

Agenda

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Planning Review Committee

Date: **Wednesday 15 February 2017**

Time: **6.00 pm**

Place: **The Old Library, Town Hall**

For any further information please contact the Committee Services Officer:

Catherine Phythian, Committee and Member Services Officer

Telephone: 01865 252402

Email: cphythian@oxford.gov.uk

If you intend to record the meeting, it would be helpful if you speak to the Committee Services Officer before the start of the meeting.

Planning Review Committee

Membership

Chair	Councillor James Fry	North;
Vice-Chair	Councillor Chewe Munkonge	Quarry and Risinghurst;
	Councillor Farida Anwar	Headington Hill and Northway;
	Councillor Ruthi Brandt	Carfax;
	Councillor Stephen Goddard	Wolvercote;
	Councillor Pat Kennedy	Lye Valley;
	Councillor Sajjad Malik	Cowley Marsh;
	Councillor Dee Sinclair	Quarry and Risinghurst;
	Councillor Ed Turner	Rose Hill and Iffley;

The quorum for this meeting is five members. Substitutes are permitted.

Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

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- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

Pages

1 Apologies for Absence

2 Declarations of Interest

3 16/01726/FUL: Unit 5, Ashville Way, Oxford, OX4 6TU

9 - 28

Site address: Unit 5, Ashville Way, Oxford, OX4 6TU

Proposal: Change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor. Provision of additional car parking, bin and cycle store.

Officer recommendation:

The Planning Review Committee is recommended to **refuse** planning permission for the following reason:

The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026.

4 Minutes

29 - 32

The Committee is asked to approve the minutes of the last meeting held on 18 January 2017 as a true and correct record.

5 Date of Future Meetings

The following dates are scheduled for meetings of this Committee (if required):

2017

15 March 2017
12 April 2017
24 May 2017
14 June 2017
12 July 2017

2018

18 January 2018
28 February 2018
14 March 2018
11 April 2018

3 August 2017
13 September 2017
11 October 2017
15 November 2017
13 December 2017



Councillors declaring interests

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licenses for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Members' Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

Code of practice for dealing with planning applications at area planning committees and planning review committee

Planning controls the development and use of land in the public interest. Applications must be determined in accordance with the Council's adopted policies, unless material planning considerations indicate otherwise. The Committee must be conducted in an orderly, fair and impartial manner. Advice on bias, predetermination and declarations of interest is available from the Monitoring Officer.

The following minimum standards of practice will be followed.

At the meeting

1. All Members will have pre-read the officers' report. Members are also encouraged to view any supporting material and to visit the site if they feel that would be helpful (in accordance with the rules contained in the Planning Code of Practice contained in the Council's Constitution).
2. At the meeting the Chair may draw attention to this code of practice. The Chair will also explain who is entitled to vote.
3. The sequence for each application discussed at Committee shall be as follows:-
 - (a) the Planning Officer will introduce it with a short presentation;
 - (b) any objectors may speak for up to 5 minutes in total;
 - (c) any supporters may speak for up to 5 minutes in total;
 - (d) speaking times may be extended by the Chair, provided that equal time is given to both sides. Any non-voting City Councillors and/or Parish and County Councillors who may wish to speak for or against the application will have to do so as part of the two 5-minute slots mentioned above;
 - (e) voting members of the Committee may raise questions (which shall be directed via the Chair to the lead officer presenting the application, who may pass them to other relevant Officers and/or other speakers); and
 - (f) voting members will debate and determine the application.

Preparation of Planning Policy documents – Public Meetings

4. At public meetings Councillors should be careful to be neutral and to listen to all points of view. They should take care to express themselves with respect to all present including officers. They should never say anything that could be taken to mean they have already made up their mind before an application is determined.

Public requests to speak

5. Members of the public wishing to speak must notify the Democratic Services Officer before the meeting starts giving their name, the application/agenda item they wish to speak on and whether they are objecting to or supporting the application. Notifications can be made via e-mail or telephone, to the Democratic Services Officer (whose details are on the front of the Committee agenda) or given in person before the meeting starts.

Written statements from the public

6. Members of the public and councillors can send the Democratic Services Officer written statements and other material to circulate to committee members, and the

planning officer prior to the meeting. Statements and other material are accepted and circulated by noon, two working days before the start of the meeting.

7. Material received from the public at the meeting will not be accepted or circulated, as Councillors are unable to view give proper consideration to the new information and officers may not be able to check for accuracy or provide considered advice on any material consideration arising. Any such material will not be displayed or shown at the meeting.

