

East Area Planning Committee

14th May 2015

Application Number: 15/00597/OUT

Decision Due by: 22nd April 2015

Proposal: Outline application (seeking approval of access, layout and scale) for the erection of four storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats (Use Class C3). Provision of private amenity space, car parking, cycle and waste storage.

Site Address: Land Adj Canterbury House (393 Cowley Road) and Reliance Way, site plan **Appendix 1**

Ward: Cowley Marsh Ward

Agent: JPPC

Applicant: Cantay Estates Ltd

Recommendation: East Area Planning Committee is recommended to refuse the application for the following reasons:

- 1 The proposed development would result in the loss of employment land in the absence of robust justification to the detriment of the economic vitality of the city and the important balance between employment and housing as a means of achieving sustainable development. Consequently the proposals fail to accord with the requirements of policy CS28 of the Oxford Core Strategy 2026 as well as the National Planning Policy Framework.
- 2 The proposals would result in a height and scale of development that would, in combination with the existing adjacent four storey development, unacceptably dominate and impose itself upon the wider Cowley Road streetscene to the detriment of the character and appearance of the surrounding area as well as appear overbearing and cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit. Furthermore the undercroft parking at street level would create an inactive frontage to Cowley Road, which would result in a poor street environment and encourage crime contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026
- 3 The proposed development, taking into account the scale and massing, inappropriate mix of dwellings, provision of undercroft car parking,

inappropriate location of cycle parking, inadequate quality outdoor amenity space and inactive street frontages, would be likely to lead to an overdevelopment that is of a scale, form, design, density and layout that is inappropriate for its intended use and context of the site resulting in a poor quality environment within the site for future occupiers, and contrary to the requirements of policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19, CS22 and CS23 of the Oxford Core Strategy 2026 as well as policies HP9, HP13, HP15 and HP16 of the Sites and Housing Plan 2011-2026 and the Balance of Dwellings SPD.

Principal Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP18** - NRIA

Core Strategy (CS)

- CS2** - Previously developed and greenfield land
- CS9** - Energy and natural resources
- CS12** - Biodiversity
- CS13** - Supporting access to new development
- CS19** - Community safety
- CS18** - Urban design, town character, historic environment
- CS22** - Housing Growth
- CS23** - Mix of Housing
- CS24** - Affordable Housing
- CS28** - Employment sites

Sites and Housing Plan (SHP)

- HP5** - Location of Student Accommodation
- HP6** - Affordable Housing from Student Accommodation
- HP9** - Design, Character and Context
- HP11** - Low Carbon Homes
- HP12** - Indoor space
- HP13** - Outdoor Space
- HP14** - Privacy and Daylight
- HP15** - Residential cycle parking
- HP16** - Residential car parking

Other Planning Documents

- Affordable Housing and Planning Obligations SPD
- Balance of Dwellings SPD
- Natural Resource Impact Analysis SPD

Other Material Planning Considerations:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

CIL:

The development is liable for CIL though the amount is not known at this stage as this is an outline application. Actual CIL liability would only become known at reserved matters stage and it is only at this point that a liability notice would need to be generated if the application was to be approved.

Relevant Site History:

00/01326/NOY - Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322 sq.m. managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only). Amended site area and plans. **Permitted 6th August 2002.**

00/01327/NOY - Demolition of depot building, offices, hostel/social club and ancillary buildings. Outline application for residential development of 227 dwellings (houses and flats) and 287 parking spaces: 2,322 sq.m. managed business space (starter units) and associated parking. Provision of 1.52 acres grassland area adjoining Barracks Lane. Closure of 1 vehicular access to Cowley Road and alterations to second vehicular access. Extension of Saunders Road into site, new vehicular accesses between 17 and 18 Saunders Road. Provision of vehicular access to Glanville Road (means of access only). (Amended site area and plans). **Withdrawn 2nd August 2002.**

09/01201/OUT - Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floorspace for start up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping. **Permitted 17th March 2010.**

11/01150/RES - Reserved matters of planning permission no. 09/01201/OUT,(for 2092sq.m of class B1 Business floor space and 106 student study rooms), seeking approval of appearance of block B and C and of the student accommodation block. (Amended plans). **Permitted 12th August 2011.**

