

West Area Planning Committee

11th February 2014

Application Number: 13/03213/FUL

Decision Due by: 6th February 2014

Proposal: Demolition of existing buildings and erection of 2 x 4-bedroom semi-detached dwelling houses (Use Class C3) and new building with office (Use Class B1) on ground floor and 1 x 2-bedroom flat (Use Class C3) above. Provision of car parking, cycle parking and bin storage facilities.

Site Address: 9 Green Street, Oxford (**Appendix 1**)

Ward: St Mary's

Agent: JPPC

Applicant: Cantay Investments Ltd

Application called in by Councillors Benjamin, Simmons, Hollick, and Wolff on grounds that the application should be discussed in public

Recommendation:

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

- 1 That the proposed development would not constitute an appropriate modernisation of a key protected employment site, by reason that the amount of employment space retained within this mixed-use scheme along with the overall form and layout of the proposal would not be adequate to maintain its status as a key protected employment site and secure or create employment important to Oxford's local workforce, and maintain a sustainable distribution of business premises and employment land in Oxford. This would be considered contrary to Policy CS28 of the Oxford Core Strategy 2026
- 2 The proposed development has been designed in a manner that has the appearance of a residential development rather than a mixed-use scheme where the employment and residential uses contained within the buildings are clearly articulated in the built form. The employment use on site has a historical significance which reflects the historical development of the street and surrounding suburb and the site is designated as a Key Protected Employment Site. The absence of any articulation of the employment use within the form, layout and appearance of Plot 3 would not reinforce the local distinctiveness and significance of the site, and create a sense of place for the Key Protected Employment Site within the street. Furthermore the applicant has failed to demonstrate that the form and layout of Plot 3 has been

designed to enable the employment use to function properly over the lifetime of the development and assist in maintaining the sites status as a key protected employment site. As a result the proposed development would not meet the aims for good design as set out within the National Planning Policy Framework, Oxford Core Strategy Policy CS18, Sites and Housing Plan Policy HP9.

- 3 That the proposed development would fail to provide adequate outdoor space for the 2 bedroom flat in Plot 3, by reason that the commercial unit would have a full height window in the rear elevation which would directly overlook this space and also allow the commercial unit access to the private garden compromising the privacy and quality of this space to the detriment of the living conditions of the future occupants of this dwelling. This would be considered contrary to Sites and Housing Plan Policy HP13.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** – Mixed-Use Developments
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- EC7** - Small Businesses

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing
- CS27_** - Sustainable economy
- CS28_** - Employment sites

Sites and Housing Plan

- HP2_** - Accessible and Adaptable Homes
- HP9_** - Design, Character and Context
- HP11_** - Low Carbon Homes
- HP12_** - Indoor Space
- HP13_** - Outdoor Space
- HP14_** - Privacy and Daylight
- HP15_** - Residential cycle parking
- HP16_** - Residential car parking

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document

Relevant Site History:

85/00364/NF - Single storey extension to garage for storage purposes (garage space and storage to be used ancillary to Green Street Bindery): Approved

01/00605/NF - Change of use and first floor extension to existing garage to provide additional storage accommodation, ancillary to Green Street Bindery: Approved

06/01911/FUL - Demolition of buildings. Erection of two storey building incorporating workshop on ground floor and 2x1 bed flats on first floor. Bin and cycle store. (Amendment to planning application 04/01955/FUL) (AMENDED DESCRIPTION): Approved

11/02717/FUL - Demolition of existing buildings. Erection of 2 and 3 storey building to provide 1x1 bed, 5x2 bed and 1x2 bed residential properties. Provision of car and cycle parking and landscaping: Refused

12/01780/FUL - Part removal of existing buildings. Erection of 2 x 4 bedroom dwellings and 1 x 2 bedroom dwelling with associated car parking, cycle parking and bin storage: Refused. Dismissed on appeal

13/02303/FUL - Demolition of existing buildings and erection of 3 x 4-bedroom dwellings (Use Class C3) with associated car parking, cycle parking and bin storage: Refused

Representations Received:

