

East Area Planning Committee

-18th June 2014

Application Number: 1) 14/00532/FUL
2) 14/00554/FUL
3) 14/00555/ADV

Decision Due by: 23rd April 2014

Proposal: 1) 14/00532/FUL Change of use from A1 (Shops) to A2 (Financial and Professional Services)
2) 14/00554/FUL Erection of single storey extension. Installation of a new shop front, installation of two air conditioning units and erection of two satellite dishes.
3) 14/00555/ADV Display 1no. internally illuminated fascia sign and 1no. internally illuminated hanging sign

Site Address: 4 Courtland Road Oxford Oxfordshire OX4 4JA

Ward: Rose Hill And Iffley Ward

Agent: Mr Chris Hickey

Applicant: Coral Racing Ltd

Application Called in –

By Councillor – Councillor Turner

For the following reasons –

Concerned about the loss of a further shop on the parade to a different function; I am concerned about the impact of the satellite dishes on the appearance of the parade; I am concerned about the impact of the advertising and specifically hope that if the committee approves it the hours of illumination be restricted by condition.

Recommendations:

1 14/00532/FUL Change of use from A1 (Shops) to A2 (Financial and Professional Services)

APPLICATION BE APPROVED

For the following reasons:

The proposed change of use from retail Class A1 to a Class A2 financial and professional services use is considered to comply with policy RC8 of the Oxford Local Plan in that the mix of uses in the Rosehill Neighbourhood

Shopping Centre would still remain above the 50% policy threshold, which would maintain the viability of the shopping centre. Objections have been received but they do not amount to reasons for the refusal of this application. The proposal is considered to be in accordance with policy RC8 of the Oxford Local Plan and CS31 of the Core Strategy.

Subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Opening hours

2 14/00554/FUL- Erection of single storey extension. Installation of a new shop front, installation of two air conditioning units and erection of two satellite dishes

APPLICATION BE APPROVED

For the following reasons:

The proposal would not have a harmful impact on the character and appearance of the street scene and would not cause harm to the living conditions of neighbouring properties. Objections have been raised but they do not amount to reasons for refusal. The proposals therefore accords with policies CP1, CP6 and CP8 of the Oxford Local Plan, MP1, HP9, and HP14 of the Sites and Housing Plan and CS18 of the Core Strategy.

Subject to the following conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials

3 14/00555/ADV - Display 1no. internally illuminated fascia sign and 1no. internally illuminated hanging sign –

APPLICATION BE APPROVED

For the following reasons:

The proposed new internally illuminated fascia and projecting signs are considered to form an appropriate visual relationship with the existing building and the surrounding area, and would not appear out of keeping with the character of the street scene. Objections have been received but they do not amount to a refusal, conditions have been applied to restrict levels of luminance, and hours of illumination. The proposal therefore complies with policies CP1 and RC14 of the Oxford Local Plan.

Subject to the following conditions:

- 1 Development begun within time limit

- 2 Develop in accordance with approved plans
- 3 Level of illumination/hours

Main Local Plan Policies:

Oxford Local Plan 2001-2016

- CP1** - Development Proposals
- CP8** - Design Development to Relate to its Context
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP13** - Accessibility
- RC4** - District Shopping Frontage
- RC13** - Shop Fronts
- RC14** - Advertisements

Core Strategy

- CS18_** - Urban design, town character, historic environment
- CS31** - Retail

Sites and Housing Plan

- MP1** - Model Policy
 - HP9_** - Design, Character and Context
 - HP14_** - Privacy and Daylight
- Other Material Considerations:**
National Planning Policy Framework

Relevant Site History:

67/01559/P_H - Rose Hill Shopping Parade Rose Hill - Fascia signs. PER 10th January 1967.

69/01862/P_H - Internally illuminated fascia sign. PER 11th November 1969.

69/22180/A_H - Installation of shop front.. PER 11th November 1969.

90/00941/NF - Retention of timber shed for storage and preparation of floral displays (Retrospective). REF 15th December 1990.

Representations Received:

Change of use:

83 Rose Hill – objects – this is a considerably residential neighbourhood. There are already considerably more betting shops in OX4 than in other areas of Oxford.