Exhibiting model and displays at the meeting

8. Applicants or members of the public can exhibit models or displays at the meeting as long as they notify the Democratic Services Officer of their intention by noon, two working days before the start of the meeting so that members can be notified.

Recording meetings

9. Members of the public and press can record the proceedings of any public meeting of the Council. If you do wish to record the meeting, please notify the Committee clerk prior to the meeting so that they can inform the Chair and direct you to the best place to record. You are not allowed to disturb the meeting and the chair will stop the meeting if they feel a recording is disruptive.
10. The Council asks those recording the meeting:
 - Not to edit the recording in a way that could lead to misinterpretation of the proceedings. This includes not editing an image or views expressed in a way that may ridicule, or show a lack of respect towards those being recorded.
 - To avoid recording members of the public present unless they are addressing the meeting.

Meeting Etiquette

11. All representations should be heard in silence and without interruption. The Chair will not permit disruptive behaviour. Members of the public are reminded that if the meeting is not allowed to proceed in an orderly manner then the Chair will withdraw the opportunity to address the Committee. The Committee is a meeting held in public, not a public meeting.
12. Members should not:
 - (a) rely on considerations which are not material planning considerations in law;
 - (b) question the personal integrity or professionalism of officers in public;
 - (c) proceed to a vote if minded to determine an application against officer's recommendation until the reasons for that decision have been formulated; or
 - (d) seek to re-design, or negotiate amendments to, an application. The Committee must determine applications as they stand and may impose appropriate conditions.

Code updated to reflect changes in the Constitution agreed at Council on 25 July 2016.

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Planning Review Committee

15th February 2017

Application Number: 16/01726/FUL

Decision Due by: 2nd September 2016

Proposal: Change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor. Provision of additional car parking, bin and cycle store.

Site Address: Unit 5 Ashville Way Oxford – see site plan **Appendix 1**

Ward: Blackbird Leys Ward

Agent: Mr Michael Crofton-Briggs

Applicant: Mrs Hazel Walsh

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1. This covering report should be read in conjunction with the officer's report dated 28th September 2016 and the addendum report dated 15th December 2016, both attached as **Appendix 2a) and 2b)**.
 2. At the East Area Planning Committee on 11th January 2017, Members resolved to **refuse** planning permission for the following reasons:
 1. The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026
 3. The application has been called-in to the Planning Review Committee by Councillors Tanner, Clarkson, Simm, Fry, Sinclair, Lygo, Taylor, Anwar, Brown, Chapman, Pegg and Fooks.
 4. The call-in is on the grounds that the East Area Planning Committee have now both allowed and refused the application and, in the interest of ensuring consistency in decision making it would be sensible for Planning Review Committee to look again at all the issues before a final decision is made.
 5. The case was originally presented to the East Area Planning Committee on 12th October 2016. The Committee resolved to approve the application, against officer recommendation. However, prior to the decision being issued officers were notified of a potential judicial review of this decision by an interested party.
 6. Officers considered the grounds of the potential judicial review and determined that the case should be represented to the East Area Planning Committee. The full details are set out in the attached Addendum report which was presented to the 11th January committee meeting. Committee

should note that there is an erroneous reference to an Appendix 4 in the addendum report. No appendix 4 was attached to that report.

7. The minutes of 12th October committee meeting and minutes of 11th January committee meeting are attached (**Appendices 3 and 4**).
8. Since the committee meeting of 11th January, 12 additional representations in support of the application have been received. These raise the following issues:
 - The bigger, permanent premises will enable the club to work with more children
 - Many children have been on the waiting list for the club for a considerable time
 - The club has already been looking for years for a suitable venue
 - There is no other gymnastic club in the City
 - The club provides a great benefit to its members
 - Since operating there, the Club has not cause any issues in relation to traffic or inconvenience to other businesses
 - The City needs to balance its provision for sports and business facilities
 - Council need to support sports provision and recognise its health benefits
9. Officers consider that the attached two previous reports adequately set out the case and have addressed the points raised.

Conclusion:

10. The proposal is considered to be unacceptable in terms of the relevant policies of the Oxford Core Strategy 2026 (in particular CS28) and contrary to the development plan. There are not other material considerations applicable that, in officers' view, outweigh that non compliance. Therefore officer's recommendation to the committee is to **refuse** the proposed development for the reason stated.

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.

