

**West Area Planning Committee**

14 March 2012

**Application Number:** 11/03005/FUL

**Decision Due by:** 27 February 2012

**Proposal:** Change of use from office (class B1a) to student accommodation, together with alterations to the building facade, changes to the car parking arrangements, landscaping and the provision of 100 covered cycle stands. (Amended plans)

**Site Address:** Innovation House Mill Street, **Appendix 1.**

**Ward:** Jericho And Osney Ward

**Agent:** West Waddy : ADP

**Applicant:** HXRUK3(Pure Office) Ltd

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**Recommendation:** Planning permission be refused.

## **Reasons for Refusal**

1. The development would result in the loss of 2,655 sq m of business floorspace in the form of small start up units centrally located at a sustainable location and close to supporting facilities without sufficient detailed justification being made to depart from established development plan policies which seek to protect and safeguard employment sites. The development would therefore be contrary to policy DS55 of the adopted Oxford Local Plan 2001 to 2016, and policy CS28 of the adopted Oxford Core Strategy 2026.
2. The proposed alterations to Innovations House, which has a traditional, restrained neo classical composition and occupies a prominent position in this part of the conservation area, would result in a cluttered elevational treatment undermining the simple rhythm of the elevations as well as resulting in an inappropriately located entrance to the building. These are features are detrimental to the character and appearance of the building and its functioning, and to the Osney Town Conservation Area in which it is located, contrary to the principles embodied in policies CP.1, CP.8, CP.9, HE.6 and HE.7 of the adopted Oxford Local Plan 2001 to 2016, and policy CS.18 of the adopted Oxford Core Strategy 2026.
3. The development fails to provide adequate justification why a full contribution to affordable housing provision cannot be made to meet the local planning authority's objectives of delivering mixed and balanced communities as required

by policy HP6 of the emerging Sites and Housing Development Plan Document (Proposed Submission).

### **Planning Obligations.**

Notwithstanding the recommendation to refuse planning permission, if members are nevertheless minded to support the proposals as submitted then the applicant has agreed to the following financial contributions:

- Affordable housing (City): £100,000.
- Cycling / transport measures in the locality (County): £13,938.
- Library facilities within the City (County): £6,363.
- Off site fire hydrants (County): £704 each.
- Indoor sports facilities (City): £6,000.

### **Principal Planning Policy Documents.**

#### Oxford Local Plan 2001-2016

CP1 - Development Proposals  
CP5 - Mixed-Use Developments  
CP6 - Efficient Use of Land & Density  
CP8 - Design Development to Relate to its Context  
CP10 - Siting Development to Meet Functional Needs  
CP13 - Accessibility  
CP14 - Public Art  
TR2 - Travel Plans  
TR3 - Car Parking Standards  
TR4 - Pedestrian & Cycle Facilities  
TR12 - Private Non-Residential Parking  
TR13 - Controlled Parking Zones  
TR14 - Servicing Arrangements  
HE2 - Archaeology  
HE6 - Buildings of Local Interest  
HE7 - Conservation Areas  
EC1 - Sustainable Employment  
DS55 - Osney Mill and Adjacent Works Mix-Use

#### Oxford Core Strategy 2026

CS2 - Previously developed and greenfield land  
CS9 - Energy and natural resources  
CS10 - Waste and recycling  
CS11 - Flooding  
CS13 - Supporting access to new development  
CS17 - Infrastructure and developer contributions  
CS18 - Urban design, town character, historic environmental  
CS19 - Community safety  
CS25 - Student accommodation  
CS27 - Sustainable economy  
CS28 - Employment sites

### Sites and Housing DPD: Proposed Submission

HP5 - Location of Student Accommodation

HP6 - Affordable Housing from Student Accommodation

HP9 - Design, Character and Context

HP15 - Residential cycle parking

HP16 - Residential car parking

### Supplementary Planning Documents.

1. Planning Obligations (2007)

2. Parking Standards, Transport Assessment and Travel Plans (2006)

### Other Policy Documents.

1. PPS1: Delivering Sustainable Communities.

2. PPS3: Transport.

3. PPS5: Planning for the Historic Environment

4. PPS9: Biodiversity and Geological Conservation.

5. PPS22: Renewable Energy.

6. PPS23: Planning and Pollution Control.

7. PPS24: Planning and Noise.

8. PPS25: Planning and Flood Risk.

### **Public Consultation.**

#### Statutory and Other Agencies.

County Highway Authority: Holding objection pending submission of further details; located outside controlled parking Zone (CPZ); sustainable location; concerned at use of existing car park not forming part of current application; details of turning areas etc for service vehicles required; not clear why vehicle control barrier is required; parking spaces may not be of requisite size; clarification on cycle parking required; Travel Plan requested; details of sustainable drainage required; occupier not clarified; Construction traffic management plan required; Contribution of £13,938.00 required towards cycling / transport measures.

