

# Agenda

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## East Area Planning Committee

Date: **Wednesday 4 March 2015**

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Time: **6.00 pm**

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Place: **The Old Library, Town Hall**

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For any further information please contact:

**Jennifer Thompson, Committee and Member Services Officer**

Telephone: 01865 252275

Email: [democraticservices@oxford.gov.uk](mailto:democraticservices@oxford.gov.uk)

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# East Area Planning Committee

## Membership

<b>Chair</b>	Councillor Roy Darke	Headington Hill and Northway;
<b>Vice-Chair</b>	Councillor Van Coulter	Barton and Sandhills;
	Councillor Mohammed Altaf-Khan	Headington;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Mary Clarkson	Marston;
	Councillor Ben Lloyd-Shogbesan	Lye Valley;
	Councillor Michele Paule	Rose Hill and Iffley;
	Councillor Ruth Wilkinson	Headington;

The quorum for this meeting is five members. Substitutes are permitted

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# AGENDA

	<b>Pages</b>
<b>1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b>	
<b>2 DECLARATIONS OF INTEREST</b>	
<b>3 51 SANDFIELD ROAD: 14/01332/FUL</b>	11 - 22
<b>Site Address:</b> 51 Sandfield Road Headington Oxford OX3 7RW	
<b>Proposal:</b> Erection of single storey rear and first floor side extension. Formation of new roof over existing flat roof (Amended plans and description 22/10/2014)	
<b>Officer recommendation:</b> to grant planning permission subject to the following conditions:	
<ol style="list-style-type: none"><li>1. Development begun within time limit.</li><li>2. Develop in accordance with approved plans.</li><li>3. Materials as approved plans.</li><li>4. Obscure non-opening window first floor.</li><li>5. SUDs Drainage.</li></ol>	
<b>4 MARYWOOD HOUSE, LEIDEN ROAD: 14/01770/FUL</b>	23 - 40
<b>Site Address:</b> Marywood House, Leiden Road, Oxford	
<b>Proposal:</b> Demolition of existing buildings on site. Erection of 2 buildings on 3 levels to provide 4 x 3 bed houses and 6 x 2 bed flats, plus 10 supported housing flats, 18 car parking spaces, cycle parking, landscaping and ancillary works (amended plans).	
<b>Officer recommendation:</b> Approve the application subject to completion of legal agreement and subject to conditions:	
<ol style="list-style-type: none"><li>1. Development begun within time limit.</li><li>2. Develop in accordance with approved plans.</li><li>3. Samples.</li><li>4. Landscape hard surface design - tree roots.</li><li>5. Landscape underground services - tree roots.</li><li>6. Tree Protection Plan (TPP) 1.</li><li>7. Arboricultural Method Statement (AMS) 1.</li><li>8. Details of parking areas.</li><li>9. Details of cycle parking - waste storage.</li><li>10. Boundary details before commencement.</li><li>11. Potential contamination remediation.</li><li>12. Unexpected contamination.</li><li>13. Ground resurfacing - SUDS compliant.</li><li>14. Bat &amp; bird boxes integrated into building.</li><li>15. NRIA.</li><li>16. Design - no additions to dwelling.</li><li>17. Surface Drainage Scheme.</li></ol>	

18. Travel Plan.

**Legal Agreement:**

To ensure the provision of the affordable housing units contained within the development proposal, the applicant will need to provide an undertaking under the terms of section 106 of the Town & Country Planning Act 1990.

**5 55 TO 98 KESTREL CRESCENT (VERGES): 15/00235/CT3**

41 - 48

**Site address:** Site of Verges at 55 To 98 Kestrel Crescent, Oxford

**Proposal:** Provision of 13no. residents' parking spaces on existing grass verges.

**Officer Recommendation:** approve the application subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Ground resurfacing - SUDS compliant.
4. Tree Protection Plan (TPP) 2.
5. Arboricultural Method Statement (AMS) 2.
6. Management and monitoring.
7. Landscaping details.
8. Oil/petrol filters.

**6 ARTICLE 4 DIRECTION (OFFICES TO RESIDENTIAL)**

49 - 96

Report of the Head of City Development (attached)

**Officer recommendation:** Committee is asked to:

1. Consider the public comments received from the Public Consultation stage along with the evidence in this report;
2. Consider the officers comments in response and
3. **Confirm** the Article 4 Direction, which was originally made on the 28 March 2014 but will not come into force until 28 March 2015.

The effect of this Direction will make it necessary to apply for planning permission to change the use of offices (B1a) to residential (C3) on key protected employment sites.

The order, which includes both the Direction Order itself and individual maps of the sites themselves, can be found at

[http://consultation.oxford.gov.uk/gf2.ti/f/417762/11838245.1/PDF/-/Article 4 Direction Order and Maps.pdf](http://consultation.oxford.gov.uk/gf2.ti/f/417762/11838245.1/PDF/-/Article%204%20Direction%20Order%20and%20Maps.pdf)

**7 PLANNING APPEALS**

97 - 102

Summary information on planning appeals received and determined to 23 February 2015.

The Committee is asked to note this information.

## 8 MINUTES

103 - 108

Minutes from the meetings of 4 and 11 February 2015

**Recommendation:** That the minutes of the meeting held on 4 and 11 February 2015 are approved as a true and accurate record.

## 9 FORTHCOMING APPLICATIONS

Items for consideration by the committee at future meetings are listed for information. They are not for discussion at this meeting.

89 Pennywell Drive: 15/00168/FUL

13 Elms Drive, Old Marston: 15/00067/FUL

Land adj to 147 Oxford Road, Old Marston: 15/00210/FUL

87 Courtland Road: 15/00030/FUL

Rivera House And Adams House Reliance Way: 14//03204/OUT

228 London Road: 14/03331/FUL

The Triangle, University Of Oxford Old Road Campus, Roosevelt Drive:  
14/03540/FUL

112 London Road: 14/03348/FUL

23 Spring Lane, Littlemore, Oxford: 14/03049/FUL

Cowley Conservative Club, 19 Between Towns Road OX4 3LX:  
14/02850/FUL

5 and 7 Marshall Road, Cowley, OX4 2NP: 14/02781/FUL

Beenhams Cottage, Railway Lane: 14/02550/FUL

15 Boswell Road 14/03385/FUL

159 Windmill Road: 14/02182/FUL

62 Dashwood Road: 14/02093/FUL

Ashlar House Adjacent 2 Glanville Road: 14/02181/FUL

Land East of Warren Crescent: 13/01555/CT3

Littlemore Park, Armstrong Road: 14/02940/OUT

## 10 DATES OF FUTURE MEETINGS

The Committee will meet on the following dates:

8 April

6 May

3 June

1 July

5 August

2 September.

## **DECLARING INTERESTS**

### **General duty**

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

### **What is a disclosable pecuniary interest?**

Disclosable pecuniary interests relate to your\* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

### **Declaring an interest**

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

### **Members' Code of Conduct and public perception**

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

\*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

## **CODE OF PRACTICE FOR DEALING WITH PLANNING APPLICATIONS AT AREA PLANNING COMMITTEES AND PLANNING REVIEW COMMITTEE**

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner.

The following minimum standards of practice will be followed.

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful
2. At the meeting the Chair will draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
  - (a) the Planning Officer will introduce it with a short presentation;
  - (b) any objectors may speak for up to 5 minutes in total;
  - (c) any supporters may speak for up to 5 minutes in total;
  - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
  - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
  - (f) voting members will debate and determine the application.

At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

### 4. Public requests to speak

Members of the public wishing to speak must notify the Chair or the Democratic Services Officer before the beginning of the meeting, giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

### 5. Written statements from the public

Members of the public and councillors can send the Democratic Services Officer written statements to circulate to committee members, and the planning officer prior to the meeting. Statements are accepted and circulated up to 24 hours before the start of the meeting.

Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising.

### 6. Exhibiting model and displays at the meeting

Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention at least 24 hours before the start of the meeting so that members can be notified.

## 7. Recording meetings

Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best plan to record. You are not allowed to disturb the meeting and the Chair will stop the meeting if they feel a recording is disruptive.

The Council asks those recording the meeting:

- Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
- To avoid recording members of the public present unless they are addressing the meeting.

For more information on recording at meetings please refer to the Council's [Protocol for Recording at Public Meetings](#)

## 8. Meeting Etiquette

All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.

9. Members should not:

- (a) rely on considerations which are not material planning considerations in law;
- (b) question the personal integrity or professionalism of officers in public;
- (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; and
- (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.



# Agenda Item 3

East Area Planning Committee:

4<sup>th</sup> March 2015

**Application Number:** 14/01332/FUL

**Decision Due by:** 11th July 2014

**Proposal:** Erection of single storey rear and first floor side extension. Formation of new roof over existing flat roof (Amended plans and description 22/10/2014)

**Site Address:** 51 Sandfield Road Headington Oxford OX3 7RW **Appendix 1**

**Ward:** Headington Ward

**Agent:** Mr Jonathan Dennis

**Applicant:** Mr & Mrs John Gorrell

**Called in ....**

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed extension to the rear, roof extension to the side and cantilever to the front are considered to be of an appropriate scale and design, and are not considered to have a significantly detrimental impact on the amenities of the adjoining occupiers, or to the character and appearance of Sandfield Road.
- 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.

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 Materials as approved plans
- 4 Obscure non-opening window first floor
- 5 SUDs Drainage

### **Main Local Plan Policies:**

#### **Oxford Local Plan 2001-2016**

- CP10** - Siting Development to Meet Functional Needs
- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP11**- Landscape Design
- NE15**- Loss of Trees and Hedgerows

#### **Core Strategy**

- CS18\_** - Urban design, town character, historic environment
- CS11\_** - Flooding

#### **Sites and Housing Plan**

- MP1** - Model Policy
- HP9\_** - Design, Character and Context
- HP14\_** - Privacy and Daylight

#### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

#### **Relevant Site History:**

72/26826/A\_H - Bedroom and garage extension and internal modification. PDV 14th November 1972.

12/01131/FUL - Extension of roof to create new gable end with 2 side roof lights.  
PER 25th June 2012.

#### **Representations Received:**

The application was amended to alter the design of the extension, and then further

amendments were made to update the relationship between the application site and neighbouring properties, and to update daylight and sunlight calculations. The amendments were advertised on each occasion.

49 Sandfield Road Objects for the following reasons. Effect on adjoining properties; effect on character of area; effect on privacy, information missing from plans; light - daylight/ plan policies; not enough info given on application. The neighbour commented;

- All comments on the previous plans remain, despite a revised Design and Access Statement, the extension remains overbearing.
- Despite the revisions, the proposals remains unchanged and contrary to policy, they still do not address the 45 degree rule, comments about outlook and privacy are misleading and inaccurate, reference to permitted development procedure is irrelevant.
- The design statement accepts that materials are not in keeping, but they were in first plans, it would be contrary to policies CP1 (a), (b), CP8 (b)(c), HP9, HP14
- Objections relate to the rear extension and cantilever shower room, not the roof alterations.
- The extension will extend further back from the rear of 51 than any other houses in the row and be overbearing to homes (CP.1(i), HP14). Increasing sense of enclosure to 49.
- The proposed rear extension does not relate to its context and would not strengthen and protect the local character (CP.1(a), CP.1(b), CP.8, CP.8(b), CP.8(c), HP9, HP14
- The rear extension is out of character with the local surroundings and would not create an appropriate visual relationship (CP.1(a), CP.8(b), HP9. The only flat roof in the area is the first floor of 51, there is no other part flat, part pitched roofs as proposed.
- The materials are out of character with the area (CP.1(b), CP.8(b), HP9). There are no slate roofs in the area, and the single ply membrane is also out of character.
- Regarding privacy (CP.1 (i), HP14 (a)), the proposed works include two new windows in the SE elevation which would look directly into the kitchen at 49.
- Regarding light (CP.1(i), HP14(b)) the proposed works would cause a considerable loss of daylight into the rear of 49, in particular into the windows and glazed door of the kitchen. Considerable loss of daylight and sunlight into the 4th bedroom of 49 due to the proposed cantilevered shower area.
- Plans are misleading as there has been no application of the 45 degree rule to the windows of 49.
- The statements re misleading saying they are a row of matching houses which have all been altered. 49 has not been changed in shape. It is misleading to suggest that the removal of a window will help with privacy, when more windows are proposed facing the kitchen.
- 51 is being used as the registered office for a VAT registered limited company. It is of concern that there is no mention of this in the application.

53 Sandfield Road. Objects for the following reasons; amount of development on site; effect on adjoining properties; effect on character of area; effect on privacy;

general dislike or support for proposal; height of proposal; Information missing from plans; light - daylight/sunlight; local ecology, biodiversity; local plan policies; not enough info given on application. The neighbours commented

- The fourth set of plans, in response to our comment about the error, in the plan relating to the distance between the boundary of 51, and the wall of our house. The ground level is still understated and the height of the window overstated, so the clearance line of the extension is incorrect.
- The adjustments to the length, width and design of the extension do not address our concerns
- The rear extension is very large and extends 6 metres from the rear of our house, there will be 26.5 sq. metres of black slate dominating our outlook, it will be oppressive and overbearing.
- It will impact light, sunlight and outlook from our sitting room and terrace. It breaches the 45 degree line and the 25 degree line, as drawn from the middle of the sill from the nearest window.
- The enlarged window of the utility room will overlook our much used terrace.
- Artificial light spillage from the extension via the velux lights will affect the bedrooms at the back of our house.
- There are three Lawson Cypress trees in our back garden which may be affected by the development, they could be weakened, they are an essential shield from the hospital.
- Discrepancy between the two design and access statements, the first said it fitted in with the original, the second that it will not match the house.
- There are no other large extensions in Sandfield Road, all other extensions are sensitive, and this will set a precedent for the infilling of back gardens and damage the area of green between Sandfield Road and the hospital
- The alterations to the flat roof is large structure, not a re-orientation of the approved alterations, it will add 2 metres of height and 10 square metres of wall on our side. It will be overbearing and cut light and sunlight between the houses, our entrance and front of the house.
- The application has dragged on too long, the amendments and revision have not addressed our concerns, the errors and omissions do not inspire confidence in their accuracy, it has been stressful.
- Ask for confirmation that the elimination of the large roof overhang is a fact and will not re-emerge at a later stage.
- 51, also named as Lancox House is the registered HQ of Lancox Ltd, it is not just a family home but is the premises for the company.
- If permission is granted for large extensions of this kind it could encourage adjacent homeowners to build larger extensions, is this leapfrogging desirable?
- The design statement is not accurate as the three houses are not matching. No 53 has had no alterations to it, and 51 has been altered in footprint, volume and windows.

### **Statutory and Internal Consultees:**

#### Oxford Civic Society

The rear extension is very large in comparison with the existing footprint, and extends well beyond the rear elevations of the neighbouring properties on both

sides, which are in close proximity. Inadequate information is provided on the likely effect of the rear extension on the obstruction of light to the windows of the neighbouring properties, and, in the absence of proper demonstration that the neighbouring properties would not suffer unreasonable harm, we would recommend refusal of this application.

Highways Authority. No observations to make and so no objection to the application.

Oxfordshire County Council Environmental Services All extensions / developments which increase the size of the hard areas must be drained using SUDs methods, including porous pavements to decrease the run off to public surface water sewers and thus reduce flooding. You should carry out soakage tests to prove the effectiveness of soakaways or filter trenches.

### **Issues:**

Design  
Effect on adjacent properties  
Trees  
Flooding

### **Officers Assessment:**

#### Site description and proposal

1. 51 Sandfield Road is a detached house built in the mid-1930s, within a street of predominantly 1930s detached houses. All of the houses in Sandfield Road have long gardens, and the majority of the houses on the western side of the road back on to the John Radcliffe Hospital. The house has previously been extended in the 1970s with a garage and first floor extension above, with a flat roof. The front elevation of 51 Sandfield Road has many of the features typical of a 1930s suburban house, with bay windows, a projecting front gable and mock Tudor details. The rear elevation is rendered with no particular design features.
2. This application is seeking permission for a single storey extension to the rear, a shower room at first floor level built on a cantilever over the porch, and the addition of a pitched roof above the existing flat roof to the front and side of the house. An existing ground floor window is to be enlarged on the north elevation and 2 additional high level fixed windows are proposed on the existing south elevation. The single storey rear extension is 5 metres deep, and extends to 0.4 metres short of the full width of the house, to provide a dining area and kitchen. The dining area of the extension has a flat roof, with sky lantern, and is 2.995 metres high. The kitchen extension will have a mono-pitched slate roof which has a height to eaves of 2.21 metres at the lowest point, and 3.1 metres height to eaves at the highest point; the roof continues to slope to 3.5 metres high.