Background Papers: 16/01789/FUL

Contact Officer: Sian Saadeh

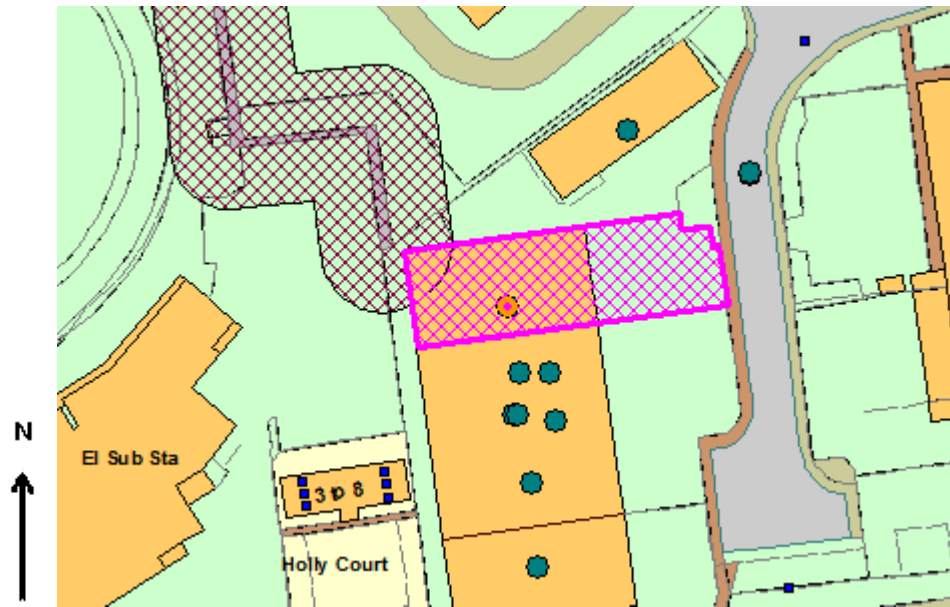
Extension: 2809

Date: 2nd February 2016

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Appendix 1

16/01726/FUL - Unit 5



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Ordnance Survey 100019348

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Appendix 2a Original Committee Report

East Area Planning Committee

12th October 2016

Application Number: 16/01726/FUL

Decision Due by: 2nd September 2016

Proposal: Change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor. Provision of additional car parking, bin and cycle store.

Site Address: Unit 5 Ashville Way Oxford Oxfordshire
(Site Plan – Appendix 1)

Ward: Blackbird Leys Ward

Agent: Mr Michael Crofton-Briggs

Applicant: Mrs Hazel Walsh

Application Called in by Councillors Hollingsworth, Price, Clarkson and Smith for the following reason: To allow full consideration of the relevant planning issues by Councillors.

Recommendation:

The East Area Planning Committee is recommended to refuse planning permission for the following reasons:

- 1 The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026.

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP10 - Siting Development to Meet Functional Needs

Core Strategy

CS21 - Green spaces, leisure and sport

CS27 - Sustainable economy

CS28 - Employment sites

CS13 - Supporting access to new development

CS14_ - Supporting city-wide movement

Sites and Housing Plan (SHP)

MP1 - Model Policy

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

None relevant

Representations Received:

Letters of support have been received from the following:

British Gymnastics
British Gymnastics (South Region)
Oxfordshire Sport and Physical activity
Oxfordshire Sports Partnership
No address given
Councillor L Smith

These comments can be summarised as follows:

Cherwell Gymnastics Club is the only provider of gymnastics in the city and has no proper permanent home. The proposed use would widen access to sporting opportunities. No net loss of jobs.

Statutory Consultees:

Local Highway Authority: No objection

Officers Assessment:

Site description

1. The building is an industrial warehouse last used for storage and distribution (use Class B8) with an open yard to the front, situated on a small estate of similar properties (**appendix 1**).
2. The unit forms part of a key protected employment site, as described in the Core Strategy. These sites ensure a sustainable distribution of business premises to maintain a range of job opportunities and contribute to Oxford's economy. Smaller employment sites, such as this one may support the functioning of the local economy and the efficient operation of larger employment sites, as well as being suitable for start-up light

industrial units.

Proposal

3. Permission is sought for a change of use to class D2 on the ground floor and B1a on the first floor to allow the building to be used as a by Cherwell Gymnastics Club as a gymnastics club, with the upper floor being sub-let for use as offices.
4. The Planning Statement and business plan included with the application contains substantial information relating to the merits of the proposed use, the lack of existing gymnastics provision in Oxford and the suitability of the building to Cherwell Gymnastic Club. These matters are accepted by officers, who consider that the proposed use as a gymnasium would make a valuable contribution to the provision of leisure and sports facilities in the city.
5. Cherwell gymnastics club is the only gymnastics club within the city with over 200 gymnasts across all age groups and over 1000 currently on a waiting list due to lack of space and availability of facilities.
6. Officers are aware that the gymnastics club has spent several years searching for a suitable venue within the city to help sustain and grow participation within the club and the sport as a whole but have been unable to find any suitable venues within the city to fulfil the ever growing demand.

