East Area Planning Committee 4th November 2015

Application Number: 15/02542/OUT

Decision Due by: 15th December 2015

Proposal: Change of use of Canterbury House, Adams House (Block B) and Rivera House (Block C) from Class B1 Business Use to 36 student study rooms with ancillary facilities. Outline application (seeking access, layout and scale) for 3 storey building (Block A) to provide 24 student study rooms with ancillary facilities.

Site Address: Canterbury House, Rivera House and Adams House and Vacant Plot on Street Frontage, Cowley Road, Oxford, OX4 2FQ, 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, because of its scale and proximity to Canterbury House, cause harm to the streetscene and the character of the area and would cause substantial harm to the setting of the adjacent non-designated heritage asset of Canterbury House that is not outweighed by any public benefit 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. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the

detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.

4. The proposals would represent an overdevelopment of the site, as indicated by the poor level of outdoor amenity space and highly constrained parking and servicing arrangements within the site. The likely result would be an inadequate quality of living accommodation for future occupiers and overflow car parking in the surrounding roads, to the detriment of the safe and free flow of traffic and the amenities of existing neighbours of the site, contrary to policies CP1, CP6, CP8, CP9 and CP10 and TR3 of the Oxford Local Plan 2001-2016, policies CS18, and CS25 of the Oxford Core Strategy 2026 as well as policies HP5, HP9, HP15 and HP16 of the Sites and Housing Plan 2011-2026.

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
TR3 - Car Parking Standards
TR4 - Cycle Parking Standards

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
CS24 - Affordable Housing
CS25 - Student accommodation
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
Natural Resource Impact Analysis SPD
Parking Standards, Transport Assessments and Travel Plans 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 a Hybrid planning application, with some matters reserved for subsequent approval. 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:

Relevant planning history at the site is set out below:

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: 2,322m2, 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).

Approved: 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: 2,322m2, 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).

Withdrawn: 2nd August 2002.

09/01201/OUT

Outline application (seeking access and layout) for the erection of 2,092m2 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.

Approved: 17th March 2010.

This decision included a condition (condition 6) that restricted the use of Adams House, Rivera House and Canterbury House so that they were used as B1 offices.

11/01150/RES

Reserved matters of planning permission no. 09/01201/OUT (for 2,092m2 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.
Approved: 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 Approved: 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.
Approved: 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.
Approved: 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).
Prior approval required and refused 13th November 2013, allowed at appeal and later quashed by the courts. Appeal subsequently withdrawn.

15/00360/B56

An application was made to the Local Planning Authority for a determination as to whether Prior Approval would be required, and if so, whether it would be granted, for the change of use of Canterbury House to four flats.

That application was registered on 3rd February 2015, given the reference 15/00360/B56 and refused on 30th March 2015 for the following reason:

It is considered that prior approval is required and is refused due to the use of the building was restricted to 'business units for 'start-up' and 'move-on' businesses' by a planning condition attached to planning permission 09/01201/OUT and the provisions in Class J of Part 3 of Schedule 2 of the Town and Country (General Permitted Development) (Order) 1995 (as amended) cannot supersede the requirements of that condition.

An appeal has lodged against this refusal and a decision on that appeal is pending.

14/03204/OUT

Outline planning permission (all matters reserved) was sought for the demolition of the existing office accommodation at Rivera House and Adams House and the construction of up to 98 student study rooms with provision for disabled car parking.
The application was validated on 05th December 2015.

Planning permission was refused on 23rd April 2015 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 inevitably 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 a significant adverse impact on the setting of the adjacent non-designated heritage asset of Canterbury House. Moreover, the intensity of development proposed would be likely to lead to an overdevelopment of the site such that it would provide a poor quality environment within the site for future student occupiers with inadequate car parking and vehicle manoeuvring space together with insufficient quality and quantity of outdoor amenity space. Consequently, and in the absence of the submission of an appropriate indicative scheme to indicate otherwise, the

proposed development cannot reasonably be considered to be able to deliver a scheme that is of a scale, form, density and layout that is appropriate for its intended use and context. The proposals are therefore found to be contrary to the requirements of Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016, Policies CS18 and CS25 of the Oxford Core Strategy 2026 as well as Policies HP5 and HP9 of the Sites and Housing Plan 2011-2026.

3. Having regard to the amount of student accommodation proposed together with existing student accommodation and on the adjacent site as well as the proximity of family dwellings, the proposed development would be likely to cumulatively give rise to a level of noise and disturbance that would cause significant harm to the amenity enjoyed by occupiers of nearby dwellings and have a significant impact on the mix and balance of the local community to the detriment of the character of the local area and successful community cohesion. Consequently in this respect the proposals are found to be contrary to the requirements of Policies CP1, CP10, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as Policy HP5 of the Sites and Housing Plan 2011-2026.

