

East Area Planning Committee

5th November 2014

Application Number: 14/02243/VAR

Decision Due by: 6th November 2014

Proposal: Removal of condition 4 of planning permission 05/00287/FUL (erection of hotel) that required a scheme for the layout and construction of a footpath and cycle route linking Minchery Farm Track and Grenoble Road roundabout.

Site Address: Land Forming Site Adjacent To The Priory, Grenoble Road
(site plan: appendix 1)

Ward: Littlemore Ward

Agent: Henry Venners

Applicant: Firoka (Oxford Leisure) Ltd

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval

- 1 Officers consider that the terms of the condition have been met through the construction of the footpath / cycle route between the Minchery Farm track and the Grenoble Road roundabout. An appropriate lighting scheme for the track to improve safety and visibility along this route will be secured through the other conditions on planning permission 05/00287/FUL. Therefore the condition is no longer required to satisfy the aims of Oxford Local Plan 200-2016 Policies CP1, CP8, CP9, CP10 and TR4, and Oxford Core Strategy 2026 Policies CS18 and CS19 and its retention would not meet the relevant tests of reasonableness set out within the National Planning Policy Framework. No third party comments have been received
- 2 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.

Conditions

The following relevant conditions from 05/00287/FUL shall be attached

1. Built in accordance with approved plans
2. Detailed design drawings
3. Repair works to Priory Public House
4. (i) Implement recommendations of Flood Risk Assessment
(ii) Details to reduce Crime and Disorder
(iii) Emergency Vehicle Access
(iv) NRA
5. Archaeological Scheme of Investigation
6. External Materials
7. Scheme for treatment of cooking fumes
8. Details of extraction plant and machinery
9. Refuse Storage
10. Green Travel Plan
11. Access Road details and other related items (surface water drainage, street lighting)
12. Parking Areas constructed in accordance with approved details
13. Vision Splays
14. Cycle Parking
15. Lighting Scheme
16. No vehicular access onto Minchery Farm Track
17. Construction Vehicle Routeing
18. Construction Vehicle Wheel Cleaning
19. No Tree felling, topping or lopping
20. Tree Protection
21. Landscape Plan
22. Landscaping Completion
23. Means of enclosure
24. Details for accessibility
25. No raising of ground levels
26. No spoil deposited on land liable to flood
27. Permeable walls and fencing
28. Land contamination

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP1 - Development Proposals

CP8 - Design Development to Relate to its Context

CP9 - Creating Successful New Places

CP10 - Siting Development to Meet Functional Needs

TR4 - Pedestrian & Cycle Facilities

Core Strategy

CS18 - Urban design, town character, historic environment

CS19 – Community Safety

Other Planning Documents
National Planning Policy Framework
Planning Practice Guidance

Relevant Planning History

05/00287/FUL - Erection of three-storey 87 bed hotel, including dining room and bar, new access road, car parking for 87 cars: Approved.

10/00762/EXT - Erection of three storey 87 bed hotel, including dining room and bar, new access road, car parking for 87 cars (Renewal of planning permission 05/00287/FUL): This application was withdrawn as it was established that the original planning permission (05/00287/FUL) had been implemented

Public Consultation

Statutory Consultees
No comments received

Third Parties
No comments received

Officers Assessment:

Background to Proposals

1. The application relates to an extant planning permission for a three-storey 87 bed hotel including dining room and bar, new access road and parking area for 87 cars that was granted under reference number 05/00287/FUL in 2005.
2. The hotel is to be sited on the northern side of Grenoble Road on the area of derelict land that was formerly occupied by the Minchery Farm Buildings and lies between the Ozone Multiplex Complex (north/east), Minchery Farm Track (west), and the Grade II* listed Priory Public House (south) (**site plan: appendix 1**)
3. The application was implemented on the 20th April 2010 through the material operation of 'setting out' the new access to the hotel accommodation. As a result the planning application which sought to renew this permission under reference number 10/00762/EXT was withdrawn.
4. The original planning permission (05/00287/FUL) was granted subject to a number of conditions. The applicant is currently in the process of seeking discharge of these conditions in order to enable work to commence on completing the hotel development. In the meantime, this application is seeking to remove condition 4 of the planning permission which stated the following

Development shall not commence until the Local Planning Authority has approved in writing a scheme for the layout and construction of a footpath and cycle route, to include details of lighting and drainage, linking Minchery Farm track and Grenoble Road roundabout. The hotel shall not be brought into use

until the footpath and cycle route have been constructed and are available for use and the Local Planning Authority have certified they have been completed in accordance with the approved details.

