

East Area Planning Committee

6th September 2012

Application Number: 11/02960/FUL

Decision Due by: 11th January 2012

Proposal: Conversion of offices to form 6 flats (2x3 bed, 3x2 bed and 1x1 bed) and 1x3 bed house, gardens, car parking, cycle parking, refuse storage and landscaping.

Site Address: Temple Court Business Centre, 107 Oxford Road (**Site Plan: Appendix 1**)

Ward: Cowley Marsh Ward

Agent: John Philips Planning Consultancy

Applicant: Manlet Group Holdings Ltd

Recommendation:

To support the development in principle but defer the application in order to draw up a legal agreement in the terms outlined below, and delegate to officers the issuing of the notice of permission, subject to the conditions set out below upon completion of the agreement.

- 1 The proposed conversion and change of use would make an efficient use of previously developed land in a manner that would deliver a balanced and sustainable mix of accommodation for the East Oxford Neighbourhood Area. The proposed physical alterations would improve the visual appearance of the building, to the benefit of the surrounding area. The proposal would safeguard the residential amenities of the adjoining properties and provide a good standard of internal and external living environment for the future occupants of the proposed housing. The dwellings would provide a level of off-street parking which would be considered suitable for a sustainable area such as this, and would be acceptable in highway terms. The proposed development would accord with the overall aims of the National Planning Policy Framework and the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and the emerging Sites and Housing Plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give

rise to can be offset by the conditions imposed.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of materials
- 4 Details of refuse and cycle storage
- 5 Landscape plan required
- 6 Landscape carried out by completion
- 7 Details of car parking management
- 8 Pedestrian walkway to be provided on site
- 9 Design - no additions to dwelling
- 10 Details of privacy screen for office stairway

Legal Agreement:

Affordable Housing Contribution

- Fixed sum of £25,779 prior to first occupation
- A further payment if the actual GDV from 6 flats exceeds £1,260,000 (precise details set out in this report)

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP11 - Landscape Design
- CP13 - Accessibility
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP9 - Creating Successful New Places
- HS11 - Sub-Division of Dwellings
- HS19 - Privacy & Amenity
- HS20 - Local Residential Environment
- HS21 - Private Open Space
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities

Core Strategy

- CS2_ - Previously developed and greenfield land
- CS13_ - Supporting access to new development
- CS17_ - Infrastructure and developer contributions
- CS18_ - Urban design, town character, historic environment
- CS23_ - Mix of housing
- CS24_ - Affordable housing
- CS28_ - Employment sites

Sites and Housing Plan

- HP4_ - Affordable Homes from Small Housing Sites
- HP9_ - Design, Character and Context
- HP12_ - Indoor Space

HP13_ - Outdoor Space
HP14_ - Privacy and Daylight
HP15_ - Residential cycle parking
HP16_ - Residential car parking

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document (Jan 2008)

Relevant Site History:

84/00039/NF - Land between 101 and 111 Oxford Road Cowley - (1) 3 storey block of 12 one bedroom flats. (2) 2 storey block of 5 flats (3) Change of use of part garden of 111 Oxford Road (4) Retention of 101 Oxford Road as dwelling house (5) Formation of new accesses: Approved

84/00041/NF - Land between 101 and 111 Oxford Road Cowley - (1) 3 storey block of 12 one bedroom flats. (2) 3 three bedroomed houses.(3) 3 storey office block. (4) Retention of 101 Oxford Road as dwelling house. (5) Formation of new accesses: Refused

84/00042/NF - Land between 101 and 111 Oxford Road Cowley - (1) 6 two storey one bedroom flats. (2) 3 storey detached office block. (3) 3 storey attached office block. (4) Change of use of part of garden of 111 Oxford Road. (5) Retention of 101 Oxford Road as dwelling house. (6)Formation of new accesses: Refused

04/00344/FUL - Change of use from office (Class B1) to use for education (Class D1): Approved

08/00851/FUL - Change of use of former fitness centre and night club and conversion to form 8 flats (3x1 bed, 3x2 bed and 2x3 bed) plus 8 car parking spaces, bin and cycle stores: Approved