County Council: Developer Funding: Contributions of £6,363 required to library facilities in the City; off – site fire hydrants at £704 each required.

Thames Valley Police: Do not wish to formally object; opportunities to design out crime however; cycle parking not in a secure area; external fire escape not controlled; installation of quick release window restrictors to ground floor; should aim for Secured by Design accreditation.

Thames Water: No objection.

English Heritage: Application should be determined in line with national and local policy guidance.

Environment Agency: No objection subject to flood risk assessment being updated to include amended flood action and Business Continuity Plan.

City Council Emergency Planning Officer: Flood action plan seems reasonably comprehensive; suggest minor adjustments to Plan; with changes able to support the application.

#### Third Parties

Oxford Civic Society: Amount of common room and amenity space disappointing; insufficient information on cyclists accessing Mill Street etc; special measures need

to be put in place; affiliation with a named institution would be desirable; robust management regime should be conditioned.

Millbank Residents Company Limited: Object to proposals in current form; does not comply with Core strategy for use as student accommodation; increased movement of students including at unsocial hours; proposed management regime is weak; loss of employment site; increased traffic in form of taxis, deliveries, servicing etc; increased noise from additional traffic; prefer existing main entrance to be retained; development should have independent foul water system; object to alterations to building; very poor design; forecourt area would collect litter; amenities for students very poor; appears to maximize number of study bedrooms; no outdoor seating area for students; no screening between site and Millbank flats; recycling area too close to Millbank; concerned about rogue parking; would welcome use of solar panels; evidence submitted by developers falls far short of standard of objectivity on which decisions should be based; prefer site to be retained for start up businesses.

Individual Comments: Principal comments made:-

- Prefer existing uses to remain.
- Contrary to policies on student accommodation.
- Inadequate management regime.
- Would produce an unbalanced community.
- Significant numbers of students already in Mill Street.
- Increased pedestrian movements in street.
- No named occupier.
- Noise and disturbance.
- Would students be present all year round?
- How would occupation be limited to graduates?
- No guarantee of full occupation.
- Absence of marketing details.
- Additional traffic.
- Inadequate parking.
- Unauthorised parking.
- Loss of parking.
- Inadequate public transport.
- Potential for increased litter.
- Increased pollution.
- Increased waste.
- No screening to Millbank flats.
- Overdevelopment.
- Poor design.
- Out of character with area.
- Poor internal arrangements.
- Poor access.
- Prefer main entrance in existing location.
- Capacity of foul sewer system.
- Luxury serviced accommodation preferred.
- Welcome greater engagement with local community.

## **Officers Assessment:**

### **Background to Proposals.**

1. Innovations House is a three storey red brick industrial building located to the southern end of Mill Street. **Appendix 1** refers. It has possessed a variety of occupiers over its lifetime including in recent times Research Machines and Oxford Innovations. It was acquired by the applicant, Pure Offices, in November 2010, though its current use in providing small business units was intended to cease at the end of February of this year when the building was due to be vacated.
2. The current application seeks to reconfigure the building internally with accompanying external alterations, and change its use to student accommodation. Some 100 student study rooms are intended to be created, each room possessing its own en suite shower room / toilet and kitchenette. Five of the study rooms are constructed to meet disabled needs, one on the ground floor and two each on the upper floors. A lift gives access to these levels. Near the entrance to the west side of the building a common room is also provided together with a reception area, laundry room and warden's accommodation to provide 24 hour supervision. It is not intended to include a bar within the development.
3. The accommodation is indicated to be aimed at postgraduate University students, though there is no indication of the intended occupier and the applicant would not wish the accommodation to be limited by condition to postgraduates only. Moreover to the frontage of the building is a car park with some 16 car parking spaces. Although within the ownership and control of the applicant this land is not indicated to form part of the current proposals but is described as a possible future development site. No information is provided as to what may be proposed for the land however.
4. Officers would assess the principle determining issues in the case to be:
  - the loss of employment land;
  - the proposed alterations to the building; and
  - planning obligations.