#### Design

3. Policies CP1, CP6, CP8, CP10, CS18 and HP9 seek to ensure that development is of a high standard of design, which relates well to its surroundings, and is visually well related to the host building. The proposed roof extension to the front of the house will match the slope over the main roof of the house when viewed from the street, and will be tiled to match the rest of the roof. Rooflights are proposed to the front and rear roof slopes. There is an extant permission (12/01131/FUL) for a pitched gable over the extension, of a lower height. It is considered that whilst this is of an increased height to the previously approved plans, it is more appropriate to the design of the house, and will be more in keeping with the original design of the house. Moreover, the addition of a pitched roof will be a visual improvement as the existing flat roof is an unsympathetic feature within the street scene.
4. The proposed cantilevered shower room is to be constructed above the porch, and extending out from the catslide roof. There will be a gable roof above, to match the design of the main gable to the house, with a window with design features to the front. This is again reflecting the design features of a 1930s house, and will ensure that the proposed extension blends well with the street scene. This aspect of the proposal is considered to be visually appropriate to Sandfield Road. Although there are a number of different designs of individual houses, there is a predominance of 1930s design features and the alterations to the front elevations reflect these characteristics.
5. The proposed extension to the rear is of a more contemporary design. The application as originally submitted proposed a more conventional extension, however, this was amended to reflect the objections of neighbours about depth and height, and so a contemporary design was then adopted. The public comments have referred to the change in the design approach, and the differences between the two design statements. The rear elevation of the house in contrast to the front is bland, rendered and is devoid of design features of any note. It is therefore a blank canvass, and a contemporary design has been proposed. The objections have referred to the size, materials and design being out of character with the area. The extension is 5 metres deep and of a significantly size. The height at its maximum point is 3.5 metres high, which is considered to be appropriate given the design and scale. The two sections of the extension, one being flat roofed, and one with a mono-pitch adds interest to the building. The rear elevation being extended in this way would be read as a 21<sup>st</sup> Century addition to the house, the open plan layout within the house also reflects modern lifestyles. A conventional design was originally considered, but then not pursued following the objections to the impact that a conventional extension would have on the adjacent properties. The mono-pitch roof was proposed, as this could be achieved with a lower eaves height, and reduce the effect on 53 Sandfield Road, as discussed below. Policy CP8 says that design should be specific to the site and context and should respect without necessarily replicating local characteristics and that innovative design should not be ruled out. In this context the innovative design is considered to be visually appropriate, and

within the scale of the existing house. The property has an extensive garden, and so it is not considered that there would be an overdevelopment of the plot. It is clear that modern extensions of contemporary design have been approved by the Council throughout the city.

6. The mono-pitch roof is proposed to be slate, and the neighbours have objected to this, as they consider this will be out of keeping with the materials within Sandfield Road. Whilst the slate roof is uncommon, particularly on this style of 1930s house, the proposed extension is a contemporary design, and is a complimentary design to the rear elevation of the house. The roof slope is distinct in design from that of the main roof of the house, and on that basis it is considered to be visually appropriate to use a material which reflects the smooth, clear uncluttered lines of this very contemporary design. Contemporary extensions elsewhere have not been required to have matching materials where the proposed materials form part of the contemporary nature of the design.
7. The proposed extensions to the front, side and rear are considered to be in accordance with the development plan policies which seek to ensure that new development is of an appropriate design. The extensions that will be seen in the public views blend well with the street scene and 1930s character of the immediate area. In contrast the rear extension introduces a contemporary design, and additional features, and is also considered to be appropriate in this location.

#### Effect on adjacent properties

8. Policy HP14 of the Sites and Housing Plan and policy CP1 of the Oxford Local Plan seek to ensure that new development will not have an adverse impact on the amenity of adjoining occupiers. Policy HP14 sets out the criteria for assessing the impact on sunlight and daylight. The policy also refers to the guidance in Appendix 7 which sets out the 45° guidelines. The neighbouring properties have raised objections due to the loss of sunlight and daylight to rooms and garden areas as a result of the different aspects of the proposal.
9. The assessment of the 45°/25° guideline has been undertaken on the three elements of the proposal. The 45° line was indicated on the submitted plans from the dining room of 49 Sandfield Road, and the proposed extension does not contravene that line. However the occupier was also concerned about the impact on their kitchen, and so the assessment has also been undertaken using the window of the kitchen door as the assessment point. The rear extension clips the 45° line, however when the 25° uplift from the line is calculated the extension does not contravene the line. The rear extension is not considered to result in any unacceptable loss of sunlight and daylight to the kitchen of 49 Sandfield Road. The occupiers of 53 Sandfield Road were also concerned about the impact on their sitting room. The submitted plans were corrected to show an accurate relationship between the two properties. The assessment of the guidelines shows that the extension contravenes the 45° line. However when the 25° uplift of that line is taken into account, the

proposed extension does not contravene the line, even though 53 Sandfield Road is at a lower ground level. Whilst 51 Sandfield Road is to the south, there are additional windows which also serve that room, and given that a 2 metre fence could be erected on the boundary which would also contravene the 25° uplift, it is considered that on balance the loss of light is not sufficient to warrant the refusal of the application.

10. The occupiers of 53 Sandfield Road were also concerned about the impact of the proposed shower room on the ground floor kitchen and a first floor bedroom. The guidelines in Appendix 7 of the Sites and Housing Plan indicate that where side windows are affected, a 45° angle is drawn in the vertical plane from the cill. The line has been drawn from the cill of the first floor window, and the extension does not contravene the line. The outlook is not considered to be adversely diminished, because it was facing the side elevation of 51 Sandfield Road, and this is not materially altered. An assessment has also been undertaken from the kitchen window which shows that the extension will contravene the line. However given that the room is north facing and that there are three other side windows to the kitchen and the back door giving light to the room, the shower room will not have an overbearing impact or result in any significant loss of light to the kitchen.
11. The occupiers of 53 Sandfield Road have also raised objection to the proposed roof extension as they consider it will have an overbearing impact on their front door, and will reduce the amount of light available to the patio area to the rear. The proposed addition to the roof will not directly impact any habitable rooms, and whilst there will be some additional height, this is not considered to have a general overbearing impact on the living conditions within the house. Whilst there is some loss to the rear garden, this is at limited times of the day. As discussed above this aspect of the proposal will result in a general improvement to the street scene, and given that there is an extant permission, the additional height proposed is not considered to be sufficient to warrant refusal of this application.
12. Policy HP14 also seeks to ensure that proposals will not result in a significant loss of privacy to neighbouring properties. The windows to the rear extension will all face into the rear garden of 51 Sandfield Road and so there will not be any direct overlooking from these windows. There has been a concern about light spillage from the roof lights on the extension, although this will not affect privacy level to 53 Sandfield Road. A first floor window to the side elevation is also proposed as part of the roof alterations to the front. This window is indicated on the submitted plans as being obscure glass, and a condition is recommended to ensure that it remains so and non-opening, to maintain the privacy to the front of 53 Sandfield Road. Two high level windows in the side elevation of the existing house are proposed to provide additional light. There have been objections to this from 49 Sandfield Road. The windows are proposed to be high level and non-opening, and are considered to be Permitted Development, and so these could be inserted at any time without needing planning permission. No objection is therefore raised to this element of the proposal



13. The proposed extensions are considered to be in accordance with Policy HP14 and CP1, and will not result in any significant loss of sunlight and daylight or be significantly overbearing to the adjacent houses.

### Trees

14. Policies CP1, CP11 and NE15 of the Oxford Local Plan do not permit development proposals which will result in the removal of trees which will have a significant adverse impact on public amenity or ecological interest. A tree assessment was submitted with the application, and the proposed rear extension will not impact any trees of public amenity value.

### Flooding

15. Policy CS11 of the Core Strategy seeks to limit the effect of development on flood risk and expects all developments to incorporate sustainable drainage systems or techniques to limit or reduce surface water run-off.
16. The Local Drainage Authority has suggested that drainage from the development be compatible with the principles of Sustainable Urban Drainage Systems (SUDS) to attenuate the run-off of rain water and it is considered reasonable for any grant of planning permission to be conditional on SUDS compliant drainage in order to reduce the rate of run off and the risk of flooding in accordance with Policy CS11 of the Core Strategy.

### **Conclusion:**

17. The proposed extension to the rear, roof extension to the side and cantilever to the front are considered to be of an appropriate scale and design, and are not considered to have a significantly detrimental impact on the amenities of the adjoining occupiers, or to the character and appearance of Sandfield Road and so the application is recommended for approval.

### 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:**

14/01332/FUL

**Contact Officer:** Sian Cutts

**Extension:** 2186

**Date:** 18<sup>th</sup> February 2015

# Appendix 1

## 14/01332/FUL - 51 Sandfield Road



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Ordnance Survey 100019348

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East Area Planning Committee

4th March 2015

**Application Number:** 14/01770/FUL

**Decision Due by:** 18th September 2014

**Proposal:** Demolition of existing buildings on site. Erection of 2 buildings on 3 levels to provide 4 x 3 bed houses and 6 x 2 bed flats, plus 10 supported housing flats, 18 car parking spaces, cycle parking, landscaping and ancillary works.(amended plans)

**Site Address:** Marywood House Leiden Road Oxford Oxfordshire

**Ward:** Churchill Ward

**Agent:** Hunters

**Applicant:** Advance UK

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## **Recommendation:**

RESOLVE TO APPROVE SUBJECT TO COMPLETION OF LEGAL AGREEMENT

## **Reasons for Approval**

- 1 The proposed redevelopment makes an efficient use of previously developed land and delivers an appropriate level of affordable housing for the city within an existing residential area in the form of learning disability apartments. The overall layout, size, scale and design of the proposed buildings would be sympathetic to the site and its surroundings while also safeguarding the residential amenities of the adjoining properties. Although the development will result in the loss of a small number of mature trees, it is considered that this loss could be mitigated through more appropriate replacement planting within the site. Some of the remaining trees are important specimens forming part of Magdalen Woods to the north-east. The proposed dwellings would provide good quality housing for the future occupants and be acceptable in highway terms and energy efficiency. The development would not create any adverse biodiversity, or flooding impacts. The application would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026.
- 2 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 Landscape hard surface design - tree roots
- 5 Landscape underground services - tree roots
- 6 Tree Protection Plan (TPP) 1
- 7 Arboricultural Method Statement (AMS) 1
- 8 Details of parking areas
- 9 Details of cycle parking - waste storage
- 10 Boundary details before commencement
- 11 Potential contamination remediation
- 12 Unexpected contamination
- 13 Ground resurfacing - SUDS compliant
- 15 Bat & bird boxes integrated into building
- 16 NRIA
- 17 Design - no additions to dwelling
- 18 Surface Drainage Scheme
- 19 Travel Plan

### **Legal Agreement:**

To ensure the provision of the affordable housing units contained within the development proposal, the applicant will need to provide an undertaking under the terms of section 106 of the Town & Country Planning Act 1990.

## **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  
**CP9** - Creating Successful New Places  
**CP10** - Siting Development to Meet Functional Needs  
**CP11** - Landscape Design  
**CP13** - Accessibility  
**NE15** - Loss of Trees and Hedgerows  
**CP22** - Contaminated Land

### Core Strategy

**CS2\_** - Previously developed and greenfield land  
**CS9\_** - Energy and natural resources  
**CS12\_** - Biodiversity  
**CS18\_** - Urban design, town character, historic environment  
**CS22\_** - Level of housing growth  
**CS23\_** - Mix of housing  
**CS24\_** - Affordable housing

### Sites and Housing Plan

**MP1** - Model Policy  
**HP2\_** - Accessible and Adaptable Homes  
**HP4\_** - Affordable Homes from Small Housing Sites  
**HP9\_** - Design, Character and Context  
**HP11\_** - Low Carbon Homes  
**HP12\_** - Indoor Space  
**HP13\_** - Outdoor Space  
**HP14\_** - Privacy and Daylight  
**HP15\_** - Residential cycle parking  
**HP16\_** - Residential car parking

### Other Planning Documents

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document
- Affordable Housing Supplementary Planning Document
- Planning Obligations Supplementary Planning Document
- Parking Standards Supplementary Planning Document

## **Relevant Site History:**

72/27085/A\_H - Marywood - Change of use from derelict land to site for residential hostel for 25 mentally sub-normal adults.. PER 23rd January 1973.

73/01616/A\_H - Outline application for housing, school and community development.. PER 29th July 1974.

74/00294/SON\_H - Slade Park The Slade - Housing, school and adventure playground with access (Outline). PER 31st October 1974.

74/00655/A\_H - Marywood - Erection of hostel for 27 Mentally sub-normal adults and staff accommodation with garages.. PER 14th August 1974.

74/00746/A\_H - Outline application for housing, school and community development.. PER 4th September 1974.

03/00086/CEU - Application to certify that existing use as hostel for adults with learning disabilities is lawful.. PER 4th July 2003.

03/00942/OUT - Demolition of existing buildings and use of the land for residential development (Class C3) (number of units unspecified). Alterations to the access to be considered all other matters reserved.. REF 12th February 2004. Dismissed on appeal December 2004.

04/00949/OUT - Demolition of existing buildings and use of the land for residential development (Class C3) (number of units unspecified). Alterations to the access to be considered all other matters reserved.. REF 2nd August 2004. Dismissed on appeal June 2005.

14/00005/ORDER - Oxford City Council - Leiden Road (No.1) TPO, 2014. PROV .

## **Public Consultation**

### Statutory Consultees Etc.

- Natural England

#### **No objection – with conditions**

This application is in close proximity to Lye Valley Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

#### **Conditions**

The drainage strategy report refers to the suitability of the site for surface water drainage by infiltration, (soakaways and permeable pavements) which would reduce the need for water to be removed from the site by piped network.

A detailed description of the Sustainable Urban Drainage Systems (SUDS) strategy, as suggested within the Drainage Strategy Report submitted, should be provided to and agreed with your Authority prior to the commencement of any works. We would



expect such a document to discuss the following:

- The local hydrology of the site, considering both ground and surface water conditions, to ensure that all adopted SUDS techniques will be appropriate and effective. This could include an annotated plan;
- Outline all proposed materials, this is especially important for permeable paving, to ensure that the open-graded aggregate sub-base is sourced responsibly, limiting the risk of introducing pollutants;
- The development of a Management Plan that highlights how the SUDS will be constructed and later maintained at the site, to ensure they remain effective.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Lye Valley SSSI is notified.

### **Biodiversity enhancements**

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- Head Of Environmental Development  
No objection on land contamination subject to condition
- Highways Authority  
No objection subject to conditions

### **Drainage**

Prior to commencement a detailed design for the management of surface water should be submitted to and approved by the local planning authority.

### **Travel Plan**

A copy of the travel information pack should be submitted to OCC Travel Plans Team for approval prior to occupation.

### **Construction Traffic Management Plan**

A CTMP which includes the construction worker parking arrangements is to be submitted and approved prior to commencement.

### **Informatives:**

Travel Plan:- If required the travel plans team can put together a residential travel information pack at a cost of £800. Please contact OCC Travel Plans Team at [travelplan@oxfordshire.gov.uk](mailto:travelplan@oxfordshire.gov.uk) for further information.

### **Detailed Comments:**

Car Parking

Oxfordshire County Council car parking standards would normally require that an additional eight unallocated car parking spaces would be needed to support the visitor and operational parking needs of the 14 private flats. The applicant has however provided information from the 2011 census (Churchill ward) which demonstrates that 41% of the households in the area have no access to cars or vans and that only 18% have access to two or more cars or vans. This, together with the type of dwellings proposed (flats), the sustainable nature of the area and the reasonable availability of on-street parking, indicates that the level of parking proposed is reasonable. The applicant might wish to consider leaving the parking spaces as unallocated given that up to half of the allocated parking spaces could be unused.

#### Cycle Parking

28 cycle parking spaces have been provided for the 14 flats. Ten of these are in the form of sheds in the garden areas of five of the flats. Only one of these flats appears to have direct access to the rear garden, the other four would have to transport the cycles through the dwellings. The eight cycle parking spaces in the area of the disabled parking appear to be a bit awkward. The cycle parking arrangements are not ideal but are not sufficiently harmful to justify a solitary recommendation of objection.

- Thames Water Utilities Limited  
No objection

#### Representations Received:

1 comment from neighbouring properties : 39a The Slade Headington Oxford

- The proposed development, by nature of its height, length, and positioning to the boundary with The Slade, should not be visually intrusive and likely to have a detrimental impact on the outlook of existing properties. We live directly opposite the current site and do not find it visually intrusive as it is well screened on its boundary with the Slade, and of a size and construction that adequately blends in with its surroundings. That screening should remain or be updated to a similar standard.
- Access to the current site is via Leiden Road and this should remain the same for any future development. (This appears to be the case from the original plans submitted for the appeal in 2004) The Slade is an extremely busy through route so if any vehicular or pedestrian access were allowed to the site this would cause unacceptable traffic problems. It is currently extremely difficult to park outside the front of our flat on The Slade as for most of the day commuters occupy the available spaces.

#### Officers Assessment:

#### Background to Proposals.

##### Site Location

1 The application site comprises the buildings and surrounding open areas

known as Marywood House. The building formerly provided specialist housing for Oxfordshire County Council Social Services but has been empty for over ten years and is now in a neglected state. The site is located between Leiden Road and The Slade and is shown on **Appendix 1**. To the north of the site are residential dwellings fronting onto Leiden Road and backing onto The Slade, to the west are large trees adjacent to The Slade, to the south are further trees and then three small blocks of flats fronting Three Field Road and to the east lies the Wood Farm Health Centre. The existing buildings on the site comprise one principal building in a staggered form of two storeys under a pitched roof with other subordinate buildings also on the site along with parking, hardstanding and open areas surrounding the buildings. The buildings nestle between mature and other trees, some of which are considerable in stature and once formed part of an extended Magdalen Wood, the remainder of which still lies to the north-east of the site beyond Peppercorn Avenue and Broad Oak. The site is prominent in views from The Slade but less so from Leiden Road. Small block of flats shield views of the site from Three Fields Road.

### **Proposal**

- 2 The proposal is seeking permission for the demolition of Marywood House and the erection of 1 detached 3 bed house plus 2 buildings on 3 levels to provide a total of 4 x 3 bed houses and 6 x 2 bed flats, plus 10 supported housing flats, 18 car parking spaces, cycle parking, landscaping and ancillary works. The application has been amended since being submitted and originally proposed 14 private flats and 9 supported special needs units.
- 3 According to the information submitted with the application, the current building on the site is no longer fit for purpose and not capable of further adaptation to meet current needs. Both the applicants (Advance UK) and the commissioners of the replacement special needs housing, Oxfordshire County Council, want the new building to provide the flexibility needed to meet residents changing needs and also offer residents greater privacy and independence. In addition to this re-provision, Oxfordshire County Council (OCC) has identified the need for this service in their strategy Joint Commissioning Team (Adult Care) Social & Community Services May 2013. Officers therefore accept that it is not possible to adapt or reconfigure the existing building to meet future needs and the principle of the redevelopment of the site with new buildings is considered acceptable.
- 4 The proposed redevelopment utilises the existing access from Leiden Road. The part of the site closest to the access provides the 18 car parking spaces (including 3 disabled spaces) along with a large bin store for use in connection with the specialist housing accommodation. To the north of the site is proposed a detached 3 bed dwelling rising to 3 storeys. From the north-western border of the site and extending through the middle of the site to the south-east side avoiding the extensive tree belts are the two large buildings. The westerly building comprises 3 x 3 bed houses and an integral block of 6 x 2 bed flats. The second building provides all the accommodation and supporting facilities for the 10 residential apartments to house people with learning disabilities. The break-up of the apartments is 1 x 3 bed, 3 x 2 bed and 6 x 1 bed. Also included within the building are two resident's

lounges and a staff office / sleepover accommodation. Both of these buildings also rise to three storeys.

