

WEST AREA PLANNING COMMITTEE

11 December 2018

Application number:	18/02400/FUL		
Decision due by	8 November 2018		
Extension of time	19 December 2018		
Proposal	Temporary change of use of ground floor and basement of no. 7 St Michael's Mansions from (Use Class A1) retail use to Sui Generis (Betting Shop). (Amended description)		
Site address	7 St Michael's Mansions, Ship Street, Oxford, Oxfordshire – see Appendix 1 for site plan		
Ward	Carfax Ward		
Case officer	Julia Drzewicka		
Agent:	Mr Simon Sharp	Applicant:	Mr David Stevenson
Reason at Committee	The application is before the committee because it was called in by Councillors Clarkson, Munkonge, Tanner, Pressel and Simm because the proposal is not a like for like replacement and no marketing evidence has been provided to demonstrate that an A1 use cannot be found.		

1. RECOMMENDATION

1.1. West Area Planning Committee is recommended to:

1.1.1. **approve the application** for the reasons given in the report and subject to the required planning conditions set out in section 12 of this report and grant planning permission

1.1.2. **agree to delegate authority** to the Acting Head of Planning Services to:

- finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions as the Acting Head of Planning Services considers reasonably necessary

2. EXECUTIVE SUMMARY

2.1. This report considers a temporary change of use of ground and basement of No. 7 St Michael's Mansion from retail use (Use Class A1) to betting shop (Use Class Sui Generis).

- 2.2. The proposal is to relocate an existing betting shop from the first floor of Northgate House to the ground floor of a vacant unit on Ship Street. The planning permission has been granted earlier this year (ref. 18/00258/FUL) to redevelop the Northgate House and this application would allow starting work on Northgate House. The statement submitted with the application states that Jesus College want to secure vacant possession of Northgate House.
- 2.3. The temporary permission is sought for 5 years only, after which the unit shall revert back to retail (A1) use.
- 2.4. The proposal does not seek to convert the whole existing A1 unit. The proposal seeks to use less than half of the existing unit and therefore a major part of the unit would remain in A1 use.

3. LEGAL AGREEMENT

- 3.1. This application is not subject to a legal agreement.

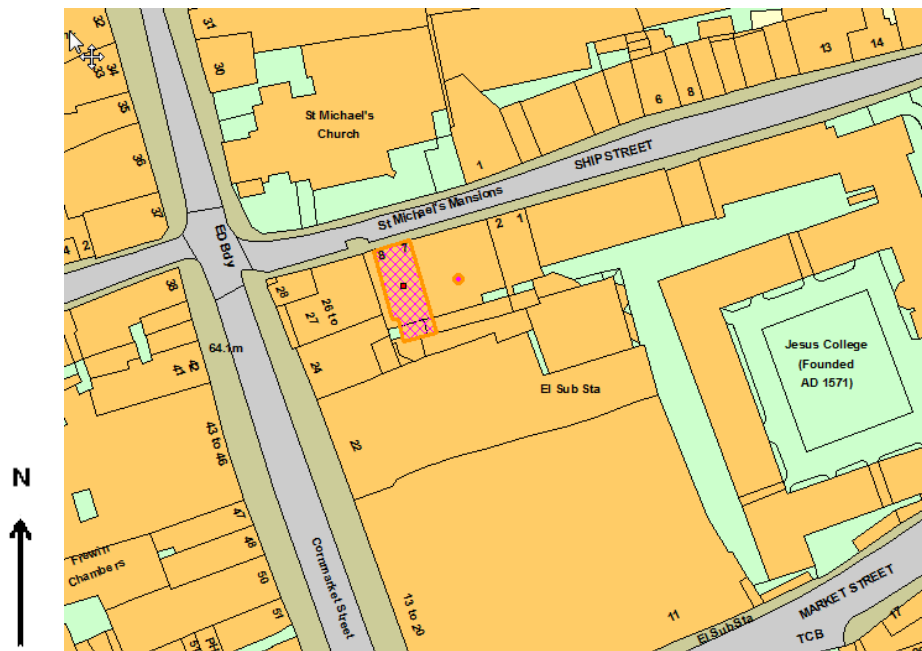
4. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 4.1. The proposal is not liable for CIL.

5. SITE AND SURROUNDINGS

- 5.1. The site is located within a Central Conservation Area. Ship Street is a quiet street located just off Cornmarket Street. The site is located opposite Grade I Church Of St Michael At The Northgate. The site lies within a close proximity to various Grade II* Listed Building for example building along Ship Street, part of Jesus College, 27-28 Cornmarket Street. The buildings along Ship Street make a significant contribution to the Conservation Area.
- 5.2. The site lies within a designated 'Secondary Shopping Frontage' within the City Centre central shopping area.

