

# MINUTES OF THE WEST AREA PLANNING COMMITTEE

Tuesday 5 January 2016

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**COUNCILLORS PRESENT:** Councillors Upton (Chair), Gotch (Vice-Chair), Benjamin, Cook, Coulter, Gant, Henwood, Hollingsworth and Pressel.

**OFFICERS PRESENT:** Felicity Byrne (Principal Planner), Robert Fowler (Senior Planner), Niko Grigoropoulos (Planning Control and Conservation Manager), Michael Morgan (Lawyer), Andrew Murdoch (Development Control Team Leader), Mehdi Rezaie and Jennifer Thompson (Committee and Members Services Officer)

## 85. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Councillors Paule, Price and Tanner submitted apologies and Councillors Henwood, Pressel and Coulter respectively substituted for them.

## 86. DECLARATIONS OF INTEREST

Councillor Hollingsworth declared he had a disclosable pecuniary interest in the Jericho Canalside application at Minute 87 as he lived adjacent to the site. He left from the room for the duration of the item.

Councillor Henwood declared that he had made a comment on the Westgate application at Minute 88, and as this could be construed as predetermining his position he would withdraw from the meeting for this item. He left from the room for the duration of the item.

## 87. LAND AT JERICHO CANALSIDE: 14/01441/FUL - AMENDED PLANS AND LEGAL AGREEMENT

Councillor Hollingsworth, having declared a disclosable pecuniary interest, left the room for the duration of this item.

The Committee considered report detailing matters relating to application 14/01441/FUL. The matters for decision were:

1. amended plans submitted in relation to the Boatyard element of the proposal and impact on No.9 Coombe Road;

2. the principle of a second bridge to the north of the site as shown on submitted plans and secured via the s106 agreement; and
3. details of the s106 agreement.

The legal officer advised of further representations after publication including:

- the applicant's noting that the SPD made no reference to building out the boatyard but he intended to do this to avoid impacting on the housing;
- JWT and Jericho Community Association submissions on land ownership.

The committee were advised land ownership and interests were only of relevance if they frustrated a necessary part of the development while allowing other elements of the development to proceed. It was confirmed that this was not the case as the draft S106 issued by the Council precluded any part of the development until these were resolved.

Mark Davies, of the Jericho Living Heritage Trust, asked that the development include the names Great Bear Meadow, Henry Ward, and Twentiacre as these were names of historical importance associated with the site and Jericho.

Phyllis Starkey and David Feeney, representing Jericho Wharf Trust (JWT), set out why the JWT should be a party to the S106 Agreement or at least to the development of this; why the freehold should be transferred; and their confidence that with this they could successfully develop and run the community facilities including the boatyard.

Stephen Green, representing Future Heritage Group on behalf of the applicant, explained the amended plans; the three landowners of the boatyard land; and the reasons for retaining the freehold and developing the boatyard as part of the canal works.

The Committee asked questions of the officers and were advised:

- That there was no planning justification that would require a freehold over a 999 year lease, no need to have land transfer/lease and related documents agreed and appended to the s106 Agreement and could not hold back the grant of planning permission on this basis if there was no agreement.
- Not to build out the boatyard would frustrate the building of the community centre above it and there was a positive obligation to complete this in the draft S106 Agreement.

Councillors noted that the SPD and previous decision of the Committee required the land to be transferred for the benefit of the community for nil consideration. They were of the view that it was reasonable to require freehold of the community centre/boatyard site to be transferred to the community. They appreciated the difficulties this posed for the applicant but considered this gave greater certainty, the separation of the community and commercial elements of the scheme, and brought an end to the developer's responsibility for the community elements. Obligations to ensure the boatyard was built were required.

The Committee noted that that a further draft would come to it for agreement if the S106 could not be completed on the terms agreed below.

**The Committee resolved to:**

1. approve the amended plans submitted in relation to the Boatyard,
2. agree the principle of a second bridge to the north of the site, as shown on the submitted plans, secured via the S106 but subject to a separate planning application in due course; and
3. endorses the recommendations in relation to the s106 Agreement with the following exceptions:
  - the boatyard is to be built out by the applicant;
  - the freehold of the land and the boatyard are to be handed to the community organisation to own and operate: the freehold to be transferred for a nominal consideration;and it being specifically confirmed that
  - the requirement for the £150,000 unilateral contribution from the applicant to remain;
  - there shall be a requirement to provide a northern and southern bridge;
  - the requirements for social housing and the public square are to remain
4. and instruct officers to issue a fresh draft S106 Agreement on that basis with the further instruction to report to the Chair and Vice-Chair of the Committee within four weeks of the issue of that draft as to ongoing progress.