08/01128/FUL - Alterations and conversion of part existing leisure building to offices. Reorganisation of car park (Temple Court, 107 Oxford Road): Approved

11/02152/FUL - Proposed conversion of offices to form 8 flats (3 x 1-bed, 3 x 2-bed and 2 x 3-bed), car parking cycle parking and bin storage: Withdrawn

Representations Received:

None

Statutory and Internal Consultees:

Thames Water Utilities Limited: No objections

Oxfordshire County Council Highways Authority:

The Highway Authority has no objection in principle to the following application. The Highway Authority does raise concern with the amount of parking provided for the proposed dwellings 9 car parking spaces have been allocated for 2x3 bed dwellings,

3x2 bed dwellings and 1x1 bed dwelling and 1x3 bed house. On-plot parking standards states the maximum number of bedrooms within a dwelling to parking spaces provided: 1 bedroom dwellings – 1 space, 2/3 bedroom dwellings – 2 spaces, 4+ bedroom dwelling – 3 spaces.

Officers Assessment:

Site Location and Description:

1. The application site is situated on the northern side of Oxford Road. It is bordered to the south by residential properties that front onto Oxford Road, the Temple Cowley School playing fields to the north, and the flatted development and offices of Temple Court to the east and west (**site plan: appendix 1**)
2. The site comprises a three-storey office building [109 Temple Court] which forms part of the Temple Court Business Centre and the office space of Temple Court Mews. The adjoining office building of 107 Oxford Road is not included within the development.
3. The site is accessed from Oxford Road and includes a large parking area to the frontage which is also shared by the other flatted developments and offices in this collection of buildings.

Proposal

4. Planning permission is sought for the conversion of the offices to form 6 flats (2x3 beds, 3x2 beds, and 1x1 bed) and 1x3 bed dwellinghouse with associated amenity space, car parking, cycle and refuse storage, and landscaping.
5. The proposal would also include a number of alterations to the façade of the building to facilitate the change of use from office to residential accommodation.
6. Officers consider the principle determining issues in this case to be;
 - principle of residential development
 - loss of employment use
 - balance of dwellings
 - residential amenities
 - design
 - impact upon adjoining properties
 - sustainability
 - highway matters

Principle of Residential Development

7. The National Planning Policy Framework [NPPF] encourages the effective use of previously developed land, provided it is not of high environmental value. These aims are embodied within Policy CS2 of the Oxford Core Strategy.

8. The NPPF also states that Local Planning Authorities should identify and bring back into residential use empty buildings in line with local housing and empty homes strategies. Proposals involving the change of use of commercial buildings (currently in class B use) to residential should normally be approved where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.
9. There would be no objection to the principle of converting the building to residential use in accordance with the aims of the NPPF and Policy CS2 of the Oxford Core Strategy, provided there would be no objection to the loss of the employment-generating uses from the site.

Loss of Employment Site

10. The proposal would result in the loss of approximately 750m² of office (Class B1) space from the site [109 Temple Court & Temple Court Mews]. The office building [107 Oxford Road] to the west of the application site will be retained.
11. The site is not designated as a key protected employment site. Policy CS28 states that in considering proposals for the change of use of employment sites that are not protected, it would be necessary to demonstrate that the site has caused or is causing nuisance or environmental problems, or that no other future occupiers could be found despite substantial evidence of marketing and the loss of jobs would not reduce the diversity and availability of job opportunities or available start up business premises.
12. A marketing statement has been submitted by Kemp & Kemp Property Consultants in support of the application. A full marketing campaign for the vacant suites within Temple Court Mews (approved under 08/01128/FUL) and the older existing building at 109 Temple Court has been undertaken for a considerable period time (beginning in January 2008), and by two further agents for over 9 months. The report states that whilst there were some expressions of interest, it has been difficult to secure new tenants despite competitive terms being offered. In the meantime the existing tenants within 109 Temple Court have vacated the premises with the final remaining tenants serving notice. The reasons behind the lack of interest and retention of existing tenants are reported as having ranged from the current economic climate, the difficulty with modernising 109 Temple Court to comply with disability and access regulations, and the surplus of better located office accommodation within Oxford. It is clear that Kemp and Kemp conclude that there is no interest and therefore no value in the site's existing use as an office development. This is important in relation to the viability assessment considered later in this report.
13. Having regards to this evidence, officers consider that a reasonable case has been made to justify the loss of the employment use in accordance with Policy CS28 of the Oxford Core Strategy 2026.

