



# Appeal Decision

Inquiry held on 3 & 4 October 2002

Site visit made on 4 October 2002

by Mrs J Jones MA DipTP MRTPI

an Inspector appointed by the First Secretary of State

APPENDIX 3

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Date  
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**Appeal Ref: APP/G3110/A/02/1088788**

**Former Motorworld Garage, Abingdon Road, Oxford**

- 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 Jewson Holdings Limited against the decision of Oxford City Council.
- The application Ref. 01/01371/NFY, dated 24 July 2001, was refused by notice dated 28 March 2002.
- The development proposed is the erection of 2856 square metres of B1 office development with associated car parking, access and landscaping.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. The proposal was amended by the submission of revised drawings numbers 01015/205, 210 and 211 on 18 October 2001. These reduced the floorspace to some 2431 square metres with changes to the size and appearance of the building and a reduction in the number of parking spaces to 67. This is the scheme which was considered by the Council and is the subject of this appeal.
2. At the Inquiry, drawing 01015/205A was submitted, together with an amended location plan, to provide for a slight variation in the position of the site boundary in relation to the landscaped area fronting Abingdon Road. The Council considers that this does not significantly alter the substance of the application and I shall deal with the appeal on this basis.

## Background to proposal

3. The appeal site was formerly used for car sales and servicing, a sui generis use, but is now occupied on a short lease by a bathroom sales business. It has an area of some 0.243ha, containing a single storey showroom building with workshops and a car park to the rear. It adjoins the large Redbridge park and ride site with two storey houses on the other side of Old Abingdon Road. It has a frontage to the A4144 Abingdon Road across a grass verge and cycle track. Beyond this road is open land in the Green Belt containing river channels, water meadows and pasture. There is a former rehabilitation unit almost opposite the appeal site which is allocated for redevelopment in the local plan.
4. The proposal is to redevelop the land with a building having two floors of offices above a ground floor car parking area. The parking would cover most of the site boundary, being screened by stone filled gabion baskets planted with climbers. The building above would be stepped back with a central curved glass atrium. The walls would be of precast concrete

panels with reconstituted stone facing and the curved roof above the atrium would be aluminium with a flat roof and parapet above the main office wings.

### **Main Issues**

5. I consider that the main issues are:
  - 1) whether the scale and environmental impact of the proposal would be acceptable in the light of planning policies which seek sustainable development and to restrain employment uses in Oxford;
  - 2) the impact of the proposal on the character of the locality, with particular reference to its height, site coverage, amount of landscaped area and its relationship to the Oxford Green Belt.

### **Planning Policies**

6. Relevant development plan policies are found in the Oxfordshire Structure Plan 2011, adopted in 1998 (SP) and the Oxford Local Plan 1991-2001, adopted in 1997 (LP). The SP strategy includes continued restraint on employment growth in Oxford City; reducing the need to travel, especially by car; the optimum use of land within built up areas and protection of the environment. This is reflected in policies G1 and G2. In Oxford, the provision of land for Class B use will be restrained under policy E1. Such development will be expected to take place on land already used or allocated for that purpose and redevelopment for residential or mixed purposes is encouraged. Policy E4 makes provision for small or local firms.
7. Policy EM1 of the LP seeks to maintain, strengthen and diversify Oxford's economic base to maximise employment for the existing population of the Oxford area. Thereafter, any extra employment likely to attract a significant number of additional people to the City will be discouraged unless exceptionally there is an important benefit to the City. The most relevant detailed policy in this case is EM2 which limits Class B development to certain categories. Category e allows Class B uses on land and premises involving prior employment use not in Class B, subject to the particular merits of each individual case. LP policy EM12 indicates that B1 (office) developments will generally be encouraged to locate in the City Centre, local centres or on sites proposed for that use in other policies. Policy EN76 requires that all new developments respect the character of their surroundings in terms of scale and materials.
8. The Oxford Local Plan 2001-2016 was put on first deposit in June 2002. In respect of large new employment proposals, policy CP.4 requires need to be demonstrated and a sequential test to be satisfied. Employment growth that will attract a significant number of additional people to Oxford will only be granted exceptionally under policy EC.1 but the modernisation of existing employment sites will be encouraged subject to a number of criteria by policy EC.3. Policy CP.9 carries forward the need for development to relate to its context.
9. I have also had regard to the advice of Planning Policy Guidance 1 (PPG1) – *General policy and principles*, PPG4 – *Industrial and commercial development and small firms*, PPG6 – *Town centres and retail developments* and PPG13 – *Transport*.