**88. WESTGATE CENTRE AND ADJACENT LAND: 14/02402/CND4, 14/02402/CND3, 13/02557/CND12, 14/02402/CND**

Councillor Henwood, having declared that it could be construed he had predetermined his position as he had commented on the application, left the room for the duration of this item.

The Committee considered a report detailing applications:

- (1) 14/02402/CND4 Details submitted in compliance with condition 5 (public realm works) of planning permission 14/02402/RES.
- (2) 14/02402/CND3 Details submitted in compliance with condition 8 (Details of Lantern to Building 4) of planning permission 14/02402/RES.
- (3) 13/02557/CND12 Details submitted in compliance with conditions 21 (cycle parking) and 22 (cycle facilities) of planning permission 13/02557/OUT
- (4) 14/02402/CND Details submitted in compliance with conditions 6 (landscaping) and 17 (elevational treatments) of planning permission 14/02402/RES

at the Westgate Centre And Adjacent Land Encompassing The Existing Westgate Centre And Land Bounded By Thames St, Castle Mill Stream, Abbey Place, Norfolk St, Castle St, Bonn Square, St Ebbes St, Turn Again Lane And Old Greyfriars St.

Sara Fuge, Peter Coleman, Jeremy Dixon and Philip Smith, representing the applicants, were available to answer questions from the Committee.

The Committee were concerned to ensure that the remaining spaces for the the final discharge of condition 21 (providing 1000 cycle parking spaces) were secured.

**The Committee resolved to:**

1. approve the details submitted in compliance with conditions 21 (cycle parking) and 22 (cycle facilities) of outline permission 13/02557/OUT and condition 5 (public realm) and 8 (lantern design) of the reserved matters permission 14/02402/RES
2. approve the amendments to the details approved under conditions 6 (landscaping) and 17 (elevational treatments) of reserved matters permission 14/02402/RES
3. delegate to officers the ability to determine any future minor amendments that may be submitted as part of each of these conditions.

**89. LAND AT ELECTRICITY SUB STATION, 299C IFFLEY ROAD:  
15/03189/FUL**

The Committee considered an application for the demolition of existing electrical substation, erection of 2 x 3-bed semi-detached dwellinghouses (Use Class C3), and provision of private amenity space, bin and cycle store and parking for 4 vehicles at the electricity sub-station adjacent to 299C Iffley Road.

The planning officer reported that the Highways Authority had now withdrawn their objection subject to conditions which were included in the recommendation.

Paul Semple, the agent for the applicant, spoke in support of the application.

The Committee resolved to grant planning permission for application 15/03189/FUL subject to conditions:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials.
4. Design - no additions to dwelling.
5. Surface water management.
6. Cycle Stores.
7. Landscaping.
8. Parking area.
9. Obscure Glazing.
10. No side windows.
11. Boundary treatments.

**90. TINBERGEN BUILDING, SOUTH PARKS ROAD : 15/03105/FUL**

The Committee considered an application for the erection of a two-storey extension together with rear extensions at levels D, E and F, new entrance, lay-bys and nitrogen tank at the Tinbergen Building, South Parks Road, Oxford.

Robert Linnell, the agent for the applicant, spoke in support of the application.

The Committee agreed to include an informative to encourage greywater recycling.

The Committee resolved to approve application 15/03105/FUL subject to the following conditions and an informative:

1. Development begun within time limit.
2. Develop in accordance with approved plans.
3. Materials as specified.
4. Landscape plan required.
5. Landscape hard surface design - tree roots.
6. Landscape underground services - tree roots.
7. Tree Protection Plan (TPP) 2.
8. Arboricultural Method Statement (AMS) 1.
9. Biodiversity Enhancements.
10. Cycle parking.
11. No external lighting.
12. Plant Design.
13. Flue and External Staircases.
14. PD Rights - Part 2, Class C.
15. Enclosure of Nitrogen Tank.
16. Noise.
17. Energy Measures.
18. Archaeology.
19. Repeat Ecology survey (within 12 months).
20. No vegetation clearance (March-August).

