

## East Area Planning Committee

7<sup>th</sup> November 2018

<b>Application number:</b>	18/01758/FUL		
<b>Decision due by</b>	8 <sup>th</sup> November 2018		
<b>Extension of time</b>	TBA		
<b>Proposal</b>	Change of use of 244 Barns Road from office use (retention of some B1 floor space at ground floor level) to 27 x 1-bed flats, including creation of a fourth storey at roof level. Associated external alterations. Provision of bin and bicycle storage. (Amended Plans).		
<b>Site address</b>	244 Barns Road, Oxford		
<b>Ward</b>	Cowley Ward		
<b>Case officer</b>	Clare Gray		
<b>Agent:</b>	JPPC	<b>Applicant:</b>	Cantay Estates Ltd And GreenSquare Group Ltd
<b>Reason at Committee</b>	The proposals constitute major development		

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## 1. RECOMMENDATION

1.1. The East Area Planning Committee is recommended to:

1.1.1. **refuse the application** for the reasons given in the report and as follows

1. The proposal represents an unsustainable form of development that would result in the loss of a key protected employment site. Inadequate evidence has been put forward to justify a departure being made from the development plan policies that seek to protect and safeguard these sites in order to maintain a sustainable distribution of business premises and employment land within Oxford. As a result the proposal would be considered contrary to policy CS28 of the Oxford Core Strategy 2026.
2. The proposed development fails to provide adequate functional and good quality indoor and outdoor amenity space for the occupants of the student accommodation contrary to the provisions of HP12 and HP13 of the Sites and Housing Plan 2011-2026.
3. The proposed development would result in the loss of significant trees that contribute to the visual amenity of the application site and

insufficient details have been submitted regarding their replacement to mitigate their loss and impact on visual amenity in the area. The proposal would be contrary to adopted policies CP1 and NE15 of the Oxford Local Plan 2001-2016

4. The applicant has failed to demonstrate through the submission of a viability assessment that it is not viable to provide a minimum of 50% affordable housing as required by policy HP3 of the Sites and Housing Plan. Further, had the above overriding reasons not applied, the Local Planning Authority would have required the applicant to enter into a Planning Obligation Agreement to secure affordable housing provision in accordance with policy HP3 of the Sites and Housing Plan 2011-2026.

## **EXECUTIVE SUMMARY**

- 1.2. This report considers a planning proposal relating to an existing but vacant 3 storey office building which provides 1102 sqm gross B1 office space. The scheme seeks to retain 165 sqm office space on the ground floor with the partial conversion of the ground floor to 4 flats, and the conversion of the 1<sup>st</sup> and 2<sup>nd</sup> floor to 16 flats. A further 4<sup>th</sup> storey is sought to be built on the roof of the building to create a further 7 flats, providing a total of 27 x 1 bed flats.
- 1.3. The report considers the loss of a key protected employment site, the conversion of the building for residential, the quality of accommodation provided, the highway impact and impact on trees. It is concluded that the proposal would be contrary to the aims of policy CS28 to retain key protected employment sites, contrary to affordable housing policy HP3, that 2 flats will not meet the National Minimum Space Standards, will not provide a quality useable outdoor space and fails to demonstrate that replacement trees are of a standard and type to compensate and mitigate against the loss of existing trees on site. The proposal is therefore contrary to policies contained within the Oxford Local Plan, the Core Strategy and the Sites and Housing Plan.

