

WEST AREA PLANNING COMMITTEE

19 January 2021

Application number:	20/02303/FUL		
Decision due by	11 December 2020		
Extension of time	To be agreed		
Proposal	Change of use of ground floor of Block C of the Wolvercote Paper Mill development from GP surgery and business use to residential use (Use Class C3) comprising 5 x 2 bedroom flats and 2 x 1 bedroom flats. Alterations to fenestration at ground floor. Insertion of 3no. doors to north elevation and 4no. doors to south elevation. (Amended plans and additional information)		
Site address	Peacock House, Baynhams Drive, Oxford (Block C of the Wolvercote Paper Mill development) – see Appendix 1 for site plan		
Ward	Wolvercote		
Case officer	Nadia Robinson		
Agent:	N/A	Applicant:	Mrs Vikki Roe
Reason at Committee	More than five residential units		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. approve the application for the reasons given in the report, subject to the required planning conditions set out in section 12 of this report and grant planning permission, subject to:

- the receipt of a formal response from the Environment Agency raising no objection to the application;
- the satisfactory completion of a legal agreement under section.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

1.1.2. agree to delegate authority to the Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Head of Planning Services considers reasonably necessary; and

- finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Head of Planning Services considers reasonably necessary; and
- complete the section 106 legal agreement referred to above and issue the planning permission.

2. EXECUTIVE SUMMARY

- 2.1. This report considers an application to change the use of the ground floor of Block C of the approved Wolvercote Paper Mill development from its two approved uses (GP surgery and light industrial unit (Use Class B1(c)) to seven flats. The block has been substantially completed and the developer has sought to find occupants for the units that fit within the appropriate use class. Evidence of these efforts is included in the application. The change of use of the GP surgery is contemplated in the Section 106 legal agreement for the development (S106) (see **Appendix 2**).
- 2.2. Officers consider that the developer has used reasonable endeavours to find a suitable occupant for the GP surgery space in accordance with the requirements and timescales of the S106. Officers consider that the period of marketing for the B1(c) unit is sufficient and the marketing evidence robust to demonstrate that the use is not viable. The change of use to residential is consistent with the S106 cascade and with policy E1 (Employment sites) of the Oxford Local Plan 2036.
- 2.3. The proposal is for five 2-bed flats and two 1-bed flats. One of the 2-bed flats, or one of the 2-bed market flats within the upper floors of the block, is proposed to be socially rented affordable housing, representing 50 per cent of the units proposed in the location originally approved for B1(c). The S106 has no requirement for the residential conversion of the GP surgery to be affordable. The affordable unit would be secured via a legal agreement.
- 2.4. Officers are recommending that West Area Planning Committee approves the application.

3. LEGAL AGREEMENT

- 3.1. This application is subject to a legal agreement to secure a two-bedroom flat within the block as socially rented affordable housing. This would either be one of the 2-bed flats proposed, or one of the existing 2-bed flats in the upper floors of the block which is currently a market unit. The agreement shall also require the unit to be constructed to the Category 2 standard as set out in the Building Regulations Approved Document M4 in accordance with policy H10 (Accessible and adaptable homes).

- 3.2. This application seeks a change to the scheme approved under the outline consent (reference 13/01861/OUT) and reserved matters (reference 18/00966/RES). The outline consent was subject to a Section 106 legal agreement covering a number of points. The points are listed below, with that part of the legal agreement relevant to this application underlined:

Obligations to Oxford City Council

- Affordable Housing on site – 50%, integrated into the development as a whole;
- Public open space – minimum of 2.46ha including Duke's Meadow (recreation/play/wildlife habitats); informal open space and nature reserve along Mill Stream; 'green gateway' at site's entrance; walkway around reservoir; local area for play;
- Community facilities of at least 110 square metres;
- Habitat creation and protection plus maintenance – habitat suitable for reptiles in Duke's Meadow;
- GP surgery space – reasonable endeavours for two years to reach agreement on terms for transfer of GP surgery area to a GP partnership or the local health authority. If not, change of use to B1(c) light industrial use or D1 non-residential institutional space permitted. If the developer is unable to agree a transfer after 6 months, permission may be sought for C3 residential use.