- 5 All buildings on the site feature a contemporary design with flat roofs and the bulk of the facades of the buildings broken up with sections of buff and flashed black multi-pattern bricks, vertical timber cladding and PPC aluminium cladding around the feature windows. The roofs of the two large blocks have arrays of photovoltaic panels. The four private sale houses have private gardens to the front and back as well as terraces on the first and second floors. The apartments all have their own paved terraces at ground floor level or private terraces for the flats on the first and second floors. The learning disability apartments have a large communal garden surrounding the complex.
- 6 Officers consider the principal determining issues to be:
  - Principle of new development on the site
  - Balance of dwellings
  - design
  - living conditions
  - trees and landscaping;
  - biodiversity; and
  - sustainability.
  - Parking and access

**Principle of development**

- 7 As explained in paragraph 3 above, the principle of redeveloping the site with new buildings is considered acceptable. The site comprises previously developed land and the National Planning Policy Framework (NPPF) encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy. As the site is also within an existing residential suburb, the principle of redeveloping the site for a residential use would accord with the aims of the above-mentioned policies. Furthermore, the redevelopment of the site to achieve the aspiration of providing accommodation for specialist housing need as well as the provision of market housing to finance the project is also considered to be a sustainable form of development.
- 8 The site is also one that is the subject of a site specific policy within the Council's Sites and Housing Plan. Policy SP33 states that Planning permission will be granted for residential development at Marywood House and will not be granted for any other uses. It goes on to state that Planning permission will only be granted if it can be proven that there would be no adverse impact upon surface and groundwater flow to the Lye Valley SSSI and this would include ensuring there is no adverse impact on the Brasenose Wood and Shotover Hill SSSI as a result of recreational pressure. Finally any proposal will need to ensure that development would have no adverse impact on any UKBAP habitat. The issues of drainage and recreation are assessed below and following detailed consideration from the Council's ecologist and

combined with appropriate planning conditions to control surface water drainage, tree protection and ecological enhancement measures, officers are satisfied that these important issues are appropriately addressed.

- 9 Policy CS 24 of the Core Strategy and the Affordable Housing SPD set out the requirement for affordable housing to meet the City's housing needs. On larger sites such as this there is usually a need for 50% of the housing units to be provided as affordable housing on site. Although the policy allows for a lesser percentage to be socially rented affordable housing as opposed to other forms of affordable housing, in this particular case the proposal is for specialist social housing on site in the form of the housing complex that is intended to house people with learning disabilities. The complex will provide 10 units of semi-independent living with communal facilities and office / sleepover accommodation for staff. Based on this concept the scheme would therefore provide 50% of the units as social affordable housing units and is therefore fully compliant with the Council's adopted policies with respect to the provision of on-site affordable housing.

### **Balance of dwellings**

- 10 Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need and the Council's Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mix for each Neighbourhood Area within the City.
- 11 The site is located within the Headington Neighbourhood Area, where a reasonable proportion of family dwellings are required within any residential development. The proposed mix of 20 dwellings (5 x 3 bed, and 9 x 2 bed and 6 x 1 bed units) would not strictly accord with the prescribed mix set out within the BoDSPD for a development of this size in this neighbourhood area. That is because the BoDSPD sets percentage ranges for the different sizes of dwellings and in this kind of neighbourhood area the percentage ranges for 1 bed units are 0 – 20%, for 2 bed units 10 – 35% and for 3 bed units 30 – 75%. The proportions of units proposed across the site are 1 bed units 30%, 2 bed units 45% and 3 bed units 25%. Therefore the proportion of 1 and 2 bed units are greater than the policy prescribes and the proportion of 3 bed units less than the policy prescribes.
- 12 Without taking any other factors into consideration the balance of dwellings would be unacceptable. However, there are other factors that are material to the Council's consideration of this issue. In particular, half of the residential units are comprised within a complex of apartments that are designed specifically for people with learning disabilities and the provision of accommodation will need to be set out according to the specific identified needs of the people for whom the accommodation is intended and it is clear that there is predominance of 1 and 2 bed units as the accommodation is geared towards smaller units, albeit with some sharing of accommodation. If the 10 specialist learning disability units are removed from the equation then the percentages alter to 2 bed units 60% and 3 bed units 40%. Although these proportions would still not comply with the requirements of the

BoDSPD, due to the number of 2 bed units being too high, it is also appropriate to consider whether there are any other material considerations that are relevant. On this particular site the main constraint is the need to protect mature trees (see section below) that encircle the development area. This means that there is less useable space to provide the necessary garden space that would be required for 3 bed family dwellings to meet the requirements of BoDSPD and a greater proportion of dwellings are therefore proposed as 2 bed flats, albeit with generous terraces. It is also important to note that the demolition of the existing buildings which have laid vacant for so many years and their replacement with modern supported facilities relies to a great extent on the provision of the market housing. On this basis officers consider that the over-provision of 2 bed flats as part of this proposal would be considered acceptable.

### **Design**

- 13 Policy HP9 of the Council's Sites and Housing Plan states that residential developments should respond to the overall character of the area, including its built and natural features; the form, layout and density of the scheme should make an efficient use of land whilst respecting the site context; make a positive contribution to local character and distinctiveness; and ensure that landscaping and boundary treatments integrate the development into the street scene in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.
- 14 The site layout and the scale of buildings are described in broad terms in paragraphs 4 and 5 above. With respect to the above design related objectives of planning policy the scheme is designed to utilise the developable parts of the site in an efficient manner. The main portions of the two large proposed buildings largely follow the footprint of the existing complex on the site. The main reason for this is the presence of a number of significant mature trees that mostly encircle the site and the need to avoid the root protection areas of these trees has to a great extent determined the areas of the site that are developable and the design has emanated from that starting point taking into account the need to incorporate a range of features required by policy to enable acceptable residential development.
- 15 The proposed buildings will be of contemporary design, flat roofed and rising to three storeys with modern facing materials. This design approach is not typical of the area but officers do not consider that the new buildings on the site will be seen together with surrounding buildings in any prominent views. Instead the site will mainly be seen from the entrance car park leading off Leiden Road and through gaps in trees and boundary treatments from The Slade. In these views the design approach is a contemporary homogenous approach that will provide much needed specialist social housing as well as a range of market housing on a derelict site. The scheme is considered to respond well to the constraints of the site and addresses the requirements of planning policies in an appropriate manner.

16 The earlier versions of the design were submitted to the Oxford Design Review Panel for a review last year. This is a process that has now been run for some time whereby emerging schemes are tested either at the early stages of an application or at pre-application stage with the view to exploring the design potential and responding to site constraints to promote good design and raise the quality of the built environment in Oxford. The Panel suggested a number of changes to the scheme to allow for greater space between buildings and the trees on the site, to increase the sizes of some rooms, to allow for more views out from rooms within the buildings towards trees and to allow greater use of communal lounges within the specialist housing complex. The scheme was amended to reflect these views and officers are satisfied that the amendments to the scheme have responded appropriately to the comments of the Panel.

### **Living conditions**

17 Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes. Policy HP2 sets the requirement for accessible and adaptable homes and policies HP 12 and HP13 prescribe the appropriate levels of indoor and outdoor space respectively.

18 As noted above, the development site is enclosed on three sides (south, east and west) by a belt of mature trees. The closest residential property to the site is number 150 the Slade. The side elevation of this property is approximately 6 metres from the side elevation of the nearest part of a three bed house. Although there are windows in the side elevation of the nearest proposed house, these only serve the stairwells. The tree belt removes the likelihood of any loss of light or overlooking to all nearby dwellings and the location of 150 The Slade is not considered to result in any unacceptable impact on the occupants of that property through loss of light, overshadowing or mutual overlooking. The blocks of flats on Three Fields Road are to the south of the development and the closest block, housing flats 13 to 33 has windows facing the site. However these are approximately 18 metres away and at a partly acute angle with mature trees in between so there is not considered to be any impact upon or from the presence of this building on the proposed specialist housing block. A planning condition is suggested to remove the possibility of further windows to the side elevations of new houses.

19 Of the new housing proposed, the market dwellings are 64m<sup>2</sup> for 2 bed apartments and 97 m<sup>2</sup> for three of the four houses the other at 102 m<sup>2</sup>. For the specialist apartments the accommodation is 1 bed apartments 56m<sup>2</sup> 2 bed apartments 75m<sup>2</sup> and the 3 bed apartment 126m<sup>2</sup>. All of these dwellings are considered to be of appropriate sizes. In terms of outside space, the detached dwelling has a very sizeable garden albeit much of it will be shaded by two very large mature trees and the terraced house adjacent to 150 The Slade also has a very large garden. The remaining 3 bed houses have much smaller gardens that would be a little under the policy requirement of having a private amenity area that is equivalent to the footprint of the house. However,

these houses also have terraces at first and second floor level that would collectively amount to a private amenity space that was comfortably over the footprint of the houses. The occupants of the specialist social housing will have access to generous areas of communal gardens that surround the complex. In summary the living conditions of both existing occupants in neighbouring buildings and those in the proposed new housing would be appropriately preserved or created.

### **Trees and landscaping**

- 20 The application is supported by a Tree Survey Report which accurately records the quality and value of trees that might be affected by the proposals. However, the Root Protection Areas (RPAs as defined by BS5837:2012) of the trees that stand between the existing building and The Slade was not accurately represented on the Tree Survey, draft Tree Protection Plans and other plans. These trees include the very large and high quality and value oak trees (T10 and T12) and other visibly important trees including the Corsican pines (T7 and T8), the rooting area of which will be constrained between the existing building and the public highway. Because of the constraints on the rooting environment, these trees are likely to be particularly sensitive to encroachment of construction activity within their RPAs. The originally submitted Arboricultural Impact Assessment did not provide an over-riding justification for the encroachment within the RPA of these trees which should otherwise be protected to meet the recommendations of BS5837:2012, and it was not demonstrated that these trees could remain viable. No technical solutions or mitigation measures were proposed which might have prevented damage to these trees. It was therefore concluded that the trees T10, T12, T7 and T8 would have been significantly harmed by construction activity.
- 21 The development also proposes hard surfacing for a new car park area within the RPA of oak tree T24. While it is proposed that this new hard surface should be 'no-dig' in construction to minimise root damage, the proportion of the RPA that will be covered exceeds the limit that is recommended by BS5837:2012. On the original plans it was therefore expected that this oak would have been significantly harmed by construction of the car park area. All of the above mentioned trees are visible to the public and make a valuable contribution to important to public amenity in the area. The landscaping proposals also cause concern; the planting proposed does not fit well with the existing local landscape character which extends from Magdalen Wood and as such will not provide a suitable setting for the proposed buildings. The effect of removing existing trees on amenity in the area is not adequately mitigated. There will be little benefit for wildlife. Also, siting 'allotment' gardens underneath the crown spread of the large oak trees is unlikely to deliver a successful growing environment for vegetables and this should be reconsidered. On the originally submitted plans the Council's Tree Officer concluded that the proposals will harm retained trees (oak trees T10, T12 and T24 and Corsican pine trees T7 and T8) that make a valuable contribution to public amenity in the area and that there was no over-riding justification for the encroachment of construction activity within the Root Protection Area of retained trees and, the application did not demonstrate that the retained trees



will remain viable following development.

- 22 In response to these concerns officers suggested revisions to the scheme to address the potential harm that would be caused to the trees. In addition officers made a Tree Preservation Order (TPO) for the trees on the site. The OCC – Leiden Road (No.1) TPO, 2014 has now been confirmed and is permanent. It protects 3 oak and 3 Corsican pines at the site. These trees are to be retained but several other trees will be removed if planning permission is granted.
- 23 The layout of the development has now been amended to take account of officer comments on the initial proposal. In addition to the amendments to the scheme which have taken the proposed buildings further away from protected trees, an Arboricultural Impact Assessment which assesses the impact of the current proposals on existing trees and which recommends special precautions in the design and construction to ensure that retained trees will not be harmed has been submitted. The areas of new hard surfaces that encroach into root protection areas of trees will be designated as a 'construction exclusion zone' wherein there is a need for sensitive design i.e. hard surfaces should be no-dig construction design and underground service should be located outside of the RPA of retained trees. The Arboricultural Impact Assessment that has been submitted is considered to provide an adequate assessment of the impacts of the proposals on existing trees. It identifies trees to be removed, proposed special precautions and also includes a draft Tree Protection Plan. Based on this analysis, officers are satisfied that the proposed development will adequately safeguard the protected trees on the site subject to conditions on hard surfaces and tree roots, underground services and tree roots, a tree protection plan and an arboricultural method statement, all of which are contained within the recommended list of conditions.

### **Biodiversity**

- 24 From above it is clear that the site has the potential to impact upon two SSSIs as well as on protected species and their habitats. The nature of the proposed buildings is similar to the existing layout and a condition is suggested to ensure that the design of any surface water drainage will not contribute to any localised flooding and will be diverted to soakaways so that the surface water drainage can make a positive contribution to the two local SSSIs and in particular the Lye Valley SSSI which relies heavily upon groundwater percolating through bedrock to achieve the required PH levels to support its distinctive wildlife habitats.
- 25 The application is supported by two separate bat surveys. These indicate the presence of both Brown Long-Eared and Pipestrelle bats. The demolition of the existing buildings and erection of new buildings along with the loss of a few of the mature trees will clearly impact upon these protected species such that a 'European Protected Species' licence will be required. In determining the planning application the Council must have regard to questions contained in the relevant protected species regulations. These are that the development meets an identified social need i.e. providing accommodation for the identified

learning disabled, that there is no alternative (policy SP33 states that planning permission will not be granted for any other use on the site) and that the actions taken on the site will not be detrimental to the maintenance of these bat populations within the locality. The bat survey reveals that the buildings are used by only a small number of bats and there was no evidence of maternity roosts. The provision of bat boxes integral within the new buildings and on the trees is considered to be adequate mitigation in this particular instance. The mitigation proposed as part of the development is considered by the Council's consultant Ecologist to be satisfactory in the circumstances. As such, the Council can be said to have had regard to the answers to these 3 questions and does not dispute the information on the evidence presented to it.

- 26 In addition, officers consider that the proposed planting needs to be amended to provide for a greater array of native species to support biodiversity and that ecological enhancement through bird boxes need to be provided. These are both contained within the suggested list of planning conditions.

### **Sustainability**

- 27 Sites and Housing Plan Policy HP11 states that residential development should include an element of on-site renewable or low carbon technologies where practicable. It goes on to state that for qualifying developments (i.e. 10 or more dwellings) proposals should include at least 20% of their energy needs from on-site renewables or low carbon technologies, unless it can be robustly demonstrated that such provision is either not feasible or it makes the development unviable.

- 28 An NRIA has been submitted with the application which reflects the need to achieve 20% of the development's regulated and unregulated energy requirements from renewable sources and is therefore considered to be acceptable. The NRIA scores 6/11 which meets the minimum score required to comply with the policy. As described above, the buildings will use solar photovoltaic panels along with a range of other sustainable elements and be built to Building Regulations 2010 standards. Officers recommend a condition requiring the details of the NRIA to be implemented.

### **Parking, cycles and access**

- 29 The access to the site is through the existing access onto Leiden Road and there is no objection to the re-use of this access to serve the whole development.
- 30 A total of 18 spaces is proposed to serve the development and the County Council as Highway Authority are satisfied that this level of parking is adequate and will not result in indiscriminate parking on the local road network. The parking spaces are proposed to be secured by condition.
- 31 Cycle parking is also proposed for the staff and residents of the specialist learning disability complex and for the shared flats. Cycle parking for the proposed new houses can be secured by condition.

## **Other Matters.**

### **Community Infrastructure Levy**

- 32 The proposal will be liable for a CIL payment of £83,900. The decision on any exemption for such a payment would be taken when the charge becomes liable.

### **Contaminated Land**

- 33 The application is accompanied by a ground investigation report. No evidence of contamination has been identified, however, a cautionary approach is recommended and conditions are suggested to ensure that any unsuspected contamination can be appropriately addressed should it be identified at a later stage of development.

### **Conclusion:**

The proposed redevelopment makes an efficient use of previously developed land and delivers an appropriate level of affordable housing for the city within an existing residential area in the form of learning disability apartments. The overall layout, size, scale and design of the proposed buildings would be sympathetic to the site and its surroundings while also safeguarding the residential amenities of the adjoining properties. Although the development will result in the loss of a small number of mature trees, it is considered that this loss could be mitigated through more appropriate replacement planting within the site. Some of the remaining trees are important specimens forming part of Magdalene Woods to the north-east. The proposed dwellings would provide good quality housing for the future occupants and be acceptable in highway terms and energy efficiency. The development would not create any adverse biodiversity, or flooding impacts. The application would therefore accord with the National Planning Policy Framework and policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the Sites and Housing Plan 2011-2026.

