

East Area Planning Committee

7th August 2013

Application Number: 13/01740/T56

Decision Due by: 9th August 2013

Proposal: Application for prior approval for change of use from offices (use class B1a) to 12 x 1-bed apartments and 15 x studio apartments (use class C3).

Site Address: Grehan House 190 - 196 Garsington Road [Appendix 1]

Ward: Blackbird Leys Ward

Agent: None

Applicant: J Ede

Application called in by Councillor Smith, supported by Councillors Fry, Sinclair, Canning (and Van Nooijen, Rowley, Turner and Humberstone). Concerns that the application site is on an industrial estate and there is very little parking. There are also concerns for the quality of life for anyone living there.

Recommendation:

THAT PRIOR APPROVAL BE REQUIRED

For the following reason:

- 1 At present, there is insufficient information submitted with the applications to determine, as a result of the proposed use, whether the sites will be contaminated land as described under Part 2A of the Environmental Protection Act 1990.

Main Local Plan Policies:

Not applicable (application is to determine whether or not approval is required)

Relevant Site History:

11/02179/FUL: Change of use of building from offices [Use Class B1] to hotel [Use Class D1]. Withdrawn

13/00099/FUL: Partial change of use of building from offices (Use Class B1) to mixed offices (Use Class B1) and non-residential institutions (Use Class D1).

APPROVED

Representations Received:

None

Statutory and Internal Consultees:

Oxfordshire County Council as Local Highway Authority

The proposed level of parking provision is in accordance with standards for residential use and the cycle parking proposed is adequate. It is suggested that the existing vehicular access should be altered to create vision splays in the interests of highway safety.

Environmental Development Service (Contaminated Land)

Comments: That the Council's prior approval should be required as at present, there is insufficient information submitted with the application to determine, as a result of the proposed use, whether the site would be considered contaminated land as described under Part 2A of the Environmental Protection Act 1990. This comment was made having had regard to the National Planning Policy Framework as required in part 8(b) of the Town and Country Planning (General Permitted Development) (Amendment) (Order) 2013 and also with regard to part a(c) of the aforementioned order.

Issues:

- transport and highways impacts of the development;
- contamination risks on the site; and
- flooding risks on the site,

Officers Assessment:

Site Location and Description

1. Grehan House comprises a brick built, three storey office building and is located at the junction of the A4142 Oxford Eastern Bypass and the B480 Garsington Road. It was erected in the early 1990's and provides office accommodation laid out over three floors and totalling approximately 994 square metres.
2. The site also provides basement car parking [14 spaces] together with open, courtyard parking at the rear of the building [21 spaces]. Pedestrian and vehicle access into and out of the site and the building is from the service road leading to the Chiltern Business Centre at the rear of the site.
3. The building has been vacant since the summer of 2010 when its previous occupier Appollo Leisure Group relocated. In August 2011 a planning application for the change of use of the building from offices to a hotel was submitted but this was subsequently withdrawn.
4. In March 2013 planning permission was granted for a partial change of use of the building from offices (use class B1) to a mixed use of part offices (B1) and non-residential institution (Use Class D1). The applicant was a Christian Charity (the Redeemed Christian Church of God (RCCG)).

The Proposal

5. This application seeks to determine whether or not prior approval is required for the change of use of the site from offices (use class B1a) to 12 x 1-bed apartments and 15 x studio apartments (use class C3).
6. The application is made under the recent amendments to the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). The amendment (which came into force on 30th May 2013) amends the Order to include a new Class J.
7. The provisions of Class J enable a change of use of an office building to a use as a dwellinghouse as permitted development subject to certain specific conditions and requirements.
8. The building must have been in use as offices (Use Class B1(a)) immediately before 30th May 2013 or if the building was not in use immediately before that date then that must have been its last use. Additionally in order to meet the requirements of Class J the site must not be in a safety hazard area or a military explosives storage area. In order to benefit from the provisions of Class J the building where the change of use is sought must not be a listed building or a scheduled ancient monument. None of these restrictions apply in this case.
9. A condition of Class J requires that developers seek a determination from the local planning authority as to whether or not their prior approval is required. The determination of whether or not prior approval is required relates only to the following three matters:
 - transport and highways impacts of the development;
 - contamination risks on the site; and
 - flooding risks on the site,

Transport and Highways Impacts of the Development

10. In addition the wording within the GPDO explains that the Highway Authority should be consulted where the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. The County Council as the Local Highway Authority have commented on the application. It has been suggested that the amount of car parking to be provided (34 existing spaces) would be acceptable in the context of the proposed residential use. In addition to this it has been suggested that 3 existing spaces in the basement will be turned into dedicated cycle parking; this has been welcomed by the Highway Authority.
11. Access arrangements will not be altered as a result of the proposals. The Highway Authority have suggested that existing obstacles around the car parking access area be removed to create improved visual splays. It is not possible to apply this by a condition as conditions cannot be applied to this type of application.

12. On the basis of the above, prior approval is not required in relation to the transport and highways impact of the development.

Contamination Risks on the Site

13. It is considered possible that the application site may be contaminated as a result of a previous use of the land possibly connected to vehicle repairs.

14. On the above basis officers recommend that prior approval be sought in relation to the risks of contamination on the. This recommendation is made on the basis that there is currently insufficient information provided with the application to determine as a result of the proposed use, whether the site will be contaminated land as described under Part 2A of the Environmental Protection Act 1990.

15. The above recommendation is made to ensure that the developer identifies any land affected by contamination and undertakes all necessary remediation to ensure that the land is suitable for its proposed use. In the preparation of the relevant information it is suggested that in the first instance the applicant undertakes a phase one contaminated land preliminary risk assessment. This will establish if there is potential for the development to be affected by land contamination.

Flooding Risks on the Site

16. The site does not lie in an area of high flood risk as defined in relation to this prior approval application (Flood Zones 2, 3 or the areas of Flood Zone 1 that have been notified by the Environment Agency as areas of critical drainage problems). On this basis, Officers have not consulted the Environment Agency as the relevant statutory consultee on this matter and prior approval is not required in relation to flood risk.

Other Matters

17. Officers have been mindful that there are many other causes for concern in relation to the proposed change of use in relation to the protection of key employment sites, the quality of indoor and outdoor spaces, the living environment next to a noisy road and other possible planning issues. However, as explained above, these considerations are not relevant to the Council's determination.

Conclusion

18. On the basis of the above Officers recommend that prior approval be required in relation to the risk of contaminated land.

Background Papers: 13/01740/T56

Contact Officer: Robert Fowler

Extension: 2104

Date: 24th July 2013