

Agenda

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West Area Planning Committee

Date: **Thursday 19 March 2015**

Time: **6.00 pm**

Place: **Long Room - Town Hall**

For any further information please contact:

Jennifer Thompson, Committee and Member Services Officer

Telephone: 01865 252275

Email: democraticservices@oxford.gov.uk

As a matter of courtesy, if you intend to record the meeting please let the Contact Officer know how you wish to do this before the start of the meeting.

West Area Planning Committee

Membership

Chair	Councillor Oscar Van Nooijen	Hinksey Park;
	Councillor Michael Gotch	Wolvercote;
	Councillor Elise Benjamin	Iffley Fields;
	Councillor Bev Clack	St. Clement's;
	Councillor Colin Cook	Jericho and Osney;
	Councillor Andrew Gant	Summertown;
	Councillor Alex Hollingsworth	Carfax;
	Councillor Bob Price	Hinksey Park;
	Councillor John Tanner	Littlemore;

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

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AGENDA

	Pages
1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS	
2 DECLARATIONS OF INTEREST	
3 THE COVEN, OXPENS ROAD: 14/03538/CT3	9 - 14
Site address: The Coven, Oxpens Road, Oxford	
Proposal: Change of Use from Nightclub (Sui Generis) to Offices (Use Class B1) including ancillary use for Shopmobility unit for a temporary period of 3 years. Insertion of 2no windows to north-west elevation, 2no windows to south-west elevation and 5no windows to south-east elevation.	
Recommendation: to approve the proposed change of use for a temporary period of 3 years, subject to and including conditions.	
<ol style="list-style-type: none">1. Temporary consent for use: 3years.2. Develop in accordance with approved plans.3. Materials to match.4. Restricted opening hours: 0800–1800hrs Mon- Fri & 0900–1700hrs Sat to Sun.	
4 40 CARDIGAN ST: 15/00043/CT3	15 - 20
Site Address: 40 Cardigan Street,	
Proposal: Re-painting of front elevation from white to grey	
Officer recommendation: That the Committee approve the planning application subject to the following conditions:	
<ol style="list-style-type: none">1 Development begun within time limit2 Develop in accordance with approved plans	
5 40 BARTLEMAS ROAD: 14/03341/FUL	21 - 26
Site Address: 40 Bartlemas Road	
Proposal: Erection of single storey rear extension (amended plans)	
Officer recommendation: That the Committee approve the planning application subject to the following conditions:	
<ol style="list-style-type: none">1 Development begun within time limit2 Develop in accordance with approved plans3 Materials - matching4 No additional windows5 Amenity - no balcony6 Sustainable drainage	

6	HINKSEY POOLS: 14/03475/CT3	27 - 38
	<p>Site Address: Hinksey Pools, Hinksey Park, Abingdon Road (site plan: appendix 1)The infilling of two redundant tanks (retrospective)</p> <p>Proposal: Infilling of 2no. pool tanks to create public open space. (Retrospective)</p> <p>Officer Recommendation: That the Committee grant retrospective planning permission subject to the following condition:</p> <p>Remediation Measures and Validation Report undertaken within 6 months of the date of permission.</p>	
7	ARTICLE 4 DIRECTION (OFFICES TO RESIDENTIAL)	39 - 86
	<p>Report of the Head of City Development (attached)</p> <p>Officer recommendation: Committee is asked to:</p> <ol style="list-style-type: none"> 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. <p>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.</p> <p>The order, which includes both the Direction Order itself and individual maps of the sites themselves, can be found at</p> <p>http://consultation.oxford.gov.uk/gf2.ti/f/417762/11838245.1/PDF/-/Article 4 Direction Order and Maps.pdf</p>	
8	EAST AND WEST OXFORD CHARACTER STUDIES	87 - 92
	<p>Purpose of report: To note the completion of Character Studies for East and West Oxford, which have recently undergone public consultation. These were undertaken in two pilot study areas (East and West Oxford) and assess the important features that contribute to the character of these areas. The studies resulted in nominations to the Oxford Heritage Asset Register. These nominations will be considered at CEB.</p> <p>Officer recommendations: That the Committee note that the character statements will be a material consideration in determining relevant planning applications against Saved Policies HE.6 & HE.8 of the Adopted Local Plan 2001-2016 and Core Strategy Policy CS18 (or any subsequent replacement policy)</p>	

9 DATE OF NEXT MEETING

The Committee will meet on the following dates:

14th April 2015

12th May 2015

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.

West Area Planning Committee

10th March 2015

Application Number: 14/03538/CT3

Decision Due by: 9th March 2015

Proposal: Change of Use from Nightclub (Sui Generis) to Offices (Use Class B1) including ancillary use for Shopmobility unit for a temporary period of 3 years. Insertion of 2no. windows to north-west elevation, 2no. windows to south-west elevation and 5no. windows to south-east elevation.

Site Address: The Coven Oxpens Road Oxford Oxfordshire

Ward: Carfax Ward

Agent: N/A

Applicant: Oxford City Council

Recommendation: West Area Planning Committee are recommended to approved the proposed change of use for a temporary period of 3 years, subject to and including conditions.

Reason:

- 1 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 and including the following conditions:

- 1 Temporary consent for use: 3years
- 2 Develop in accordance with approved plans
- 3 Materials to match
- 4 Restricted opening hours: 0800–1800hrs Mon- Fri & 0900–1700hrs Sat to Sun

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places
CP10 - Siting Development to Meet Functional Needs
CP19- Nuisance
CP21- Noise
TR3 – Car parking standards
TR11 - City Centre Car Parking

Core Strategy (CS)

CS5_ - West End

West End Area Action Plan (WEAAP)

WE28 - Leisure

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

None

Representations Received:

None:

Statutory and Internal Consultees:

None:

Officers Assessment:

Site Description and Proposal:

The site lies on the western side of Oxpens Road adjacent to the Ice Rink and the Oxpens Car Park to the south and tyre and exhaust centre to the north. It is a single storey flat roof building of utilitarian design which has until very recently been used as a nightclub/ burlesque club.

The proposal is to change the use of this building to Offices for use by the City Council in conjunction with the Shopmobility facility operating from the temporary Oxpens car park for a period of three years. In order to provide more natural light into the building, several new windows are proposed in the southern, western and northern elevations, (the front elevation remaining the same).