Obligations to Oxfordshire County Council

- Traffic Regulation Order contribution for parking restrictions at the new mini roundabout (payable at commencement);
- Bus service contribution of £275,000 (index linked) to improve frequency and hour of operation roundabout (payable at commencement);
- Travel Plan monitoring – 5 years from first occupation (payable at commencement);
- Bus stop infrastructure contribution (including real time information display) for two stops on Godstow Road (payable at commencement);
- Highway works – mini-roundabout, access arrangements, bus shelter with seats that can take a real-time information display unit (i.e. ducting and cabling), plus commuted sum for maintenance.

- 3.3. Accordingly, the developer is seeking permission for a change to the GP surgery space to C3 residential use. In addition, the application seeks permission to change the use of the consented B1(c) space.

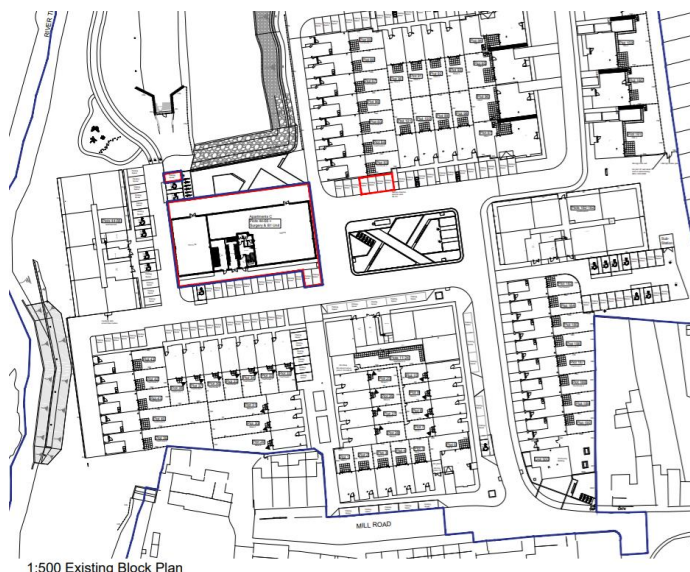
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is liable for CIL. Although there is no increase in floor area, the use proposed is charged at a higher rate of CIL. The proposal would

therefore be liable for the difference between the rate for D1/B1(c) and the rate for C3.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within lower Wolvercote on the site of the former Wolvercote Paper Mill. A development of 190 units is under construction and has begun to be occupied by new residents. The proposed development relates to the ground floor of Block C which was approved for non-residential uses (GP surgery and B1(c) light industrial use). The upper floors are residential apartments. The north elevation of the block faces onto the reservoir, the east elevation onto the central square and bus stop. Car parking is arranged along the south of the block with other unallocated parking in the immediate area.
- 5.2. The Environment Agency Flood Zone mapping shows the site as lying partially within Flood Zone 3b and, as such, the Environment Agency has been consulted. However, after reviewing the technical work submitted by the applicant as part of the reserved matters application 18/00996/RES for the wider site, the Environment Agency on 30 August 2018 (reference WA/2018/125127/03-L01) formally confirmed that the site lies in Flood Zone 1. The Environment Agency recommended that finished floor levels are set at a minimum of 300mm above the 1% including climate change annual probability flood level; this was required by condition on permission 18/00996/RES. A formal comment from the Environment Agency for this application is awaited and the recommended committee resolution reflects this.
- 5.3. The Wolvercote with Godstow Conservation Area lies to the south of the site. The site lies to the east of Pixey Mead which is a Site of Special Scientific Interest (SSSI) that forms part of the internationally protected Oxford Meadows Special Area of Conservation (SAC).
- 5.4. See block plan below:



6. PROPOSAL

- 6.1. The application proposes a change to the consented uses on the ground floor of Block C of the Wolvercote Paper Mill development from GP surgery (Use Class D1) and light industrial (Use Class B1(c)) uses to residential (Use Class C3). Five two-bed flats and two one-bed flats are proposed. A two-bed flat within Block C is proposed to be socially rented affordable housing.
- 6.2. Officers note that The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 amend the Town and Country Planning (Use Classes) Order 1987. This is relevant to this application because use classes B1(c) and D1, which are referred to in the planning consents and legal agreement for the Wolvercote Paper Mill development, no longer exist. These use class fall under the new Use Class E. However, the amendment does not affect the C3 residential use class which is the proposed use class for this application. As such, the 2020 amendment to the Use Class Order does not affect the consideration of this planning application.
- 6.3. For the avoidance of doubt, this application does not affect the community building which formed part of the Wolvercote Paper Mill development. This is currently in use as the sales office and will be transferred to the end user prior to the occupation of the 185th dwelling on site. A formal offer to transfer the community building will be made prior to the 50th occupation on site. The offer will be a transfer of freehold at nil cost.

