

# **WEST AREA PLANNING COMMITTEE**

**Tuesday 11 March 2014**

**COUNCILLORS PRESENT:** Councillors Van Nooijen (Chair), Benjamin, Canning, Clack, Cook, Jones, Price, Tanner and Goddard.

**OFFICERS PRESENT:** Murray Hancock (City Development), Nick Worlledge (City Development), Michael Crofton-Briggs (Head of City Development), Martin Kraftl (Oxfordshire County Council), Michael Morgan (Law and Governance) and Sarah Claridge (Trainee Democratic and Electoral Services Officer)

## **101. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were received from Councillor Gotch (substitute Councillor Goddard).

## **102. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

## **103. WESTGATE CENTRE: 13/02557/OUT**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish the southern part of Westgate Centre, 1-14 Abbey Place and multi-storey car park, retention of library, refurbishment of remainder of the existing Westgate Centre and construction of a retail-led mixed use development together providing A1 (retail), A2 (finance and professional services) and/or A3 (restaurants and cafes) and/or A4 (public house, etc.) and/or A5 (hot food takeaways) uses, C3 (residential) use and D2 (amenity and leisure) uses, public toilets, associated car and cycle parking, shop-mobility facility, servicing and access arrangements together with alterations to the public highway.

The Chief Principal Planner explained that control over the Westgate development would be exercised by planning conditions, legal agreement and by a series of "Development Principles", "Parameter Plans" and "Public Realm Principles". They would be fixed within the outline planning permission and would form a framework within which a detailed proposal would emerge at the reserved matters stage.

Other issues raised were:

- The development is unusual as no extra car parking is being included, instead the transport strategy would rely on the current Park and Ride structure, extensive bus and railway networks and encouraging cycling and pedestrians.
- New Government guidance in the Planning Practice Guidance issued last week had been considered and have not given rise to the need to amend the officers' recommendation to committee.

- The proposal represents a “departure” from the Development Plan and has therefore to be referred to the Secretary of State who can choose to “call in” the application for his own determination.

The Heritage and Specialist Services Team Leader outlined the potential impact the development would have on the city’s skyline. The development is not in a conservation area though it would have an impact on the spires and domes of the city’s skyline and the setting of conservation areas and listed buildings. The statutory duty of the council is to give considerable weight to the protection and enhancement of designated heritage assets was explained and that in any development affecting designated heritage assets, the Committee must be satisfied that any harm is outweighed by the public benefits that would follow from the development.

In accordance with the criteria for public speaking, the Committee noted that Debbie Dance (Oxford Preservation Trust), Luke Gander (Saint Ebbes New Development Residents’ Association) and Peter Thompson (Oxford Civic Society) spoke against the application and Cecilia Fry (Cyclo), Sara Fuge and John Grinnell (Westgate Oxford Alliance) and Andrew Mills (John Lewis Partnership) spoke in favour of it.

The speakers against the application raised a number of concerns including the following:

- Detrimental impact of the development on the city skyline especially as viewed from St George’s Tower
- Increased risk of ground water flooding on Saint Ebbes’ residents
- Increased noise and emissions from buses
- Connectivity and design of development with the rest of the city especially from the Southern end.
- Need to improve pedestrian and cycling access from the railway station to the new development
- Integration of development into fabric of city
- Too many uncertainties in transport strategy.

The speakers in favour of the application raised a number of points including the following:

- Development would provide needed employment for local people
- Vibrant new shopping centre,
- Contribute to growing economy
- Improve cycle routes in and around city. Is there a possibility to have segregated lanes for cycling?

Officers responded to questions raised by members of the committee, including the following:

- The provision of bus services was subject to commercial considerations by the local bus companies.
- The possibility of an off – site freight distribution centre was being investigated with other stakeholders locally, and such a system would require the participation of others to be effective. As the project was at an early stage it was too soon to guarantee that such a system would come to fruition.
- In response to public consultation the Environment Agency (EA) had commented that the potential for ground water flooding due to the development is not great, but that on the precautionary principle had suggested a planning condition requiring monitoring of ground water levels.

- Also in response to public consultation, Thames Water (TW) had not objected to the development and suggested a condition be imposed requiring a drainage strategy. Officers would continue to liaise with TW throughout the development.
- On the matter of Active Frontages officers explained that the proposed development principles would ensure that this would be positively addressed by the Block Architects.
- Granting outline planning permission subject to conditions and S.106 agreement did not fetter the committee's discretion to refuse planning permission at the reserved matters stage if the development was not of the appropriate quality which this site deserved.

The Committee resolved to:

- i. support the application subject to the conditions and legal obligations listed below, but to notify the Secretary of State for Communities and Local Government accordingly under the requirements of Section 77 of the Town and Country Planning Act 1990, and the Town and Country Planning (Consultation) (England) Direction 2009; and
- ii. upon the planning application not being recovered by the Secretary of State for his own determination, to delegate to officers the issuing of the Notice of Outline Planning Permission subject to conditions and completion of an accompanying legal agreement.