### **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 the application, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:**

14/01770/FUL

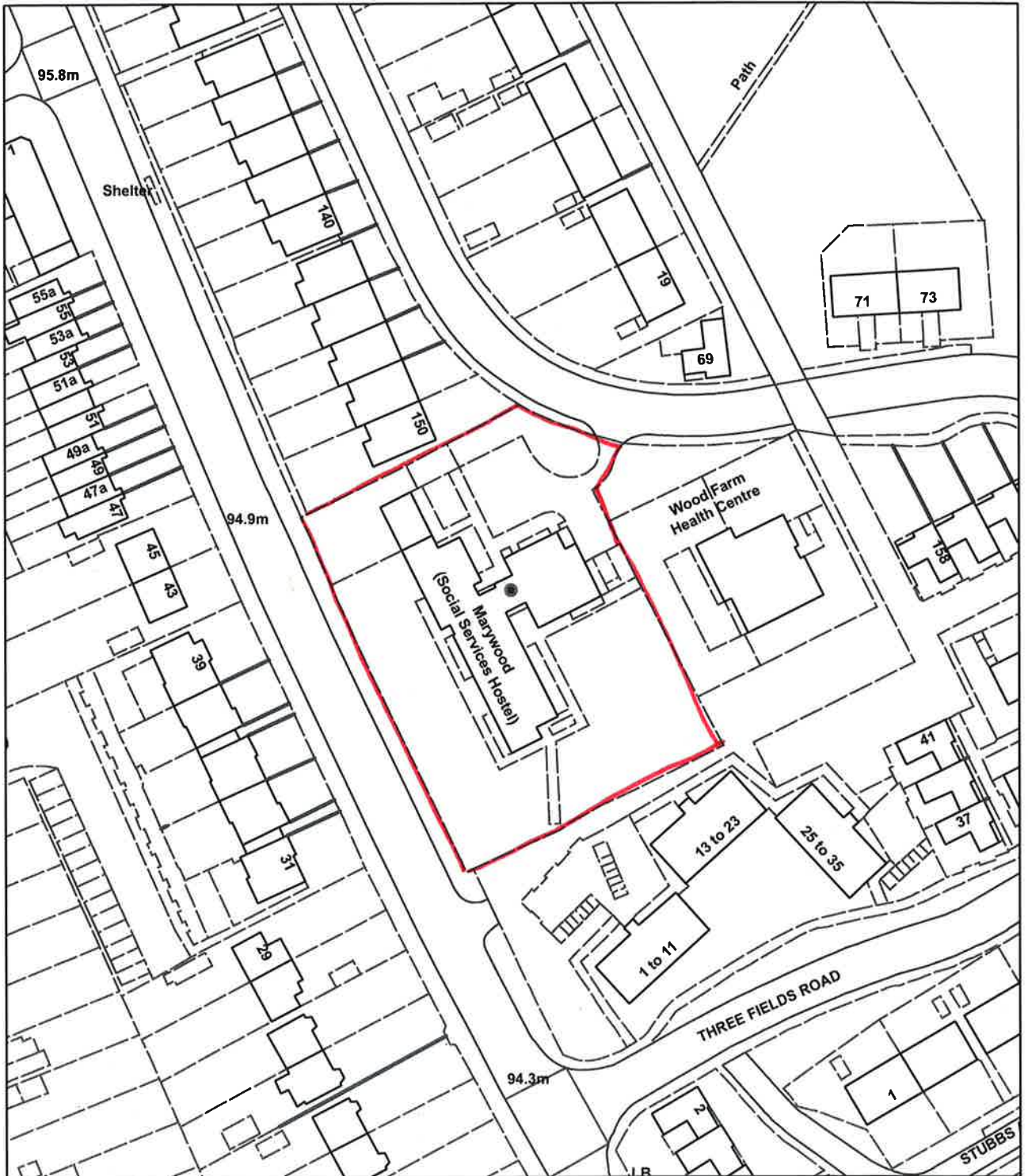
**Contact Officer:** Martin Armstrong

**Extension:** 2703

**Date:** 23rd February 2015

14/01770/FUL

Marywood House, Leiden Road



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Oxford City Council

Planning

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East Area Planning Committee

4th March 2015

**Application Number:** 15/00235/CT3

**Decision Due by:** 23rd March 2015

**Proposal:** Provision of 13no. residents parking spaces on existing grass verges.

**Site Address:** Site Of Verges At 55 To 98 Kestrel Crescent Oxford  
Oxfordshire

**Ward:** Northfield Brook

**Agent:** Mr Stewart Thorp

**Applicant:** Oxford City Council

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**Recommendation:** East Area Planning Committee is recommended to approve the application for the reasons set out below and subject to conditions, including those listed below.

Reasons:

- 1 The proposal responds to the growing need to increase resident car parking spaces in the area and to prevent indiscriminate parking on grassed areas. Important trees will be retained and planting will be incorporated into the scheme. Officers were mindful of comments raised through consultation and conclude that the proposal is acceptable in design terms and would not cause any acceptable levels of harm to residential amenity. The proposal accords with the relevant policies of the local development plan.
- 2 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 Ground resurfacing - SUDS compliant
- 4 Tree Protection Plan (TPP) 2
- 5 Arboricultural Method Statement (AMS) 2
- 6 Management and monitoring
- 7 Landscaping details
- 8 Oil/petrol filters

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

**CP1** - Development Proposals

**CP9** - Creating Successful New Places

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

**CP11** - Landscape Design

**NE15** - Loss of Trees and Hedgerows

### **Core Strategy**

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

### **Sites and Housing Plan**

**HP16\_** - Residential car parking

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

### **Relevant Site History:**

98/02064/NF - Green Hill Crowberry Road Sorrell Road Kestrel Crescent Blackbird Leys Estate - Free standing postal pouch box (Amended plans). REF 18th June 2001.

### **Representations Received:**

90 Kestrel Crescent – Great that new car parking spaces are being provided as there is a demand for them, however 8 spaces are not enough, there should be at least 9 or 10 spaces on the verge on the west side of Kestrel Crescent.

### **Statutory and Internal Consultees:**

None received.

### **Issues:**

Need for car parking

Impact upon street scene and trees

### **Officers Assessment:**

#### Application Site and Locality

1. The site comprises two parcels of grass covered highway verge to the front of houses (numbers 55 to 61 and 74 to 98) in Kestrel Crescent in Blackbird Leys. The houses to the west side of this part of Kestrel Crescent are separated from the road by generous verges which give the streetscene a lower-density character than other residential roads within the Blackbird Leys estate. As a result of parking pressure some of the verges have been used for indiscriminate car parking during evenings and weekends. In the past 1-2 years some of these verges have been converted to form off-street residents' parking areas as part of a wider City



Council scheme to reduce on-street parking pressure in the locality.

### Description of Proposed Development

2. The application seeks consent for the creation of three separate car parking areas within highway verges together with associated access. Eight parking spaces are proposed to the front of Nos. 74-98 and five parking spaces proposed at the front of Nos. 55 and 61 Kestrel Crescent. All hard surfacing is proposed to be porous brick paving.

### Need for Car Parking

3. Many of the roads within the Blackbird Leys estate are subject to significant parking pressure which, in part, stems from the lack of off-street car parking for its houses. When the estate was constructed in the 1950's, levels of car ownership were far lower than they are today and so little off-street car parking was provided for the houses. However, increased car ownership has led to cars being forced to park on the streets with the result that some of the roads are often congested which leaves local residents frequently unable to park near their homes.
4. In response to this parking pressure the City Council has entered into a strategy to try to provide areas for car parking for local residents on land that it owns within the Blackbird Leys estate. This application forms part of this wider strategy and follows a number of other recently approved similar schemes in Blackbird Leys.
5. The two verges lie to the front of semi-detached and terraces of houses that benefit from no dedicated off-street car parking. This results in cars being indiscriminately and haphazardly parked on the verge to the detriment of the amenity of local residents as well as the quality of the streetscene. The Blackbird Leys estate lies outside of a designated district area with a consequent reduction in opportunity for convenient and sustainable access to services, amenities and employment opportunities. For this reason car ownership is higher than the city average and there is inadequate space available to park such cars. Officers therefore support the proposals to provide additional car parking providing that such car parking areas are restricted solely for use by local residents.
6. A condition is consequently recommended that requires the submission and agreement of a management and monitoring plan that would need to set out how the car parking would be controlled and enforced.

### Impact on street scene and tress:

7. The Blackbird Leys estate was designed to feature wider and greener verges to soften the appearance of the houses and provide a balance between the built and natural environment. Such spaces were able to be provided because the level of car parking provision was low which

reflected levels of car ownership at the time. Kestrel Crescent provides one of the main secondary roads through the Blackbird Leys estate and is therefore well trafficked such that alterations to the streetscene could have a significant impact. Policies CP9 and CP10 of the Local Plan are material to the consideration of the merits of these applications and the policies, inter alia, require street frontages and streetscapes to be maintained or enhanced. Policies CP11 and NE15 of the Local Plan are also of relevance and require existing features of landscape importance to be retained and incorporated alongside new planting so that it is appropriate to the function and character of the surrounding area.

8. The green verges and their trees currently make a positive contribution to the street which balances successfully against the housing terraces. The loss of some of this green space to provide off-street parking is therefore disappointing. However, the parking areas have been carefully designed to ensure that relatively generous proportions of the green verges remain as well as all of the existing trees. In addition, hedging and shrubbery is proposed around the car parking areas to soften their appearance. Conditions are recommended to be imposed to secure this replacement planting as well as to require the relevant tree protection measures to be in place to prevent harm to any other trees. As a result, the overall net impact on the character and appearance of the streetscape will not be significant and, when balanced against the substantial need for additional car parking, officers consider the limited adverse impact on the streetscene to be outweighed by the overall benefits of the scheme to the local community.

#### Other Matters

9. Each of the car parking spaces is of a size and layout that accords with that expected by the Local Highway Authority. In this respect the proposals are considered to accord with the requirements of policies CP1 of the Local Plan and HP16 of the Sites and Housing Plan. The car parking spaces are laid out so that they are close in orientation to the houses they serve which would generally prevent any prolonged disturbance for the occupiers of the adjacent houses caused by car headlights inadvertently shining into ground floor front facing windows. However, to soften the appearance of the proposed car parking from both the street and neighbouring houses, shrubbery is proposed alongside the boundaries with the houses which should also act as something of a screen to alleviate any limited car headlight disturbance.
10. Officers are therefore satisfied that the car parking proposed is of an acceptable standard and that it would not have an undue impact on the living conditions experienced by occupants of neighbouring houses.
11. In the previous applications for parking spaces in Blackbird leys, Thames Water has recommended that the parking areas be fitted with petrol/oil interceptors to prevent possible contamination of the surrounding environment, and therefore officers consider it reasonable to also apply a

condition here to reflect this.

### **Conclusion:**

For the reasons set out above, the proposals would provide much needed car parking facilities for local residents which is considered to outweigh any limited harm caused to the character and appearance of the area. Committee is therefore recommended to resolve to grant planning permission subject to the conditions set out at the beginning of this report.

### **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 permission officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers: 15/00235/CT3**

**Contact Officer:** Davina Sarac

**Date:** 24th February 2015

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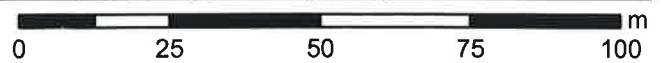
15/00235/CT3

Site of Verges at 55 - 98 Kestrel Crescent

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Oxford City Council

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EAST AREA PLANNING COMMITTEE  
WEST AREA COMMITTEE

4<sup>th</sup> March 2015  
10<sup>th</sup> March 2015

## Article 4 Direction (Offices to Residential)

**Recommendation:** Committee is asked to:

1. Consider the public comments received from the Public Consultation stage along with the evidence in this report;
2. Consider the officers comments in response and
3. **Confirm** the Article 4 Direction, which was originally made on the 28<sup>th</sup> March 2014 but will not come into force until 28<sup>th</sup> March 2015.

The effect of this Direction will make it necessary to apply for planning permission to change the use of offices (B1a) to residential (C3) on key protected employment sites.

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## Background

1. In May 2013 the Government introduced some changes to the 'permitted development rights'. The Town and Country Planning (General Permitted Development) (Amendment) Order 2013 (Part 3 Class J) was amended on 30<sup>th</sup> May 2013 to introduce, amongst other measures, a temporary permitted development right which allows the change of use of a building from offices (B1a) to residential (C3), without the need to submit a planning application subject to certain conditions and limitations.
2. These new 'permitted development rights' are temporary and will expire on 30<sup>th</sup> May 2016, although the Government has indicated that this right may be extended and that 'prior approvals' not implemented could be carried forward. The Government has recently consulted on these changes along with a number of other changes to 'PD rights' as part of a Technical Consultation on Planning.

## Article 4 Direction

3. An 'Article 4 direction' is a planning tool that can be used in local areas to remove 'permitted development rights' for a particular type of development. They are used in exceptional circumstances where there are local concerns about the impact of a specific 'permitted development right.'
4. Since the introduction of the 'prior approval' system in May 2013 there has now been some 28 applications made in Oxford in total. Of these only 3 were refused, 2 withdrawn, 1 where approval was granted but not required, a further 17 have now been granted; and 5 are 'pending consideration' at the time of writing this report. A summary of the 'prior approvals' already granted together with those 'pending consideration' is attached as **Appendix A**.

5. These applications received so far suggest a worrying trend since these include a number of important sites that make a significant contribution to the City's employment land supply. The reasons for these applications being made appear to be varied and cover a range of different sized buildings which include both large office blocks and smaller starter / serviced units. An assessment of the potential impact on employment sites is set out in **Appendix B**.
6. The overall loss of all these employment sites is very concerning in relation principally to the delivery of the employment policies within the Core Strategy as the key Local Development Document but also in the context of the recently approved Economic Growth Strategy (EGS). The Protected Employment Sites allocated in the Core Strategy have a critical role to play in the implementation and delivery of the spatial strategy for Oxford. This approach is supported by the EGS strategy and in particular Element Three which emphasises the importance of 'ensuring a sufficient supply of employment land;' and Element Two that recognises the need to support existing and new businesses in Oxford.
7. There are also very real concerns about the type of accommodation created; the suitability of their location for housing and the standard of amenity provided for the new residents. Many of the new residential units will comprise 1 and 2 bed small units and small studio apartments. It appears likely that some 75% of the applications are for small 1-bed units, the majority of which fall short of the adopted standards in the Sites and Housing Plan. Some are as small as 19 square metres and they do not offer a 'balanced mix of dwellings' as required by Core Strategy Policy CS23.
8. In some cases, the location of these new residential units would offer a very poor environment; such as for example Grehan House adjacent to a busy and heavily trafficked road junction. The property fronts Garsington Road and lies next to the main roundabout on the Eastern by-pass that serves BMW; Oxford Business Park; and Tesco's. As such future residents could experience both noise and air pollution problems. The new residential units have a poor environment to live in. The units generally have limited internal space standards; and often no outdoor amenity space or balconies.
9. In this context the Head of City Development considers that these developments and the loss of these key protected employment sites, will cause significant harm to local amenity and the proper planning of the area. The City Council has an adopted Core Strategy (Nov 2011) that seeks to promote economic prosperity for Oxford and supports a policy of 'managed economic growth'. The role played by the protected employment sites in Policy CS31 is essential to the delivery of the economic growth of the City their loss would undermine the Council's effectiveness in implementing this policy approach. In addition the Oxford Strategic Partnership (OSP) approved the Oxford Economic Growth Strategy, which amongst other key recommendations sought to 'ensure an adequate employment land supply' together with the need to 'support existing businesses within the City'. The Key Protected Employment Sites are an essential part of the infrastructure necessary to deliver economic growth.



### **The making of the Article 4 Direction**

10. On the basis of this evidence, set out in detail in a background paper prepared at the time (**Appendix C**), the City Council therefore took the view that it is 'expedient' to implement an Article 4 Direction to make it necessary to apply for planning permission for the change of use of offices (B1a) to residential on the protected employment sites. Whilst the key protected employment sites (**Appendix D**) represent a significant amount of Oxford's existing employment land supply the approach being taken is fully justified. It does not however include all employment sites within the city and is therefore not a 'blanket' order but is 'targeted' and 'site specific'.
11. The Head of City Development under 'delegated officers powers' as set out in the City Council's Constitution authorised the making of an Article 4 Direction to remove the temporary 'permitted development rights' for the change of use from offices (B1a) to a dwelling house (C3) on 24<sup>th</sup> February 2014. The direction was made on the 28<sup>th</sup> March 2014. The City Council made a non-immediate direction that, subject to consultation and a decision to confirm this direction, will come into force on the 28<sup>th</sup> March 2015.

### **Public Consultation on Article 4 Direction**

12. Public Consultation was undertaken with Statutory Consultees, key stakeholders, commercial and residential agents and those potentially affected or having an interest in this Article 4 Direction. The Article 4 Direction was made on the 28<sup>th</sup> March 2014 and public consultation started on the 28<sup>th</sup> March until 23<sup>rd</sup> May 2014.
13. A brief summary of the responses to the public consultation is included in **Appendix E**. An officer's response to the issues raised is set out in **Appendix F**.

### **Role of the Secretary of State**

14. The Secretary of State (SOS) advises that directions should only be made in those exceptional circumstances where evidence suggests that the exercise of permitted development rights would harm local amenity or the proper planning of the area and that the potential harm that the direction is intended to address should be clearly identified. The SOS provides further advice on the impact of removing 'permitted development rights' and the need to show a strong justification to withdraw PD rights.
15. The approval of the Secretary of State is not required for a direction made under article 4(1) relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.
16. It is important to be aware that the Secretary of State does however have the power to make a direction modifying or cancelling this Article 4 Direction at any point.

### **Risks and implications**

17. The most significant risk for a Local Planning Authority (LPA) associated with the preparation of an Article 4 Direction is the potential liability for compensation. Compensation liability does not however arise if twelve months' notice of the direction coming into force is given. This is the approach that has been taken.