5.3. See block plan below:



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6. PROPOSAL

6.1. The application proposes a temporary change of use of the ground floor and basement of No. 7 St Michael's Mansion from retail use (Use Class A1) to betting shop (Use Class Sui Generis).

7. RELEVANT PLANNING HISTORY

7.1. There is no relevant planning history to this site.

8. RELEVANT PLANNING POLICY

8.1. The following policies are relevant to the application:

Topic	National Planning Policy Framework	Local Plan	Core Strategy
Design	124-132	CP1 CP6 CP8 CP9 CP10	CS18_
Conservation/Heritage	184-202	HE3 HE7	

Commercial	1, 2	RC5	CS31_
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9. CONSULTATION RESPONSES

9.1. One site notice was display around the application on the 20th September and one on the 3rd October and an advertisement was published in The Oxford Times newspaper on the 27th September and on the 11th October 2018. The application had to be re-advertised as the site is affecting Conservation Area and Listed Buildings.

Statutory and non-statutory consultees

Historic England

9.2. Does not wish to offer any comments.

Public representations

9.3. 14 people commented on this application.

9.4. In summary, the main points of objection 14 residents were:

- No marketing evidence to support the change of use
- Located in prominent location within the Secondary Shopping Frontage where retail and other A class uses should be dominant
- Ship Street is a charming and tranquil street
- The Conservation Area would be harmed by the opening of a betting shop, eyesore and no public benefit which would outweigh this harm
- Relocation of the betting shop would result in an over-concentration of non-class A uses within the Secondary Shopping Frontage in Oxford City Centre
- Contrary to policies
- No weight can be given to the emerging local plan
- Not like for like relocation
- Would result in disturbance to the library
- Betting shop will cause disturbance, noise, anti-social behaviour, and enables an addiction, traffic
- Chain business would not help local, independent businesses
- Another betting shop in the city centre
- Opposite a church
- Little details on the proposed shopfront

10. PLANNING MATERIAL CONSIDERATIONS

10.1. Officers consider the determining issues to be:

- Principle of development
- Design
- Noise and impact on the residents
- Parking

a. Principle of development

10.2. The National Planning Policy Framework (NPPF) was revised in July this year. In relation to retail uses and commercial development the NPPF states that planning policies should be positive, and promote competitive town centre environments.

10.3. Policy RC5 'Secondary Shopping Frontage' of the Oxford Local Plan states that planning permission for other than Class A uses will only be granted where the proportion of units at ground level in Class A uses does not fall below 95% of the total units in that frontage.

10.4. The existing betting shop is located on the first floor of Northgate House, which is visible from the streetscene, however as it is located on the first floor and the entrance door is located on Market Street it is not as easily accessible and visible as the proposed unit. No evidence has been provided that no alternative site, which is within the ownership of Jesus College, is available to relocate the betting shop. This is a concern for the Officers. However, the unit at No. 7 Michael's Mansions is vacant and therefore, the Officers recognise why the College is looking to relocate the tenant there.

10.5. The Council's November 2018 retail survey showed the level of units within the A Use Classes (which include retail, financial services and restaurants etc) within the secondary shopping frontage at 89.39%. The survey does not take into account the Westgate Shopping Centre. The policy objective is to safeguard A use classes in the secondary shopping frontage. The proposal seeks a temporary change to only part of the existing retail unit, therefore a majority of the unit will remain as A1. The creation of a new planning unit clearly falls under the requirement of Policy RC5. However, the applicant is seeking only a temporary permission to allow them to secure vacant possession of Northgate House. The statement submitted with the application that "the need for alternative facilities to house Ladbrokes has only come about as a result of the proposed redevelopment of Northgate House". It is considered that the new development of Northgate House will improve the retail within the City Centre and add to the vibrancy and viability of the City Centre's retail offering. This is a material planning consideration which officers have afforded significant weight. And whilst these proposals would result in the temporary loss of part of a retail unit they would facilitate retail enhancements within close proximity of the site.

10.6. As the proposal only involves a temporary change of use of part of the unit, there will be no actual complete loss of A1 use within the secondary shopping

frontage. The future tenant of No. 7 will be made aware that the use will only be for 5 years and they would need to seek an alternative location, preferably on the first floor rather than a ground floor if they wished to operate in the secondary shop frontage. An additional statement has been submitted, justifying why Jesus College is seeking permission for 5 years. Due to the expenditure of fitting out the unit and the rent, this cost must be written off over the period of years. On this basis a temporary permission for a period of five years is considered justified.

