

West Area Planning Committee

22nd July 2014

Application Number: 14/00992/FUL

Decision Due by: 7th July 2014

Proposal: Change of use of part of site to carwash (Sui Generis)

Site Address: Travis Perkins Chapel Street (site plan at **Appendix 1**)

Ward: St Clement's Ward

Agent: N/A

Applicant: Mr Johannes Joubert

Application Called in – by Councillors – van Nooijen, Hayes, Lygo and Clarkson

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 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.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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

- 1 Temporary use
- 2 Hours of operation
- 3 Drainage

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals
CP6 - Efficient Use of Land & Density
CP10 - Siting Development to Meet Functional Needs
CP19 - Nuisance
CP21 - Noise
EC7 - Small Businesses

Core Strategy

CS11_ - Flooding
CS28_ - Employment sites

West End Area Action Plan

Barton AAP – Submission Document

Sites and Housing Plan

SP56_ - Travis Perkins, Chapel Street

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

61/10974/A_H - Rebuilding of loading bays and stores. PER 15th August 1961.

65/16131/A_H - Outline application for offices and stores. WDN 12th April 1965.

66/18146/A_H - Outline application for the erection of a single storey workshop. PER 22nd November 1966.

67/19339/A_H - Extension to existing stores and provision of additional lavatory accommodation. PER 10th October 1967.

67/19398/A_H - Provision of display area and formation of new entrance. PER 24th October 1967.

68/20960/A_H - Installation of 3,100 gallon diesel storage tank (Site of Ablett Close). PER 10th December 1968.

70/19398/A_H - Provision of display area and formation of new entrance (revised). PER 27th October 1970.

70/23500/A_H - Erection of transport office and rest room. PER 10th November 1970.

71/24414/A_H - Erection of office building. TEM 13th July 1971.

73/00022/A_H - Renewal of temporary consent for provision of a display area and formation of a new entrance (revised). TEM 9th February 1973.

73/00135/A_H - Temporary storage of new motor vehicles and/or light vans.. REF 27th February 1973.

73/00713/A_H - Extensions to provide entrance to offices and sales area. PER 12th June 1973.

73/00734/A_H - Renewal of temporary consent for erection of office building. TEM 25th June 1973.

75/00406/A_H - Repair of motor vehicles. Temporary consent for 5 years granted by Secretary of State (Site of Ablett Close). REF 16th May 1973.

75/00723/A_H - Extension to sales area. PER 3rd September 1975.

75/00724/A_H - Extension to vehicle repair shop (Site of Ablett Close). TEM 19th September 1975.

77/00209/A_H - Renewal of temporary consent for provision of display and formation of new entrance (revised). TEM 21st April 1977.

78/01017/A_H - Renewal of temporary consent for office building. TEM 13th December 1978.

79/00740/A_H - Demolition of existing warehouse and yard, offices and erection of replacement warehouse incorporating backing platform, reception, ordering and accounts office. PER 19th September 1979.

80/00459/NF - Use of land for repair of motor vehicles (Site of Ablett Close). REF 28th August 1980.

80/01018/NO - Outline application for extension of retail area for commercial sale of goods.. WDN 30th December 1980.

81/00704/NO - Demolition of prefabricated office block and outline application for extension to existing showroom sales area. (Amended Plans). PER 9th November 1982.

83/00512/NF - Retention of use of building as motor repair workshop. PER 20th September 1983.

84/00869/NR - Demolition of prefabricated office block and erection of single and two storey extension to existing Builders Merchants showroom/sales area (Reserved Matters of A704/81).. PER 20th February 1985.

90/00898/NF - Rearrangements of vehicular access to yard and erection of kiosk, electrically operated barriers and 2m high gates. PER 6th December 1990.

92/01084/NF - Demolition of showroom, lean-to store and fittings store. Filling in openings in heavy goods store, modification to existing fence on front. boundary, erection of 2.4 m brick wall on northern boundary, 1.5 m plinths for storage racking, storage cage, relocation of security officer's shed & rearranged parking layout.. PER 5th March 1993.

04/02259/OUT - Demolition of existing buildings on site. Outline application for 2044 sq.m of Class B1(a) office use and residential development, notionally of 57 x 1 and 2 bedroom flats (All matters reserved). (Travis Perkins, Chapel Street). PER 14th March 2006.

09/02518/OUT - Demolition of existing buildings on site. Outline application (with all matters reserved) for up to 2100sq m of class B1(a) offices and up to 200 student study rooms. Provision of cycle and car parking, landscaping and ancillary facilities.. PER 22nd September 2010.