15 Green Street

- Objects to the demolition of a building in keeping with the Victorian / Edwardian character of the street
- The building was built by the Oxford Tramways Company, so plays an important if small part in the history of transport in Oxford. The building later became a book bindery, thus on two counts is associated with important local industry and illustrates the mixed character of development in East Oxford, a key component of which is the existence of employment sites in and amongst the residential housing.
- The systematic demolition of all such buildings in the area changes that character forever, in my opinion to its detriment.
- The height and density is an issue - in order to cram four bedrooms into the two houses, and three into the flat it has been necessary to build just higher than the other houses in the street, which are almost exclusively two bedroom properties.
- The height of the buildings together with the pitch of the roofs will have an impact on the amount of sky (and light) received to no.15 and the adjoining properties and the views of trees beyond.
- The insistence on cramming in so many bedrooms (purely for financial gain, I assume) has resulted in an unnecessarily oppressive aspect, an overbuild in what is essentially a very narrow street of what would have been 'two up, two down' turn of the century workers cottages

- The inclusion of one 'office space' in the middle of this densely residential proposal is clearly a token gesture to the 'live / work' remit that the developer knows the council prefers, and not a serious attempt to fulfil those criteria.

Oxford Preservation Trust:

The trust is aware that the Council has previously supported the demolition of this property at 9 Green Street; however, they wish to record its concern about the further erosion to the heritage of East Oxford, which is often under appreciated.

In our view this building should be designated as a local heritage asset, which would provide some protection, and would recognise its importance in linking the area to its industrial past, and, in this case, to the two large Oxford industries of transport and publishing. Many of these characteristic Victorian and Edwardian small industry buildings have been lost to new development, making it all the more important to consider the local heritage interest of the building before it is lost, with thought given to undertaking some oral histories and building recording work, prior to any demolition work.

Statutory Consultees:

Oxfordshire County Council

- Drainage Authority: The development should be drained using Sustainable Urban Drainage methods including porous surfaces to reduce the discharge to green field run off rates
- Highways Authority: No objection subject to the proposal being excluded from the residents parking zone.

Officers Assessment:

Background to the Proposal

1. The site is situated on the northern side of Green Street, and is bordered by the residential properties of 8 and 10 Green Street to the east and west respectively and Cowley Road properties to north (**Appendix 1**).
2. The site comprises a single storey industrial building which has previously been used for book binding. The building has a pitched roof with gable end and is constructed from red brick under an asbestos sheet roof. There is no formal parking area for the building other than the small forecourt in the frontage. There is a passageway at the side of the building which provides access to the rear of the Cowley Road and Randolph Street properties. The site is a key protected employment site.
3. In September 2013 planning permission was sought for the demolition of existing buildings and the erection of 3 x 4-bedroom dwellings (Use Class C3) with associated car parking, cycle parking and bin storage under reference 13/02303/FUL. This was refused under delegated powers on grounds that it would result in the loss of a key protected employment site. An appeal against this decision is underway, and the decision is unlikely to be made before this application is heard at committee.

4. The current proposal is seeking planning permission for the demolition of the existing buildings on site, and the erection of 2 x 4-bedroom semi-detached dwelling houses (Class C3) and new building with office (Class B1) on ground floor and 1 x 2-bedroom flat (Class C3) at first floor level. The proposal would also include the provision car parking, cycle parking and bin storage facilities to the rear of the properties accessed by a service road leading from Green Street.
5. The proposed layout is identical to the previously refused scheme (13/02303/FUL) save the fact that the third dwellinghouse in that scheme would now have a commercial space on the ground floor and a 2 bedroom flat on the upper levels.
6. Officers consider the principal determining issues in this application to be:
 - Principle of Development
 - Key Protected Employment Site
 - Site Layout and Built Form
 - Balance of Dwellings
 - Impact upon Adjoining Properties
 - Residential Uses
 - Highway Matters
 - Other Matters

Principle of Development

7. The National Planning Policy Framework [NPPF] encourages the effective use of land by reusing land that has been previously developed. This is supported by Oxford Core Strategy Policy CS2. The general principle of redeveloping the site in order to make a more efficient use of land would broadly accord with these overarching objectives.
8. The site is a key protected employment site and therefore the principle of replacing the existing building with a residential development and small employment use would depend on how this relates to the current development plan policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016.