11/02386/VAR - Variation of condition No. 7 of planning permission 09/01201/OUT for Class B1 business use and student accommodation to allow occupation and student accommodation by full time student attending courses of one academic year or more. **Permitted 1st February 2012.**

12/00457/VAR - Application to vary condition 2 of planning permission 09/01201/OUT and condition 1 of planning permission 11/01150/RES to allow a revised commercial parking layout. (Additional Information). **Permitted 1st June 2012.**

11/01150/NMA - Application for a non-material minor amendment to planning permission 11/01150/RES involving alterations to Commercial Buildings B and C.. **Permitted 25th June 2012.**

13/01925/B56 - Application for prior approval for change of use from offices (use class B1(a)) to 3 x 1-bed and 13 x 2-bed dwellings (use class C3). **Refused 11th September 2013.**

13/02673/B56 - Change of use from office (Use Class B1(a)) to residential (Use Class C3) to provide 16 dwellings (3 x 1-bed and 13 x 2-bed). 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. **Prior approval required and refused 13th November 2013, allowed and appeal and later quashed by the courts. Awaiting re-determination at appeal though it is now expected that the Planning Inspectorate will decline to determine the appeal.**

14/03204/OUT - Demolition of existing office accommodation at Rivera House and Adams House. Construction of up to 98 student study rooms with provision for disabled car parking spaces and cycle parking. (Outline application with all matters reserved) **Refused by EAPC on 4th March 2015 for 5 reasons: loss of employment, height/ scale of development, noise and disturbance from increased student accommodation, inadequate car parking for Canterbury House, and lack of information to assess whether the scheme would sustainable development. Decision issued 23rd April 2015.**

Representations Received:

None:

No details of any pre-application consultation by the developer was submitted with the application and so it is not thought that any such consultation was carried out by the applicant.

Statutory and Internal Consultees:

Environmental Development: The site was a part of a former bus garage and depot. Site investigation and remediation was undertaken at the site to a standard suitable for commercial development. The proposed development involves the creation of new residential development with private amenity space. It is, therefore, vital that the developer assess the site to ensure it is suitable for the proposed use. Therefore, it

is recommended that a condition requiring a phased risk assessment is attached to any planning permission.

Highways Authority:

Having reviewed the application documents including the Transport Statement produced in February 2015, the Highway Authority has no objection to the proposal.

- The proposed development is located in a highly sustainable location.
- The proposed car parking and cycle parking provision is considered suitable for the size of the development.
- The proposed vehicle and pedestrian access is considered suitable and visibility splays are achievable.

Details of refuse collection and servicing access should be considered in any reserved matters application.

Officer's Assessment:

Application Site & Background:

1. The application site comprises part of what was formerly Oxford bus depot until this was redeveloped in recent years to provide residential accommodation and employment land. The site lies along the northern side of Cowley Road on the corner of Reliance Way. It is approximately midway along Cowley Road between The Plain at one end and Cowley District Centre at the other. Its location is such that it is not located within any of the City's designated transport district areas.
2. Contiguous with the northwest boundary of the site lies the Victorian era double-gabled two storey building of Canterbury House that has been in office use for many years though now vacant. It was once formerly both the home and studio of renowned Oxford photographer Henry Taunt. To the southeast lie the modern residential properties of Reliance Way.
3. Approval was granted in 2010 for three office buildings on this employment land (09/01201/OUT refers), with Adams House and Riviera House, immediately adjacent to the northeast, being constructed but Building C on the application site never being constructed (11/01150/RES, 12/00457/VAR, 11/01150/NMA refer). Adams House and Riviera House have barely been occupied since their construction and the site has been left looking incomplete both hard and soft landscaping not fully laid out and hoarding still left around the application site. An application for redevelopment of the application site and Adam House and Riviera House for student accommodation adjacent that has recently been refused (14/03204/OUT refers).
4. The site can be seen within its context on the site location plan attached as **Appendix 1**.