7. RELEVANT PLANNING HISTORY

- 7.1. The table below sets out the relevant planning history for the application site:

13/01861/OUT – Outline application (seeking means of access) for up to 190 residential units, employment space, community facilities, public open space and ancillary services and facilities.(Amended plans)(Additional information).

Approved 21st September 2017

18/00966/RES – Reserved matters of outline planning permission 13/01861/OUT seeking permission for the appearance, landscaping, layout and scale of 190 residential units, employment space, community facilities, public open space and facilities. (Amended plans and additional information).

Approved 25th September 2018

19/02685/RES – Details of reserved matters (landscaping) for the removal of 58 trees and the planting of 132 replacement trees along Home Close boundary pursuant to outline permission 13/01861/OUT.

Approved 21st November 2019

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Oxford Local Plan 2036	Wolvercote Neighbourhood Plan
Design	117-123, 124-132	DH1 DH7	
Conservation/ Heritage	184-202	DH3	
Housing	59-76	H1 H2 H4 H10 H15 H16	
Commercial	170-183	E1	
Natural environment	91-101	RE3 RE4	
Social and community	102-111	RE5	
Transport	117-123	M1 M3 M5	
Environmental	117-121, 148-165, 170-183	RE1 RE2 RE6 RE7 RE8 RE9	BES2 BES3 BES4
Miscellaneous	7-12	S1	

8.2. The Wolvercote Neighbourhood Plan is not yet made; it was due to have its referendum in May 2020. This is now postponed as regulations linked to the Coronavirus Act 2020 postpone all neighbourhood planning referendums. However, this plan can be given significant weight in decision-making, so far as the plan is material to the application. This is due to the fact that the Council has issued a decision statement detailing its intention to send the neighbourhood plan to referendum.

9. CONSULTATION RESPONSES

9.1. Site notices were displayed around the application site on 3 November 2020 and then, following submission of redacted marketing details and

amended plans, new notices were displayed around the application site on 7 December 2020.

Statutory consultees

- Oxfordshire County Council (Highways)
- 9.2. No objection. Request a cycle parking condition unless an adequate provision is already present on the site.
- Environment Agency
- 9.3. Comment awaited. As noted in paragraph 5.2, the flood risk for the site was dealt with via the reserved matters application for the wider site and no objection was raised by the Environment Agency. The Agency's flood maps still show the site in Flood Zone 3 and so they have been consulted.
- Thames Valley Police (Crime Prevention Design Advisor)
- 9.4. No objection, but the following recommendations:
- 9.5. The size of the cycle store is too large. Cycle stores should be compartmentalised to a maximum of 10-20 cycles per store, and should be secured to a minimum of LPS 1175 SR2, including a self-closing mechanism. I ask that the plan is revised and resubmitted to the planning authority for approval prior to planning permission being given.
- 9.6. The bin store is designed with double leaf doors. Double leaf doors can be problematic for sustainable operation and security, as the active leaf is required to secure against the passive. Additional details as to the type, style and minimum physical security standards of the doors will be required - alternatively a large single leaf door may well be more appropriate and cost effective.

Public representations

- 9.7. 97 representations were received from local residents and members of the public living outside Oxford. In addition, Oxford Civic Society, Oxfordshire Neighbourhood & Villages Trust Ltd and Wolvercote Commoners' Committee each made a representation; Wolvercote Neighbourhood Forum made two representations.
- 9.8. In summary, the main points of objection (101 of 102 representations) were:
- No need for more housing.
 - The originally proposed facilities are needed.
 - Local support for a new surgery.
 - Public benefit of the development is lost if original facilities are not provided.
 - Modern premises needed for existing Wolvercote surgery.