### **Equalities impact**

18. Consideration has been given to the public sector equality duty imposed by Section 149 of the Equalities Act 2010. Having paid due regard to meet the objectives of that duty and of the proposed Article 4 Direction the view is taken that the duty is met.

### **Financial implications**

19. There are no significant financial implications relating to relation to the potential impacts of implementing the Article 4 and compensation issues, since the confirmation of the Direction has been delayed for 12 months.

**Contact Officer:** Tom Morris

**Extension:** 2143

**Date:** 23rd February 2015

### **Appendices**

**Appendix A:** List of all sites subject to 'prior approvals' that have been permitted

**Appendix B:** Examples of employment sites subject to 'Prior Approvals'

**Appendix C:** Background Paper to support the making of the Article 4 Direction

**Appendix D:** List of Protected Employment sites, the subject of this Article 4 Direction

**Appendix E:** Summary of comments received from Public Consultation

**Appendix F:** Officers response to public comments

### **Background Papers:**

- Individual representations received following public consultation



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## Appendix A

List of all sites subject to 'prior approvals' that have been granted and those pending consideration

### Prior approvals required and granted

**13/01934/B56** Innovation House Mill Street Oxford Oxfordshire OX2 0HJ Application for prior approval for change of use from offices (use class B1(a)) to 16 x 1-bed and 11 x 2-bed flats (use class C3).

**13/02120/B56** 28-31 Little Clarendon Street Oxford Oxfordshire OX1 2HU Application for determination as to whether prior approval of the Council is required for the change of use from offices (use class B1(a)) to 4 x 1 bed and 4 x 2 bed apartments on the first and second floor (use class C3) as to transport and highway impacts, contamination risks and flooding risks and if it is then to decide whether prior approval should be granted or refused.

**13/02313/B56** Unit 7 42 Downside Road Oxford Oxfordshire OX3 8HR Change of use from offices (Use Class B1(a)) to residential (Use Class C3) to provide 2 x 1-bed flats.

13/02480/B56 Hooper House 3 Collins Street Oxford Oxfordshire OX4 1XS Change of use first and second floors from offices (Use Class B1(a)) to residential (Use Class C3) to provide 14 x self-contained studio flats (Use Class C3).

**13/02618/B56** Broadfield House Between Towns Road Oxford Oxfordshire OX4 3LZ Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 58 x self-contained flats (55 x 1-bed and 3 x 2-bed).

**13/02918/B56** 54A Rectory Road Oxford Oxfordshire OX4 1BW Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 1-bed flat.

**13/02996/B56** Sun Alliance House 52 New Inn Hall Street Oxford Oxfordshire Change of use first, second, third and fourth floors from office (Use Class B1(a)) to residential (Use Class C3) to provide 19 x flats (8 x 1-bed and 11 x 2-bed).

**13/03082/B56** Wadham Court 15 Edgeway Road Oxford Oxfordshire OX3 0HD Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 4x1-bed flats and 7x studio flats.

**13/03426/B56** Grehan House 190 - 196 Garsington Road Oxford Oxfordshire OX4 6NW Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 27 residential units.

**14/00600/B56** 18 New Inn Hall Street Oxford Oxfordshire OX1 2DW Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 2 residential units.

**14/00688/B56** Sun Alliance House 52 New Inn Hall Street Oxford Oxfordshire OX1 2QD Change of use of first, second, third and fourth floors from office (Use Class B1(a)) to residential (Use Class C3) to provide 6 x studio units, 12 x 1-bed flats and 4 x 2-bed flats.

**14/01291/B56** 1A Circus Street Oxford Oxfordshire OX4 1JR Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 1 x 1-bed flat and 2 x studio flats.

**14/01500/B56** First Floor Office John Leon House 138 - 140 London Road Headington Oxford Oxfordshire OX3 9ED Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 2 x 1-bed flats.

**14/01568/B56** 41 Walton Crescent Oxford Oxfordshire OX1 2JQ Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 2 residential units.

**14/01646/B56** 242 - 254 Banbury Road Oxford Oxfordshire OX2 7BY Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 16 residential units.

**14/02293/B56** First Floor 108 St Aldate's Oxford Oxfordshire OX1 1BU Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 2 x 1-bed flats.

**14/03108/B56** 74 Lime Walk Oxford Oxfordshire OX3 7AE Change of use of ground floor from office (Use Class B1(a)) to residential (Use Class C3) to form 1 x 2-bed flat.

**14/03223/B56** 55 Rectory Road Oxford Oxfordshire OX4 1BW Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 1 x 1-bed and 3 x 2-bed flats. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and flooding risks.

### **Pending Consideration**

**15/00082/B56** 8 Alfred Street Oxford Oxfordshire Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 13 x 1-bed and 2 x 2-bed flats. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and floodin

**15/00189/B56** Kennett House 108-110 London Road Headington Oxford Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 12 residential units. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and flooding risks.

**15/00367/B56** 12 And 13 Evelyn Court 267B Cowley Road Oxford Oxfordshire Change of use from offices (Use Class B1(a)) to residential (Use Class C3) to provide 2 residential units. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and flooding risks.

**15/00360/B56** Canterbury House 393 Cowley Road Oxford Oxfordshire Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 3 x 1-bed and 1 x 2-bed flats. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and flooding risks.

**15/00447/B56** 34 Kelburne Road Oxford Oxfordshire Change of use from Retail (Use Class A1) to residential (Use Class C3) to provide 1no.bedsit. This application is for determination as to whether prior approval of the Council is required and, if required, whether it should be granted. This application is assessed solely in respect of transport and highway impacts and contamination and flooding risks





## Appendix B

### Examples of employment sites subject to 'Prior Approvals'

The following examples are of large office buildings that were allocated in the Core Strategy as key protected employment sites.

**Grehan House** (1,281 m<sup>2</sup>) was a large office block near the Oxford Business Park, which had been on the market for a while but had remained vacant. Despite this there had been interest from a range of potential users, but no sole office occupiers had come forward. To a degree however this does reflect the office market, which during recent years has experienced limited demand in Oxford. Those office users wishing to come to the city or move within it have chosen other properties of a higher standard in preference to those that may require some new investment / refurbishment. It is however a protected employment site, which had been subject to a recent application for a mixed B1 / D1 use, which was approved on a temporary basis. The expectation was that a permanent office user could be found at the end of this short-temporary period. Prior approval has now been granted for conversion to residential. Work has commenced and is well advanced and is expected to be completed by March 2015.

Another example is **Broadfield House**, Between Towns Road, Cowley (4,028 m<sup>2</sup>) which was formerly occupied by the Potato Marketing Board and had only relatively recently become available. It has over recent times been substantially refurbished to a high standard and is situated in a good location, with adequate parking spaces facilities on site, and lies within the Cowley Primary District Shopping centre. Although no new occupier had been secured in the short-term, this office building did represent a significant loss to the stock of office accommodation. Prior approval has now been granted for conversion to residential units. Conversion work is underway and is expected to be completed by March 2015.

#### Service office / start-up units

The following smaller employment sites are not key protected sites but demonstrate the potential wider impact. Two 'prior approval' applications have been received for buildings that have either been used as serviced offices or newly completed developments. Firstly **Innovation House** (2,508 m<sup>2</sup>) in Mill Street, was formerly the home of Oxford Innovation, but more recently occupied by Pure Offices for 'serviced offices'. This site was the subject of a relatively recent successful appeal, which determined that the site should not be converted to student use. Prior approval has however now been granted for the conversion of this property to residential use.

Secondly **Canterbury House**, 393 Cowley Road (Bus Depot) (2,426 m<sup>2</sup>) site is one of the few new opportunities for starter / grow on units within the City, which is currently on the market and is under offer. This site comprises two starter blocks now completed and built out to 'shell' only together with planning permission for a 'grow-on' building, where no construction work has started. Whilst one prior approval application has already been refused a second application was submitted. This also gave rise to concerns on the grounds that the buildings had not been occupied as offices and that a condition was attached to the original application that required it to

be used as start-units / serviced office accommodation. Prior approval had been refused but was then subject to an appeal, which was allowed by the Planning Inspectorate. The City Council challenged the decision and the appeal decision was then subsequently quashed, by consent, resulting in the appeal being remitted to the Secretary of State. A further 'prior approval' application has just been submitted.

### **Spatial dimension**

Of the seventeen sites where 'prior approval' applications has been granted there are six in the City centre District area; four in the Cowley Road Area; four in the Headington Area; two in the Cowley Blackbird Leys Area and one in the Summertown Area,

The applications in the City centre highlight a recent trend that is particularly concerning and has implications both spatially and on existing businesses. The earlier 'prior approval' applications submitted generally included vacant office accommodation; but more recently applications have been received on office buildings that are currently occupied. These two applications relate to Sun Alliance House, New Inn Hall Street (1,200 m<sup>2</sup>), which is above O'Neils PH fronting George Street and would offer office accommodation in reasonable condition; together with premises on the upper floors at 28-31 Little Clarendon Street (1,200 m<sup>2</sup>). Both of these prior approval applications have now been granted. Whilst some residential uses within the City centre would add to the vitality and mix of uses, there is a concern already expressed in the Oxfordshire Innovation Engine Report by SQW that the City centre needs to provide good quality office accommodation to encourage those services that support the knowledge economy.



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## Proposed Article 4 Direction for changes of use from offices to residential

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February 2014

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## Purpose of Report

1. The purpose of this report is to set out the process and timetable for preparing an Article 4 Direction, which will amend the present 'permitted development rights' that currently allow the owner of a property currently used as offices (B1a) to change to residential (C3) use without requiring planning permission. At present the landowner or agent can make a 'prior approval' application to exercise these rights.
2. The Article 4 Direction will effectively withdraw these 'permitted development rights' making it necessary for the landowner to seek planning permission.
3. This report explains the City Council's reasons for carrying out an Article 4 Direction, why it is expedient to take this approach; the process and timetable involved; the consultation that will be undertaken; the advice given by the Secretary of State; where and how this proposed Article 4 Direction will be applied; the potential compensation risks associated with its implementation; and when it will be confirmed.

## Background

4. The Town and Country Planning (General Permitted Development) (Amendment) Order 2013 (Part 3 Class J) introduced these new 'permitted development rights' on 30<sup>th</sup> May 2013. Whilst a notification application for prior approval is required to be made to the Local Planning Authority this new legislation does now allow an office building (B1a) to change its use to a dwelling house (C3) without requiring planning permission. These rights are however automatically granted providing it complies with the following criteria:
  - takes place within the 3 years, before 30<sup>th</sup> May 2016;
  - had to be last used as an office on 30<sup>th</sup> May 2013; (or last known use prior to then)
  - is not a site 'exempted' by Government;
  - not a safety hazard area; military explosive storage area; or a listed building or scheduled monument.
5. If these criteria are satisfied then prior approval has to be granted providing it can be clearly shown by the applicant that there are no transport / highway impacts; land contamination and or flooding risks on the site.
6. So as can be seen the opportunities to refuse a prior approval are very limited and in many cases will rely mainly on the applicant needing to clearly prove an existing office (B1a) use and then that there are no transport / highway impacts; land contamination and or whether or not the site lies in a high flood risk zone.

7. An updated assessment was undertaken in February 2014, which showed that there had been some prior approval applications received on ten employment sites. Whilst some of these sites were subject to more than one prior approval applications the present position is that a total of nine sites have now been approved; which amounts in total to some 10,386 m<sup>2</sup> (111,800 ft<sup>2</sup>). Only one site at Canterbury House, 393 Cowley Road has been refused for some 2,426 m<sup>2</sup> (26,115 ft<sup>2</sup>).
8. The applications received so far suggest a worrying trend since these include a number of important sites that make a significant contribution to the City's employment land supply. The reasons for these applications being made appear to be varied and cover a range of different sized buildings both large office blocks and smaller starter / serviced units.

#### Process, timetable and consultation

9. A report was presented to the internal officer group the Physical Regeneration and Economic Development Board (PRED) in November 2013. The matter was discussed in detail and the view taken was that officers should proceed towards an Article 4 Direction subject to leading Labour Member approval. Members have supported this approach in principle.
10. Officers have discussed the process of preparing this document with the Head of Legal who have confirmed that the first stage in the process of making an Article 4 Direction is the preparation of a report, which could then be confirmed and 'signed off' by the Head of City Development under officer delegation. This report sets out the background information and provides the necessary context for the authorisation of work to commence on the Article 4 Direction.
11. The second key stage requires consultation to be undertaken with Statutory Consultees, key stakeholders, commercial and residential agents and those potentially effected for having an interest in this Article 4 Direction. A Consultation Plan will therefore be prepared and set out in the form of a Public Involvement Project Brief, which will be submitted for approval to the Public Involvement Board on 26<sup>th</sup> February 2014. The aim being for the consultation process to start early in March and last for two months in total.
12. As part of the Consultation process advertisements formally stating the City Council's decision to introduce an Article 4 Direction will be placed in the local press (Oxford Times) together with at least two site notices and notice formally served on the County Council and Secretary of State. The Article 4 can then be confirmed 28 days later, although it will not come into force until 12 months from the date of its confirmation to avoid risk for any associated compensation costs; in the case of future refusals of planning permission.



13. The Article 4 Direction is proposed to be applied to all the Key Protected Employment Sites in Oxford. These include both large sites such as the Business Park and Science Park together with small and medium sized sites.
14. On completion of the Consultation period the responses will be summarised and a report prepared to be submitted to the Area Committees who need to consider the representations raised and then decide whether to 'confirm' the Article 4 Direction.

## The need for an Article 4 Direction

15. The City Council did apply to the Secretary of State for 'exemption' from the 'permitted development rights', which now form Part 3 Class J of the Town and Country Planning (General Permitted Development) (Amendment) Order 2013, and came into force on 30<sup>th</sup> May 2013; but were unsuccessful.
16. The City Council's case for 'exemption' is set out in Appendix 1, which summarises the potential impact of these changes highlighting existing circumstances in Oxford, such as restricted land supply, high house prices and land values. The demand for employment premises the limited amount of office sites on the market and the important role played by the protected employment sites all remain a concern to the City's ability to meet the economic growth needs of Oxford. The policy approach within the City has for a number of years through the Development Plan system supported a 'balanced approach' to the use of employment land; which has been responsive to both employment and housing needs.
17. The Government recently confirmed and 'signed off' the Oxford and Oxfordshire City Deal bid, which requires Oxford to fulfill its agreement to bring forward new projects and infrastructure to deliver economic growth. It is already clear from the analysis undertaken that some protected employment sites have as feared already been subject to 'prior approval' applications that have been approved. If this trend continues and indeed further larger sites are lost to other uses there is a genuine concern that there will be a knock-on effect on the smaller and medium sized sites that supply much needed services. The provision of an adequate supply of employment sites has a vital role to play in implementing both the City Deal and Oxford's Economic Growth Strategy. Indeed the delivery of these proposals can only properly be secured by "ensuring that sufficient land of the right type is available in the right places and at the right time to support economic growth and innovation."
18. The new 'permitted development rights' now allow an office building (B1a) to change its use to a dwelling house (C3) without requiring planning permission. These rights are however automatically granted providing it complies with some set criteria. Subject to these criteria being satisfied then 'prior approval' has to be granted providing it can be clearly shown by the applicant that there

are no transport / highway impacts; land contamination and or flooding risks on the site.

19. An updated assessment was undertaken in February 2014 which showed that there had been some ten employment sites where prior approval applications had been submitted. Whilst some of these sites were subject to more than one prior approval application the present position is that a total on nine sites have now been approved; which amounts in total to some 10,386 m<sup>2</sup> (111,800 ft<sup>2</sup>). Only one site at Canterbury House, 393 Cowley Road has been refused for some 2,426 m<sup>2</sup> (26,115 ft<sup>2</sup>). This clearly shows that the City Council's original concerns, expressed in their 'exemption' case have now been realized.
20. The applications received so far suggest a worrying trend since these include a number of important sites that make a significant contribution to the City's employment land supply. The reasons for these applications being made appear to be varied and cover a range of different sized buildings both large office blocks and smaller starter / serviced units.

#### **Large office blocks**

21. The following examples are of large office buildings that were allocated in the Core Strategy as key protected employment sites.
22. **Grehan House** (1,281 m<sup>2</sup>) is a large office block near the Oxford Business Park, which has been on the market for a while but has remained vacant. Despite this there has been interest from a range of potential users, but no sole office occupiers have come forward. To a degree however this does reflect the office market, which during recent years has experienced limited demand in Oxford. Those office users wishing to come to the city or move within it have chosen other properties of a higher standard in preference to those that may require some new investment / refurbishment. It is however a protected employment site, which had been subject to a recent application for a mixed B1 / D1 use, which was approved on a temporary basis; subject to appropriate planning conditions. The expectation is that a permanent office user could be found at the end of this short-temporary period. Prior approval has now been granted for conversion to residential.
23. Another example is **Broadfield House**, Between Towns Road, Cowley (4,028 m<sup>2</sup>) which is another even larger office building formerly occupied by the Potato Marketing Board that had only relatively recently become available. It has over recent times been substantially refurbished to a high standard and is situated in a good location, with adequate parking spaces facilities on site, and lies within the Cowley Primary District Shopping centre. Although no new occupier had been secured in the short-term, this office building does represent a significant loss to the stock of office accommodation, which is of a high standard. Prior approval has now been granted for conversion to residential units.