Description of Proposed Development:

5. The application is in outline and seeks consent for the erection of four storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats (Use Class C3) with provision of private amenity space, car and cycle parking, and waste storage.
6. The application seeks to secure access, layout and scale with appearance and landscaping reserved. Vehicular and pedestrian access is proposed from Reliance Way. As the application is in outline all submitted proposed site layout and elevation plans are for indicative purposes only with the exception of clarifying access, scale (height, width and length of the building) and layout.
7. Officers' consider the following to be the principal determining issues in this case:
 - Principle of Loss of Employment Site;
 - Principle of Residential Accommodation;
 - Balance of Dwellings;
 - Affordable Housing;
 - Urban Design;
 - Quality of Residential Accommodation;
 - Parking and Access;
 - Impact on Neighbouring Amenity;
 - Energy efficiency;
 - Flood risk;
 - Ecology;
 - Trees/Landscaping;
 - Land contamination.

Principle of Loss of Employment Site:

8. In granting planning permission for the redevelopment of the Bus Depot into residential accommodation (00/01326/NOY refers) the land to which this application relates was secured as employment land to mitigate the loss of the large part of employment land, in accordance with the Local Plan at that time, specifically 2,322 sq.m. managed business space (starter units) and associated parking. The S106 attached to that permission states:

Sch3 - relevant part states that the transferee covenants not to use the property other than for any use falling within the definition of B1 use as defined in the Town and Country Planning (Use Classes) Order 1987 (and not any amendment thereof) and without prejudice to the generality of the is clause not to allow any of the units constructed on the property to be used other than for start-up business units which are not to be sold freehold or leased on long leases and which units are not to be let to companies or businesses which have been in existence for more than 2yrs at the date of the letting of the unit.

9. Condition 8 of Planning Permission (00/01326/NOY) also states:

The employment land that amounts to at least 0.4 hectares that is due to be

transferred as part of the legal agreement shall be allocated for employment use to provide a cleared site available to 2322 sq.m of net lettable business floor space, as specified in the agents letter dated 23rd May 2001, the details of which shall be part of a formal submission by the owners of the employment area and approved in writing by the LPA, in accordance with Condition 4 (submission of reserved matters).

10. Outline planning permission, 09/01201/OUT, was granted in 2009 for; 'Outline application (seeking access and layout) for the erection of 2092sq m of class B1 floor space for start-up businesses plus 106 student study rooms in 5 blocks on 2, 3 and 4 levels (including the retention and incorporation of Canterbury House). Provision of 28 car parking spaces accessed off Reliance Way, and 3 car parking space off Glanville Road, cycle parking and landscaping.' With this permission a section 106 agreement was also attached, which states as follows:

It is further acknowledged and agreed that save for the provisions of Clauses 4.1 and 4.2 above the First Agreement is not varied further and shall remain in full force. [n.b. 4.1 and 4.2 related to issues of transfer of land, utilities provision, Canterbury House and period for erection of public art]

11. The S106 made provision for 50% of the employment buildings to be built before the student accommodation was occupied, hence only Adams house annotated as building B and Rivera house as building C in the agreement have been constructed. Building A has not yet been constructed and forms the application site.
12. Furthermore, Condition 6 of notice of permission 09/01201/OUT stated, 'Buildings A, B and C fronting Cowley Road and Glanville road shall be used for Class B1 Business use as 'Start up' and 'move on' business units, supported by office accommodation located within the retained Canterbury House. Details of the layout of the buildings for their intended purpose shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall be constructed strictly in accordance with the approved details and shall be retained as such at all times thereafter unless otherwise agreed in writing beforehand by the local planning authority'.
13. The S106 is clear that the property shall not be used for any other use other than that falling within the definition of B1 use (business) as defined in the Town and Country Planning (Use Classes) Order 1987 (and not any amendment thereof). The Applicant has not applied to vary the S106 Agreements.
14. Policy CS28 of the Core Strategy (CS) resists the loss of employment sites such as this except where either:
- Overriding evidence is produced to show the premises are causing significant nuisance or environmental problems;
 - No other future occupier can be found despite substantial evidence to show the premises have been marketed appropriately.