Issues:

Officers consider the main issues in determining this application are:

- Principle of change of use;
- design and impact of new windows;
- hours of operation; and
- car parking

Principle of Change of Use:

The site lies within the West End Area and as such the West End Area Action Plan details the Council's vision to transform this key part of the city centre, which is based on Core Strategy Policy CS5. The West End is allocated as a strategic location which will deliver a mixed use development including office, retail, residential, cultural and leisure uses. Some employment development will take place through the modernisation and redevelopment of existing previously developed land, amounting to office space, (estimated at 15,000m² for the private sector and 20,000m² for the public sector).

There are no policies that prevent the loss of nightclubs in the City, although the Oxford Local Plan does recognise that they contribute to the commercial leisure sector and thus the variety of such uses within the City. The application is for a temporary change of use for 3 years, and as such it is considered that the proposal would not compromise the variety of uses in the area or the West End Area Action Plan and is therefore acceptable in accordance with CP1 of the OLP, CS5 of the CS and WE28 of the WEAAP.

Design and Impact of New Windows:

The proposed new windows would not only provide additional light into the building but also provide relief to an otherwise blank structure, together with providing additional surveillance over the car park which is a positive measure in reducing crime through design. There would therefore be no harm to the character and appearance of the building and the proposal accords with Policies CP1, CP8, CP9 and CP10 of the OLP.

Hours of Operation:

The Shopmobility facility would open between 0800 – 1800hrs Monday to Friday and 0900 – 1700hrs Saturday to Sunday. It would retain 8 scooters, 3 power chairs and 4 wheelchairs. It is considered that there would be no harm to neighbouring facilities or operators from the proposed opening hours in terms of noise or disturbance in accordance with CP19 and CP21 of the OLP. The opening hours could be secured by condition.

Car Parking:

The site lies within the City Centre and Transport Central Area Car free development in this location is supported and an increase in car parking spaces resisted. The site has no off street car parking specifically allocated to it, however it is adjacent to the Oxpens Car Park (run by the City) which has disabled spaces. It is also in a sustainable location close to the railway station and bus routes into and out of the City. No objection is raised therefore in respect of parking in accordance with TR3 and TR11 of the OLP.

Conclusion:

West Area Planning Committee is recommended to approve the application subject

to conditions for the reason set out in the report above.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 14/03538/CT3

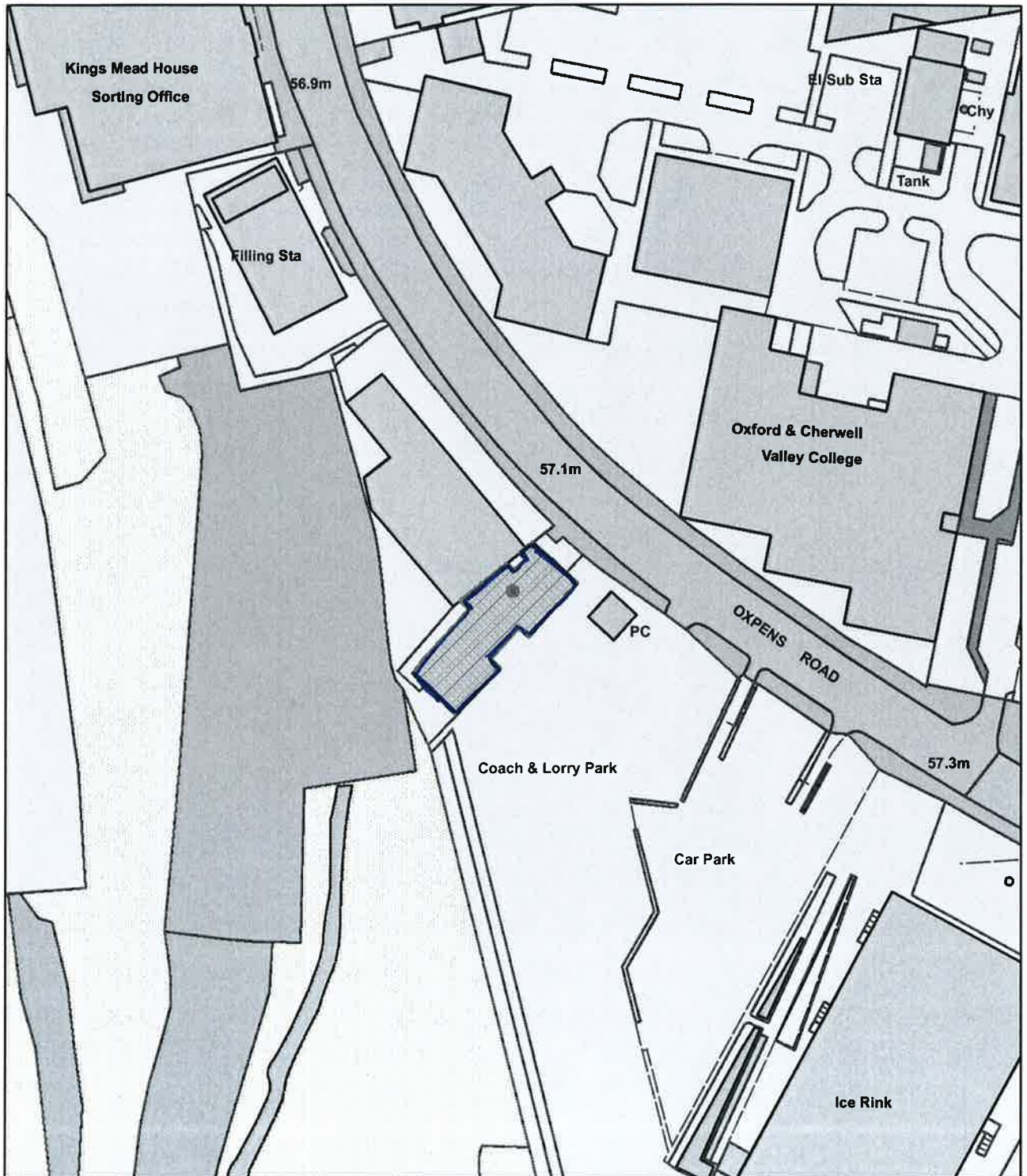
Contact Officer: Felicity Byrne

Extension: 2159

Date: 24th February 2015

Appendix 1

The Coven, Oxpens Road



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Oxford City Council



City Development

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West Area Planning Committee – 13 January 2015

Application Number: 15/00043/CT3

Decision Due by: 11 March 2015

Proposal: Re-painting of front elevation from white to grey

Site Address: 40 Cardigan Street, **Appendix 1**

Ward: Jericho And Osney

Agent: Mr Chris Scott

Applicant: Oxford City Council

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed alteration is acceptable in design terms and would not cause unacceptable levels of harm to the amenities of the neighbouring properties. The proposal therefore accords with policies CP1, CP6, CP8, CP10 and HE7 of the Oxford Local Plan, HP9 and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.
- 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.