**Inspector's reasons**

***Issue 1 – Policy matters***

**Restraint on employment uses**

10. Turning firstly to the development plan. I note that employment restraint in Oxford is to be mainly achieved by restrictions on the supply of new land for employment generating development as described in paragraph 4.23 of the LP. The parties agree that the appeal site falls within category e of policy EM2, that is a prior employment use not in Class B where proposals for Class B development will be considered on their individual merits and in the light of other policies. Paragraph 4.24 indicates that the criteria for assessing such a case will include the importance of the existing use; previous employment density; potential employment generation; potential traffic generation; environmental impact and relative suitability of the site for other uses. I shall consider these in turn.
11. The appellants have submitted information about the marketing of the site after the lease was surrendered by Motorworld in March 2000. No interest was shown by motor dealers and it is occupied by a bathroom company on a short term lease. From the information provided, I accept that the site is not as large as normally sought by motor dealers today and the Council has not provided evidence to show that it is important to retain it in this use.
12. The appellants state that the previous garage use provided about 40 full time equivalent jobs. The use involved the sale of new and used vehicles and the servicing of up to 40 vehicles per day. They estimate that the proposed office development could employ some 180-200 people although the Council's estimate is 121, based on a comparison with a recent development on the Oxford Business Park. The appellants point out that the unemployment rate for the South Ward, in which the appeal site lies, is about twice that for Oxford as a whole and that the proposal could assist in the aim of maximising employment for the existing population.
13. The previous traffic movements are described in the Statement of Common Ground, together with a transport consultant's report on the proposed traffic impact. This indicates that there would be fewer trips in both the morning and evening peak hours as a result of the appeal development, even based on the floor space of 2856 as originally submitted.
14. As far as the environmental impact is concerned, I accept that there would be no significant harm to the living conditions of the occupiers of nearby houses nor to ecological interests.
15. Other suitable uses are said to include a petrol filling station, showroom or a mixed residential/office use. McDonalds have shown recent interest in the site although their application was refused. It has not been suggested that the site is required for an important alternative use and it does not have an allocation in the LP.
16. In summary, I find that the only one of these criteria which gives rise to concern is the increased employment density which the Council believes could lead to further inflow of employees from outside Oxford, resulting in increased traffic congestion and pressure on housing. However, the Council agrees that re-use of the existing building for B1 office purposes would be acceptable and also that redevelopment with a single storey of offices above the car park would not increase the floorspace to a stage where these concerns would justify the refusal of permission. The issue between the parties is therefore the amount of floorspace above this which would be acceptable. Clearly, there could be a situation where

the redevelopment of a site falling within LP policy EM2e was of such intensity that it would undermine the objectives of the development plan. However, the Council has not been able to provide evidence to demonstrate that the appeal scheme would have this harmful effect.

17. I have concluded that the proposal is acceptable in terms of the criteria of LP paragraph 4.24. However, in my view, the assessment of the individual circumstances of each case for the purposes of LP policy EM2e requires also an analysis of the location in terms of sustainability because this is an important aim of the development plan and national policies.

#### **Sustainability**

18. The appeal site lies just off the A4144 Abingdon Road, the main route into Oxford city centre from the south, and close to its junction with the ring road. I saw from my inspection that traffic moves slowly into Oxford from this point but that it is well served by the buses from the adjacent park and ride site which run very frequently to and from the centre. The Council's witness stated that the appeal site was on the fringe of the built up area and regarded this as an out-of-town location where it would be undesirable to concentrate development. The LP proposals map does not define a settlement boundary for Oxford, however, the appeal site is excluded from Green Belt or other open land notations, it is already developed and it is contiguous with the residential area to the north. It is my view that, in terms of the definitions in Annex A to PPG6, this is an out-of-centre rather than out-of-town location.
19. The appeal site is accessible on foot from the nearby residential area and parts of east Oxford via Donnington Bridge. It also lies next to the cycle way which is a pleasant and safe route from south and east Oxford. The park and ride bus provides a fast and frequent service with discounted fares which make the site accessible for employees living in other parts of Oxford who wish to use public transport. In my opinion, this location performs well in terms of the sustainability objectives of the development plan and national policies.
20. The Council believes that it is necessary for the appellants to show that they have followed a sequential test to justify the development of this land. LP policy EM12 encourages office uses to locate in the city centre but does not prohibit them elsewhere. The deposit local plan is more restrictive than the existing adopted LP in that it requires evidence of need and a sequential test but that has only reached an early stage in its progress towards adoption so can be accorded only limited weight. Paragraph 1.15 of PPG6 also refers to the sequential test being used for all key town centre uses which attract a lot of people, including commercial and public offices. However, paragraph 1.8 indicates that this approach is for identifying additional sites. The appeal site is currently in employment use and is not an additional site. If it were, the Council could have required a sequential approach to any office redevelopment of whatever scale whereas it agrees that there is no objection in principle to a scheme with lower floorspace.