### Service office / start-up units

24. Two 'prior approval' applications have been received for buildings that have either been used as serviced offices or newly completed developments. Firstly **Innovation House** (2,508 m<sup>2</sup>) in Mill Street, was formerly the home of Oxford Innovation, but more recently occupied by Pure Offices for 'serviced offices'. This site was the subject of a recent successful appeal, which determined that the site should not be converted to student use. Prior approval has however now been granted for the conversion of this property to residential use.
25. Secondly **Canterbury House**, 393 Cowley Road (Bus Depot) (2,426 m<sup>2</sup>) site is one of the few new opportunities for starter / grow on units within the City, which is currently on the market and is under offer. This site comprises two starter blocks now completed and built out to 'shell' only together with planning permission for a 'grow-on' building, where no construction work has started. Whilst one prior approval application has already been refused a second application was submitted. This also gave rise to concerns on the grounds that the buildings had not been occupied as offices and that a condition was attached to the original application that required it to be used as start-units / serviced office accommodation . Prior approval has now been refused.

### Spatial dimension

26. Of the ten sites where prior approval applications have been submitted there are three in the Cowley Road District Area and two in Cowley / Blackbird Leys area. Two further applications were received in both Headington and the City centre District areas; and one in the North area of the City.
27. The applications in the City centre highlight a recent trend that is particularly concerning and has implications both spatially and on existing businesses. The earlier 'prior approval' applications submitted generally included vacant office accommodation; but more recently applications have been received on office buildings that are currently occupied. These two applications includes Sun Alliance House, New Inn Hall Street (1,200 m<sup>2</sup>), which is above O'Neils PH fronting George Street and would offer office accommodation in reasonable condition; together with premises on the upper floors at 28-31 Little Clarendon Street (1,200 m<sup>2</sup>). Whilst some residential uses within the City centre would add to the vitality and mix of uses, there is a concern already expressed in the Oxfordshire Innovation Engine Report by SQW that the City centre needs to provide good quality office accommodation to encourage those services that support the knowledge economy.
28. The overall loss of all these employment sites is very concerning in relation to the delivery of both the employment policies within the Core Strategy and the recently approved Economic Growth Strategy. Element Three of the strategy in particular emphasises the importance of 'ensuring a sufficient supply of employment land;' and Element Two recognises the need to support existing and new businesses in Oxford.

29. There are also very real concerns about the type of accommodation created; the suitability of their location for housing and the standard of amenity provided for these residents. It is clear however from this brief review that the new residential units will comprise 1 and 2 bed small units and small studio apartments. It appears likely that some 70% of the applications would be for small 1-bed units, the majority of which fall short of the adopted standards some as small as 19 square metres; furthermore they do not offer a 'balanced mix of dwellings'.
30. In some cases, the location of these new residential units would offer a very poor environment; such as for example Grehan House adjacent to a busy and heavily trafficked road junction. The property fronts Garsington Road and lies next to the main roundabout on the Eastern by-pass that serves BMW; Oxford Business Park; and Tesco's. As such future residents could experience both noise and air pollution problems. The new residential units have a poor environment to live in. The units generally have limited internal space standards; and often no outdoor amenity space or balconies.
31. In this context Oxford City Council as the Local Planning Authority consider that the loss of these key protected employment sites, will cause significant harm to local amenity and the proper planning of the area. The City Council has an adopted Core Strategy (Nov 2011) that seeks to promote economic prosperity for Oxford and supports a policy of 'managed economic growth'. The role played by the protected employment sites in Policy CS31 is essential to the delivery of the economic growth of the City, their loss would undermine the Council's effectiveness in implementing this policy approach. In addition the Oxford Strategic Partnership (OSP) recently approved the Oxford Economic Growth Strategy, which amongst other key recommendations sought to 'ensure an adequate employment land supply' together with the need to 'support existing businesses within the City'. The Key Protected Employment Sites are an essential part of the infrastructure necessary to deliver economic growth.
32. The City Council therefore take the view that it is '**expedient**' to implement an Article 4 Direction to make it necessary for the change of use of offices (B1a) to residential, on the protected employment sites, which should not be carried out unless permission is granted for it on application. Whilst the key protected employment sites represent a significant amount of Oxford's existing employment land supply the approach being taken is 'targeted'; site specific and fully justified. It does not however include all employment sites or other key commercial locations, such as the City centre and District centres and therefore does not represent a 'blanket' approach.

## Role of the Secretary of State

33. The Secretary of State advises that directions should only be made in those exceptional circumstances where evidence suggests that the exercise of

permitted development rights would harm local amenity or the proper planning of the area and that, the potential harm that the direction is intended to address should be clearly identified. He goes on to advise that the Council might want to consider whether the PD rights would:

- Undermine the visual amenity of the area or damage the historic environment;
- Undermine local objectives to create or maintain mixed communities;
- Lead to the subdivision of agricultural land other than for purposes reasonably necessary for agriculture, or to the loss of agricultural land;
- Lead to an intensification of development in close proximity to a military or aviation safeguarding zone;
- Have a direct and significant adverse effect on a flood risk area, flood defences and their access, the permeability of ground, and management of surface water or flood risk;
- Lead to an intensification of development or use in areas affected by coastal erosion.

34. The Secretary of State also advises that there should be a particularly strong justification for the withdrawal of PD rights relating to:
- A wide area (e.g. those covering the entire area of a local planning authority, National Park or Area of Outstanding Natural Beauty).
  - Agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas of exceptional beauty or topography.
  - Cases where prior approval powers are available to control permitted development;
  - Blanket directions aimed at imposing full planning controls over a wide range of telecommunications development;
  - Leisure plots and uses;
  - The installation of microgeneration equipment.
35. The approval of the Secretary of State is not required for a direction made under article 4(1) relating only to development permitted by any of Parts 1 to 4 or Part 31 of Schedule 2, if the relevant authority consider the development would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area.
36. It is important to be aware that the Secretary of State does however have the power to make a direction modifying or cancelling most article 4 directions at any point.
37. Oxford City Council, as the local planning authority for the area, consider that for the reasons presented in this report, the exercise of the 'permitted development rights' allowing the change of use from offices (B1a) to residential (C3) could result in the potential loss of the Key Protected Employment Sites, which would be prejudicial to the proper planning of the area and constitute a threat to the amenities of the area.

38. In these circumstances officers take the view that the statutory criterion is met and the Council has the power to make an Article 4 Direction withdrawing 'Part 3 J of the General Development Order, relating to the change of use of offices(B1a) to residential (C3) on the Key Protected Employment Sites identified in the adopted Core Strategy and listed in Appendix 1.

## Where it will apply and how

39. The Article 4 Direction will apply solely to the Town and Country Planning (General Permitted Development) (Amendment) Order 2013 (Part 3 Class J), which introduced these new 'permitted development rights' on 30<sup>th</sup> May 2013. These rights allow an office building (B1a) to change its use to a dwelling house (C3) without requiring planning permission.
40. The application of the Article 4 Direction will require landowners and developers to apply for full planning permission for a change of use of an office (B1a) building to a dwelling house (C3) but will however only relate to the Key Protected Employment Sites, specified in the adopted Core Strategy and listed in Appendix 1. It will therefore not be a 'blanket' order but be targeted and site specific.
41. Officers are of the view that the City Council should make an Article 4 Direction (not with immediate effect) to remove the 'permitted development rights' stated above with effect from 12 months after the making of that direction, subject to consultation and that direction being confirmed. Confirmation will be made by the City Council taking into account any representations received.
42. The Secretary of State will be formally notified of the decision to make an Article 4 Direction and kept informed of progress, but is not required to confirm the direction although the SOS has the power to modify or cancel the direction at any point.

## Risks and implications

43. The most significant risk for a Local Planning Authority (LPA) associated with the preparation of an Article 4 Direction is the potential liability for compensation. In procedural terms there are two approaches to their preparation, which include the non-immediate directions (permitted development rights are only withdrawn upon confirmation of the direction by the LPA following consultation); and immediate directions (where permitted development rights are withdrawn with immediate effect, but must be confirmed by the LPA following local consultation within six months, or else the direction will lapse).
44. In discussion with the Head of Legal, officers advise that the potential compensation liability is such that a non-immediate direction should be followed for the removal of 'permitted development rights' referred to in this report with the effect that from 12 months from the making of the Article 4 Direction and subject to consultation the direction being confirmed. This approach, which has

been taken up by a number of other LPA's and is considered to be the most risk averse and are advised that it should significantly reduce the risk of compensation claims.

45. Whilst the Secretary of State (SOS) does not in this case need to confirm the Article 4 Direction, the SOS does have the power to make a direction modifying or cancelling most article 4 directions at any point. The Planning Minister has recently confirmed his view that to date some eight LPA's have issued Article 4 Directions, some applying across entire the entire authority and others applying to specific areas. His department has written to Islington and Broxbourne to request that they consider reducing the extent of their Article 4 directions so that they are "more targeted." The Minister stated that "Ministers are minded to cancel Article 4 Directions which seek to re-impose unjustified or blanket regulation, given the clearly stated public policy goal of liberalizing the planning rules and helping provide more homes." The City Council as Local Planning Authority consider that the evidence presented in this report shows that there is a growing trend towards the loss of employment sites including key protected sites and therefore feel that an Article 4 Direction is fully justified. The proposed Article 4 Direction is however not a 'blanket' approach response but is specifically targeted to apply only to the Key Protected Employment sites.
46. In relation to the Equalities impact, consideration has been given to the public sector equality duty imposed by Section 149 of the Equalities Act 2010. Having paid due regard to meet the objectives of that duty and of the proposed Article 4 Direction the view is taken that the duty is met.
47. The financial implications have in part been discussed in relation to the potential impacts of implementing the Article 4 and compensation issues. The overall costs of making the Direction are confined largely to staff resources and associated printing required.

## Confirmation

48. The confirmation of the Article 4 Direction is subject to consultation and then dependent on whether any objections are received. In the absence of any objections it is possible for it to be confirmed as an Officer Delegated decision. If however objections are received then a summary of the representations will be prepared together with an accompanying report, this will then be presented to the Area Committees who will consider the representations made and then decide whether to confirm the Article 4 Direction.
49. Subject to the confirmation of the Article 4 Direction it would come into force 12 months after the decision was taken to issue this direction.

## Appendix 1

Supporting case for 'exemption' from proposed changes to PD rights from offices to residential

22<sup>nd</sup> February 2013

Michael Crofton-Briggs: Head of City Development

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www.oxford.gov.uk



**This statement on behalf of Oxford City Council seeks an 'exemption' to the proposed changes to permitted development rights for changes of use from B1a (offices) to C3 residential. The City Council considers that there are 'exceptional circumstances' in Oxford and that these changes will result in (b) substantial adverse economic consequences that are not offset by the positive benefits the new rights would bring.**

### Proposal

1. The City Council considers that the protected employment sites within Oxford, which include strategically important sites such as the Business Park, Science Park and a range of smaller sites should be 'exempt' from the proposed changes. It is considered that these sites together make an important contribution to Oxford's economy and if lost to residential use could seriously threaten the city's future economic growth.

### Oxford's economy

2. Oxford is a national asset and is essential to the future of the UK economy. The city contributes £4.7bn<sup>1</sup> to the UK economy and has the fifth highest GVA per capita of all the UK cities – significantly higher than the national average. It is the engine of Oxfordshire's economy with the highest levels of business growth. Recent independent research<sup>2</sup> (The MJ) assessed the performance of local economies. The analysis of 325 local authority areas assessed their performance according to five key indicators. Oxford city came first in the top ten cities both for growth in business stock and for business and enterprise. This shows the resilience of Oxford's economy to generate growth through the challenging economic conditions experienced from 2008 to 2011.

### Policy context

#### National advice

3. National planning advice<sup>3</sup> (NPPF) requires local authorities to fulfill their economic role by contributing to building a strong, responsive and competitive economy by "ensuring that sufficient land of the right type is available in the right places and at the right time to support economic growth and innovation." Local authorities therefore need to 'set out a clear economic vision'; 'identify strategic sites for local and inward investment opportunities'; support existing and emerging business

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<sup>1</sup>Centre for Cities (2009) and ONS (2011) Mid-Year Population Estimates

<sup>2</sup>The MJ and Local Futures: An investment guide to England. No.1 Economic performance (31<sup>st</sup> January 2013)

<sup>3</sup>National Planning Policy Framework (NPPF): CLG (March 2012)



sectors; and promote networks and clusters of knowledge driven, creative or high technology industries.

### Local Plan policies

4. The adopted Oxford Local Plan 2016<sup>4</sup> together with the recently adopted Core Strategy<sup>5</sup> has supported sustainable employment growth, building on Oxford's key economic strengths. A suite of policies, known as the 'cascade approach', used a set criteria to protect a range of key employment sites for either their existing use or for redevelopment and modernisation. The non-protected employment sites were encouraged to be modernised for alternative employment uses; but subject to satisfying certain criteria could be released for other uses such as residential development.

5. The policy approach to the economy and the provision of employment land has been taken forward in the Core Strategy which promotes 'managed economic growth'. This policy seeks to secure the long-term future of its key sectors, whilst taking account of land supply constraints, and the need to improve the balance between jobs and housing supply. In the context of Oxford this means growth that is appropriately located in Oxford to take advantage of the city's strengths, such as spin-out companies from the universities and hospitals and medical / scientific research, rather than growth that could be located in any UK city.

6. This balanced approach to safeguard key employment sites but allow the release of non-protected sites was fully tested and supported by the independent Inspectors at the two Local Plan Inquiries. Infact the employment policies in the Core Strategy were tested by two Inspectors during a lengthy examination where the balance between housing and employment was the key strategic issue. The Inspectors found that the strategy was sound and struck the right balance between competing uses.

7. These policies have been successfully delivered through a balanced approach to the use of employment land; which has been responsive to both employment and housing needs. Given the shortage of land in Oxford this has required the protection of a range of key employment sites, such as the Business Park and the Science Park; which aims to safeguard existing businesses but allow for their modernisation and expansion.

8. The selection of these key protected employment sites has been robustly tested by an Employment Land Study undertaken by consultants Nathaniel Lichfield. It comprises a range of key strategic sites together with some small and medium sites. There are however a number of other employment sites throughout the city, some of which are offices, which are not-protected. These can subject to criteria being satisfied, such as the marketing of employment sites, be released for other uses including residential development.

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<sup>4</sup>Oxford Local Plan 2016: Oxford City Council adopted November 2005

<sup>5</sup>Oxford Core Strategy 2026: Oxford City Council adopted March 2011

## Partnership working

### Economic Growth Strategy

9. The City Council has sought to take a proactive approach to Oxford's economy by working in partnership with key partners, stakeholders and business. The Oxford Strategic Partnership (OSP) commissioned consultants (Shared Intelligence) to develop an Economic Growth Strategy<sup>6</sup>. This study has analysed the city's strengths and weakness and through active engagement with all interested parties has developed a clear vision for the future, which at its heart seeks to avoid 'complacency' but build on Oxford's strengths to ensure the city continues to make its contribution to the national economy.

10. Of the eleven key recommendations there are three in particular that are essential to the delivery of Oxford's economic success. These seek to: expand the knowledge economy and promote new start-ups; support the growth of existing employers; and ensure a sufficient supply of employment land. The Economic Growth Strategy has been approved by the Oxford Strategic Partnership (OSP) and an Action Plan setting out how and when the key recommendations and actions emerging from the strategy are to be implemented will be approved by Full Council in April 2013. Some of these key actions will also form part of the new Corporate Plan for the City.

### Oxford and Oxfordshire City Deal

11. The Oxford and Oxfordshire City Deal<sup>7</sup> is a partnership of business, research institutions, the Local Authorities and the Local Enterprise Partnership. The bid to Government for funding towards infrastructure projects that will unlock future economic growth has been successful, and was formally announced on the 18<sup>th</sup> February 2013. It seeks to create a new partnership that will deliver transformational change at a scale that matches the opportunity and addresses the barriers to growth.

12. The City Deal recognises that one of the key barriers to growth is a shortage of small and medium sized accommodation for our knowledge based enterprises. It confirms that our incubator centres are full (and have waiting lists), including: Oxford Innovation (4 centres:c10,000sqm), Diagnox (the only commercial incubator laboratory: 450 sqm), and the University (10,000 sqm) and Magdalen (3,000 sqm) Science Parks. There is only limited development capacity that remains for larger enterprises at Magdalen Science Park (25,000 sqm).

13. The City needs to be able to make its contribution to the provision of these small and medium sized businesses, which will come not just from the Oxford Business Park and Science Park but from the modernisation of Oxford's exiting employment land supply. This is likely take place through the re-use of existing buildings, such as offices and the redevelopment of employment sites.

14. This new approach to collaboration will aim to accelerate the growth of the city region's knowledge based economy by creating a new 'knowledge economy spine', based on a network of centres supported by new enterprise and innovation

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<sup>6</sup>Oxford Economic Growth Strategy: Oxford Strategic Partnership (Draft August 12, approved OSP January 2013)

<sup>7</sup>Oxford and Oxfordshire City Deal: Submitted to Gvt (BIS) Jan 13; approved Feb 2013

centres. It will therefore aim to deliver more accommodation for small and medium sized businesses, to allow more start-ups to emerge and existing businesses to grow. These centres will link together the areas identified for future economic growth by the Local Enterprise Partnership centred on Oxford, Bicester and Science Vale.

## Impacts of proposed changes

### Land supply

15. Oxford as the 'economic engine of the City region'<sup>8</sup> needs to be allowed to fulfill its role in delivering economic growth. The protected employment sites within the city, including the Business Park and Science Park together with a range of small and medium sized sites will play a vital role in providing the employment land supply necessary to deliver this growth. If these sites are lost to residential use, this could seriously put at risk the ability of Oxford to fulfill its important role in 'transforming growth through the knowledge economy' that the City Deal aims to deliver.

### House prices

16. If an exemption to the proposed changes is not allowed the impact for Oxford will be significant and has the real prospect of undermining future economic growth. House prices in Oxford<sup>9</sup> are, on average, 8.8 times greater than annual incomes. This ratio is significantly higher than the South East average. Land values for residential therefore are significantly higher than those for employment / office use. The gap between these two values is even greater at the moment, with the office market rather more depressed due to the present economic conditions; however there needs to be an adequate supply of premises as the economy and confidence increases.