- GP surgery will be needed even more in current times and with ageing population, and with new population in the village and at Northern Gateway.
- Difficulty of accessing GP outside the village for non-car users.
- Uncertainty about a Diamond Place surgery means surgery in Wolvercote is needed.
- Rents requested are too high and developer should subsidise.
- Lack of uptake of premises may be caused by pandemic.
- Planning permission and S106 are unclear about tenure and rent.
- Harmful impact on traffic and parking.
- Increased pressure on amenities with additional residents.
- Further consideration needed; decision should be delayed pending further discussions.
- If surgery not viable, another community use should use the space.
- Personal experience enquiring about the commercial space was prohibitive.
- Marketing was off plan.
- The view of the Clinical Commissioning Group is needed to assess the application.
- Impact on health and wellbeing.
- CIL money could be used to fit out the surgery.
- The GP surgery should be transferred not rented.
- One of the documents uploaded was too small to read

9.9. The point raised in support (1 representation of 102) is as follows:

- No NHS provider wants to rent the unit and a private practice would harm health services in the village.

Officer response

9.10. The size of one of the documents uploaded to the website was raised as a problem. This can occur when documents are downloaded, and users need to zoom in to bring the document to a readable size. The document in question is of sufficient resolution to be legible.

9.11. The remaining points raised through public consultation are dealt with later in the report.

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- a) Principle of development
- b) Evidence of attempts to secure a transfer or tenant
- c) Residential provision
- d) Design
- e) Transport
- f) Land quality
- g) Other matters

a. Principle of development

10.2. The proposal to change the use of the ground floor of Block C of the Wolvercote Paper Mill development has two elements.

10.3. The developer is seeking to change the use of the B1(c) commercial unit. This element of the development is secured via the plans approved with the reserved matters approval, as well as by condition 11 of the outline planning consent. It is not secured via the legal agreement. The relevant parts of the condition are underlined below:

11. Provision should be made within the development site for a total of 521m2 of non-residential uses and community facilities (e.g. 303m2 for doctor's surgery, 110m2 for civic building and 108m2 of B1c light industrial floorspace), as per the submitted details and shall be retained thereafter for such use, unless agreed otherwise in writing with the Local Planning Authority.

Reason: To ensure a satisfactory provision of non-residential uses and community facilities throughout the development in the interests of the amenity of future residents and in accordance with policy SP63 of the Oxford City Council's Sites and Housing Plan 2013; and with 'Policy' of the 'Oxford 'Core Strategy' 2026.

10.4. The approved reserved matters application fixed the amount of space and form allocated for those uses, i.e. 405 sqm for the GP surgery, 126 sqm for community building, 165 sqm of B1(c) use. The community facilities are in a separate building. The GP surgery and B1(c) space are on the ground floor of Block C with two floors of apartments above.

10.5. Condition 11 makes provision for the Local Planning Authority to agree to changes to the non-residential uses and community facilities. The change of use of the B1(c) element must therefore be considered on its merits in accordance with the local development plan and any relevant material planning considerations.

- 10.6. The GP Surgery space is also secured via condition 11 of the outline consent, in the same way as the B1(c) use. However, the consideration of this element of the application is different because the procedure for seeking a change of use of the GP surgery is controlled by the Section 106 legal agreement (S106) for the outline planning consent 13/01861/OUT, with a cascade approach set out. The developer is seeking permission through this application for a change to the GP surgery space to C3 residential use in accordance with paragraph 6 of Schedule Two of the S106.
- 10.7. The principle of the change of use of the GP surgery is therefore established in the S106 provided the cascade is complied with. The agreement requires the following of the developer:
- To use reasonable endeavours for 2 years to transfer the GP surgery area to a GP partnership or the local health authority;
 - If it proves not possible to do so, to notify the Council and enclose such evidence of the attempts to do this as the Council reasonably requests;
 - If permitted by the Council to do so, to develop the GP surgery area for uses within use classes B1(c) or D1;
 - If unable to transfer the GP surgery area for B1(c) or D1 uses within a period of 6 months, to notify the Council and then be permitted to make an application for use of the GP surgery space for C3 use.
- 10.8. Officers would note that such a cascade approach is not unusual and allows for a reasonable period in which to find users for the space, while ensuring that units do not remain vacant indefinitely, which would harm the character of the area and be a poor use of land.
- 10.9. On 6 June 2019, the developer provided the Council with correspondence with Summertown Health Centre to demonstrate that the two year period had commenced. The Council confirmed it was satisfied, in accordance with paragraphs 6.2 and 6.3 of Schedule Two of the legal agreement, that formal dialogue regarding the possible transfer of the floor area intended for use as a GP surgery commenced on 6 February 2018 and that the two year period required had commenced on that date.
- 10.10. On 28 February 2020, the developer provided the Council with evidence setting out the attempts to transfer the GP surgery area. The evidence was verified by officers, including through direct conversations with the Clinical Commissioning Group. The Council agreed to allow the developer to move to the next stage of the cascade and the GP surgery space was advertised for B1(c) and D1 uses in accordance with paragraph 6.4 of Schedule Two of the legal agreement. The next stage of the cascade commenced on 6 February 2020.
- 10.11. The developer wrote on 17 August 2020 to inform the Council that no occupant falling within the appropriate use class (B1(c) or D1) had been found, with supporting evidence from their marketing agent, Savills, and

