

West Area Planning Committee

24th January 2017

Application Number: 16/03094/VAR

Decision Due by: 2nd March 2017

Proposal: Variation of condition 3 (Start & finish times for ancillary uses) of planning permission 07/00603/VAR (Amendment to planning permission 02/01252/VAR allowed on appeal (reference APP/G3110/A/1121230) by (i) Variation of condition 5 to allow permanent use as a Class D1 (Non-residential Institution) as a place of worship: and (ii) Deletion of condition 6 requiring submission of a Travel Plan) to remove the restriction of the users of the place of worship.

Site Address: The King's Centre Osney Mead Oxford OX2 0ES

Ward: Jericho And Osney Ward

Agent: Mrs Nicky Brock

Applicant: Oxfordshire Community Churches

Recommendation:

Officers recommend that the West Area Planning Committee is recommended to GRANT planning permission for the reasons set out below in the report and subject to the suggested conditions.

Reason for approval recommendation

- 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.

Conditions

- 1 Specified drawings
- 2 Restricted uses
- 3 Start & finish times for ancillary uses
- 4 Travel Plan
- 5 Car parking
- 6 Cycle parking

Main Local Plan Policies

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP13 - Accessibility

TR1 - Transport Assessment

TR2 - Travel Plans

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS13_ - Supporting access to new development

Sites and Housing Plan

MP1 - Model Policy

Other Material Considerations

National Planning Policy Framework

This application is in or affecting the Central Conservation Area.

Planning Practice Guidance

Relevant Planning History:

01/01180/NF - Change of use from Class B1 (Business) Use to Class D1 (non-residential Institution) as place of worship. External alterations to include canopies and flagpoles, new foyer and replacement cladding (Amended plans). PER 25th April 2002.

02/01252/VAR - Variation of condition No. 4 of planning permission 01/1180/NF (restricting use of premises to a place of worship for Oxfordshire Community Churches, to include ancillary use as education, teaching, training, creche/day nursery and public hall/exhibition centre), to allow use by other organisations. SPL 17th March 2003.

07/00603/VAR - Amendment to planning permission 02/01252/VAR allowed on appeal (reference APP/G3110/A/1121230) by (i) Variation of condition 5 to allow permanent use as a Class D1 (Non-residential Institution) as a place of worship: and (ii) Deletion of condition 6 requiring submission of a Travel Plan. SPL 26th April 2007.

Statutory and Non-Statutory Consultees

Oxfordshire County Council Highways – No comment.

Osney Island Residents' Association – no comments received.

West Oxford Community Association – no comments received.

North Oxford Association – no comments received.

William Lucy Way Residents Association – no comments received.

Representations Received

1no. support comment received – comment relates to general support of the proposal.

Site Description and Proposals

1. The King's Centre is a former business unit on Osney Mead industrial estate. Change of use to a place of worship was granted in 2002 within use class D1(h) only. The use was personal and restricted to Oxford Community Churches only.
2. In 2003 this condition was varied on appeal and allowed the addition of ancillary education, teaching, training, creche / day nursery and public hall / exhibition centre uses.
3. In 2007 the permission was varied again to allow permanent use of the site but the removal of the requirement for a green travel plan was refused.
4. The ancillary users of the site who do not fall within 'Oxfordshire Community Churches' are restricted. These uses shall not commence or finish during the peak hours of 0745 to 0930 and 1630 to 1815 Monday to Friday, and not at all on Sunday to ensure free flow of traffic.
5. This application relates to the variation of condition 3 (named 'Start and finish times of ancillary uses) to remove the personal permission to 'Oxfordshire Community Churches and its associated organisations', the primary users of the site within use class D1(h).

Officer Assessment

Use and Conditions

6. Officers consider that Condition 3 was imposed because there were exceptional circumstances for the change of use. This condition however is very specific about the named users of the site. The organisations which form 'Oxfordshire Community Churches' change over time so there is a constant requirement to vary this condition. Condition 2 already restricts the primary use of the site as a place of worship D1(h) and limits the ancillary users of the site and their start and finish times. It is considered that removing the personal permission of the site will not significantly alter how the site is used or the impact it will have on the surrounding area and it is therefore not reasonable or necessary to continue to impose this condition.
7. Application 07/00603/VAR was granted subject to a green travel plan being submitted and covered cycle storage being provided on the site. This application has been accompanied by the green travel plan and covered cycle storage is now available on the site. It is therefore recommended that these now become compliance conditions and the

cycle storage is retained on site unless otherwise agreed by the local planning authority.

Other Considerations

8. The Local Highway Authority has raised no objection to the proposal

Conclusion

9. Officers recommend that the application is approved and planning permission is granted with the conditions altered to reflect the changes sought.

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

Background Papers:

16/03094/VAR

Contact Officer: Sarah Orchard

Date: 12th January 2017