4. As a result of the proposed redevelopment of the site there would be inadequate car parking provision to serve the adjacent retained offices of Canterbury House. Such an arrangement would only be likely to further prejudice the attractiveness and suitability of these employment premises to potential occupiers in the long-term giving rise to further harm to the overall balance between employment and housing in this city. Consequently the proposals are considered to be contrary to the Local Plan 2001-2016 as well as Policy CS28 of the Oxford Core Strategy 2026.

5. In the absence of the submission of any information to allow the local planning authority to assess whether a final scheme could meet planning policy requirements in relation to its sustainable design and construction credentials as well as the necessary on-site renewable energy generation, it cannot be reasonably be concluded that a final scheme could deliver genuinely sustainable development. Consequently the proposals are found to be contrary to the requirements of Policy CP18 of the Oxford Local Plan 2001-2016, Policy CS9 of the Oxford Core Strategy 20126 as well as Policy HP11 of the Sites and Housing Plan 2011-2026.

An appeal has lodged against this refusal and a decision on that appeal is pending.

<u>15/00597/OUT</u>

Outline planning permission (access, layout and scale) was sought for the erection of a four-storey building consisting of 4 x 1 bedroom and 4 x 3 bedroom flats including amenity space, car parking and waste storage.

The application was validated on 25th February 2015.

Planning permission was refused on 26th June 2015 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 under croft 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.

An appeal has lodged against this refusal and a decision on that appeal is pending.

Representations Received:

No details of any pre-application community 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.

One letter of support received which states that the maximum amount of student accommodation possible should be provided at this site and that no parking other than that required for taxis and deliveries should be provided.

One letter of objection was received raising the following concerns:

- There is no need for more student accommodation;
- More student accommodation is ofensive;
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- Detrimental Effect on residential character of area from increased students and traffic
- Loss of privacy from increased activity/ traffic
- Increased traffic and detrimental impact on the access to Reliance Way which is already overcrowded with vehicles and parking is virtually impossible as it is;
- Noise and disturbance increase from additional students. Antisocial behaviour and loss of amenity
- Increase in on-street parking in an area of increased pressure to park.

Statutory and Internal Consultees:

Thames Water

Waste Comments
With the information provided Thames Water, has been unable to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - “Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed”. Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Surface Water Drainage
With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
Water Comments
No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close

proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Supplementary Comments
To give certainty that any drainage solution issues are being addressed, we strongly recommend that developer's produce a detailed drainage strategy early on in the development planning process to identify any on and or off site drainage infrastructure impacts, how these will be resolved, at what phases of the development they will be constructed, by what means and establishing the delivery route for that infrastructure.

Natural England

No comment.

Highways Authority

The site is well-located for a car-free development, given the adjacent high-frequency bus routes and the proximity of many services easily reached by walking and cycling.

Cowley Road is a designated Bus Rapid Transit route in Local Transport Plan 4. The Council will develop an implementation plan to prioritise bus movement along Cowley Road and to restrict other activities which impede the flow of buses.

Car Parking

Whilst the TS indicates that the proposals will include an "undertaking that students do not bring cars into Oxford," some parking demand is likely to be associated with visitors (parents and friends) and deliveries (take-away or supermarket deliveries). It is likely that these vehicles will park on Reliance Way as vehicular parking is limited and will be controlled with an access gate.

The proposal seeks to provide a car-free development in an area which is not subject to a Controlled Parking Zone (CPZ). Consequently the car-free nature of the scheme cannot be enforced. As a result the proposals are likely to lead to significant on-street parking to the detriment of highway safety and the parking conditions for existing local residents. Consequently the proposal is contrary to policy CP1 of the Oxford Local Plan 2001-16.Whilst the Council welcomes the promotion of car-free developments in appropriate locations, the Council is also wary of the consequences of any abuse of the car-free principle.

The Reliance Way area is very constrained, and its design does not provide any space for additional on-street car parking. Cowley Road is also extremely vulnerable to degraded bus performance (low journey speeds, unreliability) caused by excessive or poorly located parking. The tenant parking control scheme for the proposed development must be extremely robust, to avoid any additional parking demand in these streets.

The TS indicates that the central courtyard will be available for parking when students are moving their belongings. The parking capacity in the central courtyard is extremely limited, particularly if the disabled car parking spaces are occupied during this period of loading and unloading. When no disabled spaces are occupied, there will be a maximum of only 3 parking spaces available at any one time for the movement of belongings associated with 60 students. This will inevitably lead to overspill on to surrounding streets, in an area where there is a high student population and therefore concurrent high parking demand.

