

EAST AREA PLANNING COMMITTEE

4th December 2012

Application Number: 12/02219/FUL

Decision Due by: 5th December 2012

Proposal: Change of use from class B1 (office) to class D1 (radiotherapy centre). Enclosure of existing external staircase and new reception/lobby area.

Site Address: Royal Mail, Beaumont House Sandy Lane West, Oxford –
Appendix A of report to 6th November 2012 Committee

Ward: Littlemore Ward

Agent: CSM Architects

Applicant: Cancer Partners UK Ltd

The application was deferred by East Area Planning Committee at its meeting of 6th November 2012 to allow officers to investigate and respond to concerns raised by Members in relation to the impact of the proposals on the highway network.

Recommendation: See Appendix A

Background

- 1 This planning application was considered by East Area Planning Committee on 6th November 2012 following a recommendation by officers to approve the application subject to conditions (Appendix A to this report contains the associated Committee report). The Committee, however, resolved to defer the application due to concerns expressed about the impact of the proposal on highway safety. The deferral was to allow officers the opportunity to investigate and respond to Members' concerns in this regard. Officers have since consulted further with the Highway Authority and it has responded accordingly.

Highway Implications

- 2 The application site is located at the entrance to an existing business park accessed from Sandy Lane West and lies only about 50m from the junction to the A4142 Eastern Bypass. The site therefore enjoys excellent access by road.
- 3 Appendix 3 of the Local Plan sets out maximum car parking standards in new development which varies according to the type of use proposed as well as the proposed location within the City. A cancer treatment centre falls within Use Class D1 (a medical centre/clinic) and the Local Plan requires a maximum

of 32 car parking spaces for such a development. However a total of 48 designated off-street car parking spaces are available to serve the building such that the Local Plan requirement is comfortably exceeded.

- 4 Whilst the Council would normally seek to limit car parking provision so as to encourage travel by more sustainable transport modes, in this case officers consider it unwise on two grounds: firstly, many of those visiting the building would be patients with medical conditions such that it would not be appropriate or realistic to expect them to travel by other means; and, secondly, the continued provision of a greater level of designated off-street parking will help the building to be an attractive proposition for a return to a business use in the future when/if the use of the building as a cancer treatment centre ceases.
- 5 The proposal will result in a number of patient, staff and servicing/delivery trips per day. It is expected that there will be between 30 and 45 patient trips per day, 10 to 15 staff trips per day and 7 to 8 servicing and delivery trips per day. A catchment area of 40 minutes' drive time is anticipated. In comparison, the number of trips likely to result from use of the building as an office (its current lawful use) is approximately 183 per day based on survey information provided by the Highway Authority. Consequently the change of use of the building is likely to result in approximately one-third of the vehicular movements than would be expected if it returned to its lawful office use such that, based on the total volume of traffic generated, it would not be reasonable to conclude that the proposal would adversely affect highway safety.
- 6 Further to the above, officers consider it relevant to point out that with respect to the proposed use, the associated vehicular movements are likely to be fairly consistent throughout the day from approximately 7am to 6pm as patients would arrive during the day and stay for 2-3 hours. This would represent an improvement over that likely to occur if the building were to be used as an office where the traffic movements would occur mainly in the peak hour periods from 8am to 9am and 5pm to 6pm which would prove more disruptive to existing businesses as well as children on their way to nearby schools.
- 7 Additionally officers would highlight the cycle parking facilities that are proposed as part of the scheme which are considered to be at an acceptable level for the use proposed and, in any event, represent an improvement over that currently provided. Furthermore it is proposed to impose a condition requiring the applicant to submit a Travel Plan prior to the occupation of the building setting out measures to achieve sustainable staff travel.
- 8 As a consequence of that set out above officers have no concerns whatsoever about the impact of the proposed use on the safety and functioning of the highway network and in this respect concur with the views of Highway Officers at the County Council who additionally raised no concerns.

Impact on Oxford University Hospitals NHS Trust (OUH)

