elevations.
36. Other complementary changes include the stepping back of the third floor of the residential units, which further reduces and breaks up the massing of the development on Latimer Road.
37. The north-west facing frontage of the student accommodation is set back from the site boundary by about 13 metres. This reduces the visual impact of the frontage of the development onto London Road and allows the retention of the three beech trees which further mitigates any impact. At the same time, the stepping back of most of the fourth floor accommodation facing Latimer Road allows the remainder of the accommodation at that level to form a balanced feature at the corner of the building.
38. The proportions of the fenestration emphasise the vertical elements of the design, which are further reinforced by the different treatment of sections of the frontage facing London Road. There will be a projecting bay at first, second and third floor levels on the west corner. The main entrance will be framed by two near identical sections; the brickwork here will contrast with the façade above the main entrance, which will be set back from the face of the brickwork and consist of metal or concrete panels. Similar panelling will separate the five storey corner section from the main section of the London Road frontage.
39. On the Latimer Road frontage, the corner section has the same kind of projecting bay at first, second and third floor level as on the London Road frontage. The brick façade is again divided, in this case not quite symmetrically, by metal panelling set back.
40. The west elevation facing Headington School has a symmetrical appearance, with metal and concrete panelling dividing the brickwork facing into three sections.
41. The architectural treatment of the south facing elevation is similar. However, it makes use of narrow vertical windows with opaque glazing on the back edge of the west wing in order to prevent overlooking of the maisonettes.
42. The four replacement dwellings are of very similar external appearance to, and are therefore consistent with, the design of the main block containing the student accommodation. Measures to prevent the overlooking of MacMaster House consist of opaque glazing in the south facing staircase windows and an opaque 1.8metre screen to the upper level terraces. Similar measures prevent the overlooking of the student accommodation from the maisonettes.

43. Brick will be the principal material for the building facades. This will mostly be yellow multi stock brick, with a darker brick reserved for below window level on the ground floor. Soldier coursing will be used to create horizontal bands between the floors.
44. Policy CS18 of the Core Strategy states that planning permission will only be granted for development which demonstrates high quality urban design. It is considered that the changes requested by officers and the ODRP have been taken into account to an extent that enable the proposed development to comply with this policy.

### Sustainability

45. The relevant policies under this heading are Core Strategy Policy CS9 Energy and Natural Resources and Policy HP11 Low Carbon Homes.
46. HP11 applies because although only four dwellings are proposed, the student accommodation consists of more than 500 square metres.
47. The application is accompanied by an Energy and Sustainability Strategy, which states that the buildings will incorporate low energy sustainability principles. The proposals have been designed in such a way as to maximise natural daylight wherever possible. They will incorporate air-tight glazing; as a result, less energy will be used for heating. In order to reduce water consumption, all toilets will be of low water capacity and taps will be push button type.
48. As already indicated, the roof of the west wing will incorporate photovoltaic panels. These will contribute the 20% of the development's energy requirements that Policy HP11 requires.
49. It can therefore be concluded that the proposed development complies with Core Strategy Policy CS9 and Policy HP11.

### Residential Amenity

50. The section on design has already indicated some of the measures taken to ensure that no adverse effects on residential amenity arise from the proposed development.
51. This section considers the amenities of the occupiers of dwelling houses (Class C3) and of residential institutions (Class C2). The section on site and surroundings has shown that many of the buildings closest to the site are not dwelling houses; the guest houses on London Road fall into Class C1 (hotels).
52. The design of the four replacement dwellings ensures that the space and other requirements of Policy HP12 Indoor Space are fully met. Similarly, the design, layout and orientation of the four dwellings ensure that the provisions of Policy HP13 Outdoor Space are met.

53. Policy HP14 covers privacy and daylight, and is relevant in two specific ways. First, it concerns the amenity of the future residents of the four replacement dwellings. The design of the relationship between the student accommodation and these dwellings has been handled in a way which ensures that the student accommodation does not have any adverse effect on the replacement dwellings. The replacement dwellings themselves will not give rise to any adverse effects on the amenity of other dwelling houses or on the parts of MacMaster House adjoining.
54. The policy also refers to the effect of any development on existing homes; development which is considered to be overbearing will not be permitted. The description of the site and surroundings has indicated the extent to which surrounding development is in fact not residential, in the form of Headington School and guest houses on the opposite side of London Road. The nearest dwelling houses in Class C3 are considered to be not adversely affected.
55. The design has paid careful attention to the effect on McMaster House. Furthermore, specific measures are proposed on the south west facing elevation to reduce the effect of potential overlooking of the school. Overall, it is considered that the amendments to the bulk and mass of the student accommodation building, and the specific mitigation measures proposed, enable the development as a whole to comply with this policy.
56. In addition the application is accompanied by illustrations of shadow casting at different times of the day at the two solstices and the two equinoxes.
57. It is concluded that no significant adverse effects on residential amenity will arise from the proposed development.