A city-wide Workplace Parking Levy (WPL) is proposed in the Oxford Transport Strategy (OTS) which forms part of Local Transport Plan 4. A city-wide WPL is likely to require the further expansion of CPZs to ensure that parking is not just displaced to areas beyond the workplace. Given the additional local parking pressure that this proposal is likely to generate, provision of a new CPZ or extension of an existing one is needed to manage potential additional parking demand and reinforce the 'car free' character of the development. A Section 106 contribution of £50,000 is therefore requested for a possible CPZ or other traffic enforcement measures in the vicinity of the development site.

A Student Accommodation Management Plan is also required to demonstrate how the car parking demand can be effectively controlled. It will need to include robust measures to avoid chaotic overspill of this activity into Reliance Way and Cowley Road.

Commented that there *are potential impacts of car parking demand on surrounding highway.* This will particularly be an issue at the start and end of university semesters when students are moving their belongings by car. This could exacerbate existing parking stress linked to the presence of other student accommodation in the vicinity of the development site and will therefore need to be carefully managed. If overspill parking occurs on Reliance Way in the vicinity of the site access, this could block the only vehicular access route for existing residential dwellings on Reliance Way causing disruption.

The bin store appears to be in excess of 25m of both accesses. Amendments will be needed to provide the bin store within maximum drag distances.

They consider that there should be no occupation by conference delegates or other users outside term time due to a lack of car parking to accommodate this use. A warden must be available on-site at all times whilst the accommodation is in use to manage access to disabled spaces and the delivery area, to prevent more than 3 vehicles being in the central courtyard at any one time, which could impede movement by pedestrians and cyclists.

Sixty-four secure and covered cycle parking spaces are proposed, divided equally into two areas. This is equivalent to one space per student room (all 1 bedroom) and 4 additional spaces for staff and visitors. The proposed level and location of the cycle parking is considered to be appropriate.

No objection subject to conditions relating to Travel Plan , SUDs, Refuse collection arrangements, Student Accommodation Management Plan, Parking and Turning Space in Accordance with Specified Plan, Students no cars to Oxford, No out of term use, Construction Traffic Management Plan, Supervision of Access Arrangements

Officer's Assessment:

Application Site & Background:

1. The application sites comprise 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), with Adams House and Riviera House, immediately adjacent to the northeast, being constructed but the third building on the application site never being constructed (11/01150/RES, 12/00457/VAR, 11/01150/NMA). Adams House and Riviera House have barely been occupied since their construction and the site has been left looking incomplete with both hard and soft landscaping not fully laid out and hoarding still left around the application site.

4. The site can be seen within its context on the site location plan attached as **Appendix 1**.

Description of Proposed Development:

5. Full planning permission is sought for the conversion of Canterbury House from use as offices (Use Class B1) into nine ensuite single study bedrooms and one ensuite double study bedroom, along with communal cooking and living facilities and administration facilities; the conversion of each of Rivera House and Adams House into 13 student study rooms, together with communal cooking and living facilities and laundry facilities (36 student study rooms in total); landscaping, bin and bicycle storage, 3 disabled car parking spaces and a new pedestrian access into the site from Cowley Road.

6. Outline planning permission (scale, access and layout with design and landscaping reserved for subsequent approval) is sought for a three storey

building on the currently vacant plot fronting Cowley Road incorporating 24 student study rooms and communal cooking facilities.

7. In total, permission is sought for 60 student bedrooms across the site, using existing two and three storey buildings, with the erection of and additional three-storey building fronting the road.

8. Officers' consider the following to be the principal determining issues in this case:

   - Principle of Loss of Employment Site;
   - Principle of Student Accommodation;
   - Affordable Housing;
   - Urban Design;
   - Quality of Student Accommodation;
   - Parking and Access;
   - Impact on Neighbouring Amenity;
   - Energy efficiency;
   - Flood risk;
   - Ecology;
   - Trees/Landscaping;
   - Land contamination.

Principle of Loss of Employment Site:

9. In granting planning permission for the redevelopment of the Bus Deport 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.

10. 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).

11. 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]

12. 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.

13. 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’.

14. 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.

15. Paragraph 7 of the NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The economic role of the planning system is to ensure that development contributes towards 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 growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

16. NPPF paragraph 18 states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

17. Paragraph 19 sets out that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

18. The relevant Development Plan Policy is CS28 of the Oxford Core Strategy 2026 (2011) states that planning permission will only be granted for the change of use or loss of other employment sites (i.e. those not key protected employment sites), subject to the following criteria:

- overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated; or
- no other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use <u>and</u> for potential modernisation or regeneration for alternative employment-generating uses; <u>and</u>
- the loss of jobs would not reduce the diversity and availability of job opportunities; <u>and</u> it does not result in the loss of small and start-up business premises, unless alternative provision is made in Oxford.