## **2. LEGAL AGREEMENT**

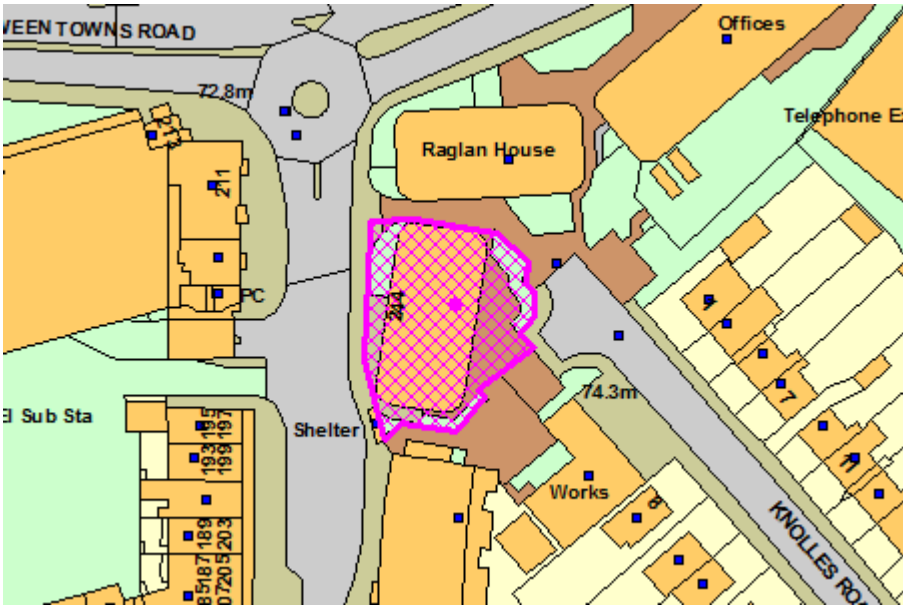
- 2.1. This application would be required to enter into a legal agreement to cover affordable housing however, as the application is contrary to policy and is recommended for refusal, has not been sought from the applicant.
- 2.2. Members should be advised that should they resolve to approve the application, a legal agreement would be required to secure an affordable housing contribution in accordance with policy HP3 of the Sites and Housing Plan 2011-2026.

## **3. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 3.1. The proposal would be liable for CIL payment of £47,869.77 if permission was to be granted

## **4. SITE AND SURROUNDINGS**

- 4.1. The site relates to a substantial B1 office building which is sited on a prominent roundabout junction at the corner of Barns Road and Between Towns Road, within Cowley Centre, a primary district centre.
- 4.2. The building comprises 3 storeys and is of a brick construction built with a distinctive red brick and comprises a ramped access to the front. To the rear of the site is a small amenity area with a total of 7 established trees planted in raised planters. To the rear is a refuse store.
- 4.3. The building lies to the south of a turning head at the end of Knolles Road, which is a street comprised of residential dwellings and is located between Raglan House and the recently constructed Green Square residential building. To the west beyond Barns Road is Templars Square Shopping Centre. To the north on the opposite side of the roundabout is a redundant former petrol filling station.
- 4.4. The site along with Templars Square Shopping Centre is defined as being located with the Primary District Centre as defined in the Local Plan and Core Strategy. The application site, Raglan House, and offices on Between Towns Road and the Telephone Exchange on St Lukes Road are also defined as Key Protection Employment Site in in the Core Strategy
- 4.5. See site location plan below:



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Ordnance Survey 100019348

**5. PROPOSAL**

5.1. The application proposes a substantial conversion of the building to change the use of part of the ground floor and change the use of the first and second floor to residential use. A further third level (fourth storey) is sought at roof level, providing a total of 27 x 1 bed flats. The flats are accessed off Barns Road with a stairwell and lift sited in the middle of the building with flats accessed off a central corridor. All 27 flats will be single aspect.

- 5.2. On the ground floor the scheme proposes to retain 2 offices providing 165.1 sqm of B1 office space with the entrance from Barns Road. On the ground floor 4 flats will be provided on the eastern side of the building but with access from Barns Road. On the first to second floor is proposed 8 flats per level all with separate balcony. The newly created third floor will provide 7 flats with a roof terrace to each flat.
- 5.3. Within the immediate setting of the building is proposed 65 cycle spaces, with 41 residential spaces to the rear, 12 office and residential spaces to the side and 12 visitor spaces to the front. A bin store to the side of the building, to provide 8 x 770 litre euro bins. This number of cycle spaces has been amended during the course of the application.
- 5.4. The scheme is promoted as car free. Two disabled spaces are provided off Knolles Road within an existing off-site parking area.
- 5.5. To the rear of the site are 7 established trees within planters including 4 maples silver birch. The application proposes to remove 5 trees (4 maples and a silver birch), retaining 2 (scots pine) of the 7 and to plant 3 additional replacement trees. This removal is to enable the provision of cycle store and amenity space to the rear.
- 5.6. The rear of the site, to the north, is proposed to be enclosed by a new low brick wall of 500mm-800mm height with a close boarded fence creating a perimeter enclosure of 1.8m height.