10.7. The agent provided additional information regarding marketing. He stated that No. 7 formed part (approximately one third) of the former Russell and Bromley unit. Though the unit has not been marketed individually, marketing was undertaken by Russell and Bromley's own agents just before they relocated to the Westgate last November. There was some interest in the whole unit, although in the main this came from non-A1 uses (especially A3).

b. Design

10.8. The development as submitted does not propose any external alterations as the applicant is aware that a separate application would have to be submitted for it. The new tenant of No.7 St Michael's Mansions is likely to want to display new signage. Due to the nature of the use and its branding, concerns have been raised regarding the impact of the new shopfront and signage on the surrounding area and whether it will fit with the character of the building. The site is located within the Central Conservation Area and is surrounded by several Listed Buildings and therefore careful consideration has to be given to the design and materials of the signage and shopfront. Officers are not convinced that the standard branding of a betting shop would successfully fit with the surrounding built environment and are therefore recommending that a condition is included with any permission that removes the eligibility to display signage without the express advertisement consent of the Local Planning Authority. This will ensure that any advertisements that are installed in this highly sensitive location are assessed by the Local Planning Authority and an assessment can take place to ensure that there is no harm to the Conservation Area or setting of nearby listed buildings as required by Policy HE3 and HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 194-196 of the NPPF. The existing shopfront of the previous tenant (Russell and Bromley) is of a very high quality and therefore officers recommend that the shopfront should remain unchanged and only sympathetic new lettering should be installed.

10.9. Special attention has been paid to the statutory test of preserving the listed buildings in close proximity, their setting and any features of special architectural or historic interest which they possess and the statutory test of preserving or enhancing the character and appearance of the conservation area under sections 16 and 72 respectively of the Planning (Listed Building and Conservation Areas) Act 1990, which it is accepted is a higher duty. It has been concluded that the development would preserve the listed buildings and the character and appearance of the Conservation Area, and so the proposal accords with sections 16 and 72 of the Act.

c. Noise and impact on the residents

10.10. Comments were received regarding the impact of the proposed use on the amenities of surrounding properties. The building is located in the City Centre, which has a lot of late opening shops and facilities and experiences high levels of footfall late into the evening and overnight. However, a condition is recommended to be imposed to restrict the opening hours, in the interests of the amenities of nearby occupiers and the area generally.

d. Parking

10.11. The site is in a very sustainable location with good access to public transport and public cycle stands. It is considered that the proposed development would not result in a need for car or additional cycle parking provision.

11. CONCLUSION

11.1. Officers have carefully considered the acceptability of the proposals with regards to the Council's adopted planning policies, the NPPF and other material considerations and recommend that temporary planning permission is granted.

11.2. It is recommended that the Committee resolve to grant planning permission for the development proposed subject to conditions.

12. CONDITIONS

1 This permission shall be for a limited period of five years only, expiring on 19th December 2023 when the use of the building revers back to Use Class A1.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis and would fail to preserve the character and appearance of the Conservation Area, in accordance with policies CP1, RC5 and HE7 of the Oxford Local Plan 2001-2016.

2 The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings in accordance with policy CP1 of the Oxford Local Plan 2001-2016.

3 Notwithstanding the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisement (including fascia signs, projecting signs or any other advertisement) shall be installed on any part of application site for the duration of the approved temporary use without the express advertisement consent of the Local Planning Authority.

Reason: To ensure that any advertisements that are installed in this highly sensitive location are assessed by the Local Planning Authority and specifically to ensure that there is no harm to the Conservation Area or setting of nearby listed buildings as required by Policy HE3 and HE7 of the Oxford Local Plan 2001-2016 and Paragraphs 194-196 of the NPPF.

- 5 Customers shall not be present on the premises during the following times: Monday to Sunday inclusive before 8.00 am and after 10.00 pm. A notice to this effect shall be displayed at all times on the premises so as to be visible from outside.

Reason: In the interests of the amenities of nearby occupiers and the area generally.

- 6 The use of first floor unit of 18-20 Cornmarket Street as a betting shop shall cease within 3 month from the date of this permission.

Reason: To ensure that there is no over- concentration of betting shops within the City Centre in accordance with policies CP1, RC5 and HE7 of the Oxford Local Plan 2001-2016.

INFORMATIVES :-

- 1 In accordance with guidance set out in the National Planning Policy Framework, the Council tries to work positively and proactively with applicants towards achieving sustainable development that accords with the Development Plan and national planning policy objectives. This includes the offer of pre-application advice and, where reasonable and appropriate, the opportunity to submit amended proposals as well as time for constructive discussions during the course of the determination of an application. However, development that is not sustainable and that fails to accord with the requirements of the Development Plan and/or relevant national policy guidance will normally be refused. The Council expects applicants and their agents to adopt a similarly proactive approach in pursuit of sustainable development.

13. APPENDICES

- **Appendix 1 – Site location plan**

14. HUMAN RIGHTS ACT 1998

- 14.1. Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to approve this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

15. SECTION 17 OF THE CRIME AND DISORDER ACT 1998

15.1. 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.

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