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## Appeal Decision

Site visit made on 10 September 2019

**by Beverley Wilders BA (Hons) PgDurb MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> September 2019**

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**Appeal Ref: APP/G3110/W/19/3230662**

**10-12 Watlington Road, Cowley, Oxford OX4 6NF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Ben Grist (Enterprise Rent-A-Car UK Ltd) against the decision of Oxford City Council.
  - The application Ref 18/02598/FUL, dated 26 September 2018, was refused by notice dated 11 December 2018.
  - The development proposed is demolition of existing building to be replaced with new vehicle hire branch. Change of use from B1 to sui generis.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing building to be replaced with new vehicle hire branch. Change of use from B1 to sui generis at 10-12 Watlington Road, Cowley, Oxford OX4 6NF in accordance with the terms of the application, Ref 18/02598/FUL, dated 26 September 2018, subject to the conditions set out below.
  - 1) The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission.
  - 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: drawing numbers 001, 002A, 50, 55, 60, 65 and 100A.
  - 3) No development above damp proof course level shall take place until details of the materials to be used on the exterior of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

### Procedural Matters

2. The address used in the heading above differs from that stated on the application form which refers to 12 Watlington Road. However, the decision notice and appeal form refer to Nos 10 & 12 and from the evidence this appears to more accurately describe the site address. I have determined the appeal accordingly.
3. An application for advertisement consent was submitted at the same time as the application which is the subject of this appeal. However, for the avoidance of doubt the advertisement consent application does not form part of the appeal proposal before me.

4. The Planning Inspectorate has a contract with Enterprise Rent-A-Car UK Ltd and I used an Enterprise hire car to travel to the site. However, I have had no contact with this particular branch and I am satisfied that there is no conflict of interest resulting from the contract with Enterprise. The parties were consulted regarding this matter and no objections have been raised.

### **Main Issues**

5. The main issues are the effect of the proposal on:

- the key protected employment site;
- the character and appearance of the area.

### **Reasons**

#### *Key protected employment site*

6. The appeal site comprises a two storey building and surrounding land and outbuilding. Part of the building and land is occupied by Enterprise Rent-A-Car with the other part of the building being vacant, having previously been used by an electrical contractor business. The site is located in an area designated as a key protected employment site and is surrounded by other commercial uses including another car hire business on an adjacent site.
7. Policy CS28 of the Oxford Core Strategy 2026 adopted March 2011 (CS) relates to employment sites and states that planning permission will not be granted for development that results in the loss of key protected employment sites. The policy further states that planning permission will only be granted for the modernisation and regeneration of any employment site if it can be demonstrated that the listed criteria are met. This includes that it secures or creates employment important to Oxford's local workforce and allows for higher-density development that seeks to make the best and most efficient use of land.
8. The proposal to demolish the existing building on site and to replace it with a smaller building would result in a significant loss of commercial floorspace and the application form states that the number of employees on site would reduce from 12 to 8. However, the appellant states that the numbers of employees referred to on the application form was merely an estimate based on existing employees at Enterprise together with an estimate of employees who might have been employed in the vacant part of the building.
9. The proposal would not result in the loss of a key protected employment site as the whole of the site would continue to be used for commercial purposes. Although it is likely that the reduction in the size of the building means that fewer people would be employed at the site, employment would nevertheless be secured and there is no evidence that the type of employment proposed would not be important to the local workforce. Moreover, whilst I note the Council's concerns in relation to the loss of floorspace, there is no reference to any particular criteria in Policy CS28 to be applied when assessing whether proposals are higher-density development that seek to make the best and most efficient use of land. Consequently, in my view, this means that floorspace and number of employees are not necessarily the only relevant factors to be considered.