Loss of a key protected employment site

7. Policy CS28 of the Core Strategy states that permission will not be granted for development that results in the loss of key protected employment sites and the accompanying text makes it clear that for the purposes of this policy, the term "employment sites" refers only to Class B or closely related Sui Generis uses.
8. The proposal would involve the change of use of the building from a B8 use class to a D2 and B1a use. This would result in the loss of a key protected employment site which would be contrary to Policy CS8.
9. Officers accept that the change of use may not result in a net loss in the number of jobs provided on the site, but as the Core Strategy makes clear, smaller employment sites such as this one may offer low skilled jobs and skilled manual work which are important to particular sectors of the population.
10. Officers would make Members aware that Policy CS28 does allow for the loss of some employment sites which are not key protected sites where substantial evidence is produced to demonstrate significant nuisance or environmental problems or to show that despite marketing, no employment generating (use class B) occupier can be found for the site. However this part of CS28 does not apply to this site because it is a key protected employment site and whilst the accompanying documents indicate that the unit has been advertised to

rent since January 2016 with no other viable interest, officers do not consider that substantial evidence has been provided to demonstrate either of the situations described above if this did apply.

Transport

11. The Local Highway Authority has indicated that it has no objection to the proposals with regard to parking provision and layout, cycle parking or impact on highways and transport, but would recommend that the cycle parking be provided closer to the building's access point.
12. Officers note that the block plan appears to show a disabled parking space and cycle stands, in addition to 8 car parking spaces. However the plan is lacking in detail and certainty and if members were minded to approve the application, officers would suggest that any permission should be conditional on a more detailed plan being agreed before the start of work on site.

Conclusion:

13. The proposal is considered to be unacceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and therefore officer's recommendation to the committee is to refuse the development.

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: 16/01726/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 28th September 2016

Appendix 2b

Addendum

East Area Planning Committee

11th January 2017

Application Number: 16/01726/FUL

Proposal: Change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor. Provision of additional car parking, bin and cycle store.

Site Address: Unit 5 Ashville Way Oxford Oxfordshire
(Site Plan – Appendix 1)

Ward: Blackbird Leys Ward

Agent: Mr Michael Crofton-Briggs

Applicant: Mrs Hazel Walsh

Application Called in by Councillors Hollingsworth, Price, Clarkson and Smith. for the following reason: To allow full consideration of the relevant planning issues by Councillors.

Recommendation:

The East Area Planning Committee is recommended to REFUSE planning permission for the following reason:

- 1 The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026.

Background

The application site is an industrial warehouse last used for storage and distribution (use Class B8). The unit forms part of a key protected employment site, as described in the Core Strategy. These sites ensure a sustainable distribution of business premises to maintain a range of job opportunities and contribute to Oxford's economy. Permission is sought for a change of use to class D2 on the ground floor and B1a on the first floor to allow the building to be used by Cherwell Gymnastics Club as a gymnastics club, with the upper floor being sub-let for use as offices. A full assessment of the proposal is contained in the original Officer's Report, which is attached.

The application was considered at East Area Planning Committee on the 12th

October 2016. Mr Cameron Thompson of Mayfield Press spoke against the proposal, indicating that Mayfield Press wished to acquire the unit for use as part of their existing printing operation, a use consistent with the Local Development Plan.

Members voted to approve the application, but before the formal decision notice was issued, officers were made aware that a Judicial Review may be sought by a third party (Mayfield Press) to quash any decision to grant planning permission. **The formal letter before action is attached in Appendix 4.** The letter before action sets out 5 grounds for the claim that such a decision would be unlawful. These can be summarised as follows:

Grounds 1 – 3: The proposal amounts to a departure from the Development Plan which could not be justified by Policy CS21, as that policy does not apply in this case.

Ground 4. The condition personally limited to the gymnastics club was unjustified and contrary to the guidance of the National Planning Policy Framework (NPPF).

Ground 5: The proposal amounted to a departure from the Development Plan and this was not advertised in accordance with the Development Management Procedure Order (DMPO).