### **Loss of Employment Land.**

5. The application site has provided business floorspace with Class B1 for many years. Since the application site was acquired by the present applicants in November 2010 it has provided serviced accommodation for small start up and other businesses with rentals charged on a monthly basis. Policies within the adopted Oxford Local Plan and Core Strategy aim to retain employment uses, whilst the site forms part of a larger identified site for mixed development within the former. The principle policies which apply are therefore the following.

#### Core Strategy Policy CS27: Sustainable Economy:

*"The City will support oxford's key employment sectors and clusters, whilst*

*maintaining the necessary infrastructure and local services to ensure a sustainable economy. Planning permission will be granted for development that seeks to achieve managed economic growth. Proposals need to show how they maintain, strengthen, modernise or diversify Oxford's economy.*

*Managed growth will be delivered through the allocation of land at the Northern gateway and West End, and the protection and modernisation of key employment sites”*

Core Strategy Policy CS28: Employment Sites:

*“Planning permission will not be granted for development that results in the loss of key protected employment sites.*

*Planning permission will only be granted for the modernisation and regeneration if any employment site if it can be demonstrated that new development:*

- secures or creates employment important to Oxford's local workforce; and*
- allows for higher density development that seeks to make the best and most efficient use of the land ; and*
- does not cause unacceptable environmental intrusion or nuisance.*

*Planning permission will only be granted for the change of use or loss of other employment sites (ie those not key protected employment sites), subject to the following criteria:*

- overriding evidence is produced to show the premises are presently causing and have consistently caused significant nuisance or environmental problems that could not have been mitigated;*
- or*
- 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*
  - 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.*

*The key protected employment sites are shown on the Proposals Map.”*

Local Plan Policy EC7: Small Businesses.

*“Planning permission will be granted for small business units (up to 500 sq m) in the following locations:*

- a. on existing employment – generating sites;*
- b. on mixed – use development sites;*
- c. at other locations, if there is no conflict with other policies in the Development Plan;*

*Provided that the development complies with all of the following:*

- d. the use is appropriate to the location and adds value to the local community and area;*

- e. *the development will not cause unacceptable nuisance or environmental problems to surrounding areas;*
- f. *there is satisfactory access, parking and servicing; and*
- g. *it does not result in unacceptable traffic generation or highway safety problems.”*

Local Plan Policy DS55: Osney Mill & Adjacent Works - Mixed Use Development.

*“Planning permission will be granted at Osney Mill and adjacent works, Mill Street for a mixed - use development that includes any of the following uses:*

- a. *residential;*
- b. *University of Oxford purpose – built student accommodation;*
- c. *Employment uses (Classes B1b and B1c);*
- d. *Live / work units and*
- e. *Art related uses.*

*The development must provide a footpath link over the River Isis.*

*This site is low lying land, so development proposals must be subject to appropriate flood protection and sustainable drainage measures (see Policies NE8, NE9 and NE10).”*

6. The thrust of these policies is to support local businesses including small and medium sized units at appropriate locations. In terms of the current application site it is fully acknowledged that Local Plan allocation DS55 had envisaged a mix of uses on the identified site when the Local Plan was adopted in 2005. Since that time there have been new developments at the allocated site however in the form of the full refurbishment and conversion of the business premises at the poor quality Trajan House to provide teaching accommodation for Bellerby’s College, and in the restoration after many years of the dilapidated mill buildings at Osney Mill to provide 12 residential flats. At the time of writing that development nears completion. As a consequence of these developments the mixed use allocation in the Local Plan has not been carried through to the emerging DPD as a good mix of uses has been achieved, including employment floorspace. Innovations House in isolation would be too small to justify an allocation in its own right in the emerging DPD.
7. Permission for these developments was granted in the knowledge that a mix of uses would still exist on the identified allocated site. If however the current proposals were to be granted permission, then the proper mix of uses envisaged in the policy would fail to be achieved as there would effectively be little or no employment remaining. In seeking to protect such sites, and in particular employment uses, policy CS28 of the adopted Core Strategy referred to above has been brought into effect. As the Core Strategy now constitutes the strategic planning policy document for Oxford and is more recently adopted than the Local Plan, then its policies must carry more weight than the 2005 adopted Local Plan and policy DS55.
8. Although the application site is not identified as a key employment site, the