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

Main Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

HE7 - Conservation Areas

Core Strategy

CS18 - Urban design, town character, historic environment

Sites and Housing Plan

HP9 - Design, Character and Context

HP14 - Privacy and Daylight

MP1 - Model Policy

Other Material Considerations:

- National Planning Policy Framework
- This application falls within the Jericho Conservation Area.
- Planning Practice Guidance

Relevant Site History:

None.

Representations Received:

No comments received.

Statutory Consultees:

No comments received.

Issues:

- Design
- Character and Appearance of the Jericho Conservation Area

Officers Assessment:

Application Site/Proposal:

1. 40 Cardigan Street is a mid-terrace, two storey residential property falling within the Jericho Conservation Area and is also affected by the Jericho Article 4 Direction. The front elevation of the property is currently brick which has been painted white with a section which has been partially rendered at ground floor level. This application relates to the repainting of the front elevation of the property from white to grey. The Jericho Article 4

Direction removes permitted development rights for the painting of the exterior of any building or work comprising the painting of unpainted external brick or stone wall, elevation or part of any elevation. The type of works making up the planning application would normally be determined by officers under delegated authority, but as a City Council planning application, it falls to be considered at committee.

Impact on the dwelling and the wider Conservation Area:

2. The dwelling forms part of a terrace where there is not a consistent colour throughout the terrace. Many of the properties have been painted, which vary in colour, including white, peach, blue and green. Whilst the immediate terrace does not include grey, this is a colour used on similar terraces in the wider surrounding area including Hart Street. The change in colour to the principle elevation is therefore considered to be a suitable and neutral change which forms an appropriate visual relationship with the wider Jericho Conservation Area.
3. The proposal is therefore considered to comply with policies CP1, CP6, CP8 and HE7 of the Local Plan, CS18 of the Core Strategy and HP9 of the Sites and Housing Plan.

Residential Amenity:

4. The proposal is not considered to have a detrimental impact on the amenity of neighbouring occupiers.
5. The proposal is therefore considered to comply with policies CP10 of the Local Plan and HP14 of the Sites and Housing Plan.

Conclusion:

Officers recommend approval of the application subject to conditions.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

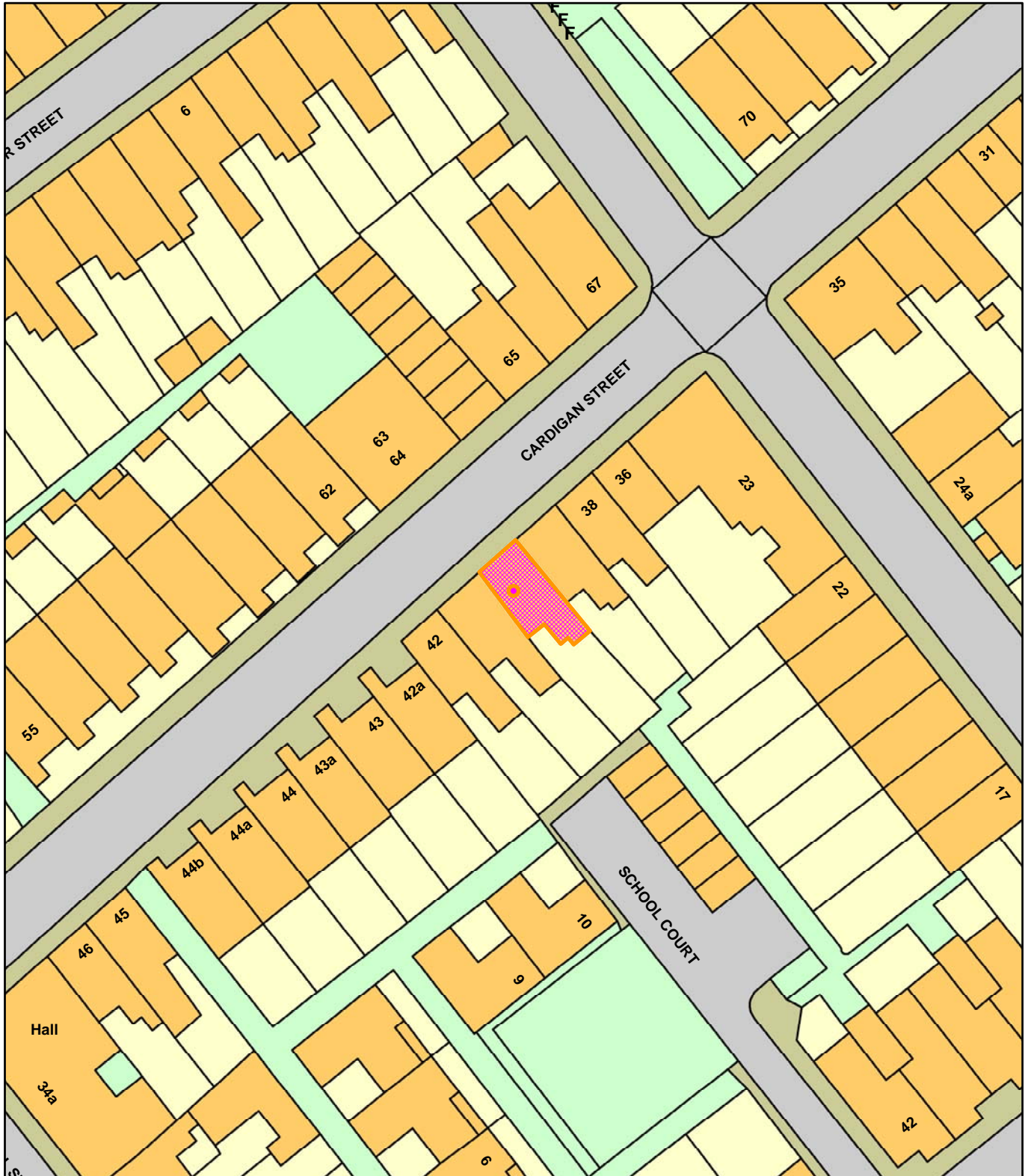
15/00043/CT3

Contact Officer: Sarah Orchard

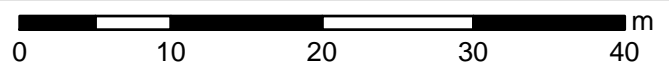
Date: 18th February 2015

Appendix 1

40 Cardigan Street



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West Area Planning Committee