therefore it was their intention to proceed to the next level of the cascade and make an application for C3 residential use. It was accepted by the Council that this would accord with paragraph 6.5 of Schedule Two of the legal agreement.

- 10.12. A planning application was duly made on 17 September 2020, for the change of use of both the B1(c) floor space and the GP surgery floor space to C3 residential. This is the application before committee. The developer has adhered to its obligations under the legal agreement.
- 10.13. With regard to the principle of the loss of the B1(c) unit, although the use of the unit has not commenced, the proposal should be considered against policy E1 (Employment sites) of the Oxford Local Plan 2036. It would fall under Category 3 and as such the policy guides such smaller sites not performing well towards their conversion to residential. This aspect of the proposal (change of use from B1(c) to residential) is consistent with policy E1.
- 10.14. The following section of this report considers the evidence submitted with the application in respect of seeking a transfer of the GP surgery and marketing the B1(c) and D1 non-residential uses.

b. Evidence of attempts to secure a transfer or tenant

Transfer of GP surgery

- 10.15. The application sets out the efforts made to transfer the GP surgery area, and includes direct discussions with Summertown Heath Centre, which administers the existing Wolvercote GP surgery on Godstow Road and discussions with the Oxfordshire Clinical Commissioning Group (CCG). The premises were also marketed through the Savills healthcare premises specialist office.
- 10.16. While there is no requirement in the legal agreement for the GP surgery to be fitted out, officers note that the applicant offered the CCG a capital contribution towards fit-out to encourage an offer. Officers also note that the developer continued discussions with the CCG after the two-year period specified in the legal agreement had elapsed. The possibility of amalgamating both ground floor uses (B1(c) and surgery) was discussed to see if a larger space would be more attractive to the CCG. With regards to the price for the space, either freehold or on a rental basis, the application states that no figure was specified in the marketing process, as such any and all offers or discussions were invited.
- 10.17. Officers were in contact with the CCG to verify the evidence that the developer was putting forward as per paragraph 6.3 of Schedule Two of the legal agreement. The CCG confirmed to officers that it did not wish to take on the space. It was understood that the CCG would like to focus its finite resources on larger premises that could accommodate more than one practice, rather than on a small branch surgery. Although the tenure and rent is not specified in the S106 agreement, a 125-year lease with

peppercorn rent was discussed, but it was still felt that the unit would not be something the CCG would take on.

- 10.18. For these reasons, officers concluded that reasonable endeavours were used to try to transfer the GP surgery area to a GP partnership or the local health authority.
- 10.19. There are requests in the public comments for further discussions to take place to try and secure a tenancy. This is not something that the local planning authority could reasonably require as it would not accord with the terms of the legal agreement.
- 10.20. The cascade approach set out in the legal agreement for the GP surgery space sets out the order of priority of uses that the local planning authority considered acceptable when permission was granted. Firstly a GP surgery use, secondly B1(c) commercial uses or D1 non-residential uses, and finally C3 residential uses. It is noted that Savills received interest from some uses that fall outside these specified uses. However, this application demonstrates that the first two priorities were not viable and so C3 residential is now proposed. While uses other than those specified in the cascade may have been viable on site, these were not prioritised in the legal agreement and therefore there are no grounds to require the developer to make the space available to interested parties falling outside the specified uses.

