

# Agenda Item 3

**EAST AREA PLANNING COMMITTEE**

3<sup>rd</sup> July 2012

**Application Number:** 12/01101/CT3

**Decision Due by:** 12th July 2012

**Proposal:** Change of use from D1 (training of young people in car mechanics and social skills) to B8 (storage) purposes.

**Site Address:** Trax Rear Of 90 To 92 Blackbird Leys Road, Oxford  
(Appendix 1)

**Ward:** Northfield Brook Ward

**Agent:** Marriotts

**Applicant:** Oxford City Council

The application is required to be determined by Committee as the applicant is Oxford City Council.

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## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 The site is no longer required to meet the specific needs of Trax and, as a result of the awkward location and constrained nature of the site, it is very unlikely to be suitable for any other training or commercial use other than a storage use. The proposal is therefore considered to be acceptable and in accordance with policies CP1, CP19 and CP21 of the Oxford Local Plan 2001-2016 as well as policy CS28 of the Oxford Core Strategy 2026.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

## **Main Local Plan Policies:**

**Oxford Local Plan 2001-2016**

**CP1** - Development Proposals  
**CP6** - Efficient Use of Land & Density  
**CP8** - Design Developmt to Relate to its Context  
**CP9** - Creating Successful New Places  
**CP10** - Siting Development to Meet Functional Needs  
**HS19** - Privacy & Amenity  
**CP19** - Nuisance  
**CP21** - Noise

### **Core Strategy**

**CS28\_** - Employment sites

### **Other Material Considerations:**

National Planning Policy Framework

### **Relevant Site History:**

72/26216/A\_H - Erection of cleansing sub-depot for City Engineers Dept comprising of mess room and garage with yard – Permitted 15.08.1972

96/01524/NF - Change of use from sweepers' depot to training of young people in all aspects of car mechanics and social skills – Permitted 17.01.1997

### **Representations Received:**

None

### **Statutory and Internal Consultees:**

Highway Authority – No objection

### **Officers' Assessment:**

#### Site Description

1. The application site relates to a small enclosed and gated yard area together with its associated single storey office/storage building located to the rear of a group of neighbourhood shops on Blackbird Leys Road. The site is shown on a location plan attached as Appendix 1.

2. The site is in a poor state of repair having become disused following the relocation of Trax, a motor based training organisation for young people, to a site adjacent to the Pear Tree roundabout after operating at the site for approximately 14 years.

#### Description of Proposal

3. The application seeks consent for the conversion of the site from its current D1 use (non-residential education and training centre) to B8 use (storage and

distribution).

#### Change of Use

4. The site and its building were constructed as and formerly used as a storage facility for road sweepers of Oxford City Council until approximately the early 1990s. Trax were granted permission to use the site for its training purposes back in January 1997. However a condition was imposed restricting the use and the operation of the site to Trax only with no other person/organisation within the D1 use class afforded such permission. The condition was imposed having taken account of the community benefits afforded by Trax as well as its specific and relatively low key nature in comparison with the potential harm to the amenity of nearby local residents were an unrestricted commercial or training use to take place. The site therefore does not enjoy permission for general D1 use and, as a result, it could not be re-used by a similar training organisation without planning permission.

5. Notwithstanding the site's previous use by Trax it is not a site that is likely to be used by any other similar training organisation or commercial operation given that the site was clearly designed for storage purposes and is obviously poorly located at the rear of a row of shops such that it would not be an enticing proposition for new tenants. In addition, since Trax has successfully relocated to another larger and more appropriate site within the City no overall loss of such training space will be lost and the return of the site to storage purposes (likely to be in connection with the operation of one of the shops to the front of the site) will help enhance an existing commercial operation within the area.

#### **Conclusion:**

6. The site is not considered to be realistically suitable for any purpose other than for storage use following the relocation of Trax to another site within the City. Committee are therefore recommended to approve the application.

