

East Area Planning Committee

5th March 2013

Application Number: 13/00099/FUL

Decision Due by: 18th March 2013

Proposal: Partial change of use of building from offices (Use Class B1) to mixed offices (Use Class B1) and non-residential institutions (Use Class D1)

Site Address: Grehan House 190 - 196 Garsington Road [Appendix 1]

Ward: Blackbird Leys Ward

Agent: Paul Semple

Applicant: The Redeemed Christian Church of God

Application called in by Councillors Smith, Rowley, Seamons and Lygo on grounds that the application site comprises a substantial building which could accommodate large religious gatherings that would lead to parking problems and that the site is designated for industrial use.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal to change the use of the building from offices [Use Class B1] to mixed offices [Use Class B1] and non-residential institutions [Use Class D1] is considered to be acceptable in policy terms subject to a restriction on the use of the three floors of the building and a temporary, 3 year planning permission. The existing car parking facilities are considered to be adequate to cater for the likely number of staff and visitors to the site and that the applicant will be required to provide cycle parking facilities. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained in both the Oxford Local Plan 2001 - 2016 and the Oxford Core Strategy 2026.
- 2 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 the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Temporary Use - 3 years
- 4 Cycle parking details required
- 5 Mix of B1/D1 uses
- 6 Submission of Travel Plan

Main Local Plan Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP10 - Siting Development to Meet Functional Needs

TR3 - Car Parking Standards

TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS2_ - Previously developed and greenfield land

CS9_ - Energy and natural resources

CS10_ - Waste and recycling

CS28_ - Employment sites

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

11/02179/FUL: Change of use of building from offices [Use Class B1] to hotel [Use Class D1]. Withdrawn

Representations Received:

None

Statutory and Internal Consultees:

Oxfordshire County Council as Local Highway Authority

No objection: The level of on-site car parking is acceptable for the number of proposed employees, both in the short and long term. The site is not within a Controlled Parking Zone but there are parking restrictions in the vicinity of the site. There needs to be some control over the level of the D1 use as if the whole building was used for this purpose [e.g. as a Place of Worship] there could be parking implications.

Cycle parking must be provided which should be covered, secure and accessible.

Issues:

- Policy
- Highways and parking
- Temporary use

Sustainability:

The site lies in a highly sustainable location with easy access to Oxford's ring road, local services and public transport links.

Officers Assessment:

Site Location and Description

1. Grehan House comprises a brick built, three storey office building and is located at the junction of the A4142 Oxford Eastern Bypass and the B480 Garsington Road. It was erected in the early 1990's and provides office accommodation laid out over three floors and totalling approximately 994 square metres.
2. The site also provides basement car parking [14 spaces] together with open, courtyard parking at the rear of the building [21 spaces]. Pedestrian and vehicle access into and out of the site and the building is from the service road leading to the Chiltern Business Centre at the rear of the site.
3. The building has been vacant since the summer of 2010 when its previous occupier Appollo Leisure Group relocated. In August 2011 a planning application for the change of use of the building from offices to a hotel was submitted but this was subsequently withdrawn.

The Proposal

4. The applicant, the Redeemed Christian Church of God [RCCG] is a worldwide ministry that started in Nigeria in 1952 and now has charitable and educational arms throughout the world. The Ministry's Redeemers Relief Agency International is an independent, not for profit, charitable organisation which provides relief and assistance to people who have suffered from natural disasters and conflicts throughout the world, particularly in Africa.
5. RCCG has over 600 churches in the UK and 10,000 worldwide and is seeking to establish a firm base in Oxford to develop its UK humanitarian, educational and religious teachings. It is currently based at Barton Neighbourhood Centre where it relies on many volunteers to assist in its national and international work as well as holding meetings and services.
6. The organisation is seeking to further develop and requires a new base where it can take on more full time staff. It has sought alternative premises in Oxford for the past 3 years without success and is keen to acquire Grehan House as its new base.
7. The application has been the subject of pre-application discussions and now proposes that the organisation's relief agency office staff would occupy the ground floor with the second floor being occupied by office staff employed in the educational and religious arms of the organisation.

The first floor would accommodate and provide rooms for the educational and religious assembly needs of the organisation. This split of activities would separate out the B1 office/employment arms of the organisation onto two specific floors and contain the D1 [education and religious] use of the building on the first floor only.