- 9 Following the publication of the agenda for the previous Committee meeting a late objection was received from OUH and Members were verbally updated of this representation at Committee. For the purposes of clarity and completeness the concerns raised by OUH can be summarised as follows:
- The opening of a private radiotherapy treatment centre employing about 18 staff will result in the 'poaching' of staff from the Churchill Hospital to the detriment of patient care across Oxfordshire particularly in light of the national shortage of radiographers;
 - The level of care proposed to be provided is suboptimal as there is no 24 hour back-up such that, in cases of emergency, the NHS will be relied upon if patients suffer side effects or serious complications;
 - There is an inadequate provision of radiotherapy treatment machines which, in the case of breakdown, could have consequences for the health and treatment of patients; and
 - The development is unnecessary as the Churchill has a modern and comprehensive cancer treatment facility which opened in 2009. The viability of the new centre would be questionable given that only 5 of the 25 consultant oncologists at the Churchill Hospital Cancer Centre undertake private work with the majority of these not being interested in working at the proposed centre.
- 10 In response to this objection officers feel it important to stress to Members that competition between organisations (whether public or private) is not a material planning consideration and Government guidance is very clear on this matter. Officers therefore strongly recommend that Committee does not have regard to this issue in coming to a decision on this application.
- 11 Officers would also point out in response to this objection that the health and safety requirements of a private clinic and the standard of care it provides for its patients are not planning issues for Committee to consider given that such standards are assessed and regulated by the Care Quality Commission. Members should not therefore afford weight to this point of objection in their consideration of the application.
- 12 Finally, the point indirectly made about poached staff also extended to the issue of the potential loss of employment that is covered in the original report at Appendix A below. Whereas it may be considered that there would be no substitute employment if permission were granted because of the alleged poaching of staff it would not be possible to substantiate this concern in the event of an appeal.

Conclusion

- 13 Following deferral of the application, officers continue to have no concerns with respect to the impact of the proposed development on the safety and functioning of the local highway network. In addition the concerns raised by the NHS Trust cannot be afforded any weight in the determination of the application as they do not amount to material planning considerations as set out in long established Government guidance. As a consequence Committee is again recommended to approve the application subject to the conditions suggested at the beginning of this updated report.

EAST AREA PLANNING COMMITTEE

6th November 2012

Application Number: 12/02219/FUL

Decision Due by: 5th December 2012

Proposal: Change of use from class B1 (office) to class D1 (radiotherapy centre). Enclosure of existing external staircase and new reception/lobby area.

Site Address: Royal Mail, Beaumont House Sandy Lane West, Oxford –
Appendix 1

Ward: Littlemore Ward

Agent: CSM Architects

Applicant: Cancer Partners UK Ltd

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposed change of use to a radiotherapy centre is, whilst away from the office/industrial uses protected by development plan policy in this key employment site, considered to bring a long-vacant office building back into an, albeit less intensive, employment generating use that would help support one of Oxford's key employment sectors. The proposed use is also considered to be commensurate with surrounding office and industrial uses in terms of noise, traffic and general disturbance and is adequately catered for in terms of car and cycle parking facilities as well as refuse storage provision. The proposals are therefore considered to accord with policies CP1, CP6, CP8, CP9, CP10, TR3 and TR4 of the Oxford Local Plan 2001-2016 as well as policies CS18, CS27 and 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
- 3 Materials to match
- 4 Exclusion of other uses within Use Class D1
- 5 Car/Cycle parking and manoeuvring areas to be laid out prior to commencement of the new use and retained as such thereafter
- 6 Refuse storage areas to be laid out prior to commencement of the new use and retained as such thereafter
- 7 Minimum of 12 cycle parking spaces to be provided at all times to cater for staff and visitors in the location shown on plan no. 4208/07A

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 Developmnt to Meet Functionl Needs
- HS19** - Privacy and Amenity
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities

Core Strategy

- CS18** - Urb design, town character, historic env
- CS28** - Employment sites
- CS27** - Sustainable economy

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

97/00444/NF - Single storey extension to reception area – Permitted 02.05.1997

07/00164/FUL - Replacement entrance lobby – Permitted 13.04.2007

Representations Received:

None

Statutory and Internal Consultees:

Littlemore Parish Council – No objection provided sufficient car parking is proposed to prevent parking in nearby residential areas.

Thames Water Plc – No objection

Environment Agency – No objection

Highway Authority – No objection subject to conditions including the requirement for a Travel Plan to be submitted and agreed prior to commencement of the proposed use.

Officers' Assessment:

Site and Locality

1. The application site comprises an existing office building that was, until 2004, occupied by Royal Mail for some of its administrative functions. The building provides 1,311 sq m of floorspace over two floors and is supported by a relatively significant car park which forms part of the application site. The building is located at the entrance to the East Point Business Park, sited just off the A4142 ring road. The business park is comprised of predominantly office and light industrial operations. The application site can be seen in its context by viewing the site location plan appended to this report.

The Proposed Development

2. The application seeks consent for the change of use of the building from its current B1 (office) use to a radiotherapy centre within use class D1. The facility is proposed to employ 12 full-time and 4-6 part-time radiotherapy, chemotherapy, scanning and support staff though consultants will also use the facility to see patients throughout the day. The operating hours of the Centre are proposed to be between 8.30am and 6.30pm on weekdays and 9am to 1pm on Saturdays. The application also proposes a number of very minor external works including encasing an existing external stair in rendered walls and a standing seam metal roof. The front entrance lobby is also proposed to be demolished and replaced with a structure that is broadly the same.

