

West Area Planning Committee

9th February 2016

Application Number: 15/03077/FUL

Decision Due by: 16th December 2015

Proposal: Change of use from Employment Agency (Use Class A2) to Betting Shop (Sui Generis). (Amended plans) (Additional information)

Site Address: 33 St Ebbe's Street Oxford Oxfordshire OX1 1PU – see **Appendix 1**

Ward: Carfax Ward

Agent: Mr Chris Hickey

Applicant: Coral Racing Ltd

Application Called in by

Councillors Hollingsworth, Lygo, Rowley, Pressel, Kennedy to allow the Committee to consider:

- i) The policy background for betting shop applications as applied to this application, as it will set a precedent for the city.
- ii) The appropriateness of having a betting shop in this location, given the proximity to many of the city's hostels and accommodation for extremely vulnerable adults.
- iii) The impact of a betting shop on other businesses in the St Ebbe's area.

Recommendation:

APPLICATION BE REFUSED

For the following reasons:-

- 1 The proposed change of use would result in a loss of a Class A Use that would reduce the proportion of Class A Uses within the secondary frontage and, as such, would upset the mix of uses to the detriment of the vitality and viability of this shopping frontage and set an undesirable precedent for similar proposals. The proposal would therefore be contrary to policy RC5 of the Oxford Local Plan 2001-2016 and CS31 of the Oxford Core Strategy 2026.

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

RC5 - Secondary Shopping Frontage

HE7 - Conservation Areas

Core Strategy

CS1_ - Hierarchy of centres

CS5_ - West End

CS31_ - Retail

West End Area Action Plan

WE23 - Retail

Other Material Considerations:

National Planning Policy Framework

This application is in or affecting the Central Conservation Area.

Planning Practice Guidance

Relevant Site History:

03/01310/FUL - Change of use from retail shop to employment agency.. PER 22nd August 2003.

11/00447/FUL - Change of use from Class A1 (shop) to Class A2 (professional services).. PER 25th March 2011.

15/03075/FUL - Installation of new shop front. Replacement of 2no. air conditioning units and installation of 2no. satellite dishes. (Amended plans). PER 31st December 2015.

15/03076/ADV - Display of 1no. externally illuminated fascia sign. (Amended description and plans). PER 31st December 2015.

Representations Received:

Objections were received from:

59 Berry Croft Abingdon
34 St Ebbes Street (3 representations)
18 Cleveley Road Enstone
20 Rainbow Way Abingdon
19 Banbury Road Woodstock
Appletree Cottage Compton
14 Nalder Green East Challow Wantage
18 Auckland Road Reading (2 representations)
6 Fordham Way Lower Earley
21 Hernes Road
3 Observatory Close Benson Wallingford
7 New Road Reading
9 Staverton Road

2 Ironstone Hollow Hook Norton
1 The Green Bladon Woodstock

covering the following points:

- Harmful visual impact of a betting shop
- Negative effect on local businesses because a betting shop would downgrade the area, discourage clients to neighbouring businesses
- Harm to the overall regeneration of the Westgate Centre and the image of the area
- Out of keeping with other businesses in the street
- Clientele will be attracted that would be unsuitable for the area
- There are other betting shops in the city centre and no need for another
- The presence of more betting shops would tempt those who are already vulnerable and susceptible to addictive behaviour
- Disturbance, noise and litter that would be caused in the street outside with smoking and standing around the shop frontage
- Concerns over safety of staff and clients of neighbouring premises in the evening due to clientele of betting shop.

An objection was also received from RR Planning, planning consultants to commercial clients who operate in Oxford city centre:

- The proposal would not comply with policy RC5 in terms of the proportion of units falling within Use Class A.

Statutory Consultees:

Oxford Civic Society: Objection. There are already two betting shops in the area. We do not think that it is desirable that there should be a change in use of the property from financial and professional services so that there can be yet another one.

Highways Authority: No objection. Condition relating to Construction Traffic Management Plan recommended.

Issues:

Change of use
Transport
Other matters

Officers Assessment:

Site description

1. The unit is located within the Central Conservation Area and within a Secondary shopping frontage close to the primary shopping street of Queen

Street and the Westgate shopping centre. It is currently vacant, having previously been occupied by a recruitment consultancy (A2 use).

Proposal

2. Planning permission is sought for a change of use to betting shop (sui generis).

Change of use

3. Policy CS31 of the Core Strategy states that development must be appropriate in relation to the role and function of each centre – in this case the city centre. Policy RC5 is underpinned by Class A1 (retail) uses but it does however allow for a range of other Class A uses to ensure a significant degree of flexibility and diversification. Other uses such as a betting shop (sui generis) could only be supported in principle providing the proportion of units in Class A uses does not fall below 95%. According to the results of the latest survey July 2015 this total number of Class A uses is already below this threshold at 87.13%, which would reduce the figure to 86.36%. The loss of the A2 unit would reduce the proportion of Class A uses even further.
4. The applicants have provided supporting information that argue that there has been no interest in the unit for an A use since it was marketed in July 2013. Whilst it does provide some background evidence to suggest that the property has been marketed for about 2 years with different agents, there is little real evidence to show the amount of interest generated. Although this property is in a secondary frontage location, the policy does allow for a mix of Class A uses. In fact the overall percentage of Class A1 uses is still reasonably high at 50%, which, together with the percentage of vacant units only at 7.5% (10 units) shows that overall these locations, although secondary, are still performing well with a good mix of uses and few vacancies.
5. Strictly speaking, policy RC5 does not allow for exceptions to be made and therefore there is no specific criteria set out to allow an assessment of the supporting information to be made. Given these circumstances, and even when considering the supporting information provided, the proposal is clearly contrary to policy. The balance in the mix of uses is essential to the vitality and viability of these secondary shopping areas. The proposal for a Sui Generis use would unduly upset the mix to the detriment of the vitality and viability of this shopping frontage and would set an undesirable precedent for similar proposals. The change of use is therefore not acceptable in principle.

Transport

6. The proposed development is in a highly sustainable location, served by multiple public transport services within close vicinity of the site.
7. The site is located in the centre of Oxford and is subject to high pedestrian and cycle flows throughout the day. The development is also located in close proximity of the Westgate redevelopment site. In light of this context, a

management plan has been requested by condition by the Highways Authority in the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

8. The Highways Authority has also requested a cycle parking strategy. However, due to the small floor area of the premises, and the existing public cycle parking available in the area, it is considered unreasonable to request that the new business provide cycle parking.

Other matters

9. In response to the objections received, officers would comment as follows:
10. The change of use in itself is not considered to cause visual harm to the area; acceptable shop front and advertising proposals have been approved (15/03075/FUL and 15/03076/ADV).
11. The character of the business and the clientele it might attract is not a material planning consideration, nor is the issue of the market need for a betting shop.
12. The change of use would not lead to the types of nuisance, noise and disturbance as covered by policies CP19 and CP21 of the Oxford Local Plan. The types of nuisance, noise or disturbance referred to in public comments would be covered by the Environmental Protection Act 1990.

Conclusion:

Officers recommend refusal.

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

Background Papers: 15/03077/FUL

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Date: 8th January 2016