### Highways and Parking

58. The planning application was accompanied by a Transport Statement and Travel Plan.
59. The site is located within a "Transport District Area", defined as a part of the City which is easily accessible by non-car modes of transport and provides a good range of shops and services nearby, but which is also under significant pressure for development. This gives rise to the need to promote further use of sustainable modes of transport.
60. The student accommodation will be car-free in accordance with Policy HP5 of the Sites and Housing Plan and saved Policy TR12 of the Oxford Local Plan. It will provide one car parking space, for a student with disability, access for services and deliveries, and a 'drop-off' area for the student accommodation.
61. The proposed development also involves a small reduction in on-street parking in the two hour bay and resident-only categories. The local highway authority has asked for the site to be excluded from eligibility for parking permits and this is proposed to be secured by condition.

62. New vehicular accesses involving a one way entry and exit system are proposed from Latimer Road to serve the student accommodation, and to provide access to the car parking spaces for the replacement dwellings.
63. Trip generation and traffic impact were calculated taking the characteristics of the proposed development into account and using trip rates arising from comparable development elsewhere in the country. The Transport Statement concluded that the proposed development will have a minimal effect on the road network.
64. In the vicinity, London Road is 8.5 metres wide and includes an outward bound bus lane. The footway on this part of London Road is unusually wide at 2.4 metres, and includes a City-bound cycle lane. The width of the footway will be more than adequate to cope with the additional pedestrian footfall.
65. Notwithstanding the conclusions of the Transport Statement about the minimal impact of the development, the Travel Plan seeks to reinforce the use of sustainable transport by such measures as a welcome pack for new residents, a free bus pass, and specific arrival and departure times for the beginning and end of each term. This last measure is standard practice at other accommodation occupied by students at Brookes, and is effective in mitigating congestion at these limited times of year.
66. Residents and staff at McMaster House have commented that their elderly residents have difficulty using pavements and bus stops in the locality because of the intimidation they feel (especially those with impaired mobility or mobility aids) when there are so many young students in the area – this was not in any way to imply direct abuse but more a perception that they would be endangered by so many pedestrians and cyclists. This, although heart-felt and real to those elderly people in the area, is not a material determining issue in this case.
67. Further, Headington School has commented about the difficulties that parents and others visiting the site by car have when they cross the busy pavement outside the school to gain access/egress from the site. The pavement carries high pedestrian and cyclist flows and there have been incidences of collisions. The County as highway authority has not raised an objection to the scheme indeed has commented that the site is very well located in relation to pedestrian, cycling and bus routes. This is not therefore a material determining issue in this case.

### **Trees and Landscaping**

68. In negotiation of this scheme, officers have stressed the importance of the existing mature trees and their contribution to the character of London Road and Latimer Road.
69. The application is accompanied by an Arboricultural Report (as defined by the British Standard- BS.5837:2012- Trees in relation to design, demolition and

construction - Recommendations) which records the existing trees within and adjacent to the site, their quality and value, and the constraints that they present. It considers the impact of the proposed development on these trees, and the measures that should be taken to protect and enhance the setting of those trees of sufficient value to be retained.

70. The assessment identifies two Category A (high quality) trees. These are the three beech trees covered by Tree Preservation Orders (TPOs) (Oxford City Council - London Road (No.2) TPO 2005 and Oxford City Council (No. 3) TPO 2005 at 36 and 40 London Road. These will be retained.
71. The four replacement proposed dwellings to the south of the Latimer Road end of the site have been located in such a way as to avoid harm to the TPO cherry tree (Oxford City Council Latimer Road (No.1) TPO 2005, standing within the adjacent McMaster House boundary..
72. The report proposes the removal of a total of 24 trees to facilitate development or for landscape improvement. All but three of these trees fall into Category C (poor quality) or Category U (dead, in poor health or having structural defects). The three others are in Category B (moderate quality) comprising two western red cedar and one Lawson cypress. Only the Lawson cypress represents a prominent feature in the street scene to Latimer Road; this impact is considered acceptable in the round as it is able to be adequately mitigated by new tree planting and associated soft landscape features, to be secured under landscape conditions.
73. A Landscape Masterplan also accompanies the application. The landscaping proposals include the planting of new trees, shrubs and hedges. This aspect of the application is considered to require further development, which can be dealt with as part of a condition. Landscape proposals are likely to be encouraged to remove some of the suppressed, mostly self-seeded, trees growing under the bigger TPO beeches so as to create a 'cleaner' aesthetic in the landscape design for the building frontage. The Masterplan also illustrates the variety of materials to be used for external hard surfaces.
74. The development has been designed to accommodate the tree canopies and root protection areas. The proposals for the retention of trees and for landscaping enable the proposed development to comply with saved Local Plan policies NE15 and NE16. The retained trees can be adequately protected from any of the potential adverse impacts of construction activities through tree protection measures to be approved under pre-commencement conditions.