3. Officers consider the principal determining issues affecting this application to be:

- The principle of the change of use;
- Acceptability of the new use within its context; and
- Highway implications.

Change of Use

4. The last and indeed lawful use of the application building was for office (B1 use class) purposes to support the Royal Mail's wider functions. Indeed it is, both in terms of external appearance and internal layout, set up as an office building. The building is located within East Point Business Park which is, through policy CS28 of the Core

Strategy, designated as a key protected employment site. Policy CS28 states that planning permission will not be granted for development that results in the loss of key protected employment sites unless either of the following can be demonstrated:

- Overriding evidence is produced to show the operation of the premises is presently or has caused significant nuisance or environmental problems;
- Or**
- No future occupiers can be found despite substantial evidence to show the premises/site has been marked both for its present use or alternative employment generating uses; **and**
 - The loss of jobs would not reduce the diversity and availability of job opportunities or small start-up business premises.

5. The supporting text to policy CS28 of the Core Strategy refers to employment sites as those in Class B uses (i.e. offices, industrial or warehousing) or closely related sui generis uses only (i.e. transport operators, builders yards etc).

6. It is clear therefore that the proposals, for a radiotherapy centre in Class D1 use, will result in a loss of a Class B use within a protected employment site and policy CS28 dictates that such a proposal be refused unless material considerations indicate otherwise.

7. However, it is clear from evidence submitted with the application and from anecdotal knowledge of the site that the building has been vacant since 2004 despite extensive marketing by at least two different estate agency firms. This is a significant period of time therefore that the building has not been contributing towards job provision within the City.

8. Officers recognise that the use of the building as a radiotherapy centre and the subsequent requirements for floorspace per consultancy room, the necessary changing/rest/waiting rooms as well as the significant plant requirements for such a facility mean that it will provide not nearly the level of employment that the average office use would allow. However, given that, at present, the building is contributing nothing towards job provision/retention within the City and that there seems to be no realistic prospect of an office use being found for the building in the short-medium term, officers are content that the requirements of policy CS28 of the Core Strategy have been met.

9. Officers would also point out that policy CS27 of the Core Strategy states that the Council will support Oxford's key employment sectors and clusters and permit proposals that seek to achieve managed economic growth. Such key employment sectors/clusters are referred to in the supporting text to the policy as including the universities, hospitals and the medical/scientific research industry. The proposals are therefore considered to not only bring an employment generating use to a long-vacant office building but also help support and contribute to one of Oxford's key existing strengths – the medical/scientific research sector. Such benefits are considered to override the default planning policy objection to the change use away from Class B uses within a key protected employment site.

10. Officers do however recommend a condition be imposed restricting the use of the

site to a radiotherapy centre only. This will prevent the long-term loss of the building from a Class B employment generating use in the event that the proposed radiotherapy centre vacates the building in the future. This will prevent other potential operations within Class D1 occupying the building without planning consent. This would allow the proposals to be considered against the policies of the development plan at that time.

Acceptability of Proposed Use

11. The use of the building as a radiotherapy centre is considered to be very unlikely to give rise to any material increase in noise, disturbance, traffic generation or other environmental effect over and above that which would be expected of a typical office or industrial premises. As a consequence, the use is considered to be commensurate with the nature of other existing uses within the business park and would not, in any way, prejudice the future functioning or desirability of the protected employment site. In addition, given the building's location within an existing business park, it is separated from residential properties such that no material harm will occur to amenity enjoyed by occupiers of any dwellings.

Highway Implications

12. As already discussed above, the proposed use is unlikely to result in a greater overall demand for car parking than the more employee intensive office use for which it is currently authorised. However, as the Centre would involve numerous visits from GPs, nurses, visitors etc throughout the day, the overall level of comings and goings outside the peak commuting hours may be higher. Policy TR3 of the Local Plan requires, for medical clinics of the size proposed, parking provision for 32 cars. This is comfortably exceeded by the 46 currently available spaces and, as part of the proposals to demolish one of the external stairs, this will create an additional two spaces to give a total of 48. Officers are therefore satisfied that the proposals will not result in an increase in indiscriminate on-street parking in the surrounding area.

13. Policy TR4 of the Local Plan requires a minimum of 22 covered and secure parking spaces for a development of the type proposed. However in this case, given the health of many of the patients coming to the radiotherapy centre, such provision is likely to be excessive as most will arrive by car and be dropped off outside the building. A dedicated 'drop off' lay-by is proposed. Visiting doctors, nurses are also unlikely to arrive by bicycle though regular staff should be encouraged to cycle to work. Consequently a condition is recommended on the permission that a minimum of 12 covered and secure parking spaces are required at any time. Such a figure is considered to be not only realistic in the context of the operation proposed but will also prevent the loss of parking spaces to cater for an unnecessarily high provision of cycle storage facilities. A Travel Plan is also recommended to be required by condition prior to commencement of the new Radiotherapy Centre use in the interests of encouraging sustainable travel. This would need to demonstrate that cycling and public transport trips will be encouraged for staff and, where relevant, other visiting professionals. This could also include car-sharing trips given the nature of the use and its likely catchment area.

