

**West Area Planning Committee**

10<sup>th</sup> October 2012

**Application Number:** 12/01924/FUL

**Decision Due by:** 20th September 2012

**Proposal:** Change of use from estate agency (Class A2) to letting agency (Class A2) and radio station (Class B1)

**Site Address:** 251 Cowley Road, **Appendix 1**

**Ward:** St Clement's Ward

**Agent:** N/A

**Applicant:** Mr Kandola

**Application Called in –** by Councillors – Jones, Wilkinson, Campbell and Gotch for the following reasons – impact on amenity due to working 24/7 and traffic/parking

---

## **Recommendation:**

APPLICATION BE APPROVED

For the following reasons:

- 1 Whilst there is a reduction in the amount of Class A use on the site the proposal will not result in a net loss therefore the proportion of units at ground level in Class A uses does not alter. The automated system of operating the radio station during the night will avoid any impact on the amenity of the neighbouring properties in terms of people coming and going from the site. The site is in a highly sustainable location with parking controls which will prevent any highway issues/parking problems. The development would therefore accord with the relevant policies of the development plan.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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
- 3 Materials

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016 (OLP)**

**CP1** - Development Proposals

**CP8** - Design Development to Relate to its Context

**CP9** - Creating Successful New Places

**CP10** - Siting Development to Meet Functional Needs

**TR3** - Car Parking Standards

**TR4** - Pedestrian & Cycle Facilities

**RC5** - Secondary Shopping Frontage

### **Core Strategy (OCS)**

**CS1\_** - Hierarchy of centres

**CS18\_** - Urban design, town character, historic env

**CS20\_** - Cultural and community development

### **Other Material Considerations:**

National Planning Policy Framework

### **Relevant Site History:**

70/23168/A\_H - Change of use from shop with flat over to estate agents' office with flat over. PER 8th December 1970.

71/02011/P\_H - Internally illuminated projecting box sign. PER 12th January 1971.

71/24169/A\_H - Outline application for erection of four ground floor shop units with office accommodation on the first and second floors and provision of rear access and parking space (247-251 Cowley Road). REF 25th May 1971.

72/03059/P\_H - Internally illuminated fascia sign. REF 22nd February 1972.

77/00510/AA\_H - Alterations to shop front. PER 3rd August 1977.

77/00510/A\_H - Ground floor office extension, first floor flat, car parking (2). REF 17th August 1977.

77/00511/A\_H - Alterations to shop front. PER 3rd August 1977.

77/00512/P\_H - Illuminated shop sign. PER 3rd August 1977.

77/00800/A\_H - Extension to ground floor office, additional first floor flat and parking spaces. PER 2nd November 1977.

78/00255/A\_H - Erection of 2 no one bedroom flats with 2 parking spaces (1A and 1B Southfield Road). PER 17th May 1978.

78/00272/A\_H - Erection of single storey office extension. PER 19th April 1978.

95/00903/NF - Change of use of ground floor from shop (Class A1) to restaurant (Class A3). (No takeaway) Erection of flue. REF 16th August 1995.

96/01252/NF - Change of use of ground floor from shop (Class A1) to restaurant (Class A3) including rebuilding of brick chimney at rear to enclose extract duct. Provision of bin store. Amended plans). WDN 27th February 1997.

99/00518/NF - Change of use of ground floor from Shop (A1) to Estate Agent (A2). PER 23rd June 1999.

07/00299/ADV - Retention of externally illuminated fascia sign. PER 5th April 2007.

**Representations Received:**

None.

**Statutory and Internal Consultees:**

Highways Authority: No objections

**Issues:**

Operation of Radio Station  
Change of Use  
Highways  
Design  
Residential Amenity

**Officers Assessment:**

**Site Description**

1. The application site lies on the corner of Cowley Road and Southfield Road within the secondary shopping frontage of Cowley Road. It forms an end of terrace with commercial units on the ground floors and residential above. The site's authorised use is that of an estate agent on the ground floor with residential above.

**Proposal**

2. The application is seeking permission for a partial change of use of the ground floor to include a community radio station (Class B1). The radio station will occupy the front half of the ground floor with the estate agency the rear half fronting Southfield Road. The application also involves the removal of the existing lean-to roof at the rear and its replacement with a flat roof.

## **Assessment**

### **Operation of Radio Station**

3. The radio station is a community radio station called OX105 which at present is run from Blackbird Leys. It is operated 24 hours a day but is run automatically between the hours of 11.00pm and 7.00am. It is run by volunteers on a part time basis with 2 to 3 people on site at any one time. The volunteers are local to the area gaining experience as radio d.j.'s. The move to this new site is considered necessary in order to make the radio station more accessible to the community they are trying to reach. Given the operational use of the radio station it is not likely to impact on the surrounding properties.

### **Change of Use**

4. The site lies within Secondary Shopping Frontage, as identified within the OLP, which aims to allow more flexibility and diversification of uses. Secondary Shopping Frontages ensure a predominance of Class A1 uses, but allows for other Class A uses. A small proportion of other uses is possible on their merits. Policy RC5 of the OLP applies and states other uses are permitted only where the proportion of units at ground level in Class A uses does not fall below 95% of the total units in that frontage. Although there will be a reduction in the amount of A2 use on the site there is no actual loss and therefore the percentage of Class A uses will not change. Therefore the partial change of use is considered acceptable.

### **Highways**

5. Although the radio station is run 24 hours it is automated during the night time and during the day there would only be 2 to 3 people on the site at any one time. The Highway Authority have raised no objections to the application as they consider there are no significant changes to use of the premises with respect to highway impacts where there are parking controls at this location and sustainable transport options available to staff and visitors.

### **Design**

6. At the rear/side a small lean-to extension exists with a mono pitched roof. It is proposed to raise the lower end of the roof to create a flat roof in order to gain additional height internally. The external wall will be built up in brickwork to match the existing and the roof would be flat with a felt covering. The alterations will not be visible within the public domain i.e. from the street therefore they will not have a detrimental impact on the character and appearance of the area.
7. The alterations are considered to form an appropriate visual relationship with the building and its surroundings in accordance with policy CS18 of the OCS and CP1, CP6 and CP8 of the OLP.

## **Residential Amenity**

8. The adjoining property, 249 Cowley Road, has offices on the ground floor and residential above. The proposed alterations to the roof will not have a detrimental impact in terms of sunlight/daylight, sense of enclosure and will not cause any issues of overlooking or loss of privacy. The alterations are therefore in accordance with policy CP1 and CP10 of the OLP.

### **Conclusion:**

9. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016. Therefore officer's recommendation to the Members of the West Area Planning Committee is to approve the development.

### **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:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 26th September 2012

# Appendix 1

12/01924/FUL 251 Cowley Road



Scale : 1:1250



Organisation	Not Set
Department	Not Set
Comments	
Date	26 September 2012
SLA Number	LA100019348

© Crown Copyright and database right 2011.  
Ordnance Survey 100019348.