**6. RELEVANT PLANNING HISTORY**

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

<p>03/02384/FUL - OXFORD CITIZENS HOUSING ASSOCIATION; Provision of new ramp and alterations to entrance. PER 6th February 2004.</p> <p>80/00745/GO - Outline application for office development totalling 54,000 square feet. (Site of Raglan House, 23 Between Towns Road, 21 Between Towns Road and 244 Barns Road). DMD 25th September 1980.</p> <p>82/00569/NF – Three-storey office block totalling 13,500 sq. ft. (Phase 3 : Site 5) (244 Barns Road). PER 25th October 1982.</p> <p>94/01737/NF - Continuation of use as offices without complying with Condition 4 on NF/569/82 which restricts use to 'local users'. PER 21st February 1995.</p> <p>18/01449/FUL - Change of use from Office Use (Use Class B1 (a)) to student accommodation (Use Class C2). Erection of 3rd floor extension to accommodate student accommodation and ancillary facilities. Insertion of 6no. windows and alterations to windows to north elevation. Insertion of 6no. windows and alterations to windows to south elevation. Insertion of solar panels to the roof. Erection of new fencing. Installation of external cladding. Alteration to door to window to west elevation. Provision of amenity space, cycle stores and bin</p>
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stores and associated landscaping. (additional information). REF 21st August 2018.

## 7. RELEVANT PLANNING POLICY

7.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy	Sites and Housing Plan	Other planning documents
Design	12	CP1, CP8 CP9, CP10, CP11	CS18	HP9	
Housing	5, 11		CS2	HP3,HP12, HP13, HP14 HP15, HP16	
Commercial	6		CS27, CS28		
Natural environment	14, 15	NE15			
Transport	9			HP15, HP16	Parking Standards SPD
Environmental	11, 14		CS10, CS11 CS12		Energy Statement TAN
Miscellaneous	7, 10	CP.13 CP.24 CP.25		MP1	Telecommunications SPD, External Wall Insulation TAN,

## 8. CONSULTATION RESPONSES

8.1. Site notices were displayed around the application site on 26<sup>th</sup> July 2018 and amended site notices were erected 4<sup>th</sup> October 2018, and an advertisement was published in The Oxford Times newspaper on 26<sup>th</sup> July 2018.

### Statutory and non-statutory consultees

#### Oxfordshire County Council (Highways)

8.2. Original comments: Objection. The County Council does not object to the principle of this development, however the objection has been raised in relation

to the lack of information on cycle parking. Given the car free nature of this development, the provision of cycle parking is important.

Amended comments to amended plans: No objections.

The requisite number of 65 cycle spaces is now provided which accords with adopted standards.

Thames Water Utilities Limited

8.3. No objection

Natural England

8.4. No objection. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Thames Valley Crime Prevention Design Adviser

8.5. No objections although would ask that further information is provided.

**Public representations**

8.6. 10 representations were made on this application from addresses in St Lukes Road, Coleridge Close, Cowley Road, Denton House, Barns Place, Kingsmead House and Abbey Road.

8.7. In summary, the main points of objection were:

- The scheme is the same as the student accommodation application that was refused.
- This is an application for change of use from offices to student accommodation. This is a key protected employment site and its loss is contrary to policy CS28 of the Core Strategy.
- The proposal is based on the idea that there is no demand for office space in that location. This is not true. My company is being forced out of its offices in central Oxford by the West End Area Action Plan and the offices at 244 Barns Road are ideal for us. We visited the site yesterday and we would like to buy it to use as our offices (and to sublet some of it to start ups). If the building is converted this will not be possible.
- Overall there is a lack of office space between 2000 and 20000 in Oxford, and very little priced at less than £20/sqft for renting. Much of what is available is in places like Park End Street and Osney Mead but all of this is likely to be replaced by higher priced larger spaces as part of the development plan
- Although the property has been on the market for two years, the squeeze on central property availability is only just beginning, so it is too early to give up and allow the building to become student accommodation. It is important for the vitality of the city that sites like 244 Barns Road are

retained as office accommodation.