<u>Context</u>

19. In order to understand the implications of the proposed development on employment land provision in Oxford, it is necessary to summarise how the application fits in to the planning history context at the site.

20. This site forms part of the much larger former bus depot site, which generated local employment. When planning permission was granted to redevelop the depot (00/01362/NOY), those proposals included the re-provision of 2,322m2 of managed starter units. This was to part mitigate the loss of employment that would result from the development and was material in the Council finding the overall scheme to be acceptable.

21. At that time, it was anticipated that this employment space would be built and transferred at nil cost to a management company that would assist with the occupation of the space by start-up and move-on businesses.

22. That did not happen. By the late 2000s the Council could see that it would need to take a pragmatic approach to the site in order to ensure that its employment potential was realised. It granted planning permission for 2,092m2 of B1 office floorspace together with 106 student study bedrooms (09/1201/OUT and 11/01150/RES). The justification for accepting the study bedrooms on what was employment land was that they would fund the employment floorspace and help realise the delivery of jobs at this site.

23. The student study rooms were built and so were Rivera House and Adams House (to shell and core). The third building that would front Cowley Road was not built.

24. The result of this application, if approved, would be the loss of any opportunity for jobs at this site, which was once a major employer in Oxford. The Council has acted pragmatically and reasonably since planning permission was granted for the original redevelopment to assist in bringing jobs forward. These proposals entirely undermine those efforts and the ability of the wider site to provide the sustainable balance of uses for which it was intended.

Marketing

25. It is one of the requirements of Policy CS28 that substantial evidence of marketing of a site in its current use and alternative employment generating uses is provided before a change of use will be considered acceptable.

26. The vacant site on Cowley Road has not been marketed at all in its present use as 'start-up-move-on' space or in alternative employment generating uses. As such, the proposed development fails to meet that policy test and conflicts with it.

27. It is the applicant's case that the marketing that has taken place relating to Rivera House and Adams House is sufficient to demonstrate that no future occupiers can be found for the vacant site. That cannot be the case for a number reasons.

28. The sites are materially different. There is no building at that site. A small business is entirely unlikely to be interested in a vacant plot. A management company could be because of the flexibility offered by an empty site. A building could be built to meet its needs and/or its understanding of the requirements of the market. Any building would be more visible from the road than Rivera House and Adams House.

29. This site has not been marketed at all for any form of employment use and so there is a direct conflict with Policy CS28.

30. Some marketing has been carried out relating to Rivera House and Adams House and evidence of this has been submitted with this application. That marketing is fundamentally flawed, inadequate and a considerable way short of the 'substantial' evidence required by Policy CS28.

31. Marketing began under the current ownership in January 2015 for the two buildings, which are constructed to shell and core level only. Any management company looking to take them on would need to invest to bring them up to a standard where they could be let. This is clearly not a very attractive proposition. Guidance received by the applicant from Cluttons and submitted with their application suggests that the appellant should not be making that investment without tenants having been secured.

32. They should, of course. It is vital to refer back to the planning history context when considering this aspect of the applicant's case. This part of the wider bus depot site was not intended to necessarily be the most profitable part of the bus depot development. High residential values were being released at the rest of the site. Those values secured the viability of the scheme as a whole.

33. It so happens that the applicant has now acquired this part of the site. They did so in the knowledge of the planning history context and the role that this part of the site had in the wider depot site. If they purchased it expecting high market returns, they were wrong to do so. The requirement to provide start-up, move-on office space here was well know and will have been highlighted in advance of purchase.

34. It will require investment to bring the buildings up to a fit-out standard attractive to the market and that investment should have been reflected in the purchase price. The Council has already taken the viability implications of providing this space in to account twice; once when approving the wider bus depot development and again when consenting the additional student housing at the site so as to deliver employment here. It cannot be expected to start from scratch again.

35. It is not known whether the applicant has engaged with the type of management companies who would normally look to control these buildings but any investment required to bring the space up to a standard that could be occupied should fall to the applicant.

36. These are, after all, 'start-up, move-on' spaces and it seems to officers that the appellant has entirely failed to demonstrate a grasp of this fact, and it is fundamental.

37. The applicant claims that they have consciously avoided advertising the buildings in this way to open up the range of potential interest in them, but in officers' view, the result of that approach is simply to alienate 'start-up, move-on' businesses or management companies from engaging with the marketing process.

38. A review of the advertising for the buildings gives no hints at all as to the way in which the spaces should be used. It seems to officers that the marketing has been carried out in the most generic of fashions and that no attention at all has been paid to the fact that these are 'start-up, move-on' spaces for young businesses.