15. This policy seeks to ensure that the important and sustainable balance between job opportunities and housing is maintained and preferably enhanced within the city. In this respect the policy reflects that set out in the NPPF which emphasises the importance of sustainable economic growth and encourages local planning authorities to plan for balanced communities with job creation matching housing growth
16. Evidence of marketing of the land for employment use has been submitted. The information takes the form of a letter from Cluttons which relates in fact to Adams House and Riviera House solely and states these buildings have been marketed, on their website, egpropertylink and in the form of a 'V' board (on Riviera House), since early January 2015, a month before the application was submitted. They have had 7 enquiries, none leading to anything. No evidence has been submitted to demonstrate why construction of the office building on the application site has not come forward for development or any marketing of this land. The applicant seeks to demonstrate by default that there is no interest or appetite for office use in this location.
17. Notwithstanding that the evidence submitted relates to the adjacent office buildings, it is considered that their previous use or the likely impacts if they were brought into use, would not give rise to significant harm to neighbouring amenity in terms of noise, disturbance or indeed car parking pressure. The applicant has not made this claim either and indeed has instead attempted to rely on providing evidence that there is no interest in occupation of the buildings.
18. There is a recognised genuine need for small start-up business type units in the City, the City's own facility is consistently let and in high demand. Again as for 14/03204/OUT Officers would express their concern regarding the overall condition of the site and the incomplete appearance of Riviera House and Adams House that will inevitably reduce their attractiveness to potential occupiers. It is thought that the offices would typically appeal to small and start-up businesses that would often wish to move into fitted out offices. Many of the offices have no fixtures and fittings which would dissuade some businesses. Therefore given the poor state of the application site and the adjacent offices, it is not surprising that the offices have not been let.
19. Officers recognise general planning policy support for residential accommodation to meet the needs of Oxford's housing demand. However a supply of appropriate business accommodation in sustainable locations is essential to securing the sustainable growth of the city and prosperity of its residents. The evidence of marketing does not relate to this site. For these reasons the principle of the loss is not accepted by officers and in this respect is found to be contrary to the requirements of policy CS28 of the CS as well as national policy set out in the NPPF.
20. It is considered therefore that the proposed change of use of the land from employment to residential is contrary to Policy CS28 of the CS, the S106 Agreements and the NPPF and as such the principle of the loss of the

employment land is not acceptable and should be refused on this basis.

Principle of Residential Accommodation:

21. Notwithstanding officers' in principle objection to the loss of this employment site, the principle of constructing residential accommodation in this location must also be considered. In this respect policies CS22 and CS23 of the CS together with the Balance of Dwellings SPD is material and supports the redevelopment of brownfield land to provide residential accommodation to meet the high demand for housing in the City. The site sits within a mixed area of office and residential use on the Cowley Road, which is a main route into the City Centre. The principle of residential accommodation is therefore acceptable in this location, subject to meeting other Policies in the Local Development Plan Framework.
22. Whilst in principle residential accommodation is appropriate on this site, officers have concerns about the level, intensity and mix of residential units when taking into consideration the way in which private outdoor amenity space and car and cycle parking is provided, together with the overall scale and indicative design, particularly given the cumulative effect taken together with that of the character of the immediate area. However, such impacts will be discussed later within the report when officers consider the impact on neighbouring amenity.

Balance of Dwellings (BODs):

23. CS23 of the CS requires an appropriate mix of residential dwellings and is supported by the BODs SPD. The site lies within a neighbourhood area highlighted as 'red' in the BODs SPD requiring developments of 4 to 9 units to provide a mix of sized units including family units of 3 or more beds. The required mix is 0-30% one bed, 0-50% 2 beds and 0-50% 3 beds. The proposed mix does not meet the percentages set out in the SPD, which should provide 2 bed units also.

Affordable Housing:

24. Policy CS24 of the adopted Core Strategy states that planning permission will only be granted for residential development that provides generally 50% of the proposed dwellings as affordable housing. Lower percentages may be justified by open-book viability appraisals; and in appropriate cases an off-site financial contribution may be acceptable. The policy also states that developers may not circumvent the requirement by artificially subdividing the site.
25. Policy HP4 of the adopted Sites and Housing Plan (SHP) states that on sites with a capacity for 4 to 9 dwellings the contribution will be 15% of the total sale value of the development, and again that subject to an open-book viability appraisal it may be possible to justify a lower contribution. This application site and therefore triggers the requirements of HP4 to contribute toward affordable housing.