- Representations from managing director and editorial director of Media Analytics Ltd. We have been looking for alternative office space since our landlord told us we cannot stay in our current space beyond 1st January 2020. Most of the available alternatives are either too large for us, too expensive, or too far away. We would like to move in 244 Barns Road as it would be cheapest and most convenient option for us (and for me personally as I live locally). If Oxford City Council does not maintain its Key Protected Employment Sites successful start ups such as our own will find it difficult to thrive in the city.
- Also as a local resident consider that there is already too much student accommodation in the area.
- Overdevelopment of the site including the provision of the 4<sup>th</sup> floor, with little in the way of services and facilities to support it
- One bed flats are providing for out of town housing use. There is a real shortage of housing for existing residents in Oxford and there is not enough balance with a lack of 2 bed flats.
- Concerns regarding party noise and being dirty
- Support car free, however, no of car parks nearby close at 6pm. Further parking restrictions are ignored and not enforced. Will place pressure on existing car spaces. There is evidence of parking cars on street when parking is already congested (building properties without any parking provision is frankly unsustainable as people will just park wherever they can, causing trouble for others). The cycle infrastructure in Oxford does not assist in getting people to use bikes. Cycle parking must be built to standard.
- Why more students accommodation when young professional struggle so much to house themselves in Oxford? Hiring clerical and domestic staff has become increasingly difficult as they are unable to afford Oxford crazy housing prices.
- Since the building height has been increased, have you thought about installing a green roof or at least a roof garden to help sustain the local ecology? There are missed opportunities for enhancing wildlife and biodiversity here contrary to the NPPF
- Is there anything in place to prevent damage to the large trees surrounding the building? Those are not easily replaceable, they are old and provide much needed greenery in the area. There appears to be a loss of landscaping and reduction in trees

### **Officer response**

8.8. A response to the majority of the points is made in the evaluation section of the report, but it is necessary to clarify that the comments made refer to a scheme for student accommodation which in actual fact was a separate application, reference 18/01449/FUL that was refused 21<sup>st</sup> August 2018.

8.9. It is also necessary to clarify that of the total responses received above, 6 separate responses made were related to those with a business interest in one company, Media Analytics Ltd.

## **9. PLANNING MATERIAL CONSIDERATIONS**

9.1. Officers consider the determining issues to be:

- Principle of development
- Affordable housing
- External alterations and impact
- Trees
- Indoor and outdoor amenity
- Bin storage
- Highways/Parking
- Cycle parking
- Energy
- Biodiversity

### Principle of development

9.2. The National Planning Policy Framework has a presumption in favour of sustainable development, of which there are 3 distinct objectives - social, economic and environmental – that are key to achieving sustainable development.

9.3. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development.

9.4. Paragraph 121 of the NPPF states “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework.”

9.5. The Oxford Core Strategy encourages development proposals to make an efficient use of land in built up areas through Policy CS2. CS27 of the Core Strategy states “The City Council will support Oxford’s key employment sectors and clusters, whilst maintaining the necessary infrastructure and local services to ensure a sustainable economy”. CS28 of the Core Strategy relates to the

protection of existing employment sites and states that “Planning permission will not be granted for development that results in the loss of key protected employment sites”, to ensure that there is a retention of adequate employment space across the city.