second part of policy CS28 is clear on the circumstances under which employment land may be lost. Officers are not satisfied that the criteria listed have been met in this case. The applicant argues that the site is no longer viable for its existing use and that it made an operating loss in 2011. It also argues that the premises require refurbishment work to the value of £950,000 but that the value of the development subsequently would then still only be £2,400,000, or less than the value of the building when purchased. Moreover the applicants indicate that Innovations House has been unable to attract and retain occupiers, even though on its purchase in November 2010 about three quarters of its floorspace was indicated to be occupied. It is not clear what marketing of the site for its existing use has taken place though it is noted that only a very short period had elapsed between the decision to vacate in June 2011 and the receipt of the current planning application the following December. Before considering other uses for the building Officers would expect as a minimum that full evidence be produced that such marketing had taken place over a period of at least a year at a reasonable market rate, and that there had been no interest expressed in the property.

9. Following the decision to dispose of the site Pure Offices indicate that it has acquired 34,000 sq ft of accommodation at the Oxford Business Park, of which 7,000 sq ft is already available in small unit accommodation for the relocation of occupiers of Innovations House. Thus it is argued that there is no loss of employment floorspace. Whilst new premises for some of the existing businesses is welcomed, this argument is not accepted as the development of the Oxford Business Park is seen as a long term commitment to provide modern business accommodation in replacement for employment lost from the car industry in particular. It has never been seen, and is not currently seen, as replacement for Innovations House or other similar premises. In short the loss of employment floorspace at Innovations House represents a net loss to the city's available employment floorspace, contrary to the aims of CS28 of the Core Strategy.
10. In putting forward its case the applicant also makes reference to the Employment Land Review, a study commissioned by the City Council as local planning authority in 2006 as a precursor to the preparation of the Oxford Core Strategy referred to above. The applicants indicate that the Innovations House site was ranked poorly there in a sample of employment sites due to deficiencies relating to access and proximity to residential properties. However Innovations House had been acquired by the University as a site specifically for spin off businesses, and clearly for small start up units its access arrangements are less critical than for a large single occupier. Indeed for this type of accommodation proximity to the city centre and its services, to the University, to labour, and to public transport facilities for staff are doubtless much more significant considerations than for a single large established occupier. The Employment Land Review also emphasised the importance of "*incubator units*" in Oxford where start up businesses could exploit Oxford's strengths in innovation and in the "*knowledge economy*".
11. The City Council have produced a Business Register of vacant commercial premises in Oxford. The Employment Land Study has defined floorspace



thresholds for micro and small businesses. Micro business are under 200 sq m, whilst small businesses are between 200 and 1,000 sq m. The latest information available for December 2011 showed that for small businesses the office premises available to let were limited to a total floorspace of 1,860 sq m in the City centre comprising only 6 properties. In the other areas of Oxford outside the centre there was some 3,350 sq m which included 8 properties. Whilst circumstances do change over time, the market position in June 2011 was very similar. At that time there was even less floorspace available in the City centre at only 1,235 sq m, comprising 4 properties. There was slightly more in the other areas of Oxford totalling some 3,820 sq m comprising 13 properties. The floorspace available at Innovations House amounts to 2,655 sq m.

12. For a city the size and importance of Oxford the availability of premises suitable for small businesses remains limited. It is likely however that future economic growth will come from the innovation and enterprise of new businesses, but this cannot take place in suitable premises are not available. Officers are not persuaded on the evidence supplied that Innovations House could not continue to provide such accommodation in the future.

### **Proposed Alterations to the Building.**

13. The application site falls within Osney Town Conservation Area and lies partly on the site of the Osney Abbey Schedule Ancient Monument which also extends to the east at what is now Osney Cemetery. Nearing completion to the west are restored buildings at Osney Mill providing 12 flats, including 2 key worker units. The mill site also includes the last remaining building of the Abbey complex. To the north - east is Trajan House, substantially restored and remodelled within the last few years as teaching accommodation for Bellerby's College, whilst to the south is a modern development of 2, 3 and 4 storey flats at Millbank. This enclave of buildings with its mix of building ages and styles contrasts markedly from the pattern of early twentieth century domestic terraced properties along Mill Street which gives access to it.
14. The northern range of the Innovations House building was probably constructed in the early 1950s and consists of a 3 storey red brick structure in English bond under a slated roof set behind a low parapet. It possesses a simple architectural style defined in particular by the regular rhythm of small paned windows at each level, and projecting pilasters. These elements and the proportion of "solid" to "void" bring a pleasing order and rhythm to the building. To the rear range of the building the elevations are simpler with the projecting pilasters absent and the brickwork set to stretcher bond. The distinctive symmetrical positioning of windows is maintained however with a single window at each level set centrally between painted vertical columns forming part of the structural frame of the building.
15. Overall Innovations House is a large and prominent building in this part of the conservation area, within the setting of Osney Abbey and seen in the context of the historic mill buildings. Whilst it has limited historic interest in itself it possesses a character and presence in the street and within its context that is derived from its appearance, being both traditional and familiar. The heritage