- 10 March 2015

Application Number: 14/03341/FUL

Decision Due by: 29th January 2015

Proposal: Erection of single storey rear extension (amended plans)

Site Address: 40 Bartlemas Road, **Appendix 1.**

Ward: St Clement's

Agent: Mr Cordelia Ellis

Applicant: Mr Richard Howorth

Application Called in – by Councillors - Clack, Fry, Van Nooijen and Lygo. for the following reasons - on the grounds that the sliding side doors will have a detrimental impact on privacy, light and noise pollution, and in terms of possible over-development of the site.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 - 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.
- 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 - matching
- 4 No additional windows
- 5 Amenity - no balcony
- 6 Sustainable drainage

**Main Local Plan Policies:
Oxford Local Plan 2001-2016 (OLP)**

CP8 - Design Development to Relate to its Context
CP10 - Siting Development to Meet Functional Needs
CP1 - Development Proposals

Core Strategy

CS11_ - Flooding
CS18_ - Urban design, town character, historic environment

Sites and Housing Plan (SHP)

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:

None relevant

Representations Received:

Objections have been received from: 38, 40, 42 and 52 Bartlemas Road and 39 Southfield Road. These can be summarised as follows:

The full height, folding glazed doors to the side elevation, along with the similar treatment to the rear wall and the use of the house as an HMO will result in an increased level of noise and disturbance emanating from the house, as well as being too long, out of character with the area and would result in an increased level of overlooking to number 42 Bartlemas Road.

Statutory Consultees:

Local Highway Authority: No specific objection made, but advises that occupants will not be issued with additional parking permits.

Issues:

- Visual impact
- Effect on adjacent occupiers
- Flooding

Officers Assessment:

Site Description and Proposal

1. 40 Bartlemas Road is a terraced house with a two storey outrigger to the rear, currently in use as an HMO.
2. Permission is sought to erect a single storey extension measuring around 4.5m in depth, mainly to the rear of the outrigger, but projecting some 0.6 of a metre beyond the side wall in the direction of number 42.

Visual Impact

3. Oxford City Council requires that all new development should demonstrate high quality urban design where the siting, massing and design creates an appropriate visual relationship with the built form of the local area. The Local Development Plan provides policies to support this aim and CP1, CP8, CS18 and HP9 are key in this regard.
4. The proposed development would not be easily visible from the public domain, however it would be clearly visible from surrounding properties and their gardens. The flat roofed form of the proposed extension is not a direct reflection of the original house or surrounding area, but flat roofed extensions are not uncommon in the area and the simple modern form of the current proposal is a well-considered example of this type of extension. Overall, and subject to a condition to control the appearance of the materials used in the build the proposal is not considered to be out of character with the existing house or local area, and complies with Policies CP1 and CP8 of the OLP, Policy CS18 of the Core Strategy and Policy HP9 of the SHP.

Effect on Adjacent Occupiers

5. Oxford City Council requires development proposals to safeguard the privacy and amenities of adjoining occupiers and policies CP1 and CP10 of the OLP and Policy HS14 of the SHP support this aim.
6. Appendix 7 of the SHP sets out the 45 degree guidance, used to assess the effect of development on the windows of neighbouring properties.

7. Partly because of previous development at number 38, the proposal complies with the 45-degree guidance and will not result in an unacceptable loss of light to the windows of adjacent habitable rooms. The extension was originally submitted showing full height, folding doors to the side elevation, but these have now been replaced by high level windows (around 1.85 metres above floor height) and subject to conditions to prevent the formation of additional side facing windows or a balcony to the flat roof, there will be no unacceptable increase in overlooking or perception of overlooking and overall the proposal, complies with Policies CP1 and CP10 of the OLP and Policy HP14 of the SHP.

Flooding

8. 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.
9. The development will add to the level of non-porous surfaces on the site, resulting in an increased level of rain water run-off. However the increase is relatively modest and subject to a condition to ensure the development is carried out in accordance with the principles of Sustainable urban Drainage Systems, the proposals will not result in an unacceptable risk of flooding and comply with Policy CS11 of the Core Strategy.

Other Matters

10. A number of comments have been raised relating to noise emanating from the house. These seemed to have a particular concern relating to the full height, folding side fenestration which has now been removed from the side elevation, reducing any risk of undue noise emanating from the extended house.

Conclusion:

11. The development will form an acceptable visual relationship with the existing building and local area and will not have an unacceptable effect on the current and future occupants of adjacent properties. Concerns over flooding and overlooking can be dealt with by condition and the proposals therefore comply with Policies CP1, CP8 and CP10 of the adopted Oxford Local Plan 2001 – 2016, Policies CS11 and CS18 of the Core Strategy and Policies HP9 and HP14 of the Sites and Housing Plan.

