

East Area Planning Committee

11th May 2016

Application Number: 16/00394/CT3

Decision Due by: 9th May 2016

Proposal: Variation of condition 6 (Hours of operation) of planning permission 13/01940/CT3 to allow for the extension of opening hours.

Site Address: Rose Hill Sports Ground Ashhurst Way (**site plan: appendix 1**)

Ward: Rose Hill And Iffley Ward

Agent: Mr Rob Gittins

Applicant: Oxford City Council

Recommendation:

The East Area Planning Committee are recommended to approve the application for the following reasons

Reasons for Approval

- 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 The proposed changes to the opening hours of either use will not create any specific concerns in terms of potential for disturbance and would enable sufficient activity within the building to encourage natural surveillance of this area. The proposal is acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016.

Conditions

- 1 Time limit
- 2 Develop in accordance with approved plans
- 3 Materials
- 4 Management plan
- 5 Hours of use
- 6 Floodlighting

- 7 Bin storage
- 8 Cycle storage
- 9 Landscaping
- 10 Landscaping implementation
- 11 Access road and parking area
- 12 Mechanical plant and ventilation
- 13 Cooking odours
- 14 SUDS
- 15 NRIA
- 16 Biodiversity
- 17 Noise insulation

Principal Planning Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP5** - Mixed-Use Developments
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP14** - Public Art
- CP18** - Natural Resource Impact Analysis
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- TR1** - Transport Assessment
- TR2** - Travel Plans
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- SR2** - Protection of Open Air Sports Facilities
- HH2** - Primary HC Facilities - Non Res buildings & New HC Facilities

Core Strategy

- CS13_** - Supporting access to new development
- CS15_** - Primary healthcare
- CS17_** - Infrastructure and developer contributions
- CS18_** - Urb design, town character, historic environment
- CS19_** - Community safety
- CS20_** - Cultural and community development
- CS21_** - Green spaces, leisure and sport
- CS2_** - Previously developed and greenfield land
- CS3_** - Regeneration areas
- CS9_** - Energy and natural resources
- CS11_** - Flooding
- CS12_** - Biodiversity

Public Consultation

Statutory Consultees Etc.

- Highways – no comment

Individual Comments:

None

Relevant Site History:

13/01940/CT3 - Demolition of existing sports pavilion. Erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area – Permitted

13/01940/NMA - Non-material amendment to planning permission 13/01940/NMA to allow alterations to windows on North and East elevations – Permitted

15/00178/ADV - Display of 1 no. non-illuminated banner and 1 no. non-illuminated free standing sign (part retrospective) – Permitted

13/01940/CND - Details submitted in compliance with conditions 3 (Samples), 10 (Landscape Plan), 12 (Details of access road and parking area), 15 (Sustainable Urban Drainage Scheme), 18 (Noise insulation measures) of planning permission 13/01940/CT3 – Permitted

13/01940/CND2 - Details submitted in compliance with conditions 8 (bin store), 9 (cycle store), 12 (hard landscaping) and 14 (kitchen extracts) of planning permission 13/01940/FUL – Permitted

13/01940/CND3 - Details submitted in compliance with conditions 4 (SBD Accreditation), 5 (Management Plan), and 7 (Details of external lighting) of planning permission 13/01940/CT3 – Permitted

16/00395/CT3 - Display of 1 No non-illuminated fascia sign. (Retrospective) – Pending approval

Officer's assessment

Site Description and Location

1. The site consists of the Rose Hill Community Centre which is located on the northern side of Ashurst Way. The building is large with a flat roof with a car park to the front. To the west of the site there is Rose Hill Primary School and Children's Centre.

Proposal

2. The proposal is for the variation of condition 6 (hours of operation) of planning permission 13/01940/CT3 to allow for the extension of opening hours.

3. The original permission related to the demolition of existing sports pavilion and erection of 2 storey community centre involving replacement sports pavilion, car and cycle parking, entrance square, multi-use games area and children's play area.
4. The principle determining issues are considered to be the variation in the hours of operation and any potential impact this may have.

Variation of opening hours

5. The existing opening hours approved under 13/01940/CT3 and controlled by condition 6 of that consent are:

A3 use – 09:00 - 23:00 Monday to Sunday
A4 use – 10:00 – 23:00 Monday to Sunday
D1 use – 09:00 – 18:00 Monday to Saturday
D2 use – 09:00 – 23:00 Monday to Saturday

6. The opening hours associated with the A3 and D1 use remain the same. The application proposes to change the opening hours of the A4 and D2 use to the following:

D2 use

Monday - Thursday: 07:00 – 22:00
Fridays: 07:00 – 00:00
Saturdays: 09:00 – 00:00
Sundays: 09:00 – 18:30

7. It is therefore proposed that Monday to Friday the building will open two hours earlier from 7am. On Fridays and Saturdays it is proposed to remain open an hour later until midnight. On Sundays it is proposed to shut at 6:30pm rather than 11pm.
8. Within the D2 use the management plan states that the gym will operate Monday to Friday 7am to 10pm and at weekends from 9am to 6pm.

A4 use

Monday – Friday: 10:00 – 23:20

9. The A4 use relates to the social club. It is proposed to reduce the opening hours to Monday to Friday only but to remain open 20 minutes longer in order to allow users to vacate the premises.
10. It is not considered that the proposed changes to the opening hours of either use will create any specific concerns in terms of potential for disturbance and would enable sufficient activity within the building to encourage natural surveillance of this area. A management plan reflecting these hours of operation is conditioned.

Conclusion:

11. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026 and Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the East 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, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Caroline Longman

Extension: 2152

Date: 21st April 2016

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