Balance of Dwellings

14. Policy CS23 of the Oxford Core Strategy 2026 seeks to ensure that residential development delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
15. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The application site is located within the East Oxford Neighbourhood Area where there is need to secure a higher proportion of family dwellings as part of the mix for new residential schemes.
16. The proposed development would provide 6 flats (2x3 beds, 3x2 bed, and 1x1 bed) and 1x3 bed dwellinghouse, which would deliver an appropriate balanced mix of housing for the neighbourhood area in accordance with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Affordable Housing

17. Policy HP4 of the emerging Sites and Housing Plan requires residential developments of 4-9 units to provide a financial contribution towards affordable housing. This is calculated as 15% of the combined sale value of all homes on site plus a 5% admin fee. The proposed development would provide 7 units of accommodation which would clearly trigger this policy, and based on the applicants own sales figures would equate to approximately £246,000.
18. The justification text to Policy HP4 makes clear that if the applicant can robustly demonstrate that providing the full contribution would make the development unviable, then the Council will expect an alternative sum to be negotiated on an 'open book' basis. This reflects the normal approach of considering whether there are any material considerations which would justify a departure from the development plan policy.
19. The applicant provided a viability appraisal by VSL and Partners which indicated that the scheme would not be viable if the 15% of the gross development value was sought. Following a review of the appraisal, officers do not consider that the contents provided a robust justification to waive the requirement for a financial contribution. The applicant provided further evidence in support of its case, which also is not considered to be a robust demonstration of the lack of viability. It should be noted that the conclusions of the appraisals undertaken by VSL were based upon the 3 bedroom dwellinghouse being undertaken by the applicant, and not sold separately with a planning permission as is now the case. This on its own renders the viability work undertaken to date irrelevant.
20. Notwithstanding this view the applicant has sought to negotiate a suitable contribution which would meet the aims of Policy HP4, and officers have taken a pragmatic approach with regards to these negotiations with the applicant.

21. The applicant has offered to pay a fixed sum of £25,779 prior to the first occupation of the development. In addition future payments will then be made if the actual gross development value achieves a level higher than a pre-agreed threshold. The agreed threshold would be limited to the 6 flats and would be £1,260,000 which is a discounted figure based on the sales figures within the submitted viability appraisal. For every pound over and above this value, 100% would be required as part of the affordable housing contribution. The applicant actually expects the 6 flats to sell for £1,295,000, which if this is achieved means the overall contribution would be £60,779.
22. The 3 bedroom dwelling (which is valued at £300,000) is excluded from the agreed threshold on the basis that applicant intends to sell the part of the site where the 3 bedroom dwelling is proposed as an individual unit with permission for a dwellinghouse for someone else to carry out the conversion. Including this dwellinghouse within the legal agreement would add a level of complication to any agreement and could impact upon any future sale. The legal agreement would also need to include a trigger mechanism so that a contribution can be made after the 3rd unit has been sold or occupied, and prior to the sale or occupation of the last unit. If the applicant chose to rent the units and not to sell them, a valuation would be calculated based upon an RICS valuation of the units, taking account of their rental yields.
23. While officers did not agree with the contents of the viability appraisal, the proposed heads of terms would provide an initial fixed sum towards affordable housing and enable the Council to catch any uplift in value over the applicant's predicted sales figures set out within the viability appraisal. Therefore the offer is considered appropriate in this instance without undermining the aims of Policy HP4. In this case, the affordable housing contribution would make a limited contribution towards the provision of mixed and balanced communities across Oxford as required by policy HP4, albeit only approximately 10% of what the full requirement would be.