17. The City Council through the Core Strategy and Sites and Housing DPD have sought to allocate further employment sites to accommodate Oxford's future growth, however it is clear that the City do not have the opportunities to increase the employment land supply to compensate for any losses of existing stock. The very real danger then is that once offices are converted to residential they will be gone forever.

18. Further evidence to support this contention is set out in the significant amount of research on house prices and correspondingly land values that has been undertaken in Oxford to support the Community Infrastructure Levy; which was undertaken by consultants Jones, Lang La Salle. In relation to housing 'The Affordable Housing Viability Study (June 2010)<sup>10</sup>' is particularly relevant and highlights the fact that 'the average house price in Oxford at around **£354,500**, is more than twice the national average of £167,000. It is also significantly higher than the Oxfordshire average of £239,000 and the south-east average of £212,000. The study goes on to conclude that these facts show 'the essential strength of the housing market in Oxford compared to sub-regional and regional averages.'

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<sup>8</sup>Oxford Economic Growth Strategy: OSP paragraph 1.2

<sup>9</sup>Oxford Core Strategy 2026: Oxford City Council, Spatial portrait

<sup>10</sup>The Affordable Housing Viability Study (June 2010) prepared by Jones, Lang La Salle (para 3.10)

## Land values

19. Evidence of land values across the country are provided by the Property Market Report 2011 (Valuation Office)<sup>11</sup>; which shows that the residential development land value in Oxford to be £4,000,000 per hectare (**£1,620,000 per acre**). This is significantly higher than for other areas of the South East such as Reading (£2,750,000); Southampton (£1,700,000) and Medway Towns (£1,400,000). Oxford's residential land value is higher even than some of the London Boroughs such as Romford. In fact of all the 27 UK cities listed only the outer London Boroughs of Enfield (£4,150,000); Croydon (£4,700,000); and Ealing (£4,800,000) are higher.

20. These land values have been confirmed by recent work undertaken by consultants Jones, Lang La Salle, in explaining their methodology for the viability testing analysis confirmed in para. 14.10 that "in calculating the purchase price for each of the sites we have looked at the mean value<sup>12</sup> for land with residential consent within the City was **£1,620,000** per acre (£4,002,965 per ha); which is almost three times the land value for offices. (source: [www.voa.gov.uk](http://www.voa.gov.uk)). By comparison the consultants concluded that offices tend to attract land values of around **£550,000 - £650,000** per acre. The difference in Oxford is clearly considerable and will inevitably have an impact on the type of development that the market would wish to see, which will favour residential but at the expense of offices. From this evidence the prospects are that given the choice between these two alternative uses the market for residential is a great deal stronger than offices.

## Demand for employment premises

21. The business community in Oxford and the sub-region through their recent 'business barometer' survey<sup>13</sup>, recognise that a shortage of suitable premises represents a significant barrier. For many businesses looking to expand this year, 'the prospect of finding suitable premises appears to be causing concern and in some case threatening growth.' The loss of a significant proportion of the existing supply of employment land will exacerbate the problem.

22. The Centre for cities research and policy institute considered the 'impact of office development on employment and city economies' in 'Making the Grade'. Oxford was defined as a 'buoyant city' with an economy that has performed well and with the potential for future growth. The research and analysis of trends suggests that "ensuring a supply of appropriate office space in UK cities will be an increasingly important factor for future economic growth." In their view "it is crucial that cities with the potential to support jobs and business growth are not restricted by a lack of suitable office space."

## Survey of vacant office premises

23. The City Council carried out a sample survey of vacant office accommodation<sup>14</sup> within the City in January 2013 that could potentially be under threat from these proposed changes. The findings of the survey showed that there are currently 12 sites in total with office sites available to let; based on advertisements in the local

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<sup>11</sup>Property Market Report 2011 (Valuation Office)

<sup>12</sup>The Affordably Housing Viability Study (June 2010) prepared by Jones, Lang La Salle (para 14.10)

<sup>13</sup>Withy King Business Barometer: Commercial Property Focus (Issue 4)

<sup>14</sup>Survey of Vacant Office Accommodation in Oxford (January 2013)

press used to inform our Business Register. These 12 sites in total amount to a combined floorspace of some **11,500**sqm (124,000 sqft); which has the potential to generate some **1,100** jobs.

24. The location of these sites comprise 6 (50%) on existing Business Parks; 4 (33%) are in locations outside business parks and existing centres; and 2 (17%) being within existing centres. The split between protected sites and non-protected sites is such that 7 are protected sites, which would account for **8,460**sqm, that would create some **850** jobs. The 5 non-protected sites would amount to a floorspace of 3,065 sqm and create some 300 jobs. It is therefore clear that of the sites currently on the market the majority are designated under adopted planning policies as key protected employment sites, which would be made vulnerable and could be lost.

### Importance of the protected employment sites

25. The protected key employment sites, (listed in Appendix 1), that are proposed for 'exemption' were assessed individually by Nathaniel Lichfield against various criteria, such as road and public transport access to services and labour supply and all performed well against these set criteria. A number of these sites do have an important inter-relationship with the Universities and Hospitals in terms of providing space for spin-out companies. Others provide an important range of services and uses that fulfil an important function for some of the larger sites, and help the local economy to deliver growth. If some of these larger sites are lost to other uses there is a genuine concern that there will be a knock-on effect on the smaller sites that supply these much needed services. The small and medium sites are important elements of Oxford's land supply and as such can be recycled and modernised to provide much needed floorspace for the new spin-out companies and grow-on space required within the City if future economic growth is to be realised.

### Concluding remarks

26. Oxford is a compact city of around 151,000 citizens, with over 30,000 students. Parts of Oxford are densely populated, yet 52% of the city's area is made up of open space. Oxford has a range of competing demands for the limited amount of land available for development. The Local Plan and in particular the adopted Core Strategy has sought to meet the future housing and employment needs of Oxford within the constraints of land availability and the need to protect the historic environment and contribute to sustainable development.

27. These policies have been successfully delivered through a balanced approach to the use of employment land; which has been responsive to both employment and housing needs. Given the shortage of land in Oxford this has required the protection of a range of key employment sites, such as the Business Park and the Science Park. This policy approach aims to safeguard existing businesses from other uses that have a higher land value, such as residential, but allow for the modernisation and expansion of these sites to create jobs and economic growth.

28. Continued partnership working through the implementation of the Economic Growth Strategy, together with the Oxford and Oxfordshire City Deal bid the City Council aim to promote Oxford's economy and deliver further growth. The provision of an adequate supply of employment sites has a vital role to play in implementing both these proposals, which can only properly be secured by "ensuring that

sufficient land of the right type is available in the right places and at the right time to support economic growth and innovation.”

## Appendices

Appendix 1 List of Key Protected Employment Sites (see below)

Appendix 2 Oxford and Oxfordshire City Deal Submission (included as an attachment)

Appendix 3 Survey of Barriers to Business: Withy King (included as an attachment)

Appendix 4 Making the Grade: The impact of office development on employment and city economies (Centre for cities) (included as an attachment)

Appendix 5 Survey details of vacant office accommodation in Oxford: Oxford City Council (see below)

Appendix 6 Land Values in Oxford (Property Market 2011) (included as an attachment)

## Appendix 1 List of Key Protected Employment Sites

1. Oxford Business Park
2. Oxford Science Park
3. Enterprise Centre, Standingford House, Cave Street
4. Blackwells Publishing, Marston Street
5. Magdalen Road and Newtec Place
6. University Press, Walton Street
7. Oxford Psychologists, Elsfeld Way
8. Summertown Pavilion 16-24 Middle Way
9. BMW Garsington Road
10. County Trading Estate, Watlington Road
11. Harrow Road Industrial Estate, Watlington Road
12. Fenchurch Court, Bobby Fryer Close
13. Chiltern Business Centre, Garsington Road
14. Nuffield Industrial Estate, Sandy Land West
15. Jordon Hill Business Park, Banbury Road
16. Blackwells, Hythe Bridge Street
17. Site at corner of Hayfield Road and Aristotle Lane
18. King Charles House, Park End Street
19. Osney Mead Industrial Estate
20. Macmillans, Between Towns Road
21. Quarry Motoring centre, Green Road
22. Warehouses off Kiln Lane, Shelley Close
23. Blanchfords Builders Yard, Windmill Road
24. Builders Yard Travis Perkins, Chapel Street
25. Telephone Exchange and offices St. Lukes Road / Between Towns Road
26. Printing works, Crescent Road
27. JH Cox Ltd Builders Yard, 108 Temple Road
28. Green Street Bindery, 9 Green Street
29. Dairy Depot, Old Abingdon Road
30. Car tyre and exhaust depot, 302 Abingdon Road
31. Storage building, 91-99 Botley Road
32. Builders yard, Lamarsh Road
33. Garage repair workshop, 2A off Hayfield Road
34. Telephone Repeater Station, Woodstock Road
35. Builders Yard, Southmoor Road
36. Tyre and Exhaust centre, 72 London Road
37. Hospath Industrial Estate, Peterley Rd / Pony Road
38. Drennan International Bacordo Court, 79-83 Temple Road
39. The Tyre Depot, Marsh Road
40. Powell's Timber Yard, 474 Cowley Road



## Appendix 5 Survey of vacant office accommodation in Jan 2013

### **Broadfield House, Between Towns Road**

Location: Primary District centre

Local Plan: Protected Employment site, in District centre

Type: 4 storey office building, high quality suitable for Headquarters.

Floorspace: 2,590 sqm

Jobs: 259

### **Willow Court**

Location: Business Park

Local Plan: Protected Employment site

Type: second floor offices, open plan lay-out

Floorspace: 760 sqm

Jobs: 76

### **East Point**

Location: Business Park

Local Plan: Protected Employment site

Type: refurbished office accommodation

Floorspace: up to 2,790 sqm

Jobs: 279

### **Sterling House**

Location: Oxford Business Park

Local Plan: Protected Employment site

Type: good quality office accommodation

Floorspace: 700 sqm

Jobs: 70

### **Trinity House**

Location: Oxford Business Park

Local Plan: Protected Employment site

Type: good quality office accommodation

Floorspace: 800 sqm

Jobs: 80

### **Seacourt Tower, Botley Road**

Location: Out of centre near Ring Road

Local Plan: Non-Protected

Type: good quality office accommodation

Floorspace: 440 sqm

Jobs: 44

### **Oxford Business Park**

Location: Oxford Business Park

Local Plan: Protected Employment site

Type: good quality open plan office accommodation

Floorspace: 560 sqm

Jobs: 56

**Cowley Bus Depot**

Location: main arterial road but out-of-centre

Local Plan: Non-protected site

Type: new office development / starter units

Floorspace: 685 sqm

Jobs: 68

**Marston Road**

Location: 1.5 miles from City centre

Local Plan: Non-Protected site

Type: refurbished open plan office accommodation

Floorspace: 210 sqm

Jobs: 21

**Park Central**

Location: City centre

Local Plan: Non-Protected and City centre location

Type: high quality office accommodation

Floorspace: 800 sqm

Jobs: 80

**Northbrook House, Science Park**

Location: Oxford Science Park

Local Plan: Protected site

Type: extensively refurbished high quality office accommodation

Floorspace: 700 sqm

Jobs: 70

**New Barclay House, Botley Road**

Location: on main arterial road, out-of-centre

Local Plan: Non-Protected site

Type: modern office accommodation to be refurbished

Floorspace: 930 sqm

Jobs: 93

## Appendix 2

Address	Ward	Loss of B1 floorspace	Decision
<b>Grehan House 190-196 Garsington Road</b>	Blackbird Leys	1,281 m <sup>2</sup>	Approved
<b>Hooper House 3 Collins Street</b>	St. Clements	412 m <sup>2</sup>	Approved
<b>Wadham Court 15 Edgeway Road</b>	Marston	356 m <sup>2</sup>	Approved
<b>Canterbury House 393 Cowley Road (Bus Depot)</b>	Cowley Marsh	2,426 m <sup>2</sup>	Refused
<b>Innovation House Mill Street</b>	Jericho and Osney	2,508 m <sup>2</sup>	Approved
<b>Broadfield House Between Towns Road</b>	Cowley	4,308 m <sup>2</sup>	Approved
<b>Sun Alliance House 52 New Inn Hall Street</b>	Carfax	1,200 m <sup>2</sup>	Approved
<b>Unit 7 42 Downside Road</b>	Quarry and Risinghurst	88 m <sup>2</sup>	Approved
<b>28-31 Little Clarendon Street</b>	North	448 m <sup>2</sup>	Approved
<b>54A Rectory Road</b>	St. Clements	65 m <sup>2</sup>	Approved

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## Appendix D

The Article 4 Direction proposed will not cover the whole city or indeed all employment sites. It is purposely not a 'blanket' restriction but will only apply to the 'key protected employment sites' listed below as follows:

- Oxford Business Park
- Oxford Science Park
- Enterprise Centre, Standingford House, Cave Street
- Blackwells Publishing, Marston Street
- Magdalen Road and Newtec Place
- University Press, Walton Street
- Oxford Psychologists, Elsfield Way
- Summertown Pavilion 16-24 Middle Way
- BMW Garsington Road
- County Trading Estate, Watlington Road
- Harrow Road Industrial Estate, Watlington Road
- Fenchurch Court, Bobby Fryer Close
- Chiltern Business Centre, Garsington Road
- Nuffield Industrial Estate, Sandy Land West
- Jordon Hill Business Park, Banbury Road
- Blackwells, Hythe Bridge Street
- Site at corner of Hayfield Road and Aristotle Lane
- King Charles House, Park End Street
- Osney Mead Industrial Estate
- Macmillans, Between Towns Road
- Quarry Motoring centre, Green Road
- Warehouses off Kiln Lane, Shelley Close
- Blanchfords Builders Yard, Windmill Road
- Builders Yard Travis Perkins, Chapel Street
- Telephone Exchange and offices St. Lukes Road / Between Towns Road
- Printing works, Crescent Road
- JH Cox Ltd Builders Yard, 108 Temple Road
- Green Street Bindery, 9 Green Street
- Dairy Depot, Old Abingdon Road
- Car tyre and exhaust depot, 302 Abingdon Road
- Storage building, 91-99 Botley Road
- Builders yard, Lamarsh Road
- Garage repair workshop, 2A off Hayfield Road
- Telephone Repeater Station, Woodstock Road
- Builders Yard, Southmoor Road
- Tyre and Exhaust centre, 72 London Road

- Hospath Industrial Estate, Peterley Rd / Pony Road
- Drennan International Bacordo Court, 79-83 Temple Road
- The Tyre Depot, Marsh Road
- Powell's Timber Yard, 474 Cowley Road



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## Appendix E

### Summary of Responses to Consultation on Article 4 Direction (offices to residential)

This consultation ran from 28<sup>th</sup> March to 23<sup>rd</sup> May 2014 and there were a total of 32 responses:

Response	Number
Support	15
Object	14
Other	3

Respondent	Nature of response (object, support or comment)	Brief summary of response
John Sear	Support	<ul style="list-style-type: none"> <li>Need to maintain employment sites in Oxford. Suggested addition.</li> </ul>
David Colbeck	Support	<ul style="list-style-type: none"> <li>But any future planning application should be approved unless clearly shown that loss of office space will result in loss of employment; or residential use sub-standard</li> </ul>
Anthony Beechers	Support	<ul style="list-style-type: none"> <li>Supports Article 4 but wishes to ensure position is monitored in the future</li> </ul>
12 people	Support	No comments
Agent: JPPC acting for LCH Properties Ltd (owner of Summertown Pavilion)	Object	<ul style="list-style-type: none"> <li>This property is an aged and outdate office premises</li> <li>List of Protected Employment sites, subject to the Article 4 Direction are not all office uses and is therefore an 'indiscriminate' list</li> <li>City Council applied for 'exemption' to Gvt for this list of sites but were not successful</li> <li>Consider the loss of employment sites is not a 'worrying trend' and that no exceptional case has been made</li> <li>Seeks to impose a 'blanket order'</li> </ul>
Agent: Kemp and Kemp on behalf of S. Hutchins & Green (owners of 1A Southmoor Rd)	Object	<ul style="list-style-type: none"> <li>The City Council sought an 'exemption' to the introduction of this Order but were unsuccessful</li> <li>There is no material change in circumstances to justify a different decision</li> <li>Does not consider that there is sufficient evidence to show that the loss of employment sites would impact on local economic growth</li> <li>Considered there is an over-supply of offices and therefore more employment land than the market requires</li> <li>The effect on the Article 4 Direction would be to reduce the potential amount of housing that could contribute to Oxford's significant housing need</li> <li>This site is not considered to be worthy of protection for its existing use but would be better suited for residential</li> </ul>
Thomas Homes	Object	<ul style="list-style-type: none"> <li>City Council applied for 'exemption' to Gvt for this list</li> </ul>

owner of BroadfieldHouse, Between Towns Rd		<p>of sites but were not successful</p> <ul style="list-style-type: none"> <li>• The list comprises sites other than those in use as offices</li> <li>• Broadfield House already has 'prior approval' for residential and conversion work is under-construction</li> <li>• Consider Class J relaxation is re-using outdated offices and supporting provision of housing in Oxford</li> <li>• City Council seeks to impose a 'blanket order' and failed to justify the case for an Article 4 Direction</li> </ul>
Oxfordshire County Council	Object	<ul style="list-style-type: none"> <li>• Provision of employment sites should be balanced against need to identify additional housing sites</li> <li>• Consider that some employment sites could be released for housing without undermining future economic growth</li> <li>• Consider that as part of SHMA review all protected sites should be assessed for their suitability for residential development</li> </ul>
South Oxfordshire District Council	Object	<ul style="list-style-type: none"> <li>• Does not consider that a case has been made to justify an Article 4 Direction. No evidence of impact on local amenity or wellbeing.</li> <li>• In the context of housing targets in the SHMA, consider Oxford's Core Strategy is need of review together with list of protected employment sites</li> <li>• Some of these employment sites should be reviewed for release to housing to meet SHMA targets and help Oxford's housing needs.</li> </ul>
Cherwell District Council	Object	<ul style="list-style-type: none"> <li>• Would like some assurance that implications of the Article 4 Direction will be reflected in the post Oxfordshire SHMA process have been fully taken into account</li> <li>• Request confirmation that the Article 4 Direction will not restrict housing capacity assessment, which should be free of policy constraints.</li> </ul>
Vale of White Horse	Object	<ul style="list-style-type: none"> <li>• Does not consider that a case has been made to justify an Article 4 Direction. No evidence of impact on local amenity or wellbeing.</li> <li>• In the context of housing targets in the SHMA, consider Oxford's Core Strategy is need of review together with list of protected employment sites</li> <li>• Some of these employment sites should be reviewed for release to housing to meet SHMA targets and help Oxford's housing needs.</li> </ul>
Michael HarkerTait	Object	<ul style="list-style-type: none"> <li>• Green Street Bindery should be allowed to convert to residential. Employment uses generate traffic and cause problems for residents. Need more affordable housing</li> </ul>
Miss. Joyce Ann Day	Object	<ul style="list-style-type: none"> <li>• Given shortage of housing empty offices should be converted to residential</li> </ul>
Jan Bartlett	Object	<ul style="list-style-type: none"> <li>• More housing needed in Oxford</li> </ul>
Jason Arneil	Object	<ul style="list-style-type: none"> <li>• City badly needs housing should leave it to market demand to determine use.</li> </ul>
Cllr. Tony Brett	Object	<ul style="list-style-type: none"> <li>• Oxford short of affordable housing and therefore</li> </ul>

		should allow B1 offices to be converted to residential use. Object to proposed Article 4 Direction
2 people	Object	No comments
The Theatres Trust	Comment	<ul style="list-style-type: none"> <li>• From experience real risks occur to the operation of cultural facilities from residential development being located next to them</li> <li>• Residential uses require high standards of amenity for theatres to meet, such as around noise and disturbance</li> </ul>
Natural England	No objection	<ul style="list-style-type: none"> <li>• Confirmed no comments to make</li> </ul>
Martin Small (English Heritage)	Don't know	<ul style="list-style-type: none"> <li>• No comment since unlikely to impact on Listed Buildings or Scheduled Monuments.</li> </ul>