assessment supporting the submitted application recognises these features, stating that:

- Innovations House has a defined front façade that relates to the main approach from Mill Street, part of which is visible the full length of the street;
- the design is traditional and provides an effective degree of interest;
- it is a significant structure when seen from within the cemetery; and
- it forms an integral part of a former mixed use light industrial and office area.

16. In this context PPS5: *“Planning for the Historic Environment”* is an important consideration. In the guidance the government has re-affirmed its commitment to the historic environment by indicating that heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. It adds that there should be a presumption in favour of the preservation of designated assets such as listed buildings, conservation areas and scheduled monuments.

17. In these proposals the addition of new windows throughout the building marks a substantial change to the building’s external appearance. Although there are 2 or 3 windows blocked up or altered to the southern side of the building to create doorways and an external fire escape, elsewhere some 57 new windows are created in external elevations, increasing the total number of window openings inserted into the building from 83 to 140. The new windows are matching double glazed metal framed units with applied timber mullions and transoms required in order to provide light and ventilation to each of the student study rooms. Whilst a certain symmetry is maintained to the fenestration of the northern elevation of the building, by inserting these additional windows within the projecting pilasters and at the expense of the logical entrance point, the elevation now appears cluttered with its architectural integrity undermined. Similarly to the eastern and western elevations the studied calm of the facades is now broken by the additional window openings which are no longer centrally positioned between the vertical painted columns, but cling to them in groups. The result is in a more horizontally aligned building at odds with its intended character;’ and in the officers’ view detrimental to the conservation area in which it stands.

18. Moreover in public realm terms the logical entrance to the building would be from the northern side as now which is the direction from which it is, and would be, most usually approached. The entrance is indicated to be relocated to the western side however to make more efficient use of the available floorspace. An external ramp and steps are created accordingly at this new entrance, whilst internal to the building at this point are the shared facilities referred to previously plus stairs and lift to upper floors. The loss of the front entrance to the northern side is a further element that undermines the simple composition of the main elevation, as well as its positive contribution to the public realm. Again this is detrimental to the character and appearance of the building, and hence the conservation area.

19. In sum these changes do not enhance the character of the building, but undermine its relaxed but imposing presence within the conservation area. The disciplined architectural language of the elevations to the main frontage range would be compromised and the composition would lose the integrity it

had. To the rear range the impact would be similar as it too would lose its simple rhythm and bay division from which it derives its character. These alterations to the building are not supported by officers.

### **Planning Obligations.**

20. A list of matters to be secured by planning obligation if planning permission is granted appears at the head of this report. The financial contributions are in line with the normal requirements of City and County Councils as set out in the Planning Obligations Supplementary Planning Document (SPD) in terms of library and sports facilities, and as required by the Highway Authority in terms of off - site cycling facilities and fire hydrants if required.

21. Following the consideration of the emerging Sites and Housing Development Plan Document (DPD) at Council on 19<sup>th</sup> December 2011 however, additional financial contributions towards affordable housing as outlined in draft policy HP.6 of that document may be appropriate in certain circumstances. This arises as the emerging DPD now constitutes a material consideration in determining planning applications. The policies in the DPD build upon those of the adopted Core Strategy which seek to increase the supply of affordable accommodation and are based upon detailed evidence following earlier rounds of consultation. Unlike when drawing up the current Local Plan the production of DPDs is “front loaded” whereby policies are shaped by a greater amount of early evidence gathering and consultation. At the time of writing the DPD has reached the stage where formal consultation is under way with a view to an Examination in Public late this year and formal adoption early in 2013.