Officers have considered these grounds and make the following points in relation to them:

Grounds 1 - 3 Officers consider that the arguments in Grounds 1 - 3 have merit so far as they relate to not properly understanding the development plan policies and taking account of an immaterial policy. As the application is for neither replacement sports and leisure facilities lost to development elsewhere, nor facilities being provided under Policy CS17 (infrastructure and development contributions) CS21 is not a relevant policy in this case. The interpretation of planning policy is not a matter of planning judgment. The wording of policy is to be interpreted objectively and in context. Officers' advice remains that this is proposal is contrary to the development plan as explained in the original report to committee **(Appendix 2).**

Members are reminded that they are not bound to determine applications in accordance with the development plan. The development control process is however plan led and members must however properly understand the development plan departing from it only if other material considerations outweigh the plan.

The earlier committee meeting did explain why they had reached the decision by reference to the officers' reasoning then provided.

Ground 4 This ground is not considered to have substance. Members were aware of the relevant guidance. Officers do not however consider that there is a proper basis for imposition of such a condition.

Ground 5 As the application had not been advertised in the local press prior to it being considered at EAPC, this would be a basis for quashing any decision as such publicity is required by the DMPO where the proposed development does not accord

with the provisions of the local development plan, which is the case in this instance. The required notice was placed in the Oxford Times on the 17th November 2016, giving a period of 21 days (to the 8th December) for interested parties to make representations. New site notices, identifying the development as a departure from the development plan were also erected, again giving a period of 21 days to the 8th December for interested parties to make representations.

Representations received

The following representations have been received since this matter was last placed before EAPC:

Comments objecting:

Mr Andrew Smith MP: The local MP has indicated that he is sympathetic to the case made by Mr Thompson of Mayfield Press and requests that the committee give careful consideration to a number of concerns raised by Mr Thompson and summarised in Mr Smith's letter. This letter has been provided to members, but does express the MP's concerns relating to the impact on the business at Mayfield Press and prospective loss of jobs as well as the suitability of the proposed use for the site and the impact on traffic and parking.

Mr Cameron Thomson (Mayfield Press) Mr Thomson states that his company wish to acquire Unit 5 to provide accommodation for their printing operation and that such a use would accord with the local development plan. It is suggested that the extra accommodation is required because of a forthcoming merger of Mayfield Press with another print firm and that 30 Class B jobs would be provided as a result. It is further stated that Unit 5 may be the only opportunity for the company to expand in this way within the Oxford area and that if Unit 5 is not available, they may have to leave the city altogether,

Mr Thomson also raises a number of other issues relating to traffic and parking. He points out that the single yellow lines along part of Ashville Way are often occupied by workers at the BMW plant nearby and that there is considerable congestion of the road in the evenings. He suggests that the level of trips generated by the proposed use could not be accommodated within the road and that it would be disruptive to surrounding businesses. A number of photographs are provided in an attempt to support these comments.

13 Meadow Walk.
3 Hillview Road, Abingdon
22 Coltsfoot Square
8 Marjoram Close
Oxford Road Marston

The above comments can be summarised as objections to the disregard for adopted planning policy, concern over the future of Mayfield Press and its employees, and issues relating to parking pressure and highway safety.

Comments in support:

British Gymnastics Facility Development Manager: The building meets the needs of this developing club and is similar to buildings being used by hundreds of gymnastics clubs around the country.

Ward Councillor Linda Smith: In support – the building is perfect for the club, which provides first class sporting opportunities, and the accommodation is needed to expand and meet the needs of local young people. There may well be no net loss of employment and this well run club will manage transport and parking appropriately.

59 Ferry Road

3 Mark Road

65 Old Road, Marston

190 Pegasus Road

19 Sorrel Road

76 Hailey Road

Address not supplied (x2)

The above comments can be summarised as support for the gymnastics club itself, which has spent several years searching for a suitable venue within the city, and concern over the limited provision of this type of facility within the city.

Officers Assessment

Most of the issues raised in the representations received and since the application was presented to committee have been previously in the original officers' report (Appendix 2). However the following issues are further considered below:

Parking

Ashville Way is a Cul-de-sac with yellow lines controlling parking during the day. Evidence has been supplied that indicates that in the evening and overnight, much of the road is occupied by the cars of workers at the nearby BMW plant. This would restrict the parking available to users of the gym and also constricts access to the units along the road. This may be exacerbated by the vehicles serving Mayfield Press next door and those of users of the gym.

Officers accept that outside the hours of control, there may be issues of parking and access to the units along Ashville Way. However, many of these issues already exist, any occupant of the unit is likely to add to traffic along the road and officers consider that the parking and highway safety issues are not of a magnitude that would justify a refusal of planning permission. If the application were recommended for approval, a condition relating to a travel plan could be imposed to minimise the impact of the proposed use..