#### **Local occupancy**

21. Although the question of limiting the occupancy of the proposed offices to local firms was discussed at the Inquiry, I do not find any reason for this to be needed. In particular, the second part of LP policy EM2 which covers this matter does not relate to the appeal site as that falls within category e.

### **Conclusion on first issue**

22. My conclusion on this issue is that the appeal proposal does not conflict with LP policy EM2e, nor does it undermine the objectives of the development plan. In terms of national policies, it is in a location with good access by means other than the private car and I find that the refusal of planning permission is not justified on these grounds.

### **Issue 2 – Impact on the character of its surroundings**

23. The appellants' view is that this island site is located at a gateway into Oxford where a landmark building would enhance the locality. 'Landmark' is defined in the CABE and DETR document *By Design* as a building or structure that stands out from its background by virtue of height, size or some other aspect of design. The Council does not dispute that the appeal proposal would provide a high quality building of modern design but considers that it would harm the character of its surroundings primarily by reason of its height.
24. At the site inspection I saw that the appeal site faces open land in the Green Belt on the other side of Abingdon Road. This land is water meadows which separates the built up area of south Oxford from that of East Oxford and there are belts of trees along the river banks and hedge lines. The other major feature in the locality is the park and ride site which is extensive, open and well screened by mature trees so that it appears to be part of the landscape from all but very close quarters.
25. I note that part of the design approach has been to echo the line of the terraced houses which front the Abingdon Road just to the north of the appeal site. I agree that, although only two storey, these are imposing both in their height and arrangement. The appellants' witness Mr Halls estimated that these have a ridge height above road level of some 9.5m whereas the appeal building would be about 11m to the top of the parapet of the main office wings, the central atrium being higher. Adjoining trees are estimated to be about 9-10m high.
26. While the relationship of the appeal building to the nearby houses is acceptable in terms of height and scale, I consider that its impact on the open, green and low-key character of the wider surroundings would be harmful. This would be particularly so because of the height and mass of the building and the fact that most of the site would be enclosed to form the ground floor car parking area. Minimal space would be left on the eastern side for tree planting and the landscaped area on the northern side would not be generous. In my opinion, this would make the development appear stark and over dominant by contrast with the green and open surroundings which characterise this area. The proposed building would intrude into views from the Green Belt and take away from its open character. For these reasons, I consider that the impact of the proposal on its surroundings would fail to accord with SP policy G2 and LP policy EN76 such that permission should be refused.

### **Other matters**

27. I have noted the objections made at application stage by nearby occupiers and the South Oxford Residents' Association on the grounds of traffic danger and inconvenience. However, the evidence suggests that traffic resulting from the appeal development would not be greater than for the previous use and this point has not contributed to my decision.

**Conclusions**

28. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

29. In exercise of the powers transferred to me, I dismiss the appeal.

**Information**

30. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

*Sean Jones*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr P Shadarevian of Counsel, instructed by the Solicitor to Oxford City Council  
He called  
Mr P Turner MSc MRTPI Assistant Principal Planner, Oxford City Council

### FOR THE APPELLANT:

Mr N Cameron of Counsel, instructed by Kemp and Kemp, Elms Court, Botley, Oxford OX2 9LP  
He called  
Mr T Halls BA(Hons) Partner, HHB Architects, 1. Elm Place, Eynsham, Oxford OX8 1PU  
DipArch RIBA  
Mr S Sensecall BA(Hons) Partner, Kemp and Kemp  
DipTP MRTPI

## DOCUMENTS

Document 1 List of persons present at the Inquiry  
Document 2 Copy of Council's letter of notification of the Inquiry and list of persons notified  
Document 3 Copy of letter of objection at application stage from Valerie Walton, 404 Abingdon Road  
Document 4 Extracts from the Oxford Local Plan 1991-2001 including proposals map  
Document 5 Extract from the Oxfordshire Structure Plan 2011  
Document 6 List and map of development sites in the First Deposit Oxford Local Plan  
Document 7 Letter dated 9 July 2002 from Oxford City Council to Mr P Jewson  
Document 8 List of suggested conditions submitted by the Council  
Document 9 Draft occupancy condition submitted by the Council  
Document 10 Draft occupancy condition submitted by the appellants  
Document 11 Statement of Common Ground  
Document 12 Appendices to statement of Mr Turner  
Document 13 Appendices to statement of Mr Sensecall

## PLANS

Plans A 1-7 Application plans  
Plans B 1-2 Drawings showing amended site boundary as agreed at the Inquiry

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