22. The relevant policy within the emerging Sites and Housing DPD is HP.6 which states:

*“Planning policy will only be granted for new student accommodation that includes 8 or more bedrooms if a financial contribution is secured towards delivering affordable housing elsewhere in Oxford. The contribution will be calculated using the formula in Appendix 4.*

*An exception to this requirement will be made for any proposal that is within an existing academic campus or college site that includes regular teaching activities and facilities.*

*Developers may not circumvent this policy by artificially subdividing sites. For mixed – use developments of student accommodation with general housing or commercial floorspace, a pro rata approach will be used to determine whether a contribution is required, and how much this should be”.*

23. In addition the supporting text to the emerging policy HP.6 indicates that:

*“A key objective of the Core Strategy is to ensure that new residential development contributes to a balance of housing types and tenures, which in turn contribute to mixed and balanced communities. New student accommodation is often proposed on sites that could otherwise be developed for housing, which would include affordable homes of a wider tenure mix”.*

24. Whilst the DPD has not yet reached the stage of adoption, the applicant nevertheless recognizes the direction of travel of policy HP.6 and is prepared to make a financial contribution to affordable housing which recognises its emerging status. A contribution of £1,000 per student study room is offered, totaling £100,000. This would be secured as part of the S.106 agreement referred to at the head of this report. The applicant has offered that the sum be payable on commencement of the development in the event of planning permission being granted. However no information has been provided that a full contribution based on the formula within the DPD would make the development of the site unviable. The full sum required would be in excess of £300,000. In the absence of such evidence the application is opposed on these grounds.

#### **Other Matters.**

25. Highways and Traffic. The site is accessed directly from Mill Street and provides 34 car parking spaces arranged to the frontage and to the west of the building. This number is reduced to 5 operational spaces in these proposals. Of these two are provided for disabled needs, one for service requirements, one for the warden and one for visitors to the site. Cycle parking is provided in a covered store located adjacent to the new residential development opposite the main entrance at a rate of 1 space per room, in excess of Local Plan requirements. The applicant is also agreeable to the provision of off site cycle safety measures, and to students not being permitted to bring vehicles to Oxford. The site falls outside the Controlled Parking Zone in operation in the locality and students would not therefore be eligible for residents permits within the zone. The Highway Authority would also request a travel plan if the development were to be permitted, in particular to relate to arrangements at the beginning and end of each term.
26. Flood Risk. Although the application does not involve any extensions to the building, it lies within an "island" within Flood Zone 3a as defined by the Environment Agency. Flood Zone 3 has a high possibility of flooding and although the building itself would not be flooded, evacuation would be difficult. However following further discussions involving the Council's Emergency Planning Officer and the production of a Flood Action Plan accompanying the submitted Flood Risk Assessment, the Environment Agency's objection has been withdrawn.
27. Sustainability. As a conversion of an existing building, a full Natural Resource Impact Analysis (NRIA) is not provided, though a short sustainability statement accompanies the planning application. The site is a highly sustainable one in terms of its location close to the railway station, bus routes and access to the city centre, and a number of measures are introduced to the building itself to make it more energy efficient. These measures include better insulation, double glazing, and the introduction of efficient lighting systems. An individual metering system is also proposed for each student study room. An allowance is made within rentals for each student's electricity costs. If these are exceeded then additional payments are required. If less

than the allowance is used, then a refund is made.

28. Archaeology. The application site is of archaeological interest as it falls within the precinct of Osney Abbey, an Augustinian abbey founded as a priory in 1129. The full abbey layout is not known though its late medieval extent has been hypothesised, based on literature, documents, cartographic sources, small scale excavations and observations. If planning permission is granted a condition should be imposed requiring a programme of archaeological work in accordance with a written scheme of investigation.
29. Bat Survey. A bat survey was undertaken in September 2011 but no evidence of roosting bats inside or outside the building was found.

### **Conclusion.**

30. Whilst policies within the adopted Local Plan, adopted Core Strategy and emerging Sites and Housing DPD support the provision of purpose built student accommodation, such support is within the context of other policies within these documents and the particular material considerations relating to each case. On this occasion the proposals result in the loss of much needed employment floorspace in the form of small start up units, whilst modifying the building in a manner which is detrimental to its character and the conservation area in which it is located. In addition no convincing evidence has been provided that the building could not continue to provide small employment units, nor that the intended use would be unviable if the full contribution towards affordable housing required by policy HP6 of the emerging Sites and Housing DPD were made.
31. For the reasons indicated at the head of this report the planning application is recommended for refusal.

### **Human Rights Act 1998**

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

### **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 refuse planning permission officers consider

that the proposal will not undermine crime prevention or the promotion of community safety.