Employment

Limited evidence has been supplied to support the contentions of Mayfield Press that granting permission for the change of use would have a highly detrimental effect on its business and its ability to continue operating within the city of Oxford, and any commercial negotiations are beyond the scope of the planning system.

With regard to the relative number of jobs that would be provided by the different uses of the site, officers estimate that a typical Class B use might generate in the region of 7 employees, whilst the proposed split use may provide double this – 7 to the gym and (once occupied) 7 to the offices. It is noted that Mayfield Press have stated that the space is required due to a merger with another print firm and that such a use of Unit 5 would provide 30 jobs. Officers are not able to advise whether or not this is a realistic figure.

Whilst a refusal of planning permission would give no guarantee that the adjoining occupier would occupy it; that any merger would be successful; or that 30 additional employees would occupy the unit, neither is there any guarantee that the use as a gym would provide 7 jobs on a long term basis or that an occupier for the office space would be found.

What is clear is that Policy CS28 seeks to protect the type of jobs provided by Use Class B uses should be recognised as a material consideration to which substantial weight should be given.

As previously stated, officers accept that the change of use may not result in a net loss in the number of jobs provided on the site, but as the Core Strategy makes clear, smaller employment sites such as this one may offer low skilled jobs and skilled manual work which are important to particular sectors of the population. The net number of total jobs should not therefore be the prime consideration in this case, but rather the loss of key protected employment.

Conclusion:

The proposal is considered to be unacceptable in terms of the relevant policies of the Oxford Core Strategy 2026 (in particular CS28) and contrary to the development plan. There are not other material considerations applicable that, in officers' view, outweigh that non compliance. Therefore officer's recommendation to the committee is to refuse the proposed development for the reason stated.

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: 16/01726/FUL

Contact Officer: Tim Hunter

Extension: 2154

Date: 15th December 2016

EXTRACT FROM THE MINUTES OF THE EAST AREA PLANNING COMMITTEE

Wednesday 12 October 2016

COUNCILLORS PRESENT: Councillors Coulter (Chair), Henwood (Vice-Chair), Chapman, Clarkson, Lloyd-Shogbesan, Paule, Taylor, Wilkinson and Wolff.

OFFICERS PRESENT: Michael Morgan (Lawyer), Sarah Stevens (Planning Service Transformation Consultant), Nadia Robinson (Planning) and Jennifer Thompson (Committee and Members Services Officer)

41. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

None

42. DECLARATIONS OF INTEREST

Minute 46: Councillor Wilkinson declared that she had made no representations on this application and had no predetermined view on this.

Minute 47: Councillor Henwood declared that he was the applicant on behalf of the parish council and could therefore not take part in the decision. He would leave the room for this item.

45. 16/01726/FUL: UNIT 5, ASHVILLE WAY

The Committee considered an application for planning permission for the change of use from 'Storage and Distribution' (Use Class B8) to 'Assemble and Leisure' (Use Class D2) on ground floor and 'Offices' (Use Class B1a) on first floor, with provision of additional car parking, bin and cycle store at Unit 5, Ashville Way, Oxford.

Damien Roscoe, local business owner, spoke against the application, saying that the unit could be retained for its allocated business use and rented by his business.

Councillor Smith, portfolio holder, Michael Crofton-Briggs, the agent, and Hazel Walsh, the club chairman, spoke in support of the application.

Notwithstanding the officer's recommendation for refusal, the Committee considered that the planning permission should be granted. Permanent premises for the gymnastics club would meet the Council's wider policy aims of increasing leisure activities and encouraging young people to be active, and would provide employment although not at skill levels commensurate with B8 uses. While the unit was suited to B8 uses the proposed uses were satisfactory and could be accommodated on the site. The Committee were of the view that, in meeting the wider policy aims of the Council and the Local Plan, the benefits of permitting the change of use specified in the application outweighed the loss of the B8 use of unit.

In this specific case given the benefits the club provided to the community, the weight given to policy CS21 should be greater than that for policy CS28 and permission should be granted. Concerns over accessibility and transport could be addressed by condition.

They considered that in view of the specific circumstances of the application the permission should be limited to the gymnastics club.

The Committee resolved to grant planning permission for application 16/01726/FUL subject to the following conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Personal permission to Cherwell gymnastics club.
4. Cycle parking and car parking details to be submitted and agreed.