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: 14/03341/FUL

Contact Officer: Tim Hunter

Extension: 2154

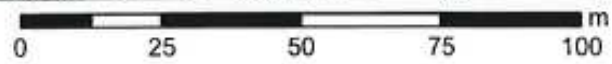
Date: 25th February 2015

Appendix 1

40 Bartlemas Road 14/03341/FUL



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West Area Planning Committee

10th March 2015

Application Number: 14/03475/CT3

Decision Due by: 12th February 2015

Proposal: Infilling of 2no. pool tanks to create public open space.
(Retrospective)

Site Address: Hinksey Pools, Hinksey Park, Abingdon Road (**site plan: appendix 1**)

Ward: Hinksey Park

Agent: Deloitte

Applicant: Oxford City Council

Recommendation:

The West Area Planning Committee is recommended to grant retrospective planning permission for the following reasons:

Reasons for Approval

- 1 That the infilling of the redundant pool tanks to create an area of public open space within Hinksey Open Air Pool through the reuse of construction material from the Blackbird Leys Pool Extension accords with the general principles of the waste management hierarchy. The development has improved the quality of public open space within Hinksey Park in a manner that would also respect the setting of the open air pool and park itself. Furthermore the soil sampling and phase 2 investigations have adequately identified the risks posed from the deposited material upon human health and controlled waters, and subject to the recommended remediation measures being carried out there would not be a significant risk to either from contamination. The development would not create any adverse flood risk for the surrounding area. As such the retrospective application would accord with the aims and objectives of national waste planning guidance and also the relevant policies of the Oxfordshire Minerals and Waste Local Plan 1996, emerging Oxfordshire Minerals and Waste Local Plan Core Strategy - Consultation Draft, Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

- 3 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

Conditions:

- 1 Remediation Measures and Validation Report undertaken within 6 months of the date of permission

Main Local Plan Policies:

Saved Policies of the Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP22 - Contaminated Land
- SR5 - Protection of Public Open Space

Core Strategy

- CS9_ - Energy and natural resources
- CS10_ - Waste and recycling
- CS11_ - Flooding
- CS21_ - Green spaces, leisure and sport

Saved Policies of the Oxfordshire Minerals and Waste Local Plan 1996

- W7 – Landfill Site Criteria

Oxfordshire Minerals and Waste Local Plan Core Strategy – Consultation Draft Feb 2014

- W1 – Management of Oxfordshire waste;
- W3 – Diversion of waste from landfill
- W7 – Landfill

Other Material Considerations:

- National Planning Policy Framework
- National Planning Policy for Waste
- National Waste Management Plan for England
- Planning Practice Guidance

Relevant Site History:

14/01347/CT3 - Infill of unused pool tanks (retrospective): Withdrawn

Representations Received:

A single letter of objection from Mr M Wyatt (no address given) has been received, and their comments can be summarised as follows:

- The principle in putting to use the waste from the Blackbird Leys site otherwise sent to landfill, to fill in the voids at Hinksey Pools was on the face of it sound and sensible use of waste.
- The Oxford City Council and Oxfordshire County Council have provided me with conflicting advice as to whether the infill constituted 'waste' and who the relevant 'waste authority' was in that instance. I have to question the honesty and integrity of both Authorities in the confused and totally unacceptable way in which they have dealt with this issue.
- The Oxfordshire County Council have spent and continue to spend hundreds of thousands of pounds in prosecuting some but not all private sector firms in the constructing and shaping of land in much the same in principle way as is being proposed by Oxford City Council.
- The City Council in accepting the initial 'blind eye' reaction from the County Council were prepared to proceed with their scheme without planning permission despite knowing that the waste material contained contamination.
- Subsequent enquiries with the Oxford City Council have revealed levels of contamination above the threshold within the waste that was directly transferred from Blackbird Leys to Hinksey Park without any procedural requirement.
- My concern, apart from the distorted way in which private sector business's are treated by Oxfordshire Authorities, is for the health and safety of the users of the newly grassed area. It is obvious to me that the City Council has limited expertise in managing such an important operation that has been described.

Statutory Consultees:

Environment Agency Thames Region:

- No objection
- We have assessed this application as having a low environmental risk.
- The Agency has been involved with this site from a permitting perspective, following the deposition of waste soils at this site outside of any regulatory framework. From a protection controlled water remit under the planning regime we would not view the contaminant identified are not particularly soluble. Given that they are within a former "tank" there may also be a fair degree of isolation from the wider water environment.
- Some of this material though is still above inert WAC criteria and the risks to controlled waters cannot be automatically completely discounted. Provided the soils which have been identified as containing elevated PAH/Benzo(a)pyrene are removed the risks to controlled water are negligible.
- As such we would have no objection to granting planning permission. Any action in relation to the deposition of waste soils outside of the regulatory framework, will be taken outside the planning process.

Oxfordshire County Council:

- No objection
- The development constitutes waste disposal, and is retrospective as this has already been undertaken.
- Although the application is for a waste development, the development was carried out by Oxford City Council and the application therefore falls to be determined by the City Council under Regulation 3 of the Town and Country

Planning General Regulations 1992 (rather than by the County Council as the Waste Planning Authority).

- The waste deposited at Hinksey Park comprised 2,600 cubic metres (approximately 5,000 tonnes) of excavation waste material and soils from the construction of a new swimming pool at Blackbird Leys.
- This is a small quantity of waste material in the context of the approximately 1 million tonnes of construction, demolition and excavation waste currently managed in Oxfordshire annually. The development will have made a small contribution to the management of this waste stream in 2013.
- The application should be considered against saved policy W7 of the Oxfordshire Minerals and Waste Local Plan 1996 (on landfill).
- The following policies of the emerging new Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy – Consultation Draft February 2014 should also be taken into account: Policy W1 – Management of Oxfordshire waste; Policy W3 – Diversion of waste from landfill; and Policy W7 – Landfill.
- The Government’s National Planning Policy for Waste October 2014 should also be taken into account in the determination of this application. Paragraph 1 and Appendix A (the Waste Hierarchy) and Paragraph 7 on determining planning applications are of particular relevance.
- Government’s Planning Practice Guidance on waste, which includes the following statements:

‘Driving waste up the Waste Hierarchy is an integral part of the National Waste Management Plan for England and national planning policy for waste. National waste planning policy is capable of being a material consideration in decisions on planning applications for waste management facilities.’

‘In the case of waste disposal facilities, applicants should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the Waste Hierarchy.’

Officers Assessment:

Background to the Proposal:

1. The site comprises the Hinksey Open Air Pool located within the grounds of Hinksey Park which is on the western side of Abingdon Road (**site plan: appendix 1**)
2. The application relates to the infilling of two disused swimming pool tanks measuring approximately 1400m³ at Hinksey Open Air Pool. The works were carried out following feedback from the Hinksey Pool customer user group who had asked whether the tanks could be filled in to provide a new area of public open space adjacent to the main pool. The tanks were filled in using approximately 2600m³ of material from the ground excavations for the new swimming pool at Blackbird Leys Leisure Centre.
3. It was established following an investigation by both the Environment Agency and Oxford City Council Local Planning Authority that the material was deposited in the redundant pools without the relevant planning permission or licence being obtained. Waste disposal is subject to control through planning legislation and

also licensing under the Environment Protection Act 1990. The site licensing is dealt with by the Environment Agency, whereas planning legislation is enforced through the relevant waste authority. The purpose of this application is to regularise this unauthorised waste operation retrospectively.