**Background Papers:** 11/03005/FUL; 09/02304/FUL.

**Contact Officer:** Murray Hancock

**Extension:** 2153

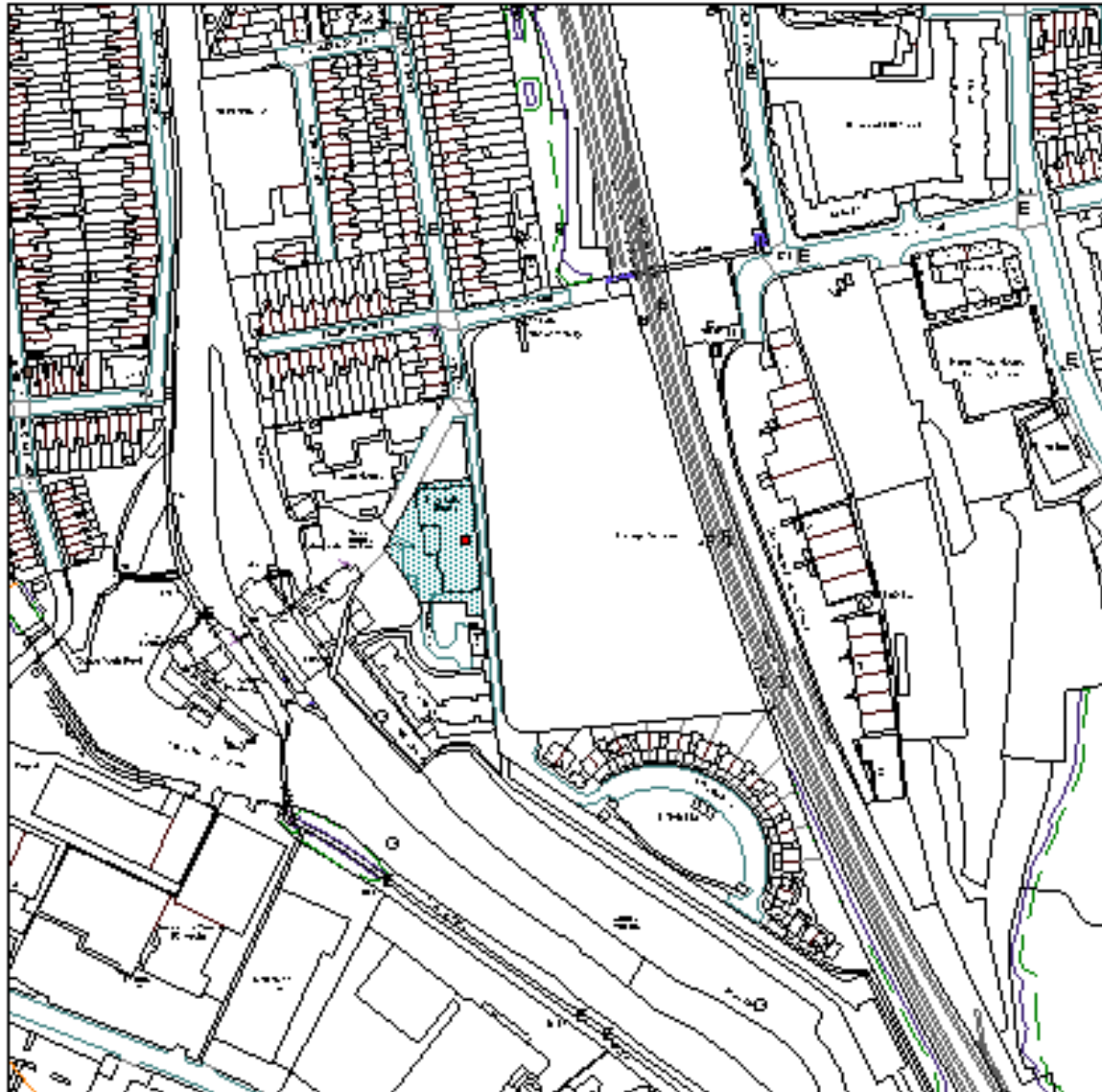
**Date:** 1 March 2012

11/03005/FUL

Innovations House, Mill Street



OS REF: 11/03005



Scale : 1:2500

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Organization	11/03005/FUL
Department	Innovations House, Mill Street
Comments	
Date	01 March 2012
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