The meeting started at 6.00 pm and ended at 8.20 pm

**EXTRACT from the Minutes of a meeting of the
EAST AREA PLANNING COMMITTEE
on Wednesday 11 January 2017**

Committee members:

Councillor Coulter (Chair)	Councillor Henwood (Vice-Chair)
Councillor Chapman	Councillor Clarkson
Councillor Lloyd-Shogbesan	Councillor Taylor
Councillor Wilkinson	Councillor Wolff
Councillor Azad (for Councillor Paule)	

Officers:

Michael Morgan, Lawyer
Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Sian Saadeh, Development Management Team Leader
Jennifer Thompson, Committee and Members Services Officer

Apologies:

Councillor(s) Paule sent apologies. Their appointed substitutes are shown in the attendance.

77. Declarations of interest

There were no declarations.

78. 16/01726/FUL: Unit 5, Ashville Way, Oxford, OX4 6TU

Councillor Clarkson arrived shortly after the start of the officer's presentation on this item and in accordance with the Constitution took no part in the discussion or voting on this item.

The Committee considered an application for planning permission for the change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor; and provision of additional car parking, bin and cycle store at Unit 5 Ashville Way.

The application was considered at East Area Planning Committee on 12 October 2016. The Committee noted it was before them for a fresh determination following

advertisement of the development as a departure from the development plan and a new consultation period, and noted the officer's supplementary report.

Cameron Thomson, representing Mayfield Press, occupants of the neighbouring units, spoke against the application. He explained the firm's recent merger and potential for a further merger and their proposals to expand their current premises into Unit 5 and retain the unit in Use Class B8. He explained that the second increase in employees (from 85 to 110) would not be possible in the existing space and that the firm may need to relocate outside the city with the consequent costs to the firm and loss of employment within the city. He commented on traffic problems at the site after 6pm caused by large delivery lorries and parked BMW lorries.

Michael Crofton Briggs, the agent, and Hazel Walsh, the club chairman, spoke in support of the application. They explained the reason for the club's decision to apply for permission; the gymnastic club's ability to provide facilities at this location for a large number of young people; that the provision of a new sporting facility met a number of local and national policies on leisure and exercise; the unique nature and needs of the club; their difficulty in finding a permanent home; and that they considered the change of use retained the site for employment use by providing office and leisure jobs. They explained the activities on the site, the proposals for letting the office space, and their management of traffic by staggering class times and encouraging cycling and car sharing.

The Committee asked questions of the officers and the speakers to clarify the material planning issues. They took account of the different employment uses proposed by the gymnastics club and the printing firm, the loss of employment sites elsewhere in the area, and the relevance of policy CS28. They accepted the officer advice that policy CS21 did not in fact apply in this case. In considering the evidence before them from the officer's report, supplementary report including advice on policy and presentation, and from the speakers, and the material planning considerations, the Committee determined that permission for the application should be refused.

The Committee resolved to refuse planning permission for application 16/01726/FUL the following reason:

The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026.

The meeting started at 6.00 pm and ended at 8.35 pm

Minutes of a meeting of the PLANNING REVIEW COMMITTEE on Wednesday 18 January 2017



Committee members:

Councillor Munkonge (Vice-Chair, in the Chair)	Councillor Anwar
Councillor Azad (for Councillor Turner)	Councillor Brandt
Councillor Goddard	Councillor Kennedy
Councillor Malik	Councillor Pressel (for Councillor Fry)

Officers:

Michael Morgan, Lawyer
Adrian Arnold, Development Management Service Manager
Robert Fowler, Planning Team Leader
Catherine Phythian, Committee Services Officer

Also present:

Tim Peart, Transport Planner – Oxford, Oxfordshire County Council Highways Authority
Martin Kraftl, Locality Manager – Oxford, Oxfordshire County Council Highways Authority

Apologies:

Councillor(s) Fry, Sinclair and Turner sent apologies. Their appointed substitutes are shown in the attendance.

16. Declarations of Interest

There were no declarations of interest.

17. 16/01789/FUL: Demolition of Aristotle House, Aristotle Lane, Oxford, OX2 6TR

The Committee considered an application for the demolition of Aristotle House and the erection of a four storey building to provide office space and 4 x 4-bed terraced dwellings with the formation of access from Kingston Road.

The application was approved by the West Area Planning Committee on 13 December 2016. The application was subsequently called-in to the Planning Review Committee

on the grounds that the decision did not take adequate account of the road safety aspects of the proposal.

