

West Area Planning Committee

8th December 2011.

Application Number: 11/02499/VAR

Decision Due by: 3rd January 2012

Proposal: Application for a minor amendment to planning permission 09/00247/FUL to allow for the revision of drawing 113-208-102 revision J (controlled by condition 2) to provide 124.4 square metres of additional mezzanine floor space.

Site Address: Former Builders Yard Lamarsh Road, **Appendix A.**

Ward: Jericho And Osney Ward

Agent: NTR Planning Ltd

Applicant: Halford Ltd

Recommendation: Committee is recommended to support the proposals in principle but defer the application in order to draw up an accompanying legal agreement and to delegate to officers the issuing of the notice of planning permission subject to conditions on its completion.

Reasons for Refusal

- 1 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.
- 2 The planning application seeks a minor increase to the floorspace of one of the retail units previously granted planning permission to the south side of Lamarsh Road. The amount of additional floorspace at 125 sq m gives rise to no material issues not already addressed in permission 09/00247/FUL. There are no objections raised by statutory organisations or other third parties.

Conditions.

- 1 Development within time periods
- 2 Approved drawings
- 3 Materials to be used.
- 4 Boundary treatment
- 5 Car and cycle parking
- 6 Service area
- 7 Delivery times
- 8 Access for construction traffic

- 9 Out of hours barrier
- 10 Landscaping
- 11 Landscape carry out after completion
- 12 Landscape management plan
- 13 Waste storage
- 14 Land and water contamination.
- 15 Restrict goods sold
- 16 No unit less than 10,000 sq ft
- 17 Noise survey
- 18 External plant
- 19 No external public address
- 20 Scheme of external lighting
- 21 Lighting switched off
- 22 Surface water drainage
- 23 Flood risk assessment
- 24 NRIA
- 25 CCTV

Principle Planning Policies:

Oxford Local Plan 2001-2016

- CP11 - Landscape Design
- 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
- CP14 - Public Art
- CP18 - Natural Resource Impact Analysis
- CP19 - Nuisance
- TR1 - Transport Assessment
- TR2 - Travel Plans
- TR3 - Car Parking Standards
- TR4 - Pedestrian & Cycle Facilities
- TR14 - Servicing Arrangements
- EC1 - Sustainable Employment
- DS39 - Lamarsh Road - Mixed-Use Development

Oxford Core Strategy 2026

- CS2 - Previously developed and greenfield land
- CS1 - Hierarchy of centres
- CS9 - Energy and natural resources
- CS10 - Waste and recycling
- CS11 - Flooding
- CS12 - Biodiversity
- CS13 - Supporting access to new development
- CS17 - Infrastructure and developer contributions
- CS18 - Urban design, town character, historic environment
- CS19 - Community safety
- CS27 - Sustainable economy

CS31 - Retail

Other Material Considerations.

1. PPS 1: Delivering Sustainable Development.
2. PPG 2: Green Belts.
3. PPS 6: Planning for Town Centres.
4. PPS 9: Biodiversity and Geological Conservation.
5. PPG 13: Transport.
6. PPS 22: Renewable Energy.
7. PPS 23: Planning and Pollution Control.
8. PPS 25: development and Flood Risk

Representations Received:

Oxfordshire County Council: No comments.

Thames Water: No comments.

Officers Assessment:

1. In September and October 2009 Central South and West Area Committee and Strategic Development Control Committee respectively received a report relating to a retail development to the south side of Lamarsh Road. A site plan is attached as **Appendix A**. That application sought planning permission for 3 non - food retail units as an alternative to an earlier extant planning permission, also for retail development. Attached as **Appendix B** to this report is the earlier report to committees. Paragraphs 4 to 8 there describe the lengthy history to the site and the position then reached. The current position therefore is that planning permission now exists for 3 retail units under permission 09/00247/FUL. Land adjacent is also currently being developed for residential purposes for 8 houses and 9 flats with 30% affordable units under permissions 02/01416/OUT and 06/01032/RES, also indicated in **Appendix A**.
2. Following the grant of planning permission minor adjustments were agreed to the permission so that Unit A to which the current planning application relates provided some 1048 sq m of floorspace at ground and part mezzanine level. The intended occupiers of the unit however, (Halfords), require additional floorspace of approximately 125 sq m at mezzanine level in order to be able to provide a full range of goods and an amount of back of house storage. There are no other changes to the planning application. Indeed since the previous grant of permission details have been agreed in relation to imposed conditions such that further details are not required to be submitted, but rather the development completed in accordance with those agreed details.
3. Similarly the 2009 planning application as brought before Central South and West Area Committee secured sums of £29,100 towards public art and £12,500 towards off site landscaping. However when permitted subsequently by Strategic Development Control Committee a further sum of £25,000 had been secured towards flood relief measures in the locality. In the event amendments were made to the legal agreement to transfer the public art sum

to flood relief instead in view of the pressing need for such measures in the locality. Subsequent to that the applicants agreed to undertake the work themselves to a value of not less than the combined total of £54,100 agreed. That work has now been completed.

4. The landscaping sum was intended to fund off site tree and other planting along the east - west section of Lamarsh Road, and within the meadowland to the south within the Green Belt with the consent of the landowner, the Oxford Preservation Trust. This sum has already been received.
5. As the previous permission was accompanied by a legal agreement, a further simple agreement is required to link the two permissions.

Conclusion

6. The planning application relates to a very minor of piece of work which provides an additional 125 sq m of floorspace to one of the 3 retail units to facilitate its occupation by Halfords. The application raises no new substantive issues, only procedural ones. The planning application is brought to committee as under the current scheme of delegation it is required to be determined at committee as the original permission to which it is a variation was also determined at committee. At the time of writing amendments to the scheme of delegation are being considered so that such cases would fall within delegation in the future. This would not of course prejudice members' rights to call such applications to committee.
7. Committee is recommended to support the proposals accordingly.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions and an accompanying legal agreement. 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 to permission subject to conditions and accompanying legal agreement, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 09/00247/FUL

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Date: 28th November 2011

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