

**Report of:** Business Manager, Financial and Asset Management

**To:** Executive Board

**Date:** 19<sup>th</sup> March 2006

**Item No:**

**Title of Report :** UNITS 65-66 COVERED MARKET – CHANGE OF USE

### Summary and Recommendations

**Purpose of report:**

This report arises from the requirement in the current Constitution that all assignments within the Covered Market “which involve a change in the type of business or an alteration in the balance of trades” require specific Executive Board approval.

**Key decision:**

No

**Portfolio Holder:**

Cllr Alan Armitage

**Scrutiny Responsibility:**

Finance

**Ward(s) affected:**

Carfax

#### Report Approved by

**Portfolio Holder:**

Cllr. Alan Armitage

**Legal:**

Jeremy J. Thomas

**Finance:**

Andy Collett

**Business Manager:**

Sarah Fogden

**Recommendation(s):**

Executive Board is asked to approve the assignment and change of use of Units 65-66 and authorise Officers to negotiate the terms of the assignment and change of use accordingly.

1. The Covered Market has a total of 152 units currently divided into 55 shops offering a variety of items, including fresh and take away foods, clothing, jewellery and gifts, homeware, butchers and florists.
2. Units 65-66 (comprising 385sq ft) are located towards the High Street end of the Market along Avenue 2. The permitted user under the lease is “sale of kites, boomerangs and other air toys together with active leisure goods including puzzles and educational toys”.
3. The proposed permitted user is as follows “a ladies fashion accessory shop primarily for the sale of fashion bags, ladies evening bags or purses, handmade bead bags, shopping bags, cosmetic bags and children’s cartoon bags *together with* (on an ancillary basis) jewellery accessories such as necklaces, earrings, tiaras and fashion rings plus hair binds, bands combs and hair grip products PROVIDED THAT the sale of the ancillary accessory items shall not exceed more than 20% of total sales display area (whether floor or wall)”
4. The proposed assignee would like to expand their business to a permanent base at the Covered Market. They currently trade from both Doncaster Market and Blackbushe Market on a temporary basis and current demand has led for them to seek premises on a permanent basis. It is considered that the Covered Market will offer a good trade for Pingui and will suit the niche market the assignee is aiming for. The proposed assignee has also acted as a wholesale bag retailer and is a member of the National Market Traders Federation. Financial and trade references have been sought and are satisfactory.
5. In Town Planning terms there will be no change of use, since both the permitted and proposed users fall within Class A1 of the Use Classes Order 2005.
6. In considering the application Officers have taken account of a number of issues, namely:
  - a. The balance of trades within the Covered Market in accordance with the draft Local Plan, where it is stated that no one sector should exceed 20% of the total floor area of the Covered Market. This proposal does not adversely affect the current balance.
  - b. Fashion – as a broad category – is currently the largest single use sector within the Market, comprising 12.11% of the dedicated permitted 20% of floor area. The effect of this proposal on the balance of trades will result in a 1.54% increase in fashion/shoes and accessories bringing the total to 13.65%, however this is still less than the maximum 20% floor area.

- c. Non-food use – The guidelines recommend no more than 60% non-food use within the Covered Market. Currently, non food use totals 53.11%, the proposed 1.54% increase will equal 54.65%, therefore not tipping the balance of trades in this respect either.
7. On balance, it is therefore considered that the proposed user is acceptable and Officers therefore recommend approval to the proposed assignment and change of use of Units 65-66 from the “sale of kites, boomerangs and other air toys together with active leisure goods including puzzles and educational toys to “a ladies fashion accessory shop primarily for the sale of fashion bags, ladies evening bags or purses, handmade bead bags, shopping bags, cosmetic bags and children’s cartoon bags *together with* (on an ancillary basis) jewellery accessories such as necklaces, earrings, tiaras and fashion rings plus hair binds, bands combs and hair grip products PROVIDED THAT the sale of the ancillary accessory items shall not exceed more than 20% of total sales display area (whether floor or wall)”, and that they be authorised to negotiate the terms of the assignment and change of use accordingly.

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**Background papers:** None