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## Appendix F

### Officer's response to Public Comments

- the City Council had originally sought 'exemption' for the Protected Employment Sites from the introduction of the present permitted development changes but was unsuccessful. The Government's refusal to allow an exemption does not preclude the use of an Article 4 Direction to be pursued by a Local Planning Authority. The overriding evidence submitted by the City Council to Government together with the changes that have since taken place in practice now make out an even more convincing case that significant harm to amenity and the economy is being caused, effecting both occupied and unoccupied office sites alike;
- there has been a material change in circumstances in Oxford that includes the signing of the City Deal and approval of the Strategic Economic Plan by Government and the SQW Report (Oxfordshire Engine for Growth – Realising the potential) which show the commitment of Oxford and agreement with Government to work in partnership with the County and Districts to deliver economic growth. An important element of Oxford's employment land supply includes the Protected Employment sites which are essential to the delivery of economic growth;
- The extent of the Article 4 Direction is not a 'blanket' order but is 'targeted' and 'site specific';
- Whilst the conversion of existing offices would create more housing this would be at the expense of the loss of these premises, which can generate employment. In addition some of these existing offices are poorly located and not ideally suited for residential use. The conversions that have taken place so far have resulted in a very poor standard of units mainly 1 and 2 bed units, with little or no garden areas or amenity facilities;
- The adopted Oxford Core Strategy 2026 promotes a policy of 'managed economic growth'. This policy seeks to secure the long-term future of its key sectors, whilst taking account of land supply constraints and the need to improve the balance between jobs and housing. This balanced approach to safeguard key protected employment sites but allow the release of non-protected sites for other uses such as residential was fully tested and supported by independent Inspectors at the two Local Plan Inquiries. The Inspectors found that the strategy was sound and struck the right balance between competing uses;

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## Monthly Planning Appeals Performance Update – February 2015

Contact: Head of Service City Development: Michael Crofton-Briggs

Tel 01865 252360

1. The purpose of this report is two-fold:
  - i. To provide an update on the Council's planning appeal performance; and
  - ii. To list those appeal cases that were decided and also those received during the specified month.

### Best Value Performance Indicator BV204

2. The Government's Best Value Performance Indicator BV204 relates to appeals arising from the Council's refusal of planning permission and telecommunications prior approval refusals. It measures the Council's appeals performance in the form of the percentage of appeals allowed. It has come to be seen as an indication of the quality of the Council's planning decision making. BV204 does not include appeals against non-determination, enforcement action, advertisement consent refusals and some other types. Table A sets out BV204 rolling annual performance for the year ending 23 February 2015, while Table B does the same for the current business plan year, ie. 1 April 2014 to 23 February 2015.

Table A	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No.	%	No.	No.
Allowed	16	36%	9	7
Dismissed	29	64%	9	20
Total BV204 appeals	45	100%	18	27

**Table A. BV204 Rolling annual performance  
(1 March 2014 to 23 February 2015)**

Table B	Council performance		Appeals arising from Committee refusal	Appeals arising from delegated refusal
	No	%	No.	No.
Allowed	17	39%	9	8
Dismissed	27	61%	7	20
Total BV204 appeals	44		13	14

**Table B. BV204: Current business plan year performance  
(1 April 2014 to 23 February 2015)**

## All Appeal Types

3. A fuller picture of the Council's appeal performance is given by considering the outcome of all types of planning appeals, i.e. including non-determination, enforcement, advertisement appeals etc. Performance on all appeals is shown in Table C.

<b>Table C</b>	<b>Appeals</b>	<b>Performance</b>
Allowed	17	35%
Dismissed	32	65%
All appeals decided	49	
Withdrawn	4	

**Table C. All planning appeals (not just BV204 appeals)  
Rolling year 1 March 2014 to 23 February 2015**

4. When an appeal decision is received, the Inspector's decision letter is circulated (normally by email) to the committee chairs and ward councillors. If the case is significant, the case officer also subsequently circulates committee members with a commentary on the appeal decision. Table D, appended below, shows a breakdown of appeal decisions received during February 2015.
5. When an appeal is received notification letters are sent to interested parties to inform them of the appeal. The relevant ward members also receive a copy of this notification letter. Table E, appended below, is a breakdown of all appeals started during February 2015. Any questions at the Committee meeting on these appeals will be passed back to the case officer for a reply.
6. All councillors receive a weekly list of planning appeals (via email) informing them of appeals that have started and been decided, as well as notifying them of any forthcoming hearings and inquiries.



# Table D

## Appeals Decided Between 27/01/15 And 23/02/15

**DECTYPE KEY:** COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;  
**RECM KEY:** PER - Approve, REF - Refuse, SPL - Split Decision; NDA - Not Determined; APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditions, ALWCST - Allowed with costs, AWD - Appeal withdrawn, DIS – Dismissed

DC CASE	AP CASE NO.	DECTYPE:	RECM:	APP DEC	DECIDED	WARD:	ADDRESS	DESCRIPTION
14/02942/H42	14/00068/PRIOR	DEL	7PA	DIS	09/02/2015	QUARIS	61 Green Road Oxford Oxfordshire OX3 8LD	Application for prior approval for the erection of a single storey rear extension, which would extend beyond the rear wall of the original house by 6.0m, for which the maximum height would be 2.80m, and for which the height of the eaves would be 2.60m.
14/00873/TPO	14/00042/REFUSE	DEL	SPL	DIS	12/02/2015	HINKPK	Land To The South Of 5 Folly Bridge Oxford Oxfordshire	Fell 1 No Willow Tree as identified in Oxford City Council Oxford City Council - Folly Bridge (No.1) Tree Preservation Order, 2013.
14/01802/FUL	14/00064/REFUSE	DEL	REF	DIS	20/02/2015	RHIFF	6 And 8 Mortimer Road Oxford OX4 4UQ	Erection of two storey side extension to form 1x1-bed dwelling. Provision of car parking and bin and cycle stores.

**Total Received: 3**

## Enforcement Appeals Decided Between 27/01/15 And 23/02/15

APP DEC KEY: ALC - Allowed with conditions, ALW - Allowed without conditons, AWD - Appeal withdrawn, DIS – Dismissed

EN CASE	AP CASE NO.	APP DEC	DECIDED	ADDRESS	WARD:	DESCRIPTION
14/0003/5/ENF	14/00021/ENFORC	DIS	10/02/2015	195 The Slade	CHURCH	Appeal against enforcement notice for unauthorised outbuilding And walkway

**Total Decided: 1**

## Table E

### Appeals Received Between 27/01/15 And 23/02/15

**DECTYPE KEY:** COMM - Area Committee Decision, DEL - Delegated Decision, DELCOM - Called in by Area Committee, STRACM - Strategic Committee;  
**RECMND KEY:** PER - Approve, REF - Refuse, SPL - Split Decision, NDA - Not Determined; **TYPE KEY:** W - Written representation, I - Informal hearing, P - Public Inquiry, H – Householder

DC CASE	AP CASE NO.	DEC TYPE	RECM	TYPE	ADDRESS	WARD:	DESCRIPTION
14/01670/OUT	15/00004/REFUSE	COMM	REF	W	Parking Area William Morris Close Oxford Oxfordshire OX4 2SF	COWLYM	Outline application (seeking approval of access, appearance, layout and scale) for the erection of new buildings consisting of 2 x 2 bed flats (Use Class C3), 1 x 3 bed flat (Use Class C3), 2 x 3 bed house ((Use Class C3) and 2 x 4 bed house (Use Class C3).
14/03061/FUL	15/00005/REFUSE	DEL	REF	W	151 Walton Street Oxford OX1 2HG	CARFAX	Amendments to planning permission 13/02228/FUL (Change of Use from Estate Agent to Residential) to allow alterations to front elevation.

**Total Received: 2**

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## EAST AREA PLANNING COMMITTEE

**Wednesday 4 February 2015**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Coulter (Vice-Chair), Altaf-Khan, Anwar, Brandt, Clarkson, Lloyd-Shogbesan and Wilkinson.

**OFFICERS PRESENT:** Martin Armstrong (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

### **85. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Paule.

### **86. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

### **87. FORMER DHL SITE, SANDY LANE WEST:14/02650/FUL**

The Head of City Development submitted a report which detailed an application for planning permission for the erection of nine industrial units for Class B1 (C) (Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) use and including 70 car parking spaces and 20 covered cycle parking spaces. (Amended description) at the former DHL Site, Sandy Lane West.

The Committee resolved to **grant** planning permission for application 14/02650/FUL, former DHL Site, Sandy Lane West, subject to the conditions listed and to delegate to officers the issuing of the decision notice following the completion of a legal agreement to secure the necessary financial contribution towards off-site provision of affordable housing (as stated below).

#### **Conditions**

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Travel Plan required.
5. Car parking to be laid out prior to development being brought into use.
6. Sustainable drainage scheme required to be incorporated.
7. Unexpected contamination.
8. Surface water scheme required.
9. Landscape plan required including the requirement for retention of the majority of existing eastern and southern boundary vegetation together with reinforcement through new appropriate planting.
10. Acoustic screen to be installed prior to development being brought into use.
11. Construction Management Plan required including details of construction traffic routing and parking, delivery times, construction noise, hours of working etc.

12. Boundary treatment details required to be submitted to and approved by the LPA prior to first occupation.
13. No permitted development rights to change to any other use outside Use Classes B1(c), B2 or B8.
14. Public Art scheme and timetable for its implementation to be submitted to and approved by the LPA.
15. No permitted development rights for extensions to any of the buildings.
16. Noise limits imposed at different times throughout the day when measured from nearest dwelling:
  - 7am – 7pm – 43dB LAeq 1hr
  - 7pm – 11pm – 43db LAeq 15mins
  - 11pm – 7am – 40db LAeq 15mins
17. No external operations (including servicing and deliveries) after 11pm and before 7am.
18. Tree Protection Plan required.
19. Approved landscaping be carried out prior to substantial completion.
20. Recommendations of the Geo-Environmental Assessment to be followed throughout construction.
21. Development to be carried out in accordance with the submitted NRA to achieve a minimum score of 10/11.
22. Prior to first occupation details shall be submitted of showering facilities to be provided within the development to encourage the use of cycles as a means of travelling to and from work.
23. Details of covered and secure cycle parking facilities to be submitted to and approved by the LPA prior to first occupation of the development.

**Legal Agreement:**

£89,356 offered as a financial contribution towards provision of off-site affordable housing. The development is liable for CIL to the value of £83,660.

**88. ABBERBURY ROAD (NO.1) TREE PRESERVATION ORDER, 2014**

The Head of City Development submitted a report which detailed a tree preservation order Abberbury Road (No.1) Tree Preservation Order, 2014 and objections to this. The order relates to trees on land at 10 and 18 Abberbury Road, Iffley, Oxford as shown in the plan attached to the order.

The Committee resolved to **confirm** the Oxford City Council – Abberbury Road (No.1) Tree Preservation Order, 2014 without modification.

**89. EASTERN HOUSE, EASTERN AVENUE: 13/01553/CT3**

The Head of City Development submitted a report which detailed an application for planning permission for the demolition of Eastern House and erection of 7 three-bed and 2 two-bed dwellings (use class C3), along with provision of associated car parking, landscaping, private amenity space and bin and cycle stores at Eastern House, Eastern Avenue.

Members of the committee expressed concerns that the application was not fully compliant with the council's policies on the provision of private amenity space and that the limitations of the site led to inadequate parking arrangements.

However overall members did not consider that these concerns were sufficient in this case to warrant refusal or to outweigh the merits of the application.

The Committee resolved to **grant** planning permission for application 13/01553/FUL, Eastern House, Eastern Avenue, subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Samples of materials.
4. Details of affordable housing.
5. Means of enclosure.
6. Provision of refuse and cycle storage.
7. Landscape Plan.
8. Landscape carried out by completion.
9. Tree Protection Plan (TPP) 1.
10. Arboricultural Method Statement (AMS) 1.
11. Details of car parking layout and service road.
12. Sustainable Urban Drainage.
13. Design - no additions to dwelling.
14. Contaminated Land Risk Assessment.
15. Sustainability measures.
16. Biodiversity Enhancements.
17. Construction Traffic Management Plan.

## **90. PLANNING APPEALS**

The Committee noted the report.

## **91. MINUTES**

The Committee resolved to approve the minutes of the meeting held on 7 January 2015 as a true and accurate record.

## **92. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications and asked for a brief summary of progress and delays in bringing each of these for determination.

## **93. DATES OF FUTURE MEETINGS**

The Committee noted that the next meeting would be held on 11 February and that there was a meeting on 3 June in addition to those listed on the agenda.

**The meeting started at 6.00 pm and ended at 7.25 pm**

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# **EAST AREA PLANNING COMMITTEE**

**Wednesday 11 February 2015**

**COUNCILLORS PRESENT:** Councillors Darke (Chair), Coulter (Vice-Chair), Anwar, Brandt, Clarkson, Lloyd-Shogbesan, Taylor and Wilkinson.

**OFFICERS PRESENT:** Fiona Bartholomew (City Development), Clare Golden (City Development), Niko Grigoropoulos (City Development), Michael Morgan (Law and Governance) and Jennifer Thompson (Law and Governance)

**OTHER COUNCILLORS PRESENT:** Councillor Haines.

## **94. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Paule (substitute Councillor Taylor) and from Councillor Altaf-Khan.

## **95. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

## **96. BARTON PARK: 14/03201/RES; 13/01383/CND2; 13/01383/CND3 AND 13/01383/NMA (RELATING TO 13/01383/OUT)**

The Head of City Development submitted a report setting out the details of the applications for reserved matters and discharge of conditions 14/03201/RES, 13/01383/CND2, 13/01383/CND3, and 13/01383/NMA for land west of Barton, north of A40, and south of Bayswater Brook, Northern By-pass Road Wolvercote ('Barton Park').

The Committee also had before them the officer's report and appendices relating to application 13/01383/OUT considered by this committee on 24 September 2013 to which the applications related.

The planning officer recommended removal of the first condition suggested for application 14/03201/RES (time limits) as this was dealt with by conditions on outline permission 13/01383/OUT.

Councillor Haines addressed the Committee, raising concerns about the adverse impact of this development on flooding, sewage, and traffic in Marston.

Alex Robinson, on behalf of the Barton LLP, addressed the Committee.

Members of the Committee asked questions about the applications, in particular about parking and cycle parking in the public spaces and at the school; the capacity and management of the sewer system; and traffic movements through the development. Concerns about parking at the sports pavilion and the school could be addressed in future permissions. The need for adequate planting to prevent access from the open space to the A40 at the entrance to the development was noted.

Motions to grant permission for each application were proposed and put to the vote in turn.

The Committee resolved to:

1. **Approve** the reserved matters application 14/03201/RES and confirm compliance with condition 4 (scheme of enabling infrastructure) of 13/01383/OUT with the following conditions:
  1. Develop in accordance with approved plans.
  2. Detailed design of the western play area (LEAP).
2. **Approve** application 13/01383/NMA ( non-material amendments to the proposed A40 junction as approved under 13/01383/OUT);
3. **Approve** application 13/01383/CND3 (compliance with condition 24 (site wide surface water strategy) and partial compliance with condition 26 (site wide foul water strategy) of 13/01383/OUT); and
4. **Approve** application 13/01383/CND2 (compliance with condition 11 (tree protection) and condition 25 (surface water scheme for current development phase) of 13/01383/OUT).

**The meeting started at 6.15 pm and ended at 7.45 pm**