### **Flood Risk and Drainage**

75. The planning application is accompanied by a Flood Risk Assessment. The site is located in Flood Zone 1 as defined by the Environment Agency and is assessed as one which has a "low probability" of flooding (less than a 1 in 1000 year (<0.1%) probability).

76. Sustainable drainage measures (SuDS) will be incorporated into the development. Permeable paving will be laid in the area of the residential car parking and access road. Permeable paving will also be laid in the courtyard and external hardstanding areas of the student accommodation building.
77. Appropriate drainage measures will be installed in the root protection areas of the retained trees to ensure that tree roots are protected. The proposed SuDS measures will be designed to attenuate the 1 in 100 (1.0%) annual probability plus 30% allowance for climate change. Foul discharge from the ground floor and above will connect to the existing sewer network. Foul discharge from the lower ground floor of the student block will be pumped to enable discharge to the sewer network. Thames Water has been consulted on the proposals and appropriate mitigation measures will be implemented as recommended.
78. Headington School adjacent to the site has commented that it fears that it will suffer from surface water drainage problems – exacerbating those that already exist on their site. The Highfield RA has commented that drainage issues are evident in the area. The County as drainage authority has however assessed the Flood Risk Assessment and is content that the scheme deals adequately with its drainage requirements.
79. These measures enable the proposed development to comply with Core Strategy Policy CS11.

### Archaeology and Heritage

80. A desk-based archaeological investigation was submitted with the planning application. It found low potential for prehistoric or Roman activity on the site, and low or insignificant potential for early medieval or medieval activity.
81. The report also notes that the site is not in a Conservation Area, and is far enough away from the Old Headington and Headington Hill Conservation Areas not to have any impact on their setting. The report identifies three Grade II listed structures in the vicinity: the Britannia Inn (200m distant), The Farm, Highfield Avenue (250m) and the boundary wall of Bury Knowle, North Place (500m).
82. The adjacent dwelling on the north-east corner of Latimer Road and London Road - the former Coach House to Dorset House - is included on a legacy list of properties awaiting consideration for inclusion in the Oxford Heritage Assets Register because of its Arts and Crafts architecture. The proposed development contrasts totally with this building in scale and style but notwithstanding their close juxtaposition, in the view of officers the two buildings can co-exist harmoniously precisely because of their contrasting nature. No material planning harm will flow from that relationship that should cause the proposed development to be altered.
83. It can be concluded that the proposed development will give rise to no adverse effects on the archaeology and heritage of the area, and that the relevant parts of Core Strategy Policy CS18 are complied with.

### Ecology

84. The planning application was accompanied by an Extended Phase 1 Habitat Report. This report found no evidence of the presence of bats, badgers, reptiles or bird roosts. It can be concluded that the proposed development will give rise to no adverse effects on the ecology of the area.
85. Biodiversity enhancements in the form of integrated bird and bat boxes will be secured by condition.

### Conclusion

86. The proposed development can be regarded as sustainable in the broad sense, that it makes good use of an existing developed site, close to the main campus of Oxford Brookes University, and which is located on bus routes serving the University's other campuses at Wheatley and Harcourt Hill. The proposals also comply with policies relating to detailed aspects of sustainability.
87. Further, there are no adverse effects in terms of trees, transport, flood risk, archaeology and heritage, or ecology. It can be concluded overall that the adverse environmental effects of the proposed development will be minimal.
88. The proposed development is considered to be wholly compliant with national guidance and relevant local policy.
89. The concerns of objectors have been carefully considered. To the extent that they are relevant to planning, they are nevertheless found to not constitute other material considerations sufficient to outweigh compliance with the development plan.
90. It is recommended that the application be approved subject to appropriate 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:** 15/00858/FUL

**Contact Officer:** Fiona Bartholomew

**Extension:** 2774

**Date:** 20th November 2015

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