- 9.6. The site is identified in the Core Strategy as a protected key employment site, sited alongside Raglan House which is also a key protected employment site. Policy CS28 is clear that the loss of key protected employment sites will not be granted planning permission.
- 9.7. The policy goes on to state that in respect of other employment sites, that planning permission will only be granted for the change of use or loss of other employment sites subject to the 3 criteria, but this is not applicable for key protected sites. Nonetheless those criteria are;
  - a. Overriding evidence is produced to show that premises are causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated, or
  - b. No other future occupiers can be found despite substantial evidence to show the premises or site has been marketed both for its present use and for potential modernisation or regeneration for alternative employment generating uses, and
  - c. The loss of jobs would not reduce the diversity and availability of job opportunities and it does not result in the loss of small and start up business premises, unless alternative provision is made in Oxford.
- 9.8. The proposal will result in the loss of 936.9sqm of office floorspace and thus will clearly result in a loss of a key protected employment site, which under policy CS28 is not permissible. Whilst the applicant has sought to retain a degree of employment on the ground floor to address this policy requirement, this is a significant loss of B1 office floorspace and would remove a key identified source of employment land from Oxford’s supply, contrary to the aims and objectives of policy CS28 to ensure sufficient land exists to support Oxford’s local and regional economy.
- 9.9. In the Planning Statement the applicant acknowledges that site is a key protected site for employment under CS28 but nonetheless looks to present a case that would demonstrate material considerations that would enable a departure from this policy. In this case the agent looks to the following; the emerging policies under the review of the Local Plan and the evidence based documents, principally the HELAA and Employment Land Assessment to support a change of use proposal; a marketing campaign undertaken since August 2016 and recent appeal decisions in the city.
- 9.10. In support of the scheme the planning agent argues that in the HELAA there is sufficient land coming forward across the city to compensate for the loss of office space at 244 Barns Road and its loss would be insignificant with there being an ample supply of employment land to compensate. Further the agent argues that much of the supply is accounted for by large developments at the Business or Science Parks rather than District Centres. The agent goes on to state that the site has been marketed since August 2016 and there has been a lack of interest

expressed in the premises with demand for office space being either for units up to 5000sqft in size or for units of 20,000sqft or greater. They argue that demand for units between these thresholds appears smaller and that this can be met with newer, more energy efficient fitted accommodation on the Business or Science Parks where there is better allocated parking in greater supply. Further the agent points to an appeal decision in 2015 for a loss of employment site to student accommodation which was deemed by the Inspector not to materially affect the diversity and availability of job opportunities in Oxford. However, in the case of the quoted appeal decision, officers would make members aware that this site was not a key protected employment site under CS28.

9.11. Overall, the agent argues that these factors along with the previous statement in the NPPF (March 2012) that authorities should avoid long term protection of sites allocated for employment (which is not a direct policy statement in the revised NPPF July 2018), provides justification for the loss of this employment site for alternative uses.

9.12. However, this is a position that is not agreed by Officers. The planning system is required by law to be plan led and the application should be assessed in accordance with the development plan policies which comprises the recently published NPPF and the up-to-date Core Strategy. Policy CS28 is clear that planning permission should not be approved for the loss of key protected employment sites, that key protected employment sites are vital to support Oxford's local and regional economy. The policy does not enable the loss of employment sites subject to exceptions criteria and these exceptions criteria are relevant for the assessment of loss of non-protected employment sites and as such is not applicable.

9.13. 244 Barns Road lies in a sustainable location within a district centre, served by a high quality bus service and continues to provide meaningful office space at a smaller scale which is furthermore affordable. Whilst the location may be considered by the agent to be 'secondary' it has been well used previously by office users in the past. It is considered that some office users actively choose not to use the Oxford Business Park owing to the considerable price involved, and therefore this site does offer an option and as a matter of principle, the retention of the site does help to contribute to a very limited supply. Indeed in the representations received during the course of the planning application, have shown that there is interest in the continued use for office space, contrary to the claims of the applicant. A business has indicated the potential of this site to serve their needs and offers their business the right accommodation in the right location at the right rental.

9.14. In relation to the recent changes to the NPPF the Government have clarified their position on the protection of employment land in the consultation paper on the Draft, which now states as follows: *'the approach to reallocating under-utilised land is aimed at avoiding long-term protection of land that has little prospect of contributing to the identified development needs of the local area, rather than undermining a necessary and deliverable supply of employment land.'* This emphasises and supports the principal role of the protected employment sites as an essential part of the City's employment land supply, a point that was recognised by the SOS in allowing Oxford to have an Article 4

Direction which seeks to allow control over the loss of office buildings to residential. This site is subject to the Article 4 Direction. Moreover its loss would not be compatible to policies to ensure sufficient employment land exists for supporting Oxford's economy. There is no need to consider that just because the office is vacant now that it cannot make a worthwhile contribution to employment land supply and continue to provide useful and functional employment land going forward.