39. It is not surprising at all that there has been limited interest in the sites for their intended use. The applicant has advertised the buildings, which are not fitted out and so are intrinsically unattractive, for a short period in a fashion that is highly unlikely to attract management companies or small business. Potential occupiers will probably expect serviced accommodation, flexible space, flexible leases and low rates and that has not been offered here.

40. The applicant has not come close to complying with the relevant test set out at Policy CS28.

Availability of office accommodation/diversity

41. The applicant has provided documentation to seek to demonstrate that there is other available office accommodation in Oxford and so the loss of this site to student accommodation would not result in a loss of diversity or availability of job opportunities. That argument is not convincing, in part because it does not recognise the specific contribution that a building at this site would make to the local employment offering. It should sit together, with Rivera House, Adams House and Canterbury House to provide a cluster of 'start-up, move-on' units, specifically designed to meet the needs of small, new businesses that typically find these types of spaces much more suitable and accessible than standard market office accommodation.

42. It is important that both the 'start-up' and the 'move-on' elements are provided so that young businesses can relocate to a neighbouring building as they grow and in turn, free up space for further new businesses. Businesses may then find that they are able to enter the regular market for employment floorspace, in time.

43. The particulars submitted by the applicant do not recognise the specific contribution that this site should make to the diversity of the employment offering in Oxford and the job opportunities that should be associated with it.

44. The development of this site for student accommodation would, of course, result in the loss of small, start-up business premises and the applicant is not proposing, as officers understand it, to provide alternative elsewhere in the City.

45. Offices do not dispute the fact that there are vacant office sites in Oxford. It is a transient market and businesses will move between buildings as their needs change. Sites will, of course, sometimes be vacant and marketed before they are filled. That is not the same as there being a dramatic oversupply of office space. In any event, the Council needs to make provision for economic growth over in the medium and long-terms and cannot be distracted by snapshots.

46. The applicant has not indicated which, if any, of the marketed sites in their particulars are 'start-up, move-on' spaces, like those that would be lost by these proposals.

47. The provision of a diverse employment offering, including 'start-up, move-on' space is very important in Oxford. A Starter Unit Review Report was published at the end of 2013. Not only does it underline the commitment of the Council to the provision and protection of these spaces, it highlights very high occupancy rates at existing sites that provide similar space in Oxford. This is a much better gauge of demand than the print outs provided by the applicant.

48. The Council's Core Strategy is up to date and its plans for employment growth, that were examined and found sound, were made in the context of jobs being provided at this site. Circumstances have not changed since the Core Strategy to an extent that would render this site no longer needed for employment as part of the long-term aspirations for Oxford's economic growth.

49. The proposal sits in direct conflict with Policy CS28, which is the relevant Development Plan Policy.

<u>The weight that should be afforded to a conflict with this policy</u>

50. There would be direct a conflict with the Development Plan. The weight that should be afforded to that conflict is significant. The development would sit at odds with the Framework's aspiration for balanced communities and employment growth. It would also sit at odds with the Council's firm and established commitment for balanced and managed growth within the City.

51. There can be no question that Oxford City Council is committed to delivering economic growth through providing new employment and protecting existing employment within the City. There is governmental support for these objectives. The scheme would fundamentally undermine this approach and the conflict that has been identified between the development and policy CS28 should be afforded significant, overriding weight in the planning balance, in officers' opinion.

Principle of Student Accommodation:

52. Notwithstanding officers' in principle objection to the loss of these employment sites, the principle of constructing student accommodation in this location should also be considered. In this respect, Policy HP5 of the SHP is material and supports the development of student accommodation on, inter alia, main thoroughfares including Cowley Road. Such support is predicated on the basis that these roads are better served by public transport and within easier reach of educational establishments, amenities and facilities. Such roads are generally more suited to student accommodation as they are less likely to feature quiet residential areas which would be more susceptible to noise and disturbance associated with the transitory nature of student accommodation and therefore potentially detrimental to its character.

53. Whilst the principle of providing student accommodation at this site could be acceptable, officers are concerned about the level and intensity of student accommodation that would be a result of this development in this more residential part of Cowley Road, particularly given the cumulative effect when taken together with Mansion Mews. This would significantly alter the character of the immediate area and the enjoyment of existing family homes on Glanville Road and Reliance Way. Such impacts are described in more detail in the relevant section of this report.

Affordable Housing:

54. Policy HP6 of the SHP requires student accommodation providing 20 or more bedrooms to make a financial contribution towards off-site provision of affordable housing in the interests of creating mixed and balanced communities.

55. The applicant has indicated that in the event of an approval, they would be willing to enter in to a legal agreement to secure such a contribution.