74 Courtland Road – objects – The residents group in Courtland road, Ellesmere and Annesley Roads would like to object to this proposal. We feel it would have a

devastating effect on our area, and on many peoples lives. There are many vulnerable families living in this area and we need to consider their welfare. We feel it would lead to a rise in crime, parking problems, loitering, smoking, etc, around our parade of shops and homes. There is already a small Ladbrokes outlet here. We are aware of FOBTs (fixed-odds betting terminals) which enable people to loose hundreds of pounds in a few minutes. This is already a serious problem in many areas, and there is a major campaign to get them banned. This is a large eye-catching site and we do not want it out to such use. Rose Hill is considered one of the five most deprived areas in the country and this is the very last thing we need. Please think of peoples lives. We do not want or need it here. Thank you for taking these points into consideration.

Andrew Smith MP – objects – I am writing on behalf of my constituent and a group of residents on Courtland Road, there are concerns that a betting shop will escalate crime in the area, cause difficulties to vulnerable members of the Rose Hill community, and add to the Ladbrokes in the parade of shops in Rose Hill. I would appreciate it if you could consider my constituents concerns as part of the consultation.

2 Courtland Road – supports – We support a new business at 4 Courtland Road – it is essential for the neighbourhood that all empty shops are occupied. Instead of appearing as a run-down area this new business will uplift the surroundings.

18 Villiers Land – objects – Rose Hill parade is a small local shopping parade that already includes one betting shop. I cannot see the need for a second such premise which might benefit just a small minority of people. The wider local community would be far better served by the retention of the property as a retail unit.

81 Rose Hill – objects – In the small number of premises we have 2 Funeral Parlours. Do we really need another bookmakers providing customers for them? The subject proposal which involves the loss of a retail unit will by definition harm the shopping provision in Rose Hill. This is a small neighbourhood centre of 19 units which is already adequately served by an existing betting office use. People in the area have better things to do with their money for entertainment. The subject proposal may only attract footfall from the existing betting shop rather than generate new footfall to the area.

RRplanning – Objects – Our client wishes to object to the above proposed betting office use on the grounds of direct-noncompliance with adopted development plan policy. The Oxford Core Strategy Development Plan Document was adopted in March 2011 and together with the saved Oxford Local Plan of 2006 forms part of the development plan for the city. The subject property is located in the Rose Hill Neighbourhood Shopping Centre. The City council considers that neighbourhood centres fulfil an important retailing function and are compatible with the residential areas in which they are normally found. As such, supporting paragraph 12.3.8 of the saved local plan confirms that “*The City Council will protect neighbourhood shopping centres and individual small shops outside the main shopping frontages*”. The subject proposal which involves the loss of a retail unit will by definition harm shopping provision in Rose Hill.We do not believe that the subject proposal complies with Parts A and C of Policy RC.8 and should therefore be refused.

66 Rose Hill – objects – I feel this would have a bad impact on the area, and on many people. We already have one betting shop just a few yards away. Rose Hill and the surrounding area is known to have many vulnerable families living here and we need to consider them.

There are FOBTs (fixed-odds betting terminals) which enable people to lose hundreds of pounds in a few minutes. This is already a serious problem in many areas, and there is a major campaign to get them banned. The premises are large and prominently positioned and could attract people resulting in parking problems, loitering, smoking, etc. and possibly a rise in crime around our parade of shops and homes. Rose Hill is considered one of the five most deprived areas in the country. We need to offer the people in this area something other than a betting shop, especially as there is already one just down the road. Please think of people's lives. We do not need it or want it.

Advertisements:

83 Rose Hill – objects – Because of the close proximity of the houses and flats which face the shops, local people rely on planners to take into account the impact and intrusion of internally illuminated signage. Specifically I object to the proposal for a protruding hanging sign. There is the issue of precedent; if other shops/premises decided that they wanted illuminated hanging signs, the whole visual character of the parade would be altered for the worse. I also ask that any planning consent for internally illuminated advertising should be conditional on a requirement to turn it off when the premises are not open to the public for trading.

81 Rose Hill – objects – The character of the area is that of domestic dwellings and domestic-style and scale shops. Intrusive illuminated advertising is unwelcome. You, the planners, must judge how visually intrusive the proposals for lighting will be, both for the neighbourhood itself and for the people who live in the flats above the shops and in the houses nearby. Specifically I object to the proposal for a protruding hanging sign. There is the issue of precedent; if other shops/premises (e.g. the existing betting shop, the take-away food shops) decided that they wanted illuminated hanging signs, the whole visual character of the parade would be altered for the worse. I also ask that any planning consent for internally illuminated advertising should be conditioned on a requirement to turn it off when the premises are not open to the public for trading. Please refuse this application, surely we can do better in filling a vacant premises.