9.15. The planning statement has regard too to the emerging Local Plan which looks at categories of employment land as category 1 and category 2. The site is identified in the emerging Local Plan as a category 2 site. The emerging policies states that permission will not be granted for the loss of employment on category 2 sites where the redevelopment creates new housing or community use; and the number of employees in B class uses on the site when the site was at full capacity is retained; and more efficient use of land can be demonstrated. Although the emerging Local Plan has been adopted by Council it has not been subject of examination. Therefore this emerging policy can only be given limited weight given the early stage of the Local Plan process. It is clear from the above that the proposal would not meet the criteria of the emerging policy in that it would considerably reduce the level of available floorspace and the employment numbers that could be provided within the retained space would not match what could be provided in the building if it was at full capacity. The applicant has suggested that the current occupant of the building (Green Square) employs around 32 permanent members of staff and these could be accommodated within the retained B1 office space. As such they consider that the proposal would accord with the emerging policy. However, officers would not agree with this view, as it fails to consider what the policy actually says in terms of ensuring there is no reduction in the employment numbers that could be provided when the building is at full capacity (i.e. over the three floors). The fact that Green Square currently employ 32 permanent members of staff within the whole building, and could provide this number within the reduced floor space, would ably demonstrate that the existing building is currently under-used for employment and that it could provide space to employ in excess of 32 employees when taken over the entire available floorspace. So in actual fact the applicant has actually provided evidence to demonstrate that they do not meet the requirements of the emerging policy. The emerging policy identifies Category 2 sites as performing well and having long term potential for employment uses and therefore along with Category 1 sites having protection. Although the policy allows for some flexibility to allow for potential changes in circumstance, it is clear that the emphasis is to enable a more efficient use of land, but only in a manner, that retains level of employment that could be achieved. Therefore it could not reasonably be asserted, as the applicant has done, that the proposal would accord with the direction of travel of emerging policy. In any event, officers would also make clear that this emerging policy has limited weight in the determination of the application, and the dominant Oxford Core Strategy Policy CS28 which seeks to protect these Key Protected Employment Spaces would have greater weight.

9.16. Overall, this site is a key protected employment site which seeks to safeguard this site for its present employment use or allow for its modernisation for an alternative employment use. Policy CS28 does not allow its loss and neither

have material considerations been presented that would justify a departure from policy.

### Affordable Housing

- 9.17. Sites and Housing Plan Policy HP3 requires that planning permission will only be granted for residential development on sites with capacity for 10 or more dwellings if generally a minimum of 50% dwellings on the site are provided as affordable homes.
- 9.18. The Planning Statement supporting the application considers that providing 50% is not appropriate or viable and they argue that a financial contribution equivalent to 15% of the total sale value of the development to be applied for off site provision, should be provided instead as they consider this has a greater value than 50% on site provision.
- 9.19. However, the policy clearly requires that exceptions to the policy for 50% on site provision will only be made if it can be adequately demonstrated that this level of provision makes a site unviable, in which case developers will work through a cascade approach.
- 9.20. In this instance, the applicant has not provided a viability assessment to evidence that the provision of 50% on site affordable housing is not viable. Moreover, the applicant has not justified through evidence why this provision cannot be reduced through the cascade approach, and furthermore, there is no evidence to substantiate why a 15% development value sum is appropriate or justified. In the absence of being able to provide evidence as required by the policy, that the proposal is considered to be contrary to policy HP3 of the Sites and Housing Plan.