Design

24. Policy CS18 of the Oxford Core Strategy 2026 requires proposals to demonstrate high-quality urban design that responds to the site and its surroundings; create a strong sense of place and attractive public realm; and provide high quality architecture. Policy CP8 of the Oxford Local Plan 2001-2016 also states that the siting, massing, and design of development should create an appropriate visual relationship with the form, grain, scale, materials, and details of the surrounding area. This is supported in Policy HP9 of the emerging Sites and Housing Plan.
25. The design and access statement submitted with the application indicates that the conversion intends to make use of the existing framework of the building and provide some alterations to the façade in order to update a building that has a relatively tired appearance.
26. Officers raise no objection to the general alterations to the buildings façade which would certainly improve its appearance and, when viewed against the collection of buildings within the general surrounds, would have a positive impact upon the

general character and appearance of this area.

Impact upon adjoining properties

27. Policy HS19 states that permission will only be granted for development that protects the privacy or amenity of proposed and existing residential properties, specifically in terms of potential for overlooking into habitable rooms, sense of enclosure, overbearing impact and sunlight and daylight standards. This is also supported through Policy CP10.
28. The proposed alterations would include the provision of balconies on the frontage of the building. These would not have a detrimental impact upon the residential amenities of the adjacent properties in the flatted development and dwellinghouses that front onto Oxford Road in terms of loss of light or privacy. There is already a high level of mutual overlooking between all of these properties as a result of the relationships between buildings which would certainly be no worse, even with the creation of balconies on the frontage of the building. The amenities of the properties to the east of the site approved under 08/00851/FUL will also be unaffected by the proposal. A screen to the stairway serving the existing first floor offices are proposed to have screens fitted to prevent overlooking into habitable room windows and details of this are secured by condition.

Residential Uses

29. The residential accommodation would all be provided with a good standard of internal environment appropriate to the size and type of unit, in accordance with Policy HS20 of the Oxford Local Plan 2001-2016, and Policy HP12 of the emerging Sites and Housing Plan.
30. The units would all be provided with individual amenity areas in the form of balconies or private gardens which would be of an appropriate size for the type of accommodation they serve. They would all be south-west facing and would therefore receive sufficient levels of natural light, which would improve the quality of the spaces. As such officers consider that the proposal would satisfy Saved Policies CP10, HS20, and HS21 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.
31. There would be sufficient space within the site for suitable refuse and cycle storage to be provided which is in an accessible and practical location in accordance with Policies CP10, HS19, and HS20 of the Oxford Local Plan 2001-2016, and Policy HP13 of the emerging Sites and Housing Plan.

Sustainability

32. In terms of sustainability, the proposal would seek to make an efficient use of land by converting an existing building into a viable use. The conversion would seek to reduce overall energy consumption by minimising the internal and external alterations to provide the residential accommodation. The units will comply to current building regulations, and makes best use of natural light and ventilation in their design.

Highways

33. The submitted site plans show a total of 9 off-street parking spaces within the frontage, which would be utilised by the development. The Local Highways Authority have indicated this would be below the maximum standards in the Local Plan which requires 1 space for the 1 and 2 bed units and 2 spaces for the 3 bedroom units. These standards are maximum parking standards and it is recognised that the site is in a sustainable location which is well served by public transport and has a range of facilities within a reasonable distance. Therefore officers consider that the location would support a reduction in parking provision.
34. The application has not stated whether or not these spaces would be allocated to each flat and which would provide visitors parking. A condition should be attached to any grant of permission which requires details of the car parking management for the flats.
35. The Local Highways Authority has stated that the nature of the development will alter the amount of pedestrian movements through the current parking area and along the access road. The residential use will result in more pedestrian movements including mother and toddlers etc, and as such it is necessary to ensure that the parking area can enable safe pedestrian movement. The site plan has shown the route of a designated pedestrian walkway through the site, and has satisfied the Local Highways Authority. This could be achieved through condition.

Conclusion:

36. The proposal would accord with the relevant national and local plan policies and officer's recommendation to the Members of the East Area Planning Committee is that planning permission should be granted subject to the completion of a legal agreement, and the conditions for the reasons listed above.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

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

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Date: 22nd August 2012