

WEST AREA PLANNING COMMITTEE

30th May 2012

Application Number: 12/00862/FUL

Decision Due by: 29th May 2012

Proposal: Change of use from A1 (retail) to A2 (financial and professional services)

Site Address: 115 Walton Street, **Appendix 1**

Ward: North Ward

Agent: Kemp And Kemp

Applicant: Premier Letting & Management

This application has been called-in to the West Area Planning Committee by Councillors Turner, Bance, Smith, Coulter, Price and Khan to allow Members to weight up the potential advantages of having more letting agents in the Jericho against any harm caused to the street.

Recommendation: APPLICATION BE REFUSED

Reason for Refusal

- 1 The proposed development would result in the loss of a retail shop within an area specifically identified in the adopted Oxford Local Plan where policy RC.6 seeks to maintain the particular local character of the street by requiring 50% of ground floor units to be retained in retail use. In the absence of any evidence to justify a departure from Development Plan policy, the proposal would therefore be contrary to policies CP1 and RC6 of the Oxford Local Plan 2001-2016.

Oxford Local Plan 2001-2016

CP1 - Development Proposals
RC6 - Street Specific Controls
RC9 - Neighbourhood Shops

Other Material Considerations:

National Planning Policy Framework (NPPF)

Relevant Site History:

75/00646/A_H - Change of use from shop to café and snack bar to take away food shop - Refused 13.08.1975

Public Consultation

Statutory Consultees:

No comments received

Other Representations Received:

Two objections received from 28 and 69 Walton Street raising the following concerns:

- There are already too many estate agents in the immediate area;
- The Walton Street area has fewer than 50% of its ground floor units as shops and there should be no further loss of retail shops as it would harm the vitality and distinctive character of the street;
- The applicant has provided no evidence at all to support the assertion that retail occupiers of the premises cannot be found at realistic rental levels and on reasonable tenancy terms;
- The proposal is clearly contrary to policy RC6 of the Local Plan which is fully consistent with Government guidance set out in the new National Planning Policy Framework.

Officers' Assessment:

Site Description

1. The application site relates to 115 Walton Street, a currently empty retail premises (A1 use class) that was, until mid 2011 used as an independent clothes shop. The site lies towards the northern end of Walton Street approximately opposite to the Phoenix Picture House.

Description of Proposal

2. The application seeks consent to change the use of the premises from its current A1 (retail) use to a property lettings agency which falls within A2 use class.

3. Officers consider the determining issue in this case to be the balance between retail shops and other uses in Walton Street.

Balance of Uses in Walton Street

4. Walton Street has an interesting and distinct character which marks it out from other more typical local level shopping/commercial centres. Historically it featured a greater proportion of shops than it does today, both convenience and specialist in nature, and in more recent years it has seen a rise in the number of different types of restaurants. The threat of the loss of shops in the Walton Street area (mainly to restaurants, bars and take-aways) led directly to the adoption of a street specific control policy within the Local Plan which seeks to prevent change of use away from shops unless greater than 50% of the total number of ground

floor units remain in retail (A1) use.

5. The proposed change of use of the premises from A1 to A2 use would result in the number of shop units at ground floor level within the street falling to 15 out of a total of 35 units. This is clearly less than the minimum level (50%) set out within policy RC6 of the Local Plan. With the level of shops in the street falling even further below half of all units, Officers consider that it would further degrade the shop based character of the street and threaten the historically local and specialist retail character of the area.

6. The applicant has asserted that the current premises has been empty for nearly a year and, having marketed the premises, no retail occupiers can be found. This assertion is however not evidenced in the application's supporting documentation and it is therefore not clear whether the property has indeed been extensively marketed on the basis of a reasonable rental level or under realistic tenancy terms. The absence of such evidence as a material consideration is sufficient to justify the refusal of the application in terms of policy RC6.

7. Whilst it is recognised that, in the short term, a change of use of the premises to a property lettings/management agents would allow commercial use of the building this should be balanced against the overall harm that the long term loss of a shop would have on the character of the street. In this regard, Officers consider that in the absence of substantial evidence, little weight should be given to the applicant's assertion that a retail occupier cannot be found.

8. The application was called-in to Committee referencing the potential benefits of having more letting agents operating in the Jericho area of Oxford and the increased competition that this would bring. It should be noted however that such considerations are not supported by the policy context. In addition, it should be recognised that the application seeks a general change of use to A2 which also includes banks, building societies, employment agencies, betting offices etc. Consequently, the grant of planning permission would not necessarily ensure occupation as a letting agency without the imposition of an appropriately worded condition.

Conclusion:

9. The proposed change of use would result in the loss of a retail premises to the detriment of both the distinct character and long term vitality of the Walton Street area contrary to policies CP1 and RC6 of the Local Plan. As such, Committee is recommended to refuse the application for the reason set out at the beginning of the report.

Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse 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.

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 refuse officers consider that the proposal will not undermine crime prevention and the promotion of community safety.

Background Papers: 75/00646/AH & 12/00862/FUL

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Appendix 1

115 Walton Street, Oxford



Scale: 1:1250

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