Urban Design:

56. Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. Paragraph 57 states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

59. NPPF paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

60. Local Plan policies CP1, CP6, CP8, CP9 and CP10 together seek to secure high quality, efficient, contextually appropriate, successful and functional development. Core Strategy policies CS18 and C19 reinforce those objectives and seek to protect the value of heritage assets. Policy CS22 seeks ensure that housing delivery is planned.

61. Previous proposals for a new building at this part of the site have shown a four storey building, which would not be appropriate in this location. Now proposed is a three storey building. Its design and landscaping around it would be reserved for subsequent assessment so should not inform this decision. Its scale and layout should be considered now.

62. A three storey building would be more appropriate than the four storey structure that has been proposed in the past. However, the indicative drawings show that such a structure would rely on a tall roof and an eaves height much taller than that at Canterbury House to achieve the second floor accommodation.

63. There would be an awkward relationship between the building and Canterbury House because of the proximity and relative heights of the two buildings. This

relationship would cause significant harm to the setting of Canterbury House and in turn, the street scene.

64. Canterbury House is considered to be of some associative historical value and community value. As already noted by the applicant the building is associated with local Victorian photographer Henry Taunt. It is noted that the building also featured in Taunt's own photographs and that it has generated recent interest both as the subject of a study undertaken by the East Oxford Archaeology and History Project (Archeox) and a project by Brookes Architecture students who were tasked with designing a future museum utilising the building. Officers consider that due consideration should therefore be given to retaining this structure as a candidate Local Heritage Asset.

65. The fact that Canterbury House is not currently listed on the Council's website for its heritage value does not mean that it does not constitute a non-designated heritage asset. A Heritage Asset is defined by the Glossary to the NPPF as a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

66. Local Listing is not a requirement of identification. This is made clear by the NPPG. Canterbury House has been identified as a Heritage Asset by officers in its assessment of this planning application because of its appearance and connection with a local historic figure. It can be the case that the value of a building is not recognised before threat emerges to its value. The emphasis on non-heritage assets in the NPPF and NPPG present a different policy context to that which was in place when permission was granted for the redevelopment of the bus depot.

67. Unlike with previous applications, the applicant has now submitted a Heritage Statement and in doing so, recognises that the building has heritage value. What that Statement does not do, though, is assess the impact of the proposed new building on the setting of the heritage asset.

68. In this case, the height and scale of the building so near to Canterbury House would cause substantial harm to its setting. As a result, paragraph 135 of the NPPF is enacted, which states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

69. It is clear to officers that the development would directly conflict with Policies CP1, CP6, CP8, CP9 and CP10 of the Oxford Local Plan 2001-2016 (2005), Policies CS18, CS19 and CS22 of the Oxford Core Strategy 20126 (2011) and Policy HP9 of the Site and Housing Plan 2011-2026, all of which seek high quality, well designed developments. As a result, there would be conflicts with

the Development Plan, those conflicts would not be outweighed and so the application should be refused for the reasons described above.

Quality of student accommodation:

70. Policy HP5 of the SHP and its supporting text at paragraph A2.35 requires student accommodation development of the size proposed to provide both communal indoor and outdoor space that ensures occupants have space to gather, socialise and hold events. Policy CS25 of the Core Strategy adds that student accommodation should be purpose built and designed and managed in a way that attracts students to take it up.

71. The details of landscaping would be reserved for subsequent approval so the quality of the proposed outdoor amenity space should not be assessed at this stage. It is clear though, that the quantity would not be sufficient to properly meet the needs of the large number of students that would need to use it. The requirement for car parking for disabled drivers and a large amount of cycle parking would only leave a modest area for outdoor amenity that could not be said to represent a high quality of accommodation for future occupiers.

72. This inadequate provision of outdoor amenity space is an indicator that the site would be overdeveloped.

73. It cannot be argued that indoor communal space would mitigate this shortfall in outdoor space. Whilst each floor would be served by a shared room, these would, for the most part be quite small and it is difficult to imagine residents being able to use these spaces for gathering, socialising or holding events, as required by Policy HP5.

Parking & Access:

74. Policy HP16 of the SHP does not support the provision of dedicated car parking to serve student accommodation so that car ownership is not supported in the interests of reducing parking and traffic congestion for residents. To achieve this where outside a Controlled Parking Zone, a management regime would need to be agreed with the Council in advance of the occupation of the development including details of how the enforcement of car parking would take place. However, some operational car parking would be required as well as disabled parking provision.