Evidence to secure a transfer to B1(c) or D1 uses

- 10.21. The application provides a summary of the marketing of:
- the floor area approved for a B1(c) use;
 - the floor area approved for GP surgery to be used for B1(c) uses; and
 - the floor area approved for GP surgery to be used for other D1 non-residential institutional uses.
- 10.22. Marketing of the B1(c) space commenced on 26 June 2019 and continued for over a year. The evidence presented demonstrates that there was little interest in the unit, and no prospective tenant requiring B1(c) light industrial use. Those interested either required B1(a), B1(b) or D2 use.
- 10.23. From 6 February 2020, the GP surgery was marketed for B1(c) and other D1 non-residential uses. There were two enquiries but neither proceeded to take on the unit.
- 10.24. Officers consider that the developer has taken all reasonable efforts to secure a B1(c) or D1 use, with evidence provided of the limited interest.

Impact of COVID-19 pandemic

- 10.25. The two-year period in which to make a transfer of the GP surgery finished before the pandemic had a significant impact. Nevertheless, the developer extended discussions with the CCG beyond the two-year period.

- 10.26. The marketing of the GP surgery for alternative uses allowed for in the S106 took place in part during the pandemic but marketing of the adjacent B1(c) unit began some time before and yielded very little interest.
- 10.27. Officers therefore see no grounds to seek to agree an extension to the timescales specified in the S106 due to the COVID pandemic.

c. Residential provision

Mix

- 10.28. Policy H4 (Mix of dwelling sizes) of the Oxford Local Plan 2036 requires proposals for residential development to deliver a balanced mix of dwelling sizes to meet a range housing needs and create mixed and balanced communities.
- 10.29. A mix of one and two bedroom apartments is considered entirely appropriate in this location. There is a limit to the amount of outdoor amenity space that can be provided due to the location of the block at the centre of the development and so it is less appropriate for three-bedroom family units. The surrounding development has a mixture of flats and houses, with the upper floors of the block containing flats. Two-bedroom flats are in demand to meet affordable housing needs. The proposal is therefore considered to comply with policy H4.
- 10.30. The provision of seven units is considered an appropriate quantum that makes the best and most appropriate use of the site's capacity, and the proposal is therefore considered to comply with policy RE2 (Efficient use of land) of the Oxford Local Plan 2036.

Affordable Housing

- 10.31. Policy H2 (Delivering affordable homes) of the Oxford Local Plan 2036 requires residential developments with capacity for more than 10 units to provide 50 per cent on-site affordable housing. Only seven units are proposed with this application, and the site does not have capacity for more than 10 units. However, the floor space that is the subject of this application forms part of the original site which, if the seven units had been originally proposed as part of the overall housing provision, would have contributed to the overall numbers from which the 50 per cent would have been calculated.
- 10.32. Officers note that the Section 106 legal agreement deals with the matter of the change of use of the GP surgery area to C3 and there is no requirement for further affordable housing provision as part of that cascade.
- 10.33. The change of use of the area approved for B1(c) is not dealt with by the legal agreement and would be making an unanticipated change to the outline consent. The corresponding units that are now proposed in the area approved as B1(c) must therefore comply with the 50 per cent affordable housing requirement of policy H2. Apartments 3 and 4 (both 2-bed units) are proposed in the same location as the approved B1(c) unit.

- 10.34. Accordingly, the developer has agreed that one of the 2-bed units proposed, or one of the existing 2-bed market units within the upper floors of Block C, shall be provided as socially rented affordable housing. This will need to be secured via a new legal agreement should planning permission be granted. In accordance with policy H10 (Accessible and adaptable homes) of the Oxford Local Plan 2036, this unit will be required to meet Category 2 of Building Regulations Approved Document M4. This can be secured via the legal agreement.
- 10.35. Officers note that this block of flats within the development is a mix of affordable and market apartments and so a mix at ground floor need not be impractical to manage.
- 10.36. Officers also note that the change of use of the B1(c) unit via planning permission enables an affordable housing unit to be secured.