Reason: To ensure accessibility for pedestrians and cyclists in accordance with the relevant policies contained in the Development Plan.

5. Planning Practice Guidance states that an applicant can seek to remove a condition imposed on a planning permission under Section 73 of the Town and Country Planning Act 1990. In determining the application, the Local Planning Authority must only consider the disputed condition that is subject to the application. It is not an opportunity to reconsider the merits of the original planning permission.
6. Therefore in accordance with this guidance, officers consider that the sole determining issue in this case would relate to the specific impacts of removing the requirement to comply with this condition.

Provision of Pedestrian / Cycle Route

7. The condition was originally imposed in order to secure the provision of a footpath and cycle route that linked Minchery Farm track with the roundabout at Grenoble Road which formed the entrance to the Ozone Multiplex complex and Kassam Stadium. The reason for imposing this condition was in order to improve accessibility for pedestrians and cyclists.
8. The reason provided for imposing the condition was in order to improve accessibility for pedestrians and cyclists in the area. The Oxford Local Plan 2001-2016 states that access to sites including circulation within site and the site entrance should be practicable with priority given to pedestrians and cyclists (Policy CP10); and development should provide good access and facilities for pedestrians and cyclists (Policy TR4). In addition the Oxford Core Strategy 2026 promotes good urban design through developments that are easy to understand and move through (Policy CS18), and promote safe and attractive environments which reduced the opportunity for crime and the fear of crime, providing well-design public spaces and access routes responding to the need of the community, maximising natural surveillance, and appropriate lighting of public spaces and access routes (Policy CS19).
9. The planning statement accompanying the application considers that the condition is no longer necessary because a continuous tarmac surfaced footpath and cycle route has already been created between the Minchery Farm track to the west of the Grade II* listed Priory Public House and the Grenoble Road roundabout since planning permission was granted in 2005. Therefore on the basis that a route has now been completed between the two points, the applicant concludes that the condition serves no purpose and it should be removed.
10. The National Planning Policy Framework states that conditions should only be imposed where they are necessary, relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects.

11. Having reviewed the application, officers are satisfied that a continuous tarmac surfaced footpath and cycle path has been created between these two points on site in accordance with the general thrust of the condition and as such officers would support the applicant's view that the main works required by the condition have been completed and are no longer necessary.
12. In terms of lighting, the permission included two conditions, one of which requires details of all street lighting (condition 14(iv)) and the other a lighting scheme for the proposed car park (condition 19). The applicant has submitted a lighting scheme in accordance with these conditions which includes lighting columns along the Minchery Farm Track to complement the existing columns on this path, and also along the new footpath between the track and the Grenoble Road roundabout. The Local Highways Authority has raised no objection to the details submitted under these conditions. As such officers consider that an appropriate lighting scheme for the site and this footpath will be secured through these two conditions.
13. Similarly with respect to drainage issues, the path has been installed in a manner whereby any surface water drains onto the highway verge. There is a condition attached to the permission (condition 14 (v)) which requires a drainage scheme for all parking areas and pavements within the scheme. These details have been approved in principle by the Local Drainage Authority and as such will ensure that surface water within the site will be appropriately drained.
14. Overall, it is apparent that the condition has already been met through the construction of the footpath / cycle route between the Minchery Farm track and the Grenoble Road roundabout. An appropriate lighting scheme for the track to improve safety and visibility along this route will be secured through the other conditions on the permission. Therefore the condition would no longer be required, and would not meet the relevant tests of reasonableness set out within the National Planning Policy Framework

Conclusion:

15. The proposal is considered to be acceptable in terms of the relevant policies of the adopted Oxford Core Strategy 2026 and the Oxford Local Plan 2001-2016 and therefore officer's recommendation to the Members of the East Area Planning Committee is to approve the development.

Human Rights Act 1998

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

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Date: 16th October 2014