75. Whilst the site layout plan shows sufficient provision of wheelchair accessible parking spaces, there would be very little usable space remaining within the site in which delivery and service vehicles could manoeuvre. Furthermore, and significantly, there is almost no space at all for operational parking to serve students and their families arriving and departing at the start and end of term. The submitted Transport Report states that at these times, the limited outdoor amenity space could be used for this purpose but it not at all clear that such arrangements would be sufficient or appropriate. All of this is likely to give rise to a particularly congested internal environment within the site and numerous conflicts between users of the site. As the surrounding roads are not covered by a Controlled Parking Zone, on-street parking cannot be enforced so any

operational parking would exacerbate existing parking pressure within Reliance Way and Glanville Road. The Highways Authority has raised a number of concerns, many of which could likely be dealt with by planning conditions in the event of an approval. Most crucial, though, is the concern raised about operational and visitor parking associated with the use of the site in this intense fashion. The HA has requested a financial contribution towards the introduction of a CPZ. It is not known whether the applicant would be willing to make such a contribution, or whether a CPZ would be desirable to existing occupiers in the surrounding roads.

76. In this context, the development would likely give rise to conflicts within and outside of the site which serves as a further indication that the proposed development would overly intensive for its location.

77. Sufficient cycle parking would be provided, albeit that the quantum required would limit the amount of outdoor amenity space available to occupiers quite significantly, as described elsewhere in this report.

Impact on Neighbouring Amenity:

78. Policies CP1 and CP10 of the Local Plan require new development to adequately safeguard neighbouring amenity. Policies CP19 and CP21 of the Local Plan resist development where it would result in unacceptable noise and disturbance for neighbouring residents. The supporting text to Policy HP5 of the SHP recognises the problems that large numbers of inappropriately sited student rooms can have, given the increased activity on quieter residential streets. It also recognises that student accommodation can have an adverse impact on the character of residential areas when inappropriately sited. The supporting text to Policy CS25 of the Core Strategy states that there should be no unacceptable impact on amenity for local residents.

79. Policy HP5 seeks to concentrate non-allocated new student accommodation on existing academic sites, in city/district centres or along main thoroughfares which includes Cowley Road. This is to prevent speculative student accommodation developments taking place in residential areas which can have a significant impact on the character of an area and the quiet enjoyment of surrounding homes.

80. These types of impacts are already associated with the Mansion Mews Development. Whilst Cowley Road is a mixed use street well served by public transport, only parts of it feature regular activity during the day and night time. Further away from the district centre it becomes more residential in nature. When taken together with those at Mansion Mews, the proposed development would result in a significant number of student rooms set between the relatively quiet residential roads of Reliance Way and Glanville Road.

81. The proposed further intensification of student accommodation at this site is such that it would concentrate the potential to generate significant noise and disturbance for local residents. Added to this would be the likely increase in indiscriminate on-street car parking, to the detriment of neighbouring amenity.

Furthermore, the intensification of student accommodation across the former bus depot site would significantly increase student comings and goings along, in particular, Glanville Road which is part of a short cut to the Brooks' Headington campus. Officers therefore have concerns that cumulatively, the character, mix and balance of these residential streets would be materially altered making them less attractive for family occupation in the future. These proposals would alter the character of the area and would harm the amenity of neighbouring residents and would be contrary to Policies CP1, CP10, CP19 and CP21 of the Local Plan as well as possible HP5 of the SHP and Policy CP25 of the Core Strategy. The applicant has provided no reliable assessment of the impact of the development on the residential amenity of neighbouring occupiers.

Energy Efficiency:

82. 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. Policy HP11 of the SHP is specified to residential development including student accommodation and requires developments of this size to generate at least 20% if its total energy use through on-site renewable energy generation unless not feasible or financially viable.

83. The applicant has set out a range of sustainable construction measures that they say could be utilised at the site. These include the use of PV panels and biomass boilers. In the event of an approval the application of these measures could be secured by way of a planning condition.

Flood Risk:

84. 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:

85. 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:

86. 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 at Reserved Matters stage if the application was to be approved in accordance with the requirements of policy CP11 of the Local Plan.

Land Contamination:

87. This site was previously remediated to a commercial end use as outlined in the Remediation Strategy and Verification Report in 2012. Briefly, there was an underground storage tank (tank 4) located along the southwest boundary of the site which was removed during the remedial works. Validation testing was carried out on the excavation to ensure minimal residual contamination. During the Ground Contamination Assessment, only four of the trial pits (TP01, TP02, TP04 and TP10) fell within the boundary of the current site of proposed development. The analyses from these trial pits revealed the underlying natural clay was suitable for residential end use, and was subsequently removed for use in the adjacent residential end use site. The Made Ground from this adjacent residential end use site was deemed suitable for commercial end use and as such was excavated and used to level the area of the currently proposed site. The upper 300mm of this Made Ground was then cement lime stabilization to prepare the site for future construction work.