### External alterations and impact

- 9.21. Policy HP9 of the Sites and Housing Plan states that planning permission will only be granted for residential development that responds to the overall character of the area, including its built and natural features if it complies with a number of criteria, including where the form, layout and density of the scheme make efficient use of land whilst respecting the site context and heritage assets and where the development makes a positive contribution to local character and distinctiveness.
- 9.22. The proposal comprises a change of use of the existing building and the creation of a fourth storey set in from the outer walls of the building at roof level. In terms of scale and resulting appearance, it is considered that the extension will sit comfortably on the building and will not be a strident addition in the street scene. The recently constructed building alongside the site has a similar scale and mass and on that basis, Officers consider that the proposed building will appear in keeping alongside it. The external façade of the extension will be covered in zinc which is not considered objectionable. The addition of balconies too offers interest and articulation.

- 9.23. Overall the extension and alterations are considered in accordance with policy CP8 of the Local Plan, CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.
- 9.24. In terms of landscaping and trees surrounding the application site, the proposal will remove a small area of existing soft landscaping to the frontage to accommodate bicycle stands alongside the main residential entrance. Further, raised planters alongside the building and the Green Square building will be lost to accommodate bins and 12 office and residential cycles. However the greatest impact is to the rear of the building where it is proposed to fell 5 trees overall and to plant 3 replacement trees.
- 9.25. The Council's Tree Officer objects to the proposal given the removal of a silver birch (T3) and 4 Norway maples (T4 - T7) that grow in raised planters on the east side of the office building for reason that trees are considered significant to public visual amenity in the area because they act to soften and screen the building in public views from the residential street and properties to the east. However, to compensate this loss replacement tree planting is proposed albeit the applicant has yet to confirm what species type and size this will be. At the time of writing this report it hasn't been suitably demonstrated that the proposed replacement trees; which should be advanced nursery stock semi-mature sized trees of appropriate species planted in appropriately designed tree planting pits (for example, using Blue Green Urban Root Cell or a similar product to provide adequate rooting volume, and to include physical support and irrigation measures) to help mitigate the impact on visual amenity in the area as far as possible in the short term, will adequately compensate for the loss of the existing trees on site and to mitigate the impact on visual amenity. Therefore the proposal is contrary to CP1, CP11 and NE15 of the Local Plan.

#### Indoor and Outdoor amenity

- 9.26. Indoor amenity: Policy HP12 states that planning permission will only be granted for new dwellings that provide good quality living accommodation that provides its own lockable entrance, reasonable circulation and adequate storage space. Further it states that planning permission will not be granted for new dwellings if they do not accord with the National Minimum Space Standards.
- 9.27. All 27 flats are 1 bedroom and vary in size from 38.1 sqm to 50.8 sqm. The National Minimum Space Standard for a 1 bed 1 person unit is however 39 sqm and for a 1 bed 2 person unit is 50sqm. Officers confirm that at least 2 x 1 bed flats are below that standard being Flat 9 and Flat 17 which measure 38.1sqm. The flats are subsequently below the National Minimum Space Standards and do not accord with policy HP12 of the Sites and Housing Plan.
- 9.28. Outdoor amenity: Policy HP13 states that planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space where for 1 bedroom flats, there is access to either a private balcony or direct access to a private or shared garden. The supporting text to the policy states that balconies should have a minimum dimension of 1.5m depth by 3m length.

9.29. Whilst there is shown to be a small area to the rear of the building for amenity, the ground floor plan does not indicate that the flats will have direct access to this area and will need to go outside to go into this rear space. It is also clear from the plans that this isn't overly large although this could accommodate the 4 flats on the ground floor. In terms of the flats above, there are private balconies to each flat however, these are all provided at 1m x 2.5m which is below the standard. The upper floor flats are served by a roof terrace but these terraces seem better in terms of useable space. However, overall it is considered the quality of outdoor amenity provision overall is not optimum to serve a development of this size and thus is considered to be contrary to policy HP13 of the Sites and Housing Plan.

#### Bin Storage

9.30. An area of bin storage is shown to the side of the building and is annotated as providing space for 8 x 770 litre euro bins. Oxford City Council Direct Services has commented that an alternative bin storage would be required instead as euro bins are not used, requiring 1100 litre bins instead. However, the gates shown would not be suitable to access the bins, but is considered this could be readdressed through the submission by way of a condition, if approval was granted.