10. The proposal would fully utilise the entire site and would enable it to be used more efficiently by the appellant's business which currently operates from the site. In so doing it would make the best and most efficient use of land and a purpose built commercial building surrounded by designated vehicle circulation and storage areas could arguably be said to result in a higher density development than the commercial use of a former residential building. I note that this approach is consistent with paragraphs 80 and 81 of the National Planning Policy Framework (the Framework) which seek to support businesses and to ensure that planning policies are flexible enough to accommodate needs not previously anticipated.
11. In reaching my decision I note the Council's reference to Policy E1 of its Emerging Plan which states that permission will not be granted for development that results in the loss of employment floorspace unless criteria relating to number of employees and efficiency of use are met. The Council considers that the proposal would be in breach of the emerging policy but acknowledges that it is currently afforded limited weight. I have seen no evidence to lead me to a different conclusion to the Council on the weight to be given to the emerging plan and consequently have primarily assessed the effect of the proposal on the employment site having particular regard to adopted Policy CS28. I also note the Council's reference to existing development pressures in Oxford and to the fact that the site could be used for a mixed use. However, I must determine the proposal before me and for the reasons stated, I do not consider that it would be harmful to the employment site or contrary to the relevant policies.
12. Taking the above matters into consideration, I conclude that the proposal would not adversely affect the key protected employment site. It therefore accords with Policy CS28 of the CS which seeks, amongst other things, to protect such sites, to secure employment and to make the best and most efficient use of land.

#### *Character and appearance*

13. The main building on site comprises a two-storey former semi-detached dwelling. The building is traditional in form and appearance and is partly constructed from brick with some elevations finished in render. The original building has been substantially extended to the side and rear. The site is located in a prominent corner position fronting Watlington Road and adjacent to the junction with Ashville Way. The front boundary of the site is marked by a low brick wall together with vertically boarded timber fencing with such fencing also located along the Ashville Way frontage. Parking occurs within the site in association with the existing car hire use. The area surrounding the site contains various commercial buildings and has a very mixed character and appearance with buildings of varying scales, designs and appearance. A number of nearby sites including Lidl and Avis have large parking areas positioned near to the road.
14. Although the existing building is traditional in its appearance, it is not typical of the area, has been significantly altered over time and is not protected by any particular designations. The Council does not object to the loss of the building provided that it is replaced by an appropriately designed building in keeping with the area.

15. As stated, there is no defining character in the area surrounding the site. Whilst the existing building is traditional in character, it is not particularly in keeping with the character and appearance of the area and this together with the scale and nature of existing boundary treatments at the site means that I consider that it makes a neutral contribution to the street scene, rather than a positive one as stated by the Council. The proposed replacement building would be in a similar position on the site to the existing building but would be smaller, flat roofed and more utilitarian in its appearance. It would incorporate large areas of glazing, cladding and render, all features found on existing buildings in the immediate surrounding area. As with the existing use, external parking would take place on site on land surrounding the building and as stated, this is not an uncommon feature of the area.
16. Although the resultant site would be more open in character than existing and though there are some larger scale buildings nearby, the modestly proportioned purpose-built building would not be out of keeping with its surroundings and consequently would not be harmful.
17. Taking the above matters into consideration, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It therefore accords with policies CP1, CP8 and CP10 of the Oxford Local Plan 2001-2016 adopted November 2005 and Policy CS18 of the CS. These policies seek to ensure that, amongst other things, proposals are well designed and have regard to their surroundings. Although Policy HP9 of the Council's Sites and Housing Plan was also referred to on the decision notice, the Council has confirmed that it is not directly relevant to the proposal as it relates to residential development.

### **Conditions**

18. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring details of materials to be submitted for approval prior to the commencement of any above ground works. This is in order to ensure that suitable materials are used in the interests of the visual amenity of the area. I have not imposed the suggested conditions relating to contamination and drainage as I do not consider these to be reasonable or necessary having regard to the site history and the existing and proposed use of the site. The site was originally in residential use and there is no evidence that any of the subsequent commercial uses are likely to have resulted in significant contamination of the site. With regard to drainage, the site is not at risk of flooding and given the existing building footprint and extent of hard surfaced areas, there is unlikely to be any material increase in impermeable areas on the site.

### **Conclusion**

19. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

*Beverley Wilders*

INSPECTOR