4. The County Council normally deal with these types of applications as the Waste Planning Authority. However as the works have been carried out by Oxford City Council on land under its control, the application falls to be determined by Oxford City Council under Regulation 3 of the Town and Country Planning General Regulations 1992 rather than the County Council.
5. Officers consider that the main determining issues in this case are the principle of development, impact on visual amenity, environmental health impacts, and flooding and groundwater impact.

Principle of Development

6. The Government has set out national advice on waste development in the National Planning Policy for Waste and National Waste Management Plan for England. The key objectives of these documents are to deliver sustainable development through an effective and responsible management programme for waste in order to reduce the need for landfill sites. This is achieved through the waste management hierarchy which sets out that waste should be reduced, re-used, recycled, recovered, and disposed. The intention of this system is to move waste management away from disposal and towards the more sustainable methods of reuse, recycling and treatment and thereby reducing energy usage and environmental impacts.
7. The Oxfordshire Minerals and Waste Local Plan Core Strategy – Consultation Draft supports this government advice and the Waste Hierarchy. Policy W3 (Diversion of Waste from Landfill) and W7 (Landfill) aim to provide maximum opportunities to divert waste away from landfill, while, also restricting the amount of material that can be taken to landfill sites. This document is yet to be adopted but nevertheless provides guidance on the emerging waste management policies for Oxfordshire.
8. Saved Policy W7 (Landfill) of the Oxford Minerals and Waste Local Plan 1996 also seeks to control the location of landfill sites, and will consider the potential need for such sites; the impact upon residential and visual amenities and the environment, flood risk, biodiversity, hydrology and geology, green belt and other areas of special interest, and highways.
9. The Oxford Core Strategy 2026 also supports these aims with Policy CS10 making clear that new developments should have regard to the waste management hierarchy and that permission will be granted for development that has regard to the management and treatment of waste.
10. The material deposited in the redundant tanks at Hinksey Pool is classified by the national guidance as construction and demolition waste. The Oxfordshire County Council have stated that the material used would amount to a small quantity of

material in the context of approximately 1 million tonnes of construction and demolition material currently managed in Oxfordshire annually and the subsequent reuse of this material would have made a small contribution towards the management of this waste stream in the past year. Officers consider that the principle of using this material to infill two redundant swimming pool tanks to create public space would accord with the waste management hierarchy and above-mentioned local plan policies as it has maximised the opportunity to reuse the material rather than seeking disposal at a suitable landfill site.

Visual Amenity

11. Hinksey Park is designated in the Oxford Local Plan 2011-2016 as a protected public open space, with Policy SR5 resisting development proposals that would result in the loss of this space. Oxford Core Strategy Policy CS21 supports improvements to public open space, and indoor and outdoor sports and play facilities.
12. In addition Oxford Local Plan Policy CP1 states that new development proposals should show a high standard of design, including landscape treatment, that respects the character and appearance of the area, and retain important open spaces of recreational or amenity value. This is supported by Oxford Core Strategy Policy CS18.
13. The open air pool is set within the grounds of Hinksey Park. The views of the pool from within the park are limited due to the metal rail fencing and mature planting around the boundary which provides a degree of privacy to the open air pool. The two pool tanks covered a large proportion of the area to the north of the main pool and did not contribute positively to the visual appearance of the setting of the pool or views from the public realm.
14. The works subject to this operation have provided a large area of usable public open space adjacent to the main pool which sits more comfortably within this setting than the two redundant concrete tanks. The transformation of this redundant area has received positive feedback from customers as it has increased capacity in the pool and also helped to reduce queuing times.
15. Officers consider that the works have improved the quality of public open space within Hinksey Park in a manner that would also improve the visual appearance of the open air pool and its setting. This would accord with the aims of Oxford Local Plan Policies CP1 and SR5 and also Policies CS18 and CS21 of

Environmental Health Matters

16. The application has been accompanied by the following reports which consider the environmental impacts of the works that have been undertaken.
 - Blackbird Leys Phase 2 Intrusive Investigation (50577/DM/1235) (Nov 2010)
 - Hinksey Pool Phase 2 Intrusive Investigation Rev C (EB1429/A/GL/4136) (Dec 2014)
 - Hinksey Pools Trial Pitting Exercise Letter (Jul 2014)
 - Infilling of Former Swimming Pools Report (Dec 2014)

17. The material used in the redundant pools was excavated from the Blackbird Leys swimming pool extension. The Phase 2 Intrusive Investigation (50577/DM/1235) undertaken for the swimming pool development did not find any contaminants that would exceed the thresholds for commercial use and identified that this could be disposed of as inert waste under the Waste Acceptance Criteria for landfill sites. The investigation did find some contamination that would be above the more stringent residential thresholds but the material was not to be reused for residential development. As a result no remediation of the Blackbird Leys site was proposed prior to construction of the pool. When the site works commenced at Blackbird Leys an area estimated at approximately 3m x 3m was found to contain some Asbestos Roof Sheeting material. The material was subsequently fenced off and removed by a licensed specialist, who found that there was less asbestos than initially envisaged. The broken fragments were placed into 4x25kg bags and taken to a permitted site for disposal and the site was subsequently returned to the contractor to recommence the works.
18. The use of this material for the infilling of the tanks at Hinksey Pool has been subject to investigation by both the Environment Agency and Oxford City Council Local Planning Authority. As part of this investigation a trial pitting and soil sampling exercise was undertaken in June 2014 along with a follow up investigation in November and December 2014. The purpose of the testing was to determine if the soils were suitable for use within the recreational setting of the park. The results are set out within the Hinksey Pools Trial Pitting Exercise Letter and Hinksey Pool Phase 2 Intrusive Investigation Rev C (EB1429/A/GL/4136).
19. The reports set out that a total of 46 samples were taken within the new area of public open space at Hinksey Pools. This sampling has been undertaken at a higher degree of frequency than would normally be required as part of any site investigation or soil validation. The investigation identified 3 locations where there were moderately elevated levels of Benzo(a)pyrene which would be above the generic assessment criteria for recreational use. The samples taken also tested negative for asbestos fibres. The Phase 2 Investigation identifies a number of remediation measures in order to address these findings. These include removing the areas of contamination around the identified hotspots up to the edge of the nearest borehole sample locations. The impacted topsoil will be removed and disposed of to a suitably licensed disposal facility, and refilled with clean and inert topsoil and subsoil.
20. Officers consider that the reports adequately identify and assess the risks posed from the material deposited within the swimming pool tanks and that there would not be a significant risk to human health from contamination at the site in accordance with Oxford Local Plan Policy CP22 subject to the remediation measures recommended in the Phase 2 report being undertaken. The remediation measures should be secured by condition requiring the works to be carried out within a specific time period. This would also include a validation report which includes photographs demonstrating the depth of excavation and clean cover; laboratory analysis confirming that imported soils are clean and suitable for recreational use; and that the remediation measures have been met and the site is deemed suitable for the proposed end use.