Key Protected Employment Site

9. The site is designated within the Oxford Core Strategy 2026 as a key protected employment site [KPES]. The purpose of these sites is to ensure a sustainable distribution of business premises and employment land across the city to maintain a range of potential job opportunities throughout Oxford. Retaining such sites for employment-generating uses serves to reduce commuting to work, as well as improving access to local jobs for different sectors of the community. The Core Strategy recognises that it is important to protect both larger and smaller sites in order to encourage opportunities for a diverse range of different businesses. The smaller sites often contain businesses that meet local needs and are less likely to be found on the city's larger employment sites.
10. Core Strategy Policy CS28 states that permission will not be granted for development that results in the loss of a key protected employment site, and their

modernisation will only be accepted if the new development secures or creates employment important to Oxford's local workforce; allows for higher density development that makes the most efficient use of land; and does not cause unacceptable environmental intrusion or disturbance. The National Planning Policy Framework recognises the need to build a strong economy as an important element of sustainable development. It goes on to state that Local Planning Authorities should avoid the long term protection of employment land or floorspace where there is no requirement for them to do so, and where a residential or other use would be more appropriate. The Core Strategy responds to this point, by recognising that non-key employment sites should have some flexibility to allow for their loss to other uses.

11. The previous application (13/02303/FUL) for a wholly residential use on site was refused because the loss of employment was contrary to the aims of Policy CS28. In response to this reason for refusal a small (B1) office unit with a floorspace of approximately 37m² is now included on the ground floor of Plot 3. The Supplementary Planning Statement states that the office would be designed to meet modern day needs in order to make it more attractive to prospective occupiers than the existing building. It concludes that this would represent an appropriate modernisation of the KPES including more employment where there currently is none; allow for higher density development which makes the most efficient use of land; and would not create any unacceptable environmental problems.
12. The policy requires the retention of an employment use on the site. The amount of space retained (37m²) would fall considerably short of an acceptable level for a Key Protected Employment Site which currently provides 530m² of available (B2) employment space. In determining a previous scheme for a mixed-use development on site, no objection was raised to the fact the smaller warehouse on site which provided some 90m² of floorspace was to be retained on site. In many respects officers considered that given the sites status as a key protected employment this represented the very limit of acceptability for a mixed-use development on site, although the applicant has suggested in their appeal statement for the current appeal (13/02303/FUL) that the level of employment secured in that earlier scheme would not be considered 'key' in the context of the policy or would provide many, if any jobs. Therefore it is difficult to understand how they could now reasonably suggest that the provision of an office with a floor area of only 37m² could be deemed appropriate under the terms of the policy and overcome the objection to the overall loss of employment from the site raised under the previously refused application (13/02303/FUL).
13. The applicant has also suggested that the office would create employment on the site where none currently exists because the building is vacant. In considering the previous application for a wholly residential development (13/02303/FUL), officers made clear that insufficient evidence had been provided to demonstrate that the property had been marketed for its authorised employment use or potential for modernisation to another employment use and has been left vacant whilst the focus has been to secure a change of use to residential. It is noticeable that the applicant has not provided any further marketing evidence with this current application to respond to these concerns. The assessment on

employment figures would be based on what level of employment 530m² of B1 office space would generate in comparison to 37m² of office space. The applicant has not provided any comparison as to the likely figures, although, it is unlikely that they would be comparable.

14. Officers consider that whilst the retention of some employment space within this mixed-use scheme would be welcomed in principle, the amount of employment space proposed within the scheme would be inadequate to maintain its status as a Key Protected Employment Site and would not meet the overarching aims of Policy CS28 which encourages such sites to be modernised and regenerated to secure and create employment important to Oxford's local workforce whilst making the best and most efficient use of land.