11/01712/RES - Demolition of existing buildings on site. Erection of 166 student study rooms and 4 fellows flats in two blocks on 3 and 4 levels, together with sunken gym, single storey pavilion amphitheatre, 5 car parking spaces, 90 cycle parking spaces, landscaping and ancillary works. (Reserved Matters as part of Outline planning permission 09/02518/OUT seeking approval of details of layout, scale, appearance, access and landscaping) (Amended description and plans). PER 19th October 2011.

12/01388/RES - Demolition of existing buildings on site. Erection of 190 student study rooms in two blocks on 3 and 4 levels together with 2 bedrooms in gatehouse buildings, 5 car parking spaces, 100 cycle parking spaces, landscaping and ancillary works. (Reserved Matters of outline planning permission 09/02518/OUT seeking approval of details of layout, scale, appearance, access and landscaping) (Amended plans). PER 23rd August 2012.

12/02560/VAR - Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more. PER 11th October 2013.

13/01215/FUL - Erection of three storey block of student accommodation consisting of 9 cluster flats and 14 bedsit/studios (59 units) plus ancillary accommodation, cycle parking and bin storage (amended document). WDN 14th October 2013.

14/00163/VAR - Variation of condition 8 (Student accommodation) of planning permission 12/02560/VAR (Variation of condition 7 (occupation by full time students) of planning permission 09/02518/OUT to allow occupation of the development by students in full time education on courses of an academic year or more) to allow occupation of the development including vacation periods.. PER 17th April 2014.

14/01273/OUT - Demolition of existing building. Outline application (seeking approval of access, appearance, layout and scale) for the erection of new building on 4 levels consisting of Class B1 offices on ground floor and 17 x 1-bed and 14 x 2-bed flats at upper levels. Provision of cycle and bin stores plus communal garden area. PCO .

Representations Received:

63 East Avenue: water a concern as it pools outside the main gate to the Primary school and Children's Centre; increase in traffic and pollution.

55 East Avenue: effect on character of the area; highway safety issues; increase in traffic; flooding; objection already raised to the 4 storey development on the site; there is a need for a green space in front of the Wavy Gate development; there should be no further development

Statutory and Internal Consultees:

Highways Authority: no objection subject to conditions; there is no proposed change in the number of parking spaces on the site and the site uses the existing access and egress previously used by Travis Perkins. The site lies within a Controlled Parking Zone and therefore the proposal should have no impact on the highway.

Oxfordshire County Council Environmental Services: All run off from this development must drain to the public foul sewer and not onto the public highway

Issues:

Temporary use

Highways/Flooding

Officers Assessment:

Site Description

1. The application site lies off Chapel Street/Collins Street within the side streets of East Oxford off Cowley Road. The site is currently vacant i.e. the former use as a builders merchants no longer exists on the site.

Proposal

2. The application is seeking retrospective planning permission for a temporary use of the site as a car wash.

Assessment

Temporary Use

3. The site was formally a builder's merchant, Travis Perkins, and is allocated in the Sites and Housing Plan 2011-2026 (SHP) by way of policy SP56 for a mix of residential and employment. It is also allocated in the Oxford Core Strategy 2026 (OCS) as a protected employment site by virtue of policy CS28. An outline application has been submitted, reference 14/01273/OUT, for office use and residential on the site and this is currently under consideration. Previous permissions have been granted on the site for employment and student accommodation which have now expired. Therefore, it is reasonable to assume that at some point the site will be redeveloped. Given the site's

allocation it will not be given over to green space as suggested in one letter of comment.

4. The proposed temporary car wash use will employ 1 full time and 3 part time people and will operate 0900-1700 Monday to Friday, 0800-1300 Saturdays and 0900-1700 Sundays and Bank Holidays. The hours of operation can be controlled by a condition should Members approve the application. Whilst the employee numbers are low, it will provide some employment albeit on a temporary basis.
5. The applicant is requesting a temporary permission on a monthly basis. However, this is considered to be too ambiguous and therefore, it is suggested that the permission be for a temporary period of one year or the use shall cease once works start on site should any permissions be granted for the allocated use, whichever is the sooner. This would also give officers some control.