26. On 28th November 2014 however the Government issued revised policy guidance regarding affordable housing contributions on schemes of 10 or less units: local planning authorities are no longer permitted to seek these contributions unless the total floor space is 1000sqm or more. The Council intends to follow this policy position for the time being.
27. The total floors space of the three units is below 1000sqm. An affordable housing contribution is not therefore required in respect of this development.

Urban Design:

28. Policies CP1 and CP8 of the Oxford Local Plan (OLP) require new development to create an appropriate visual relationship with the surrounding area in terms of scale, form, layout and design detailing. Policy CP8 of the OLP stresses that new development in prominent locations should enhance the character of the area by responding positively to features of local distinctiveness. Policy CS18 of the CS requires high standards of architecture and urban design generally that respects the sites and its surroundings. Policy HP9 of the Sites and Housing Plan (SHP) is residential specific though reflects other design related development plan policy requirements including that new development should exploit opportunities to sustain and enhance the significance of heritage assets and make a positive contribution to local character and distinctiveness.
29. Together these development plan policies reflect that set out in the NPPF which emphasises the importance of good design in sustainable development and adds that *“development that refuses to take the opportunities available to improve the character and quality of an area and the way it functions should be refused”*. It also adds that local planning authorities should require applicants to describe the significance of any heritage assets affected including any contribution made by its setting. It also adds that the significance of non-designated heritage assets should be taken into account in decision making and that the weight afforded to it should have regard to the scale and harm to its significance.
30. Whilst the proposals are in outline only, the submitted indicative drawings indicate that 8 units could be provided 4 x 1 bedroom flats and 4 x 3 bedroom flats with individual balconies over four floors, with undercroft car parking, bin storage and cycle parking. The communal entrance would be off Reliance Way, and the car parking accessed via the existing access into the employment site again from Reliance Way.
31. As with the previous refused application for this site and Adams House and Riviera House for residential use (14/03204/OUT), Officers consider the principle of four storey buildings on the site, particularly along the Cowley Road frontage to be objectionable. A building of this height and mass would introduce a long stretch of particularly high rise development when seen in combination with the adjacent four storey residential complex off Reliance Way. The visual impact on the street scene would be dominant and

cumulatively result in a fundamental change to the character of the surrounding area which is more typically residential in scale and nature along this part of the Cowley Road. In combination with the existing large scale student accommodation to the rear (Mansion Mews) on Glanville Road and the adjacent four storey flatted complex this would give rise to a level and therefore appearance of urbanisation that is beyond that appropriate for the site's context.

32. In addition the layout of undercroft car parking provision with vegetation in front does not respect the layout and grain of the area and would result in an inactive frontage to Cowley Road, which is the main thoroughfare and is considered poor design encouraging antisocial behaviour and crime. The main access of this building should face onto Cowley Road, following the existing pattern of development adjacent, including Canterbury House, with the exception of the adjacent block of Flats on Reliance Way, which is considered to a poor example of design. Furthermore, the visitor parking for the site and cycle parking is located adjacent to the Cowley Road, behind the indicative planting; this would again detract further from the character and appearance of the street scene contrary to the grain and layout of the area. It is therefore considered that whilst indicative the proposal would be contrary to the advice set out in 'Secured by Design' and Policies CS18 and CS19 of the CS, and CP1, CP8, CP9 and CP10 of the OLP and HP9 of the SHP.
33. Adjacent to the site is Canterbury House, a traditional two storey double-gabled Victorian building that was once the home and studio of renowned Oxford photographer Henry Taunt. It is therefore of architectural as well as historical interest. Officers consider Canterbury House to represent a non-designated heritage asset to which due weight should be given to the desirability of preserving it and as well as its setting in accordance with the NPPF.
34. The applicant has not submitted any kind of heritage assessment as part of the application which should appraise the heritage significance of this building or its setting or assess the impact of the proposed development on its significance. In the absence of any such assessment, which in itself is contrary to the requirements of the NPPF, officers have made their own assessment on the likely impact of a development of the scale proposed. It is considered that the erection of a four storey building along the Cowley Road frontage would overbear this existing building and create a stark, incongruous and ultimately unsympathetic transition from the flats down to the two storey Canterbury House that would dramatically affect appreciation of it in views from Cowley Road. This is taking into account the separation between the two buildings at ground and first floor indicated on the plans.
35. In this respect, and in the absence of the submission of a heritage assessment or indicative scheme demonstrating otherwise, officers find that the proposals would be likely to cause substantial harm to the setting of a non-designated heritage asset, an impact not outweighed by public benefits contrary to the requirements of the NPPF.