8. The applicant states that following occupation and establishment, it is envisaged that the building would initially accommodate approximately 44 full time staff with the number growing as the work expands. The organisation would also be assisted by unpaid volunteers who would also occupy the building. The applicant goes on to say that for all the church posts, there are employees already working for the organisation on a part time basis who would be happy to work full time in the new building. The educational arm of the organisation is progressing and Oxford Excel College has been created and registered with lessons, summer school and foundation classes planned to start later this year. The charitable work of the organisation is largely delivered by volunteer workers and the applicant proposes to recruit more people from the local workforce to work full time to cope with the expanding workload. The charity has already secured a consultancy contract with Shell Nigeria and is working to expand the charity side of the organisation into a further 5 countries.
9. There are no proposed external alterations to the building. The application is accompanied by existing and proposed internal floor plans which illustrate the proposed uses for the 3 floors of the building.

Policy

10. The application site is a 'key protected employment site'. Policy CS28 of the adopted Oxford Core Strategy states that planning permission will not be granted for development that results in the loss of key protected employment sites. It goes on to state that planning permission will only be granted for the modernisation and regeneration of any employment site if it can be demonstrated that new development:
 - secures or creates employment important to Oxford's local workforce;
 - allows for higher density development that seeks to make the most efficient use of land; and
 - does not cause unacceptable environmental intrusion or nuisance
11. In support of the application, the agent has submitted details of a marketing exercise carried out by Fields which confirms that the property has been extensively marketed since August 2010 on a leasehold or freehold basis. Despite carrying out a number of viewings there have been no formal proposals for an office occupation. The letting agency comments that there have been a considerable number of other office premises available for occupation and Grehan House does suffer from sitting alongside and backing onto a predominantly industrial environment. They go on to say that the current quoting figures of £1.4 million for the freehold and £14 per square foot for the leasehold are 'very realistic' at the present time.

12. The application is proposing the retention of B1 office uses on the ground and second floors in line with the status of the site as a 'key protected employment site'. The proposed D1 use [educational and religious assembly] would be confined only to the first floor. Officers consider that the retention of the majority of the building for B1 office use combined with the marketing exercise undertaken and the lack of any interest shown render the proposal, on balance, to be an acceptable use of the building which would create employment important to Oxford's local workforce and would not cause unacceptable intrusion or noise nuisance.

Highways and parking

13. Oxfordshire County Council as Local Highway Authority are not raising an objection to the application subject to the use of the building being as set out in the application and for the D1 use of the premises being confined to the first floor only. The LHA has commented that a more intensive D1 use of the building could result in additional traffic and highway problems.
14. The agent makes the point that the organisation currently operates out of Barton Community Centre and has not received any complaints in relation to the numbers of people attending or the traffic generated. At Barton it holds two services; one mid week in the evening which, on average, attracts 25 people and a main Sunday morning service which usually attracts approximately 100 people. Of these, 50% are typically students studying in Oxford who either cycle or catch a bus; families tend to travel by car; others walk if they live locally and others are collected by the organisation's 20 seater mini bus. It is anticipated that these two services would continue at Grehan House.
15. The site includes 35 basement and surface car parking spaces and the agent maintains that these would provide more than adequate spaces for those people who might travel to the site by car particularly given that the D1 use restriction will mean that the first floor of the building could only accommodate a limited number of people at any one time.
16. Officers are satisfied that the proposed use of the building for a mixed B1/D1 use would not result in unacceptable numbers of vehicle trips to and from the site and that the existing car parking facilities are adequate. In addition, it is recommended that a condition be imposed on any planning permission requiring the provision of secure and sheltered cycle parking facilities.

Temporary use

17. Circular 11/95 – Use of Conditions in Planning Permissions sets out the tests for the acceptability of conditions imposed on planning permissions as being necessary, reasonable, enforceable, precise and relevant both to planning and the development proposed.

18. Paragraph 111 of the Circular refers to 'Trial Runs' and states that where an application is made for a use which may be 'potentially detrimental' to existing uses nearby but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development.
19. The Circular goes on to say that a second temporary permission should not normally be granted and a trial period should be set that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or refusal is the right answer.
20. Given the uncertainty over the future growth of the organisation and the associated number of employees and the highway concerns that have been expressed by some Councillors in calling the application to Committee, it is considered that a temporary, 3 year permission would be appropriate in this instance. The applicant has confirmed that such a temporary permission would be acceptable.

Conclusion:

21. The proposal to change the use of the building from offices [Use Class B1] to mixed offices [Use Class B1] and non residential institutions [use Class D1] is considered to be acceptable in policy terms subject to a restriction on the use of the three floors of the building and a temporary, 3 year planning permission. The existing car parking facilities are considered to be adequate to cater for the likely numbers of staff and visitors to the site and the applicant will be required to provide cycle parking facilities. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained in the Oxford Local Plan 2001 – 2016 and the Oxford Core Strategy 2026.

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

Background Papers:

13/00099/FUL

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Date: 14th February 2013

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