

Planning Review Committee

15th February 2017

Application Number: 16/01726/FUL

Decision Due by: 2nd September 2016

Proposal: Change of use from Storage and Distribution (Use Class B8) to Assemble and Leisure (Use Class D2) on ground floor and Offices (Use Class B1a) on first floor. Provision of additional car parking, bin and cycle store.

Site Address: Unit 5 Ashville Way Oxford – see site plan **Appendix 1**

Ward: Blackbird Leys Ward

Agent: Mr Michael Crofton-Briggs

Applicant: Mrs Hazel Walsh

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1. This covering report should be read in conjunction with the officer's report dated 28th September 2016 and the addendum report dated 15th December 2016, both attached as **Appendix 2a) and 2b)**.
 2. At the East Area Planning Committee on 11th January 2017, Members resolved to **refuse** planning permission for the following reasons:
 1. The proposed development would result in the loss of a key protected employment site, which would be harmful to the range of job opportunities in the city and contrary to Policy CS28 of the Oxford Core Strategy 2026
 3. The application has been called-in to the Planning Review Committee by Councillors Tanner, Clarkson, Simm, Fry, Sinclair, Lygo, Taylor, Anwar, Brown, Chapman, Pegg and Fooks.
 4. The call-in is on the grounds that the East Area Planning Committee have now both allowed and refused the application and, in the interest of ensuring consistency in decision making it would be sensible for Planning Review Committee to look again at all the issues before a final decision is made.
 5. The case was originally presented to the East Area Planning Committee on 12th October 2016. The Committee resolved to approve the application, against officer recommendation. However, prior to the decision being issued officers were notified of a potential judicial review of this decision by an interested party.
 6. Officers considered the grounds of the potential judicial review and determined that the case should be represented to the East Area Planning Committee. The full details are set out in the attached Addendum report which was presented to the 11th January committee meeting. Committee

should note that there is an erroneous reference to an Appendix 4 in the addendum report. No appendix 4 was attached to that report.

7. The minutes of 12th October committee meeting and minutes of 11th January committee meeting are attached (**Appendices 3 and 4**).
8. Since the committee meeting of 11th January, 12 additional representations in support of the application have been received. These raise the following issues:
 - The bigger, permanent premises will enable the club to work with more children
 - Many children have been on the waiting list for the club for a considerable time
 - The club has already been looking for years for a suitable venue
 - There is no other gymnastic club in the City
 - The club provides a great benefit to its members
 - Since operating there, the Club has not cause any issues in relation to traffic or inconvenience to other businesses
 - The City needs to balance its provision for sports and business facilities
 - Council need to support sports provision and recognise its health benefits
9. Officers consider that the attached two previous reports adequately set out the case and have addressed the points raised.

Conclusion:

10. The proposal is considered to be unacceptable in terms of the relevant policies of the Oxford Core Strategy 2026 (in particular CS28) and contrary to the development plan. There are not other material considerations applicable that, in officers' view, outweigh that non compliance. Therefore officer's recommendation to the committee is to **refuse** the proposed development for the reason stated.

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: 16/01789/FUL

Contact Officer: Sian Saadeh

Extension: 2809

Date: 2nd February 2016

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