36. In relation to the existing Office buildings, the new development would be approximately 7m away from the existing Office building, Riviera House. The indicative elevations show bay windows facing directly into the offices, which have obscure glazing on the lower portions of the windows. These bay windows are the sole source of light serving the master bedroom to Flat 8 and additional light serving the main open plan kitchen/ dining/ living room to flat 2 and 5. Obscure glazing, even in part, is not considered acceptable to habitable rooms, especially if it is the sole source of light and outlook, and has been done to overcome the close proximity and potential direct overlooking from the offices.
37. Whilst the indicative plans show outdoor amenity space in the form of balconies, those for the larger units in particular are not large enough in Officers Opinion to adequately serve a family (See below) and thus provide a poor quality external environment for future occupiers with completely inadequate provision of outdoor amenity space.
38. In conclusion, officers are of the view that the proposals would be unacceptable in this respect given that the proposals would result in a poor quality, incongruous overdevelopment of the site such that it would not be visually appropriate to its context or of a layout contrary to policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, policies CS18, CS19 and CS22 of the Oxford Core Strategy 2026 as well as policies HP9 of the Sites and Housing Plan 2011-2026.

Quality of residential accommodation:

39. The submitted plans are indicative at this stage and therefore could change at reserved matters however they show that internally each flat exceeds the minimum requirements of 39sq.m and 75sq.m for one and three bed flats respectively in Policy HP12 of the SHP. There is no indication whether they would be built to Lifetimes homes standards.
40. The flats each have their own balconies and for the one bed flats this would take the form of an external balcony and for the three beds an internal balcony, measuring approximately 3m by 3m. It is acknowledged that the plans are indicative however HP13 of the SHP states that three bed flats must provide either a private balcony or terrace of useable [level] space. The supporting text clarifies that a minimum of 1.5m by 3m balcony should be provided but that this space should allow for a table and chairs and/or clothes drying space, plus reasonable circulation. It is considered therefore that a terrace of 3m by 3m for a three bed family dwelling is too small and would not provide adequate space for circulation and thus sufficient useable space, taking into account tables and chairs, space drying clothes, pot plants and paraphernalia associated with facility living.
41. The balconies for the one bed flats are external and also do not meet the minimum 1.5m by 3m balconies, however, this could be resolved at reserved matters stage.

42. This is further evidence to support officers' contention that the proposals are attempting to inappropriately overdevelop the site beyond its capacity such that it cannot provide the quality of environment that the Council would expect.

Parking & Access:

43. The proposed building would not affect the number of car parking spaces approved under 12/00457/VAR for Adams House and Riviera House, which was the last alteration to the parking layout approved.
44. HP16 of the SHP requires for larger housing development outside the Transport Area a minimum of 1 allocated car parking space per flat and 1.6 unallocated spaces. A total of 10 spaces should therefore be provided and the indicative parking layout shows 8 undercroft allocated spaces and two visitor spaces adjacent to the Cowley Road (not under the building but accessed from the undercroft parking).
45. In respect of cycle parking again the plans indicate parking for 20 bicycles in accordance with HP15 of the SHP, however, these are divided in to 10 bicycles within a secure store within the building and covered stands for 10 bicycles outside the undercroft car parking adjacent to the visitor car parking and the Cowley Road. Again whilst an adequate number are indicated could be provided, the location of the 10 stands outside the building, adjacent to the main road its considered poor design encouraging crime, with no natural surveillance at ground floor, and not in keeping with the character of the area.
46. This is further evidence to support officers' contention that the proposals are attempting to inappropriately overdevelop the site beyond its capacity such that it cannot provide the quality of environment that the Council would expect.