Highways/Flooding

6. With regards to highway safety and the impact of cars coming to and from the site, the Highway Authority have raised no objections (see above). They also do not object to the proposal providing no surface water from the development is discharged onto the adjacent highway. The same applies with comments from Oxfordshire County Council Environmental Services drainage team which also do not want to see run-off from the site onto the public highway and that the proposal must drain into the public foul sewer. It is recommended that this is dealt with via a condition.

Conclusion:

7. Members are recommended to approve the application subject to the conditions listed and suggested in the officers 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 grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

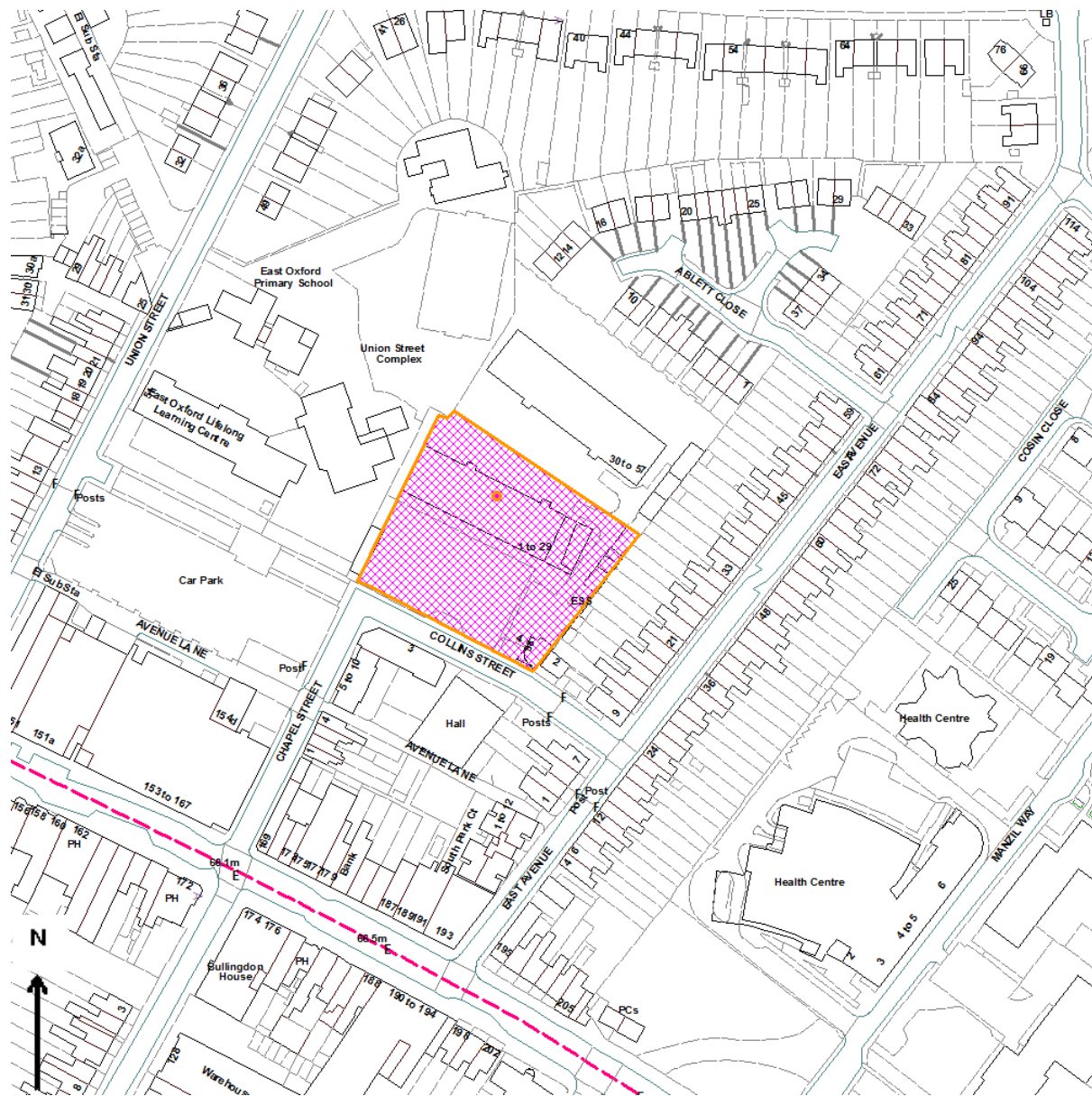
Contact Officer: Lisa Green

Extension: 2614

Date: 7th July 2014

Appendix 1

14/00992/FUL - Travis Perkins



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