Subject to the following planning conditions and legal obligations:

### **Planning Conditions**

1. Time limits for commencement.
2. Approved drawings and documents, including Development Principles, Parameter Plans and Public Realm Principles.
3. Reserved matters applications.
4. Materials.
5. Landscaping / public realm.
6. Tree protection.
7. Tree pits.
8. Landscape implementation.
9. Landscape management plan.
10. No subdivision of department store.
11. Maximum amount of non - retail floorspace.
12. Shop front guide.
13. Wayfinding / pedestrian signage within application site
14. Lifetime homes standards for residential.
15. Temporary car and coach parking available on commencement.
16. Public car parking (minimum no. of spaces).
17. Public car park management plan.
18. Development to meet SBD and Park Mark standard for accreditation.
19. CCTV to be integrated with city centre system.
20. Licence for construction under highway before occupation.
21. Provision of cycle parking before occupation.
22. Provision of cycle hub
23. Servicing and delivery arrangements and timings.
24. Provision of public transport facilities.

25. Learning and Skills Strategy.
26. Provision of taxi drop off / pick up on occupation.
27. Highways: Travel Plans.
28. Demolition and construction management plan.
29. Construction Environmental Management Plan.
30. Construction Travel Plan.
31. Real time information within centre.
32. Sustainability and Energy Strategy.
33. Development in accordance with flood risk assessment.
34. Residential development above flood levels.
35. Details of operation of flood mitigation measures.
36. Sustainable drainage principles (SUDs).
37. Maintenance access to Castle Mill Stream.
38. Lighting scheme to Castle Mill Stream corridor.
39. Details of Trill Mill Stream diversion.
40. Groundwater monitoring.
41. Groundwater dewatering.
42. Foul drainage strategy.
43. Ground contamination and remediation.
44. Unidentified contamination.
45. Waste management strategy.
46. Piling details.
47. Petrol / oil interceptors.
48. Cooking smells and odours.
49. Mechanical plant.
50. Employment and Skills Strategy.
51. Procurement of contracts.
52. Archaeology.
53. Relocation of Roger Bacon plaque.
54. Photographic record.
55. Repeat ecological survey.
56. Habitat enhancement and creation.
57. Public art strategy.

## **Legal Obligations:**

### S.106 Obligations

1. Provision of affordable housing off - site in accordance with formula at Appendix 2 to the Sites and Housing Plan, (ie 15% of sales value of residential units), subject to viability.
2. Permissive pedestrian rights to 18 and 24 hour thoroughfares and squares.
3. Provision of bus shelters and passenger waiting facilities within development site.
4. Provision of real time bus information for new stops within development site.
5. Air quality monitoring: £49,500.
6. Tennyson Lodge and Paradise Square mitigation: Circa £70,000, subject to negotiation.
7. Contribution towards freight consolidation feasibility study: £10,000.
8. Link to West End Combined Heat and Power (CHP) system (if it proceeds).
9. Temporary pedestrian route and signage to city centre during construction period.

#### **104. OXPENS CAR AND COACH PARK, OXPENS ROAD: 13/02558/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to demolish existing buildings, reconfiguration and expansion of existing car/coach park to provide additional surface level car parking, and construction of a single deck car park, new temporary buildings to accommodate replacement public toilets, office and workshop associated with car/coach park management, and relocated shop-mobility facility, associated servicing and access arrangements together with alterations to the public highway, lighting and landscaping for a temporary period (4 years from completion of development).

The Committee resolved to SUPPORT the proposals in principle but defer the planning application and delegate to officers the issuing of the notice of planning permission, to be simultaneous with that for planning application 13/02557/OUT for the refurbishment and extension of the Westgate Centre, subject to the following conditions:

1. Development begun within time limit
2. Develop in accordance with approved plans
3. Temporary period of 4 years
4. Phasing of enabling applications and reinstatement of facilities
5. Installation of Surface Level Deck
6. Park Mark Award Measures
7. Lighting / CCTV Scheme
8. Parking Management Plan
9. Details of Ice Rink Servicing
10. Construction Traffic Management Plan
11. Retention of pedestrian links to city centre
12. Details of all signage / markings for car park
13. Surface Water Drainage Scheme
14. Construction Environmental Management Plan
15. Landscape and Ecological Management Plan (including timeframe for completion of landscaping)
16. Contaminated Land Risk Assessment
17. Unsuspected contamination
18. Provision of tourist information

#### **105. REDBRIDGE PARK AND RIDE, ABINGDON ROAD: 13/02563/FUL**

The Head of City Development submitted a report (previously circulated now appended) which detailed a planning application to reconfigure part of existing Redbridge Park and Ride Site to accommodate for a temporary period (4 years from completion of development) coach and HGV parking, and associated fencing.

The Committee resolved to SUPPORT the proposal in principle but defer the planning application and delegate to officers the issuing of the notice of planning permission, to be simultaneous with that for planning application 13/02557/OUT for the refurbishment and extension of the Westgate Centre, subject to the following planning conditions:

1. Development begun within time limit

2. Develop in accordance with approved plans
3. Temporary period of 4 years
4. Phasing of enabling applications and reinstatement of facilities
5. Park Mark Award Measures
6. Lighting / CCTV Scheme
7. Parking Management Plan – to include visitor coach management, car park management, and priority arrangements for overflow car / coach parking
8. Surface Water Drainage Scheme
9. Construction Environmental Management Plan
10. Landscape and Ecological Management Plan
11. Construction Traffic Management Plan
12. Details of all signage / markings
13. Alterations to the public highway
14. Land Contamination
15. Gas monitoring
16. Tourist information points at car park.

#### **106. DATE OF NEXT MEETING**

The Committee NOTED that the next meeting would be held on Tuesday 18 March 2014.

**The meeting started at 6.30 pm and ended at 9.05 pm**