Site Layout and Built Form

15. Core Strategy Policy CS18 requires development proposals to exhibit high-quality urban design that responds to the site and its surroundings creating a strong sense of place, attractive public realm, and high quality architecture. Sites and Housing Plan Policy HP9 also states that the form, layout, and density of the scheme should make an efficient use of land whilst respecting sites context and exploiting opportunities to make a positive contribution to local character and distinctiveness, and maintaining natural surveillance of the public realm. This is supported by Policy CP8 of the Oxford Local Plan 2001-2016.
16. The NPPF recognises that good design is a key aspect of sustainable development. It makes clear that new development should function well and add to the overall quality of the area, not just for the short term but the lifetime of the development; establish a strong sense of place, creating attractive places to live, work and visit; optimise the potential for the site; respond to local character and history, and reflect the identity of local surroundings and materials, and create safe and accessible environments. This places emphasis on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in order to relate well to its surroundings and reinforce local distinctiveness.
17. Loss of Existing Buildings: The proposal would involve the demolition of the existing industrial buildings from the site. A heritage statement has been submitted with the application, which identifies that the site was first developed in or around 1888 as a stable block for the horses used by the City of Oxford & Tramways Co Ltd. It became a bindery in 1962 and was altered for that use and continued as such until 2007 when the business relocated to the Horspath Trading Estate. It is clear that the site has had an employment use attached to it for a significant period of time, and while the building itself is of limited value in architectural terms, it is the employment use which reflects the historical development of the suburb and therefore the site has potential to be designated as a 'heritage asset' within the local area.
18. The loss of a locally significant heritage asset requires justification that should demonstrate that the proposal would make a positive contribution to both the character and local distinctiveness of the environment. In considering previous

proposals for the site the buildings were deemed of limited value in architectural or visual terms and so their loss has not been viewed as a specific constraint on the redevelopment of the site. That said, the historic use of the site is important and officers consider that any rebuilding for a mixed-use development should be designed in a manner whereby the employment use is clearly articulated within the building design, not only in order to reinforce the local distinctiveness of the site but to also to recognise its status as a KPES. Despite the fact that the current scheme is seeking permission for a mixed use commercial / residential development it is identical to the residential scheme refused under 13/02303/FUL. The presence of an employment use is not at all obvious in the design, and given that the built form of the existing building is markedly different to the rest of the street it would not be unreasonable for Plot 3 to be designed in a similar manner which makes the employment use obvious in comparison to the residential properties. The Supplementary Planning Statement makes no reference to why the proposal would be appropriate for a mixed-use development, instead relying on the design rationale for the wholly residential development. This would represent a missed opportunity in terms of maintaining the historic significance of the site, and a strong sense of place within the street where the individual uses are clearly expressed within the built form.

19. Layout: The site has an identical layout to that of the previously refused residential scheme, and does not take into consideration the fact that this is now a mixed-use development where the uses will have different requirements in terms of form and function. The buildings are sited to respect the development pattern of the street, and would establish a clear public and private realm relationship with good natural surveillance of the street scene. The main concern relates to the commercial space within the scheme. The space is small, and has limited presence on the street. There is only one entrance which restricts servicing, there are no kitchen/toilet facilities for staff, and the refuse / cycle storage is in a divorced location only accessible via the driveway. Furthermore there is a rear window to the office which overlooks the private garden of the 2 bedroom flat, potentially causing conflict between the two uses. No details have been provided within the supporting documentation as to how this space is expected to function. The similarities to the previous residential scheme give the impression that it has been designed to enable its future conversion to a residential use rather than as part of a serious attempt to incorporate an employment use into a mixed-use development.

20. Size, Scale, and Appearance: Green Street is characterised by two-storey Victorian terraced properties which are generally of uniform size, set back from the streets by a small front gardens and private gardens to the rear. This is only punctuated by the existing bindery building. The proposed development would effectively provide a terraced row of three buildings which would be linked by an undercroft. The dwellings would be of a residential scale, with pitched roof forms, and two storey elements leading to the rear which does reflect the adjoining properties in the street. The design of the residential dwellings (Plots 1 & 2) would have projecting bay windows and small front gardens and although the ridge heights would be slightly higher than the adjoining plots they would not look out of place in the street scene. The main concern would relate to the design of

plot 3 which would have a commercial unit with flat above but whose form is identical to the other two residential units. The commercial space has no presence in the street scene, appearing as a residential dwelling rather than small-scale business unit, and there is a persuasive case for it to be designed differently in form to the residential dwellings. This would represent a missed opportunity to reinforce local distinctiveness and provide a building that responds to the historical context and employment status of the site.