Amenity

- 10.37. All seven apartments comfortably exceed the minimum floor areas as set out in the National Space Standard. Indicative locations for bedroom wardrobes are provided, however to meet the minimum in-built storage area, these would need to be provided as built-in wardrobes in apartments 1, 3, 4 and 7. A condition is recommended to secure this to ensure sufficient storage space in compliance with policy H15 (Internal space standards) of the Oxford Local Plan 2036.
- 10.38. A terrace is proposed for each apartment, surrounded by low hedge for the apartments facing south, and by railings for apartments facing north. Each apartment is designed with its own front door which provides a better level of activity at street level than were the apartments to be accessed from a central core. Adequate bin storage is provided within the core. The proposal is therefore considered to comply with policies H16 (Outdoor amenity space standards) and DH7 (External servicing features and stores) of the Oxford Local Plan 2036.

d. Design

- 10.39. Policy DH1 (High quality design and placemaking) of the Oxford Local Plan 2036 states that planning permission will only be granted for development of high quality design that creates or enhances local distinctiveness, and where proposals are designed to meet the key design objectives and principles for delivering high quality development as set out in Appendix 6.1.
- 10.40. The design of Block C of the development has been approved through the reserved matters application. The external changes proposed relate to the changes to fenestration and doors and these are minor in nature. The rhythm of the existing apertures is retained, and frames and colour would match those of the rest of the block and the other apartment blocks in the development.

- 10.41. It is recognised that the non-residential uses originally consented would have provided a different character of activity in the centre of the development from residential. However, the external amenity space provided with each unit would provide good passive surveillance and a different type of activity. The change would not be harmful to the character of the development as a whole. It is noted that the other three apartment blocks in the wider development have flats at ground floor and so this arrangement is in keeping with the housing typologies on the site.

e. Transport

- 10.42. There is a total of 309 car parking spaces across the wider site including 134 unallocated spaces, 6 disabled spaces and 3 car club spaces. This arrangement was approved via the reserved matters consent. The spaces surrounding the development site are unallocated and so there was a pool of spaces to be used by the apartments and commercial uses. While there may be additional pressure on those car parking spaces because the residential uses are likely to want to park at the same time, there is a robust monitoring and enforcement plan for parking by the site management. The number of parking spaces for the wider site exceeds the maximum standard in policy M3 (Motor vehicle parking) (which was not adopted at the time of reserved matters approval). There is no objection from the Highway Authority. Officers therefore see no grounds to require additional parking spaces and consider the car parking arrangements that would be available for the proposed seven apartments to be acceptable.
- 10.43. The previously approved bike store has been enlarged so that two bike spaces for each of the seven units are provided. Officers note that the Crime Prevention Officer has recommended that the store is divided into two or more smaller stores. However, this is not practical with the current layout and to do so would reduce the amount of residential floor space. The other three blocks of flats that have been approved and constructed also have large bike stores and the development overall has achieved gold level Secured by Design accreditation. Officers therefore consider the bike storage to be satisfactory and to accord with policy M5 (Bicycle parking) of the Oxford Local Plan 2036. A condition is recommended to see details of the particular bike storage arrangements and to ensure their retention.

f. Land quality

- 10.44. The application includes a clarification letter dated 15 October 2020 ref: 28924/L04 in relation to land quality and contamination. Officers consider that there are no likely contamination risks associated with the proposals as long as there is no change to the proposed design of the external landscaped areas or installed ground gas protection measures from that previously validated and approved.
- 10.45. It is understood that future residents will not have ownership of any external landscaped areas so they will not be in a position to amend any external landscaping and come into contact with potentially contaminated soils.

- 10.46. The ground gas protection membrane has already been installed and validated in accordance with the remediation strategy and this must not be affected by the change of use. The conversion to seven apartments will likely require the addition of further drainage and service ducts which must not compromise the installed ground gas protection measures.
- 10.47. A condition is recommended in this regard to ensure that the ground gas membrane and sub-floor ventilation will not be impacted in any way as a result of the change of use proposals. The condition would also secure the measures set out in the application in relation to the external landscaped areas.