88. As the subsurface of the currently proposed site has changed from its original state as presented in the Ground Contamination Assessment, the results from this report are no longer representative of this area. The Made Ground that was used to fill this site was not suitable for residential (without home-grown produce) end use, and so further investigation and remediation of this site will be necessary. Further, the proposed end use has changed for this site, which will require a re-evaluation of the risk assessment. 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.

Other material planning considerations:

<u>Housing need</u>

89. It is the firm view of officers that this development would, for the reasons set out in this report, conflict with the Development Plan.

90. Paragraph 12 of the NPPF is clear that proposed development that conflicts should be refused unless other material considerations indicate otherwise.
91. The applicant has set out that there is a need for housing in Oxford and that student accommodation, by releasing family housing from occupation by students, contributes towards meeting that need. They argue that this matter should attract positive weight for the appeal proposal in the planning balance.

92. They will be aware that this is well trodden ground. An appeal involving the applicant and their representatives (APP/G3110/A/13/2206058) relating to a refused planning application for residential development, car parking and playing pitches at land to the rear of William Morris Close, Oxford, OX4 2JX was dismissed in February 2014.

93. The same argument was put forward by the applicant there. There, the Inspector found that:

My own review of the submitted evidence suggests that there is a genuinely pressing need for affordable housing in Oxford, borne out not just by the number of houses that have been assessed as being needed, but also by the demand for properties when they do become available. However, it is acknowledged by the main parties that the amount required far exceeds that which can be practically delivered within the City itself, and indeed the Council identify that they are actively working with surrounding councils for solutions [paragraph 50].

I have no reason to doubt that the Council, when considering this application, were aware of the very considerable need facing Oxford in terms of affordable housing. It was an issue that was understood during the preparation and adoption of the Core Strategy and the SHP. In these, the Council had to take a balanced view in assessing the demand for housing against the considerable constraints within their area. This balancing act was played out in the preparation and examinations of these plans, which lead to the housing targets currently within the development plan, which is accepted to be up-to-date [paragraph 52].

The housing target of 400 units should not be considered as a maximum and the Council should strive to overachieve against that level, particularly in light of the acknowledged need. However, housing delivery in such circumstances cannot override all other considerations, and should be considered within the context of a plan led system. Nonetheless, I have accorded significant weight in favour of the scheme, as regards the provision of affordable homes [paragraph 54].

While I noted significant weight in favour of the scheme arising as a result of the delivery of affordable housing, I find that this does not outweigh conflict with the recently adopted development plan [paragraph 62].

94. A further appeal, also lodged by the applicant with their representatives related to a proposed residential development at part of the William Morris Close site (APP/G3110/W/15/3004768). This appeal was determined in the context of the Council's most up to date Strategic Housing Market Assessment. An especially relevant extract is set out in full, below:

What is evident is that the Council are providing a constrained housing supply figure and that there is significant pressure remaining from unmet need. In these circumstances additional housing provision would be a significant

positive benefit. However, the limited additional number of units proposed in this scheme would not make a significant contribution to address that need and the policy protection to provide a balanced approached to economic, environmental and social development is crucial to ensure an appropriate plan in the context of a plan led system. On this basis I am not convinced that the benefit that would result from this small number of housing units is such that it would outweigh the harm that would arise from the conflict with the protection of the open space [paragraph 13].

95. Officers acknowledges that there is a need for housing, and particularly affordable housing in the City. They accept that student housing makes a contribution towards that need, especially when a contribution towards affordable housing is proposed. Officer agree that weight should be afforded to the fact that the development would make a contribution towards meeting housing need.

96. However, development potential is significantly constrained in Oxford. In formulating its housing targets, which have been found sound through examination, the Council balanced the need for housing against the need for other environmental, economic and social demands. The result is robust, plan led approach to development that strives to create a balanced and sustainable City.

97. The very significant weight that officers consider should be attached to the loss of the employment generating potential of this site, which makes a valuable contribution towards the quantum and diversity of the employment land stock of the City has been set out in detail in this report. Additional conflicts with the Development Plan have also been identified and described.

98. Whilst weight should be afforded to the provision of student housing that the scheme would bring forward, it would not come close to outweighing the significant conflicts that have been identified with the Development Plan. This is particularly the case given the limited contribution that would be made to the housing stock.

Conclusions:

99. The National Planning Policy is clear that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.

100. The development would result in the loss of important ‘start-up’ employment floorspace, would cause harm to the street scene and the setting of Canterbury House and would represent the overdevelopment of this site, to the detriment of the quality of development in the area and would result in unacceptable noise and disturbance for existing neighbours. There would be various conflicts with the Development Plan and no material planning considerations have been identified that would outweigh those conflicts. As such, planning permission should be refused.

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: 15/02542/OUT

Contact Officer: Felicity Byrne
Extension: 2159
Date: October 2015

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