The Planning Officer presented the report and made the following points:

- Paragraph 35, Appendix 1 referred to additional vehicular access on Hayfield Road, whereas in fact this would be from Kingston Road
- There was an error in paragraph 2, on page 9 of the original committee papers which stated that the West Area Planning Committee had refused the application, whereas in fact they had approved the application. The original reports had been withdrawn and corrected copies of the agenda had been circulated
- The highway safety concerns raised by the call in and by the St Margaret's Area Society in their traffic survey (as circulated to the Committee) were fully addressed in the officer report (paragraphs 7, 8 and 9)
- The Highways Authority had confirmed their view that the application is likely to result in a reduction in the overall motor vehicle trips to the site as a whole; the safety issues raised were pre-existing and there were no underlying road safety issues at the junction of Kingston Road, Hayfield Road and Aristotle Lane. Representatives from the Highways Authority were present at the meeting to answer questions
- An additional response in support of the application had been received from the Hayfield Road Residents Association and this had been circulated to the Committee.
- The new development would provide much needed family homes and modern employment space

Louise Upton (Oxford City Councillor), Irene Conway (Headmistress, St Philip & St James), Rev'd Canon Andrew Bunch (Vicar of St Giles' and St Margaret's) and Tim King (St Margaret's Area Society spoke against the application.

Lois Partridge (Agent), Peter Alsop (Applicant) and Jean Bradlow (Hayfield Road Residents Association) spoke in favour of the application.

In discussion the Committee concentrated on the concerns raised by the public speakers about the traffic and road safety issues.

In response to questions from the Committee the Oxford City Council Officers and Highways Authority representatives made the following points:

- The application did not present a material change to the pre-existing traffic/road safety issues.
- The imposition of a condition which placed time constraints on the vehicular access to the office site would not be reasonable in planning terms
- The imposition of a condition which placed time constraints on the deliveries by third parties to the residential units or to the office site would not be reasonable in planning terms. However, the applicant indicated that they would be willing to produce an "awareness plan" for the residents/employers and the Committee agreed to include this as an informative
- Vehicular access to the office site would be over a raised pavement and as such traffic calming measures (eg. speed humps) were not necessary although the

installation of traffic mirrors at the entrance might be beneficial. The Committee agreed to include the safety mirrors as a condition on the application.

- Road safety signage would be addressed as part of the section 278 agreement
- The possibility of moving the existing bollards between Hayfield Road and Kingston Road further south was an interesting proposal and technically possible but it would not be reasonable in planning terms to make this a condition of the application as the Highways Authority had stated that it was not necessary
- The existing pavement was very narrow and it would be extended to provide a wider path suitable for pedestrians and cyclists
- Concerns relating to construction traffic and deliveries would be addressed by the construction travel plan
- There were no policy reasons for refusing the application.

In reaching their decision, the Committee considered the officers report and presentation, the addresses from the public speakers and the professional advice of the Council's legal and planning officers and the County Council Highways Authority.

On being put to the vote the Committee were equally divided in support and opposition for the officer recommendation to approve the application.

Therefore the Chair exercised his casting vote in support of the officer recommendation to approve the application.

The Committee resolved to **approve** application 16/01789/FUL at Aristotle House, Aristotle Lane, Oxford, OX2 6TR subject to and including the following conditions (as amended) and the satisfactory completion of a Section 106 agreement to secure a contribution to affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Material samples
4. Design - no additions to dwelling
5. Screening - terrace serving flat
6. Accessible homes
7. Boundary treatments
8. Parking permits
9. Construction Travel Plan
10. Visibility splays
11. Cycle storage
12. Bin storage
13. Tree Protection Plan
14. Landscape Plan Details
15. Landscape Management Plan
16. Arboricultural Method Statement
17. Biodiversity enhancement measures
18. Ecology enhancement measures - planting
19. Lighting plan - bats
20. Archaeology
21. Drainage infrastructure

22. Drainage details
23. SuDs maintenance plan
24. Renewable or low carbon details
25. Risk assessment - land quality
26. Validation report - land quality
27. Ecological management plan – canal protection
28. Installation of visibility mirrors at entrance to commercial development

Informative: that the applicant will develop a “community awareness” document for the owners/occupiers of the residential properties and the employers in the commercial property which would reference the concerns relating to road/traffic safety and delivery times.

Legal Agreements:

S106 to secure affordable housing contribution

18. Minutes

The Committee resolved to **approve** the minutes of the meeting held on 5 October 2016.

19. Date of Future Meetings

The Committee noted that the next meeting was confirmed for 15 February 2017.

The meeting started at 6.00 pm and ended at 7.45 pm