66 Rose Hill – objects – Furthermore, there are plans for a hanging illuminated sign which would break with the character of the other shops and frontages and cause unnecessary light pollution. Thank you for taking these points into consideration.

Single storey rear extension:

83 Rose Hill – objects – Enlarging the premises with an added extension will only serve to increase the problems.

Parking:

2 Courtland Road – My only concern is about parking. There is only a limited amount of parking made available by the council and taking into account that Corals will be

employing 5 people and the number of their customers who will also need to park from 7am to 10pm – what additional parking is to be provided to cope with the added strain on existing space for residents and other businesses likewise.

Statutory and Internal Consultees:

none

Issues:

Viability of the neighbourhood shopping centre

Design

Other matters

Sustainability:

Officers Assessment:

Site Location and Description:

1. The site is located on the northern side of Courtland Road and is within the Rose Hill Neighbourhood Shopping Centre RC8. The site comprises a two storey building, the current lawful use for the ground floor unit is for A1 retail use.

Proposal:

2. Coral Racing Ltd are seeking permission to change the use from A1 retail to A2 financial and professional services, to make alterations to the front elevation, the shop frontage, to fix 2 satellite dishes to the rear elevation, to erect a single storey rear extension and to provide two air conditioning units.

Viability of the neighbourhood shopping centre:

3. Policy RC 8 of the Oxford Local Plan relates to neighbourhood shopping centres and states that planning permission will only be granted for the loss of class A1 retail units when :
 - Evidence of a lack of viability is demonstrated
 - The proportion of units at ground floor level in A1 retail use does not fall below 50% of the total units in the neighbourhood shopping centre

Viability

4. The application unit was previously occupied by Oxford Beds until they vacated in March 2012. Marketing for the unit formally started in February 2013 and consisted of a marketing board erected on site and a brochure sent to those who enquired. Cluttons have confirmed that there were a number of viewings; however interest from A1 applicants was very limited. One formal offer was received but was significantly below the market rent, which was deemed to not be acceptable. On this basis evidence of non-viability is considered to have been demonstrated.

Proportion of units

5. The current survey figures for the Rosehill neighbourhood shopping centre show that the number of A1 (retail) uses was 11 of the total 19 Class A uses;

which represented 57.8%. This proposal would result in a reduction to 10 units, which would reduce the percentage down to 52.6%. This is however still above the policy threshold of 50%.

6. The current survey results show there to be 5 units unoccupied. The proposed development would bring back in to use a prominent unoccupied unit within the shopping area; which will enhance the offer and vitality within the neighbourhood centre. Support has been received from a neighbouring property, stating that 'it is essential for the neighbourhood that all empty shops are occupied. Instead of appearing as a run-down area this new business will uplift the surroundings.
7. The applicant has provided information confirming that there has been very limited interest in the unit for A1 use and that the unit has been vacant since early 2012. Consequently the proposed change of use is considered to comply with two parts policy RC8 of the Oxford Local Plan,

Design and street scene

8. Policies CP1, CP8 and CP9 of the Oxford Local Plan 2001-2016 state that development proposals should show a high quality of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, its site context and surroundings. Policy CP10 furthers this by stating developments must be sited to ensure the street frontage and streetscape is maintained, enhanced or created.
9. Policy RC13 states that permission will only be granted for new shop fronts whose design and materials respect the style, proportions, and character of the existing building and enhance the street scene. Policy CS18 of the Oxford Core Strategy states that planning permission will only be granted for development that demonstrates high quality urban design.

New shop front:

10. The new shop front will consist of a new access to the left hand side of the unit, with the remaining to be glazed at full height, which is all to be powder coated blue; with ceramic blue tiles below the glazing. The materials to be used are modern and of good quality, which will assist in the improvement of the currently run down shop unit.
11. In visual terms the alterations would have no detrimental impact upon the appearance of the shop front within the existing Courtland Road, and pose no harm to the street scene. The changes as proposed will enhance what is an existing run-down shop front which is in a prominent location with the shopping area. The proposed design is therefore considered to be acceptable.