Impact on Groundwater and Flood Risk

21. The site is located within Flood Zone 3a according to the Oxford City Council Strategic Flood Risk Assessment. The bases of the redundant tanks were punctured prior to the waste being deposited within them and as such officers consider that the proposal would not result in significant flood risk.
22. The Environment Agency has been involved in this application as part of their own investigation into the unlicensed deposit of waste. In the context of this retrospective application, the Environment Agency's remit is limited to controlled waters (surface and groundwater). The Agency has raised no objection to this retrospective application and assessed it as having a low environmental risk.
23. Having reviewed the findings of the soil sampling at Hinksey Pools the agency have indicated that the contaminants identified (Benzo(a)pyrene) have been categorised by Public Health England as being 'practically insoluble in water' and are therefore not generally considered to pose a major risk to ground or surface water. Furthermore as these would be located within a former "tank" there may also be a fair degree of isolation from the wider water environment.
24. The agency accepts provided the soils which have been identified as containing elevated PAH/Benzo(a)pyrene are removed the risks to controlled water are negligible. Therefore they have raised no objection to this retrospective application and on the basis that the remediation measures are carried they consider that there should be no major risk to ground or surface water.

Conclusion:

25. The retrospective application is considered to be acceptable in terms of National Waste Planning Policy and the relevant policies of the Oxfordshire Minerals and Waste Local Plan 1996, emerging Oxfordshire Minerals and Waste Local Plan Core Strategy – Consultation Draft, Oxford Core Strategy 2026, and the Oxford Local Plan 2001-2016, and therefore officer's recommendation is to approve the development.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant retrospective 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 retrospective planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 26th February 2015

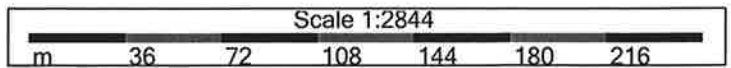
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Appendix 1

Hinksey Pool, Hinksey Park (14/03475/CT3)



1:2843



Organisation	Oxford City Council
Department	City Development
Comments	Not Set
Date	02 March 2015
SLA Number	100019348

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WEST AREA PLANNING COMMITTEE

10 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 28th March 2014 but will not come into force until 28th 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.

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 30th 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 30th 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 24th February 2014. The direction was made on the 28th 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 28th 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 28th March 2014 and public consultation started on the 28th March until 23rd 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 m²) 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 m²) 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 m²) 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 m²) 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 m²), 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 m²). 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

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 30th 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 30th May 2016;
 - had to be last used as an office on 30th 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 m² (111,800 ft²). Only one site at Canterbury House, 393 Cowley Road has been refused for some 2,426 m² (26,115 ft²).
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 26th 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 30th 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 m² (111,800 ft²). Only one site at Canterbury House, 393 Cowley Road has been refused for some 2,426 m² (26,115 ft²). 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 m²) 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 m²) 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 m²) 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 m²) 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 m²), 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 m²). 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 30th 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

22nd February 2013

Michael Crofton-Briggs: Head of City Development

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 £4.7bn¹ 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 research² (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 advice³ (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

¹Centre for Cities (2009) and ONS (2011) Mid-Year Population Estimates

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

³National 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 2016⁴ together with the recently adopted Core Strategy⁵ 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.

⁴Oxford Local Plan 2016: Oxford City Council adopted November 2005

⁵Oxford 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 Strategy⁶. 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 Deal⁷ 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 18th 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

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

⁷Oxford 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'⁸ 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 Oxford⁹ 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)¹⁰' 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.'

⁸Oxford Economic Growth Strategy: OSP paragraph 1.2

⁹Oxford Core Strategy 2026: Oxford City Council, Spatial portrait

¹⁰The 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)¹¹; 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 value¹² 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). 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' survey¹³, 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 accommodation¹⁴ 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

¹¹Property Market Report 2011 (Valuation Office)

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

¹³Withy King Business Barometer: Commercial Property Focus (Issue 4)

¹⁴Survey 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 **11,500sqm** (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 **8,460sqm**, 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
Grehan House 190-196 Garsington Road	Blackbird Leys	1,281 m ²	Approved
Hooper House 3 Collins Street	St. Clements	412 m ²	Approved
Wadham Court 15 Edgeway Road	Marston	356 m ²	Approved
Canterbury House 393 Cowley Road (Bus Depot)	Cowley Marsh	2,426 m ²	Refused
Innovation House Mill Street	Jericho and Osney	2,508 m ²	Approved
Broadfield House Between Towns Road	Cowley	4,308 m ²	Approved
Sun Alliance House 52 New Inn Hall Street	Carfax	1,200 m ²	Approved
Unit 7 42 Downside Road	Quarry and Risinghurst	88 m ²	Approved
28-31 Little Clarendon Street	North	448 m ²	Approved
54A Rectory Road	St. Clements	65 m ²	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 28th March to 23rd 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"> Need to maintain employment sites in Oxford. Suggested addition.
David Colbeck	Support	<ul style="list-style-type: none"> 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
Anthony Beechers	Support	<ul style="list-style-type: none"> Supports Article 4 but wishes to ensure position is monitored in the future
12 people	Support	No comments
Agent: JPPC acting for LCH Properties Ltd (owner of Summertown Pavilion)	Object	<ul style="list-style-type: none"> This property is an aged and outdate office premises List of Protected Employment sites, subject to the Article 4 Direction are not all office uses and is therefore an 'indiscriminate' list City Council applied for 'exemption' to Gvt for this list of sites but were not successful Consider the loss of employment sites is not a 'worrying trend' and that no exceptional case has been made Seeks to impose a 'blanket order'
Agent: Kemp and Kemp on behalf of S. Hutchins & Green (owners of 1A Southmoor Rd)	Object	<ul style="list-style-type: none"> The City Council sought an 'exemption' to the introduction of this Order but were unsuccessful There is no material change in circumstances to justify a different decision Does not consider that there is sufficient evidence to show that the loss of employment sites would impact on local economic growth Considered there is an over-supply of offices and therefore more employment land than the market requires 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 This site is not considered to be worthy of protection for its existing use but would be better suited for residential
Thomas Homes	Object	<ul style="list-style-type: none"> City Council applied for 'exemption' to Gvt for this list