9.31. The principle of the bin store area is compliant with policy HP13 of the Sites and Housing Plan subject to the imposition of a condition to require amendment to the access gate.

#### Highways and Parking

9.32. The site is highly sustainable being located within the District Centre, which is a Primary Centre as categorised in the Core Strategy. The scheme is promoted as car free although 2 spaces are shown as provided for disabled residents/visitors with access from Knolles Road. Whilst locally there has been objection to the proposal on parking grounds, the Local Highways Authority do not raise objection and it is considered that this is a sustainable location where a car free scheme would be suitable. The Highways Authority has indicated that this area is high priority for a new CPZ but this would be the subject of a new consultation and is not a material consideration to this scheme. Nonetheless it is considered a condition could be added to ensure that parking permits are not allowed/provided and also that parking/pick ups and drops off are adequately managed.

9.33. In terms of use, given the authorised use of the building for offices, there is no objection in its occupation for private residential accommodation having regard to accessibility and highway generation.

9.34. The proposal accords with the HP16 of the Sites and Housing Plan and policies within the NPPF.

#### Cycle Parking

- 9.35. Cycle parking is shown at ground level to the rear, side and front of the building for visitor and resident cycling. The Highways Authority have raised concerns that the level of cycle parking is inadequate given this is a car free scheme, however provision has been increased to 65 spaces and Highways have removed their objection and consider this is acceptable provision. However, although a further plan would need to be required showing details of the dimensions of the spaces this could be the subject of a condition.
- 9.36. Overall there is no objection on cycle parking and the scheme is considered in accordance with policy HP15 of the Sites and Housing Plan.

### Energy

- 9.37. Policy HP11 of the Sites and Housing Plan requires that for schemes of 10 or more dwellings that they are expected to achieve at least 20% of their energy consumption from renewable or low carbon technologies. In this case the roof is covered in photovoltaic tiles, and air source heat pumps will serve the offices and the accompanying Energy Statement identifies that 23% of the current energy needs of the development will be met by renewables. The application is thus in accordance with policy HP11 of the Sites and Housing Plan.

### Biodiversity

- 9.38. Biodiversity Officers have commented on the proposal and comment that the opportunities for bats roosting in the building are highly limited owing to the form of the building. As such they raise no objections to the proposal.
- 9.39. Representations have also raised objections that opportunities for wildlife have not been maximised, having regard to green roofs and bird boxes amongst other opportunities. In this instance the application, proposes photovoltaics on the roof in accordance with the thrust of policy HP11 so therefore couldn't provide a green roof however, other measures such as bird boxes could be provided via a condition if the scheme was considered acceptable. This is not considered therefore a reason for refusal against policy CS12 of the Core Strategy.

### Archaeology

- 9.40. On present evidence despite the presence of known Roman archaeology in the near vicinity, this scheme is too small-scale to have significant archaeological implications in this location.

## **10. CONCLUSION**

- 10.1. The proposal would comprise the loss of a key protected employment site which is contrary to policy CS28 of the Core Strategy which seeks to ensure adequate employment land exists to serve Oxford's economic needs for now and the future. Whilst the development would provide housing, the need for housing does not override the need to ensure adequate employment land is provided and no material consideration has been presented to justify a departure from policy. Furthermore, the applicant has failed to provide on site affordable housing and has failed to demonstrate through the submission of a viability assessment what

proportion of on site affordable housing would be acceptable via the cascade approach. The scheme also fails to provide dwellings to an appropriate internal minimum space standard, fails to provide adequate quality outdoor space and fails to satisfy the requirement for adequate replacement trees to offset the loss of existing trees on site which enhance the visual amenity of the area. Overall the proposal is considered contrary to policies CP1, CP9, CP10, NE15 of the Oxford Local Plan, policy CS28 of the Core Strategy, policies HP3, HP9, HP12 and HP13 of the Sites and Housing Plan.

10.2. It is recommended that the Committee resolve to refuse planning permission for the development proposed.

## **11. HUMAN RIGHTS ACT 1998**

11.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to [approve/refuse] this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## **12. SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

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