21. Officers consider that the proposed development would fail to constitute good design, whereby the form and layout supports the function of the mixed use development. The overall size and scale of Plots 1 and 2 may be appropriate for the location, but the layout, form, and appearance of Plot 3 does not reflect the fact that an employment use is present on site, which would have an impact upon how the development will function and would not establish a clear sense of place by reinforcing the local distinctiveness that the historic employment use provides within the street scene and its importance as a Key Protected Employment site. This would be contrary to the aims set out within the NPPF and also Oxford Core Strategy Policy CS18 and Sites and Housing Plan Policy HP9.

Balance of Dwellings

22. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
23. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The site is located within the East Oxford Neighbourhood Area where there is a more pressing need to achieve more family dwellings within residential schemes. The provision of 2x4 bedroom dwellings and a 2 bed flat would represent an appropriate mix of units under Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Residential Use

24. The proposed development would provide 2x4 bedroom dwellings and a 2 bedroom flat. The residential accommodation would all be self-contained and of a size that would create a good standard of internal environment in accordance with Sites and Housing Plan Policy HP12. The floor plans have set out how the units would be built to lifetime homes standards in accordance with Sites and Housing Plan Policy HP2.
25. The dwellings would each have their own private gardens which would be less than 10m in length but would not vary greatly in size to the footprints of the dwellings they serve. As such they would be considered of adequate size and proportion to the size of the house proposed under the terms of Policy HP13

26. The 2 bedroom flat would also have its own individual private garden which would be of an adequate size for this type of accommodation. However, there would be a full height window in the rear elevation of the commercial unit which overlooks this garden and allows access from the commercial space onto this garden and thereby compromising the privacy of the space for the occupants of the flat. This would be contrary to Policy HP13.
27. The proposal would provide suitable refuse storage and cycle parking for each of the residential units which would accord with Sites and Housing Plan Policy HP13.

Impact upon Adjoining Properties

28. The Council seeks to safeguard the amenities of properties surrounding any proposed development. Policy HP14 of the Sites and Housing Plan states that permission will only be granted for development that protects the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards.
29. The existing warehouse is a significant structure that covers the full extent of the block and therefore already has an impact upon the adjoining properties. The proposed dwellings would not have an adverse impact upon the adjoining properties at 8 and 10 Green Street. In fact given the extent of the existing building and the level of development approved under the lapsed permission 01/00605/NF, it would provide some breathing space to the rear of the property at 10 Green Street reducing the overall sense of enclosure. There is a first floor window in the rear of no.10 Green Street which would be enclosed slightly, by the two-storey rearward projection of the proposed dwelling, however, it is considered that this sense of enclosure would not be so significant to warrant refusal especially considering the tight urban nature of the area. As such it would not create a significantly adverse sense of enclosure for the properties.
30. The proposed development would not have an impact upon the rear of the Cowley Road properties to the north of the site, or the any of the properties on the opposite side of Green Road in terms of loss of light, privacy or outlook.

Highway Matters

31. The site is situated within a Transport District Area, which is considered a sustainable location which is accessible by walking and has good access to public transport links, shops and services and therefore in some circumstances it may be possible to accept lower levels of parking provision within these areas.
32. The proposal would provide a single off-street parking space for the three dwellings. The commercial unit would be car free. The site is located within a controlled parking zone as there is pressure for on-street parking spaces. The level of parking is acceptable in this sustainable location, and the potential impact upon on-street parking as a result of the reduced level of parking spaces could be controlled by excluding the dwellings from parking permits.

Other Matters

33. Contaminated Land: The site has a known formal industrial use and having regards to the sensitive nature of the proposed use (i.e. the creation of new residential properties with gardens) it would be necessary to ensure that the site is suitable for this use. Therefore a condition should be attached requesting a phased risk assessment to be carried out.
34. Community Infrastructure Levy (CIL): The levy is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. The reason CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances. The proposal would be liable for a CIL payment should permission be granted. The CIL payment has been calculated as approximately £31,840. However this will only apply if planning permission is granted and the scheme is implemented.

Conclusion:

35. The proposal would be contrary to the aims and objectives of the National Planning Policy Framework, and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan and therefore officer's recommendation to the Members of the West Area Planning Committee is to refuse planning permission.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to refuse 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.

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 refuse planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Contact Officer: Andrew Murdoch

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Date: 29th January 2014

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