Impact on Neighbouring Amenity:

47. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policies HP14 of the SHP recognises that there should be no unacceptable impact on amenity for existing and future residents in terms of privacy and daylight.
48. Subject to design at reserved matters stage, the proposed buildings themselves are unlikely to give rise to a significant effect on either privacy, outlook or light experienced by occupiers of the existing flats on Reliance Way, Canterbury House, Adams House or Riviera House to the north. Given the separation distances to nearby residential properties opposite it is likely that a detailed scheme could be delivered that avoids undue impact on neighbouring residential amenity. Consequently officers are not concerned at this stage about the potential impact of the proposed buildings on existing neighbouring living conditions.

Energy Efficiency:

49. Policy CS9 of the Core Strategy requires all developments to minimise their

carbon emissions and are expected to demonstrate how sustainable design and construction methods would be incorporated. The supporting text goes on to state that statutory building regulations are not part of the planning system, but have an increasingly important impact on the sustainability of new buildings. 'Part L' of these regulations sets minimum standards for energy efficiency in new buildings, including homes and changes introduced in 2014 and more proposed in October 2016 will seek to achieve the Government's ambition of zero carbon emission for new dwellings by 2016. On qualifying sites such as this one, proposals should demonstrate how they would minimise the use of energy, deliver renewable energy on site, incorporate recycled/reclaimed materials and minimise water consumption. Policy HP11 of the SHP is specified to residential development and requires developments of this size to generate at least 20% of its total energy use through on-site renewable energy generation unless not feasible or financially viable.

50. An Energy Statement has been submitted with in the Design and Access statement which indicates that the new development would achieve Level 3 Codes for Sustainable homes and in terms of renewable energy, subject to a sun path analysis, solar PV panels are intended on the southwest elevation to Cowley Road. Therefore, if approved a condition should be imposed requiring details of energy efficiency and renewable energy measures, to ensure they are provided.

Flood Risk:

51. Policy CS11 of the Core Strategy reflects national policy in the NPPF by resisting development that increases flood risk. Whilst residential development is a more vulnerable use than the existing office development, the site is at a low risk of flooding and so no objection is raised to in this respect to residential development on the site. However, if approved a condition should be imposed requiring details of a surface water drainage system to be submitted to and approved by the Council to ensure no increase in surface water run-off and the potential for localised flash flooding.

Ecology:

52. It is very unlikely that the proposed development would have an adverse impact on protected species. However, policy CS12 of the Core Strategy reflects the Council's statutory duties to give due regard to the need to enhance biodiversity when carrying out its functions. A development of the size proposed could make a meaningful contribution towards providing an improved habitat for swifts and so, if approved, a condition should be imposed requiring at least 10 swift boxes to be installed on the final buildings in a location to be agreed first by the Council.

Trees/Landscaping:

53. The site is currently barren with no vegetation of note that would be affected by the proposed development. The appearance of the site, particularly when viewed from Cowley Road, could certainly benefit from some planting and this

could be secured by condition if the application was to be approved in accordance with the requirements of policy CP11 of the Local Plan.

Land Contamination:

58. The site was remediated to a standard suitable for a commercial end use back in 2012. The development however proposes a more sensitive residential use and involves significant ground works that could act as a pathway for contaminants to bring them back in contact with future occupiers of the site. Consequently, and in accordance with the requirements of policy CP22 of the Local Plan, a condition would need to be imposed if planning permission was to be granted requiring a phased contamination risk assessment to be carried out together with all necessary remediation measures.

Conclusion:

54. The proposals would result in the loss of an employment site in a sustainable location without robust justification and introduce a residential development that would adversely affect the character and appearance of the area and substantially harm the setting of a non-designated heritage asset, where there are no public benefits to outweigh this harm. Furthermore, the proposals would result in an unacceptable overdevelopment of the site leading to a poor visual relationship with the street scene as well as a poor quality living environment for future occupiers. Consequently, whilst the need for residential accommodation is recognised, Officers consider that the proposals would be unacceptable and fail to represent sustainable development contrary to the requirements of policies of the development plan and national policy set out in the NPPF. Committee is therefore recommended to refuse planning permission for the reasons set out at the beginning of this report.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

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

Background Papers: 15/00597/OUT

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Date: 29th April 2015