g. Other matters

- 10.48. The proposal is not for new-build residential development, but rather a change of use within an already constructed building. Therefore the targets in policy RE1 (Sustainable design and construction), which are for new builds, are not applicable.
- 10.49. As noted in paragraph 5.2 of this report, matters related to flood risk have been dealt with via the reserved matters application reference 18/00996/RES and the required finished floor levels. Subject to a formal comment from the Environment Agency raising no objection, no further measures are needed in order to adequately manage flood risk.
- 10.50. There are no harmful impacts to neighbouring amenity that would be caused by the proposal. The upper floors of the block are residential and so the uses would be compatible. There is ample distance between the blocks such that there would be no harmful impact in terms of overlooking or loss of privacy.
- 10.51. There are references in the public comments to the Oxford North development. No health services are required by the Northern Gateway Area Action Plan as existing services are accessible with Summertown Health Centre 2.4km away and close to bus services. There is no dependency on a GP surgery in Wolvercote to serve the Oxford North development.

11. CONCLUSION

- 11.1. The developer has complied with the requirements of the S106 agreement in relation to the approved GP surgery area. They have also continued discussions beyond the two-year period, offered funding for fit-out of the unit and explored the possibility of the whole of the ground floor being used for a surgery. The evidence presented is clear and robust, officers have verified it through discussions with the CCG and therefore there is no reason to object to the change of use of the GP surgery. The developer has used reasonable endeavours and moved through the cascade in the S106 agreement and reached the stage of applying for planning permission to provide further residential units in a sustainable location.

- 11.2. It is disappointing that the space has not been transferred to a surgery as originally intended, but it is outside the powers of the local planning authority and the developer to require this. The legal agreement contemplates such a scenario and the developer has complied with its obligations.
- 11.3. With regard to the B1(c) unit, officers have considered the marketing evidence on its merits, as would be the case for any change of use application.
- 11.4. Officers would remind the committee of the NPPF requirement (paragraph 11) to approve development proposals that accord with an up-to-date development plan without delay. While there have been many requests for the decision to be delayed, to do so would be unreasonable because the developer has complied with the requirements of the legal agreement, and has advertised the B1(c) unit for a reasonable period of time.
- 11.5. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to the satisfactory completion (under authority delegated to the Head of Planning Services) of a legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers.

12. CONDITIONS

1. Time limit

The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. Approved plans

Subject to condition 6, the development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy DH1 of the Oxford Local Plan 2036.

3. Materials as approved

The materials to be used in the proposed development shall be as specified in the application hereby approved. There shall be no variation of these materials without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development is visually satisfactory as required by policy DH1 of the Oxford Local Plan 2036.

4. Bin and bike storage

Detailed drawings of the cycle storage demonstrating their usability and compliance with policy M5 of the Oxford Local Plan 2036 shall be submitted to and approved in writing by the local planning authority. Cycle storage in accordance with the approved details shall be installed prior to first occupation of the development and thereafter retained for the purposes of cycle parking. Bin storage in accordance with the approved plans shall be provided prior to first occupation of the development and thereafter retained for the purposes of bin storage.

Reason: in the interests of sustainable travel and visual amenity in accordance with policy M5 and DH7 of the Oxford Local Plan 2036.

5. Site management

The development shall be managed in accordance with the site management plan approved under reference 18/00966/CND4 and with the details set out in the letter from RSK dated 15 October 2020 ref: 28924/L04 in relation to the external landscaped areas.

Reason: In the interests of amenity, the appearance of the area, parking management, to ensure the drainage system functions safely and effectively and does not increase flood risk, and to ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with policies DH1, M2, M3, RE3, RE4 and RE9 of the Oxford Local Plan 2036.

6. Internal storage

Prior to commencement of the use hereby permitted, revised floor plans showing sufficient in-built storage in each unit to accord with the National Space Standard minimum requirements shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure future residents have sufficient storage space and to accord with policy H15 of the Oxford Local Plan 2036.

7. Land quality

The existing ground gas membrane and sub-floor ventilation shall not be impacted or compromised in any way as a result of the development hereby approved.

Reason: To ensure that any ground and water contamination has been adequately addressed to ensure the safety of the development, the environment, and to ensure the site is suitable for the proposed use in accordance with policy RE9 of the Oxford Local Plan 2036.

13. APPENDICES

- **Appendix 1** – Site location plan
- **Appendix 2** – Section 106 legal agreement for 13/01861/OUT

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve 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.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

- 15.1. 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community.

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