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

		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"> • From experience real risks occur to the operation of cultural facilities from residential development being located next to them • Residential uses require high standards of amenity for theatres to meet, such as around noise and disturbance
Natural England	No objection	<ul style="list-style-type: none"> • Confirmed no comments to make
Martin Small (English Heritage)	Don't know	<ul style="list-style-type: none"> • No comment since unlikely to impact on Listed Buildings or Scheduled Monuments.

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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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To: West Area Planning Committee

Date:

Report of: Head of City Development

Title of Report: East and West Oxford Character Studies

Summary and Recommendations

Purpose of report: To ask committee to note the completion of Character Studies for East and West Oxford, which have recently undergone public consultation. These were undertaken in two pilot study areas (East and West Oxford) and assess the important features that contribute to these areas' character. The studies resulted in nominations for additions to the Oxford Heritage Asset Register. These nominations will be considered at CEB.

Key decision: No

Report Approved by: Mark Jaggard

Policy Framework: National Planning Policy Framework; Oxford Local Plan Core Strategy; Policy CS18 Urban Design and the Historic Environment; Saved Local Plan Policy HE.6 Buildings of Local Interest; and Policy HE.8 Important Parks and Gardens.

Recommendation(s): That the West Oxford Planning Committee:

a) Note that the character statements will be a material consideration in determining relevant planning applications against Saved Policies HE.6 & HE.8 of the Adopted Local Plan 2001-2016 and Core Strategy Policy CS18 (or any subsequent replacement policy)

Appendices:

Appendix 1: Summary of consultation responses

Background

1. English Heritage has funded the preparation of two trial studies to contribute to the development of the Oxford Heritage Assets Register. Community groups and stakeholders were involved in the preparation of the criteria; nomination form and; identification and review process, which was adopted by Full Council in December 2012.
2. The Council adopted three processes by which heritage assets could be added to the register¹. Registration of heritage assets could occur:
 - a. Within the context of a planning application
 - b. Within the context of a programme of area studies
 - c. After the completion of the pilot studies

Working with community groups to prepare character statements

3. The funding of the Oxford Heritage Asset Register Project by English Heritage was dependent on making the process as inclusive as possible. This was so that local communities could contribute to the process of assessment of significance in the historic environment both to identify heritage assets and to develop an understanding of character.
4. The process for the West and East Oxford Character Statements began by forming a steering group of local residents, including representatives of residents associations as well as local history experts.
5. With assistance from English Heritage and Oxford Preservation Trust the City Council has completed the pilot studies.

Consultation on the Character Statements and the Candidates for Heritage Assets

6. Consultation on the Character Statements (prepared for East and West Oxford) took place from 18 December 2014 until 23 January 2015.
7. At the same time as the consultation on the character statements, the nominated heritage assets were also consulted upon. Owners of nominated heritage assets were notified by post with an invitation to submit comments on the potential registration of their property as a heritage asset. The general public were also consulted.
8. A summary of the responses received in relation to the character studies is attached as Appendix 1. No changes to the character studies were considered necessary as a result of the consultation responses. Comments received relating to nominated heritage assets were passed on to the Review Panels of Ward members set up to make

¹ More information about this process can be found in Background paper 3

recommendations to CEB about whether the nominated assets should be added to the register.

Recommendations for registration of heritage assets

9. Following consideration by each of the review panels, 70 potential Heritage Assets have been recommended for registration on the Oxford Heritage Asset Register and 7 Heritage Assets have been identified as not meriting registration on the Oxford Heritage Asset Register. These nominations have arisen from work on the character studies. CEB will consider which nominated heritage assets to add to the register at their meeting on 2nd April 2015.

Legal issues

There are no legal implications of this report

Financial Issues

Environmental Impact

No specific environmental impacts identified.

Name and contact details of author:-

Name: Richard Wyatt/ Sarah Harrison
Job title: Planner/ Senior Planner
Service Area / Department City Development/ Planning Policy
Tel: 01865 252704 e-mail: wyatt@oxford.gov.uk/sharrison@oxford.gov.uk

Background papers:

Background paper 1: East Oxford Character Statement
Background Paper 2: West Oxford Character Statement
Background Paper 3: OHAR Process

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East and West Oxford Character Statements Summary of Comments Received

East Oxford Character Statement

Responses to the online questionnaire:

1. Does the East Oxford Character Statement provide an accurate assessment of the character of the area?

Total responses – 7

Yes – 7

One additional comment received:

“it describes well the heritage and character of this rich and lively area”

2. Are there any details of the area's character that should be given greater prominence in the East Oxford Character Statement?

Total responses – 7

Yes- 1

No – 6

3. Does the East Oxford Character Statement identify the most distinctive or characteristic themes in the area's history and character in order to identify its locally significant heritage assets?

Total responses - 7

Yes – 6

No – 1

One additional comment received:

“The area has been home to All Saints Sisters of the Poor since 1880 and including St John's Home they have been setting up and running innovative organisations where people are looked after and can get well with dignity and independence inc. the first convalescent home in the UK in Eastbourne, the original nursing college at UCH in London and Helen House the originator of the worldwide children's hospice movement here in Leopold Street.”

West Oxford

Responses to the online questionnaire:

1. Does the Character Statement provide an accurate assessment of the character of the area?

Total responses – 4

Yes – 3
No - 1

2. Are there any details of the area's character that should be given greater prominence in the character statement?

Total responses – 4
Yes – 4
No – 0

3. Does the character statement identify the most distinctive or characteristic themes in the area's history in order to identify its locally significant heritage assets?

Total responses – 4
Yes – 3
No – 1