14. Consequently the level of car and cycle parking provision is considered appropriate for the use proposed with the scheme unlikely to result in a material increase in traffic generation over and above that which would occur if the building

were to be lawfully used as an office once again.

Conclusion:

15. For the reasons given above the East Area Planning Committee is recommended to approve the application subject to the conditions suggested at the beginning of this report.

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: 97/00444/NF, 07/00164/FUL & 12/02219/FUL

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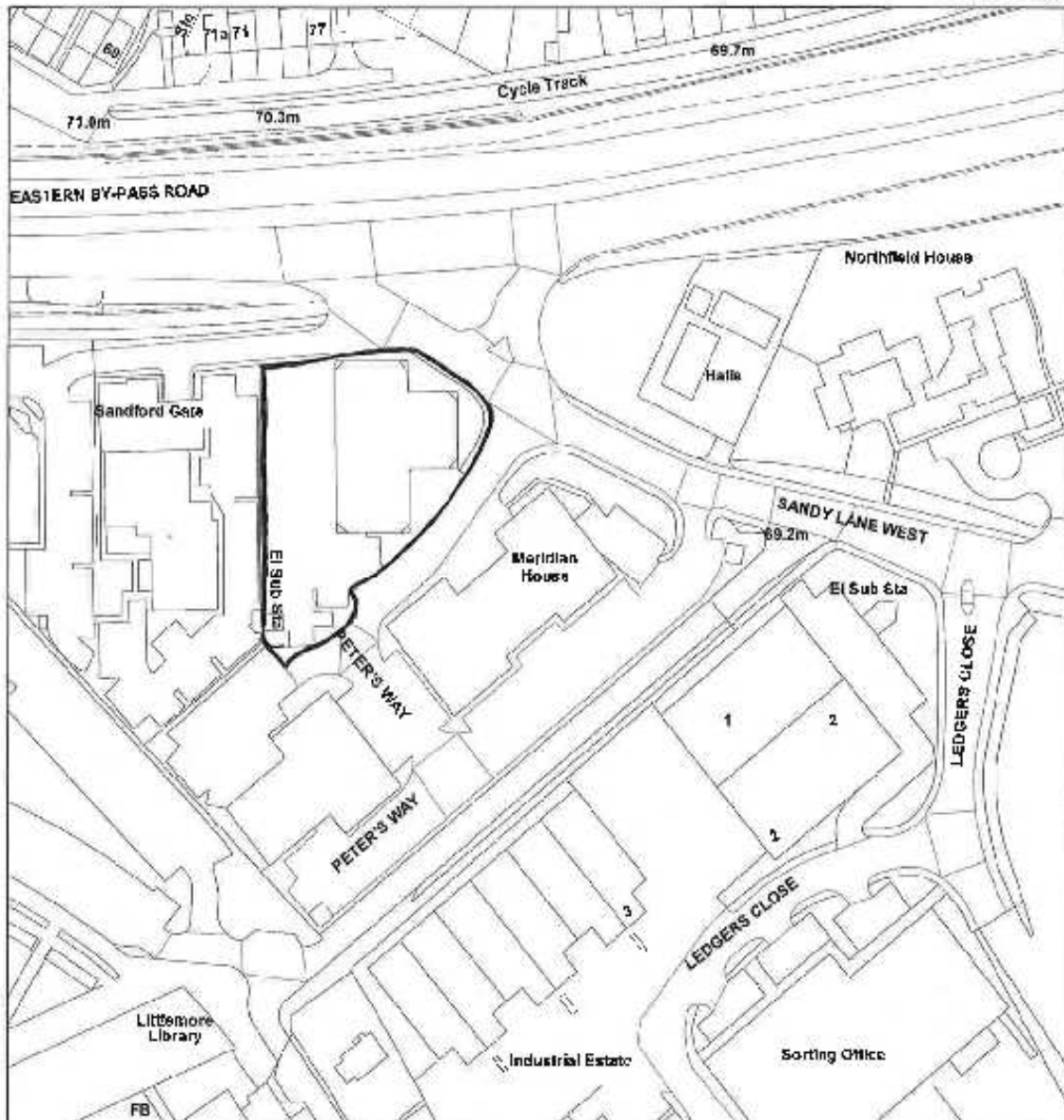
Date: 25th October 2012

Appendix 1

Beaumont House, East Point Business Park



GIS by ESRI (UK)



Scale : 1:1250

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