

East Area Planning Committee

4th December 2013

**Application Number:** 13/02898/CT3

**Decision Due by:** 20th December 2013

**Proposal:** Variation of condition 3 (non-residential education only) of planning permission 11/01906/FUL (Change of use from office (Class A2) to non-residential institution) to allow all D1 uses.

**Site Address:** 69 St Nicholas Road Oxford site plan at **Appendix 1**

**Ward:** Littlemore

**Agent:** N/A

**Applicant:** Oxford City Council

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## Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal would not adversely affect the vitality of the Neighbourhood Shopping Centre or the employment opportunities in the City and given the small size of the building its uses with D1 use class will be limited.
- 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

## Main Local Plan Policies:

### Oxford Local Plan 2001-2016

**CP1** - Development Proposals

**RC8** - Neighbourhood Shopping Centres

**TR3** - Car Parking Standards

## **Core Strategy**

CS1 Hierarchy of centres

## **West End Area Action Plan**

## **Barton AAP – Submission Document**

## **Sites and Housing Plan**

## **Other Material Considerations:**

National Planning Policy Framework

## **Relevant Site History:**

56/00822/M\_H - Erection of five shops with maisonettes over, garages and yards at rear, with single storey surgery building adjoining with access. PER 6th November 1956.

97/00328/NF - Change of use from Doctors Surgery to Hot Food Takeaway. REF 4th June 1997.

07/02741/FUL - Change of use from surgery (class D1) to office (class A2). PER 29th January 2008.

11/01906/FUL - Change of use from office (Class A2) to non-residential institution. PER 12th October 2011.

## **Representations Received:**

No representations had been received at the writing of this report. However should any be subsequently received they will be reported verbally to members.

## **Statutory and Internal Consultees:**

No comments had been received at the writing of this report. However should any be subsequently received they will be reported verbally to members.

## **Issues:**

Unrestricted D1 use  
Parking

## **Officers Assessment:**

## **Site Description**

1. The application site comprises No 69 St Nicholas Road, a single storey building located to the southeast of No 49 – 67 St Nicholas Road. The site

stands on an open corner with grass and vegetation.

2. Planning permission was granted in 2007 to change the use from a doctors clinic to an A2 office and again in 2011 for a change the use of the building from an office to a non-residential institution (use class D1).

### **Proposal**

3. As part of the 2011 permission a condition was added which restricted the use of the building to non-residential education and training. The condition states:

*Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 the building/land shall only be used for non-residential education and training and for no other purpose (including any other purpose in Class D1; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class revoking or enacting that Order).*

*Reason: To ensure that the Local Planning Authority can properly consider any alternative use of the premises.*

4. This current application is seeking permission to allow the building unrestricted D1 (Non-residential institutions) uses.

### **Assessment**

5. D1 (Non-residential institutions) uses include any use not including a residential use:
  - a. for the provision of any medical or health services except the use of premises
  - b. attached to the residence of the consultant or practitioner,
  - c. as a crèche, day nursery or day centre,
  - d. for the provision of education,
  - e. for the display of works of art (otherwise than for sale or hire),
  - f. as a museum,
  - g. as a public library or public reading room,
  - h. as a public hall or exhibition hall,
  - i. for, or in connection with, public worship or religious instruction,
  - j. as a law court.
6. There is no permitted change from a D1 use to any other use.
7. The reason for the condition was there was a known end user (Family Health Concern) however now the property is vacant and the removal of the condition will allow other potential users within a D1 use. Whilst there is a range of uses defined under D1 the small size of the building (56sqm) will limit its actual practical use within D1 use class.
8. The site is adjacent to but not in the St Nicholas Road Neighbourhood

Shopping Centre. The proposed change of use to a non-residential institution would not adversely affect employment opportunities or the vitality of the shopping frontage due to its small scale.

9. The building is small and therefore it is not anticipated to generate a significant amount of traffic. The previous A2 use would be expected to be similar to the non-residential institution and although some traffic may be generated, the area does not suffer from such levels of parking pressure that this small scale use would give rise to adverse impacts.

**Conclusion:**

10. In the light of the above officers recommend that planning permission be granted.

**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:**

**Contact Officer:** Lisa Green

**Extension:** 2614

**Date:** 20th November 2013



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