#### 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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

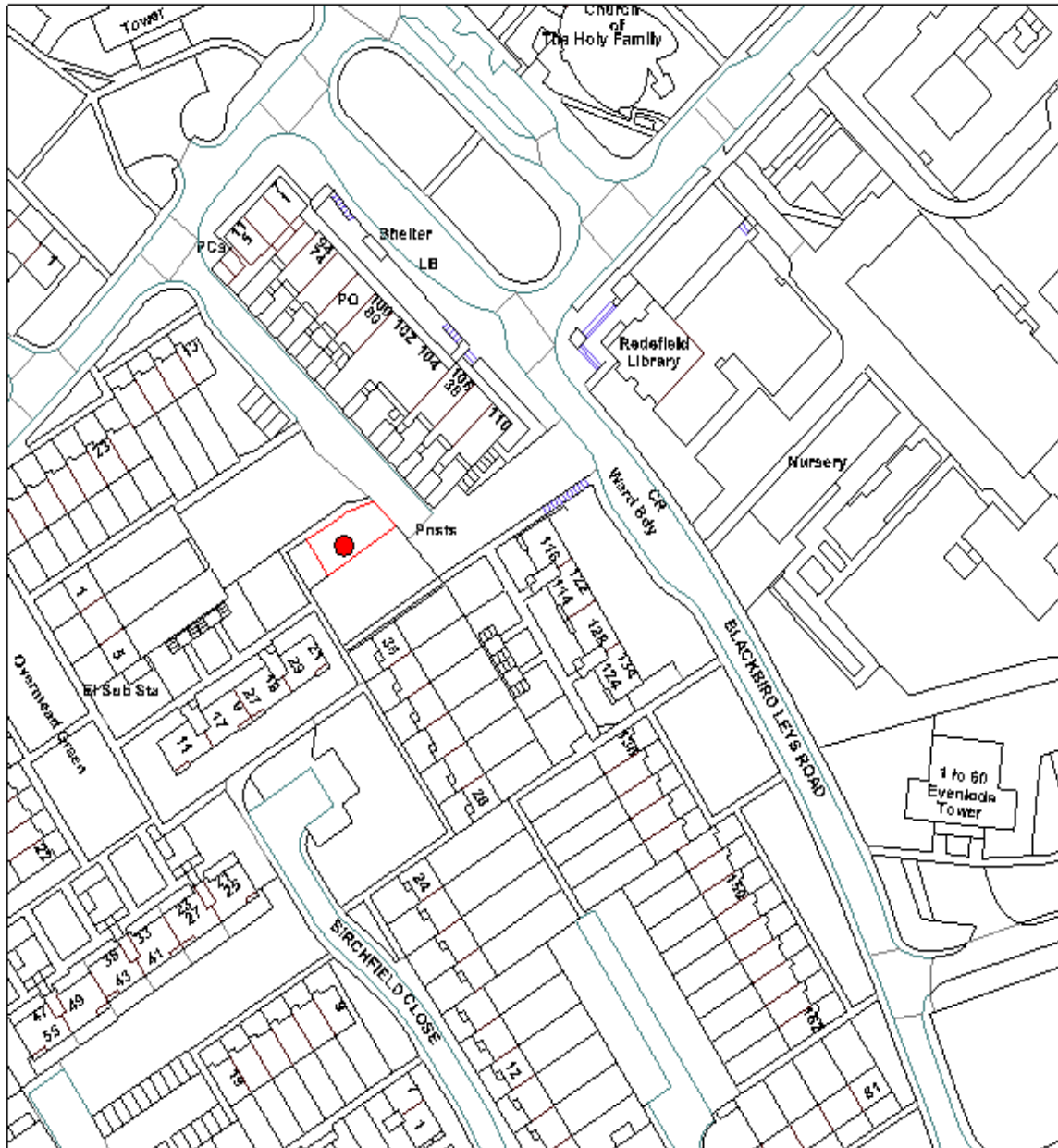
**Background Papers:** 72/26216/A\_H, 96/01524/NF & 12/01101/CT3

**Contact Officer:** Matthew Parry

**Extension:** 2160

# Appendix 1

Rear of 90 to 92 Blackbird Leys Road (former Trax site)



Scale: 1:1250

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<b>Organisation</b>	Oxford City Council
<b>Department</b>	City Development
<b>Comments</b>	1201101/CT3
<b>Date</b>	30 May 2012
<b>SLA Number</b>	Not Set

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