**Informative:** consider greywater recycling

**91. OLD PARSONAGE HOTEL, BANBURY ROAD OX2 6NN:  
15/01733/FUL**

The Committee considered a retrospective application for the erection of a free standing frame and canopy at the Old Parsonage Hotel, Banbury Road.

Nik Lyzba, the agent, and Jeremy Mogford, the applicant, spoke in support of the application.

The Committee were of the view that the structure was harmful to the conservation area and adjacent and nearby listed buildings and was not

acceptable as a permanent feature as set out in the reasons for refusal. However, contrary to the officer's recommendation of refusal, the Committee considered that given the exceptional circumstances relating to the economic benefit for the business, the structure could be granted a temporary permission to allow the applicant to seek permission for and construct an acceptable alternative without impacting on the operation of the hotel.

The Committee resolved to grant planning permission for application 15/01733/FUL with the following condition:

1. Temporary permission – one year - structure to be removed by that date.

Reason: the proposal is harmful to the conservation area and adjacent and nearby listed buildings but it is considered reasonable to permit it to remain for a short fixed period to allow the applicant time to gain planning permission for and construct a structure which is acceptable in planning terms. The existing structure is to be removed by the end of the twelve month permission.

## **92. TRAVIS PERKINS SITE, COLLINS STREET: 15/03328/FUL**

The Committee considered an application for the demolition of existing building, erection of new building on four levels consisting of Class B1 (Offices) at ground floor level and 12 x 1-bed and 12 x 2-bed flats at upper levels, provision of bin and cycle stores, 1no. disabled car parking space and communal garden area. (Amendments to approved planning permission 14/01273/OUT) on part of the Former Travis Perkins Site Collins Street.

Nik Lyzba, the agent for the applicant, spoke in support of the application.

The Committee agreed to add an informative to remind the applicant to ensure that work did not adversely impact the school playground.

The Committee resolved to support the proposal in principle, and delegate to officers to issue the decision notice subject to conditions below on completion of an accompanying legal agreement; or if a legal agreement is not completed, then to delegate to officers to refuse the planning application.

### **Conditions:**

1. Time - 3years.
2. Plans – in accordance with approved plans.
3. Materials – samples agree prior to commencement.
4. Contamination – prior to commencement.
5. Biodiversity – measures for wildlife (bat/ bird boxes) prior commencement.
6. Restrict B1 Office use & no change use allowed.
7. Turning/ servicing area, for turning only; no parking.
8. Residents exclude from CPZ.
9. Construction Traffic Management Plan – details prior to commencement.

10. Cycle & bin storage – in accordance with details; including green roof to be retained thereafter.
11. Fourth floor – roof and terraces; restrict use to maintenance, other than designated terraces.
12. Windows – obscure glazing, as on approved plans; at all times.
13. Public Art – submit details prior to occupation; timescale for implementation to be agreed.
14. NRIA – build in accordance with; provide further details of PV, water butts.
15. SUDS – build in accordance with.
16. Landscape plan – submit details prior occupation.
17. Landscape - carry out following completion.
18. Tree - Tree Protection Plan.
19. Trees – Details of methods of working (construction and demolition).
20. Tree – no dig.
21. Tree – pruning – detailed specification required.
22. Tree – underground services.
23. Boundary treatment – as existing (wall and fencing), relocate existing gates as per submitted plan.

**Legal Agreement:** S106 with the City to secure 50% affordable housing

**Informative:** ensure works do not adversely impact the adjoining school playground wall.

### **93. PLANNING APPEALS**

The Committee noted the report on planning appeals received and determined during November 2015 and asked that the report show appeals against committee decisions with and against officer recommendations separately.

### **94. MINUTES**

The Committee resolved to approve the minutes of the meetings held on 1 December 2015 and 15 December 2015 as a true and accurate record.

### **95. FORTHCOMING APPLICATIONS**

The Committee noted the list of forthcoming applications.

### **96. DATES OF FUTURE MEETINGS**

The Committee noted the dates.

**The meeting started at 6.30 pm and ended at 9.15 pm**