Advertisements:

12. The applicant is seeking planning permission for 2 advertisement signs:
 - 1 fascia sign, which will be 0.80 in height, 5.975 metres in width and 0.125 metres in depth. The sign will be made of aluminium with acrylic lettering

consisting of a blue panel with white lettering and red, yellow and green detailing. The luminance levels will be 800cd/m, and static in nature.

- The other sign is to be a hanging sign, which will project out from the building by a maximum of 0.800 metres, and be 2.425 metres from the ground to the base of the advertisement. The sign will be made of descaled stainless steel with acrylic and vinyl lettering. Luminance levels will be 800 cd/m², and static in nature.
13. Legislation requires that applications for advertisement consent are determined on the grounds of visual amenity and highway safety. The application site is centrally located in the Rose Hill Shopping centre and surrounded by other shops with various signage, both illuminated and non-illuminated. The signs would refer to Coral and the associated logo.
14. Officers do not consider that the proposed advertisements will have any adverse impact on the street scene. However it is recognised that the levels of light and hours of illumination could cause harm to residents in close proximity to the application site, and as such a condition has been applied to cap the intensity of illumination to 800 cd/m² for both signs, and to restrict the hours of illumination; signs are to be switched off out of opening times, i.e. Signs are not to be on during the hours of 22.00 and 08.00.
15. Oxfordshire County Council as Local Highway Authority have not raised any objections to the application. The signs would not distract drivers as the shop unit is set well back from the road and the signs would contain a minimal amount of information.
16. The proposed advertisements are therefore considered to comply with policies CP1 and RC14 of the Oxford Local Plan, policy CS18 of the Core Strategy and policy HP9 of the Sites and Housing Plan.

Single storey rear extension:

17. To the rear of 4 Courtland Road is an area of land used for access and storage, which appears to be unused and unmanaged. The extension proposed will be 6.2 metres in width; and will extend by 2.6 metres from the rear wall, the height of the extension will be 3.3 metres; with a flat roof. The development will have a rendered finished.
18. There will be no negative impacts on the neighbouring properties, in terms of overlooking, overbearing, sunlight, daylight, or privacy. It is therefore considered that the development is acceptable in design terms and residential amenity.

Satellite dishes:

19. The applicant is seeking permission for the installation of two satellite dishes to the rear of the proposed rear extension. It is proposed that a new 840mm SIS dish, and 450 mm sky dish fixed to a pole on the building to a specialist design and installation. The satellite dishes will not be seen from the street scene and as such will have no material impact on the visual appearance of the area.

Conclusion

20. The proposed changes to the shop unit will not have a harmful impact on the character and appearance of the street scene and would not cause harm to the neighbouring properties. The re-occupation of the unit will enhance the area by reducing the number of vacated units.

Other matters:

21. A concern has been raised about parking issues in the area, however the unit already exists within an established shopping area which has parking facilities. Oxfordshire County Council have been consulted as the Local Highway Authority, and have not raised any objections or concerns for the proposed change of use.

22. There have been a number of objections to the proposed change of use to a 'betting shop' and the lack of need for one in the area. These concerns shared by a number of people, have been considered and noted, as has the concern about the impact such a use will have on the local community and vulnerable people. Officers understand the depth of worry which has been expressed in the objectors correspondences, and have taken these comments on board, and where appropriate have applied conditions, conditions which restrict opening hours, restrict the hours when the signs can be illuminated, and levels of luminance. However the application for the change of use needs to be assessed and considered in line with national and local planning policies. Officers have considered the application and assessed its merits based on the Use Classes, i.e. the change of use from Class A1 (retail) to Class A2 (financial and professional services). The policy test is clear that the acceptability of a change of use will be assessed based on the numbers of units in each use class in each area and on that basis it is not appropriate to assess the individual uses within the different classes. This application has been considered in the same way as if it were a bank or a building society, and as such the change of use from class A1 to class A2 is considered to be an appropriate use within the neighbourhood shopping centre RC8.

23. The proposed development will bring back into use a unit which has been vacant for some time. Concern has been raised about the potential increase in crime as a result of the proposal. However the unit being brought back into use, with staff on site from through-out, coupled with customer movement, will result in surveillance of the area being vastly improved.

Conclusion: approve

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

Background Papers:

- 1) 14/00532/FUL
- 2) 14/00554/FUL
- 3) 14/00555/ADV

Contact Officer: Kerrie Gaughan

Extension:

Date: 28th May 2014