

West Area Planning Committee

10th March 2015

Application Number: 14/03538/CT3

Decision Due by: 9th March 2015

Proposal: Change of Use from Nightclub (Sui Generis) to Offices (Use Class B1) including ancillary use for Shopmobility unit for a temporary period of 3 years. Insertion of 2no. windows to north-west elevation, 2no. windows to south-west elevation and 5no. windows to south-east elevation.

Site Address: The Coven Oxpens Road Oxford Oxfordshire

Ward: Carfax Ward

Agent: N/A

Applicant: Oxford City Council

Recommendation: West Area Planning Committee are recommended to approved the proposed change of use for a temporary period of 3 years, subject to and including conditions.

Reason:

- 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.

subject to and including the following conditions:

- 1 Temporary consent for use: 3years
- 2 Develop in accordance with approved plans
- 3 Materials to match
- 4 Restricted opening hours: 0800–1800hrs Mon- Fri & 0900–1700hrs Sat to Sun

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
CP19- Nuisance
CP21- Noise
TR3 – Car parking standards
TR11 - City Centre Car Parking

Core Strategy (CS)

CS5_ - West End

West End Area Action Plan (WEAAP)

WE28 - Leisure

Other Material Considerations:

National Planning Policy Framework
Planning Practice Guidance

Relevant Site History:

None

Representations Received:

None:

Statutory and Internal Consultees:

None:

Officers Assessment:

Site Description and Proposal:

The site lies on the western side of Oxpens Road adjacent to the Ice Rink and the Oxpens Car Park to the south and tyre and exhaust centre to the north. It is a single storey flat roof building of utilitarian design which has until very recently been used as a nightclub/ burlesque club.

The proposal is to change the use of this building to Offices for use by the City Council in conjunction with the Shopmobility facility operating from the temporary Oxpens car park for a period of three years. In order to provide more natural light into the building, several new windows are proposed in the southern, western and northern elevations, (the front elevation remaining the same).

Issues:

Officers consider the main issues in determining this application are:

- Principle of change of use;
- design and impact of new windows;
- hours of operation; and
- car parking

Principle of Change of Use:

The site lies within the West End Area and as such the West End Area Action Plan details the Council's vision to transform this key part of the city centre, which is based on Core Strategy Policy CS5. The West End is allocated as a strategic location which will deliver a mixed use development including office, retail, residential, cultural and leisure uses. Some employment development will take place through the modernisation and redevelopment of existing previously developed land, amounting to office space, (estimated at 15,000m² for the private sector and 20,000m² for the public sector).

There are no policies that prevent the loss of nightclubs in the City, although the Oxford Local Plan does recognise that they contribute to the commercial leisure sector and thus the variety of such uses within the City. The application is for a temporary change of use for 3 years, and as such it is considered that the proposal would not compromise the variety of uses in the area or the West End Area Action Plan and is therefore acceptable in accordance with CP1 of the OLP, CS5 of the CS and WE28 of the WEAAP.

Design and Impact of New Windows:

The proposed new windows would not only provide additional light into the building but also provide relief to an otherwise blank structure, together with providing additional surveillance over the car park which is a positive measure in reducing crime through design. There would therefore be no harm to the character and appearance of the building and the proposal accords with Policies CP1, CP8, CP9 and CP10 of the OLP.

Hours of Operation:

The Shopmobility facility would open between 0800 – 1800hrs Monday to Friday and 0900 – 1700hrs Saturday to Sunday. It would retain 8 scooters, 3 power chairs and 4 wheelchairs. It is considered that there would be no harm to neighbouring facilities or operators from the proposed opening hours in terms of noise or disturbance in accordance with CP19 and CP21 of the OLP. The opening hours could be secured by condition.

Car Parking:

The site lies within the City Centre and Transport Central Area Car free development in this location is supported and an increase in car parking spaces resisted. The site has no off street car parking specifically allocated to it, however it is adjacent to the Oxpens Car Park (run by the City) which has disabled spaces. It is also in a sustainable location close to the railway station and bus routes into and out of the City. No objection is raised therefore in respect of parking in accordance with TR3 and TR11 of the OLP.

Conclusion:

West Area Planning Committee is recommended to approve the application subject

to conditions for the reason set out in the report above.

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: 14/03538/CT3

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Date: 24th February 2015