

East Area Planning Committee

2nd December 2015

Application Number: 15/02836/VAR

Decision Due by: 24th December 2015

Proposal: Variation of condition 3 (Repairs to The Priory) of planning permission 14/02243/VAR to allow an additional six months to undertake facade repairs after opening of new hotel.

Site Address: Hampton By Hilton Hotel Grenoble Road Oxford
Oxfordshire

Ward: Littlemore Ward

Agent: JPPC- Chartered Town
Planners

Applicant: Firoka (Oxford Leisure) Ltd

Application called in by Councillors Tanner, Pressel, Kennedy and Fry over concerns about the care of an historic building

Recommendation:

APPLICATION BE APPROVED

Reasons for Approval

- 1 Officers consider that the variation of condition to enable an additional 6 months after the opening of the hotel to carry out external repair works to the Grade II* Listed Building would enable further up-to-date survey work to be carried out to assess the condition of the building and a more thorough repair exercise to be carried out which would assist in finding a long-term viable use for this listed building. This would accord with the aims of National Planning Policy Framework and Oxford Local Plan Policy HE3.
- 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 condition should be varied to read as follows

Notwithstanding the scheme of repair works set out within the External Façade Condition Survey approved under condition 5 of planning permission

05/00287/FUL on the 11th October 2007, a further survey of the external condition of the Grade II Listed Building (The Priory) which sets out a written scheme for the repairs of the building shall be submitted to and approved in writing by the Local Planning Authority. The written scheme of repairs shall be undertaken in accordance with these approved details and written confirmation provided to the Local Planning Authority that they have been carried out within 6 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority*

Reason: In order to secure a scheme of repair works for the Grade II Listed Building which is sited alongside the hotel subject to the planning permission 05/00287/FUL in order to help secure a long term viable use for the future conservation of this designated heritage asset and ensure that the building would be rejuvenated by the hotel development and become the fulcrum of this development as set out within the planning statement submitted as part of that application in accordance with the aims of the National Planning Policy Framework and Oxford Local Plan Policy HE3.*

The following relevant conditions from 05/00287/FUL & 14/02243/VAR should also be attached

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

- 27. No spoil deposited on land liable to flood
- 28. Permeable walls and fencing
- 29. 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
- HE3** - Listed Buildings and Their Setting

Core Strategy

- CS18** - Urban design, town character, historic environment

Other Planning Documents

- National Planning Policy Framework
- Planning Practice Guidance

Public Consultation

Statutory Consultees

- Littlemore Parish Council
The building is a Listed Building which represents yet another part of Littlemore's contribution to the rich history of buildings within Oxford. The Parish Council share concerns which City Council may have about the future of Old Priory, and to ensuring this historic building remains for the benefit of future generations.
- Oxford Civic Society
If permission is given for a further six months delay for these very necessary and long delayed works to be carried out to the ancient Priory building, we fear there is a risk that the repairs specified will not be made and further deterioration of The Priory may occur. We strongly believe that this variation of planning permission should not be granted in advance of the Developer signing the 125 lease from the Council that is discussed in the letter attached to the application.

Third Parties

None

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

14/02243/VAR - 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: Approved

Officers Assessment:

Background to Proposals

1. The application is seeking permission to vary a planning condition imposed upon the 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 in 2005 under reference number 05/00287/FUL, and subsequently varied in 2014 under reference number 14/02243/VAR.
2. The hotel is 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. The substantial construction works for the hotel commenced this year and are at an advanced stage with the building nearing substantial completion.
4. The original planning permission (05/00287/FUL) was granted subject to a number of conditions, of which condition 5 (condition 3 of 14/02243/VAR) related to repair works to the Grade II* listed Priory Public House and stated the following

Development shall not commence until the Local Planning Authority has approved in writing a scheme for the repair of Minchery Farmhouse. The hotel shall not be brought into use until the repairs have been undertaken and the Local Planning Authority have certified they have been completed in accordance with the approved details

Reason: To allow the Local Planning Authority to give further consideration to these matters and to ensure a satisfactory form of development.

5. The Grade II* Listed Public House is currently vacant with the last use ceasing in June 2013. The applicant is in negotiations with Oxford City Council (as landowner) to extend their short term lease in order to allow greater investment in the building to be carried out. As part of this a full internal repair exercise will be undertaken and the applicant would like to undertake the façade repairs at the same time. They are requesting to vary the condition to read as follows

The works set out in the External Façade Condition Survey dated 6th February 2007 and approved under condition 5 of planning permission 05/00287/FUL on the 8th December 2014 shall be undertaken within 6 months of the opening to the public of the new hotel

6. Planning Practice Guidance states that an applicant can seek to vary 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.
7. Therefore in accordance with this guidance, officers consider that the sole determining issue in this case would relate to the specific impacts of varying this condition.

Variation of condition

8. The condition to require external repair works to the listed building was originally imposed upon planning permission (05/00287/FUL) because at the time of this decision the condition of the building had been a cause for local concern and the hotel development subject to the application made no provision for its repair despite the planning statement submitted with the application stating that the hotel accommodation would help rejuvenate The Priory as the fulcrum of the development.
9. An External Façade Condition Survey dated 6th February 2007 has already been approved under the condition in 11th October 2007. The survey recommended a number of repair works to the external walls and roof including the repair, re-facing and repointing of areas of cement/sand mortar that have been used for repair; the cleaning out of gutters, downpipes and flashing; cleaning of the badly stained stone; removal of all ivy; replacement of loose and missing roof tiles; and an inspection of the northern end of the roof. A copy of the survey can be found in **appendix 2** of this report.
10. The construction works for the hotel building are nearing completion and it is anticipated that the building will open in December 2015. Under the terms of the condition the repair works outlined in the External Façade Condition Survey need to be completed before the hotel is brought into use. At the present time, Firoka have a short term lease (60 years) on The Priory and are in the process of negotiating a longer term lease (125 years) with Oxford City Council as landowner. The applicant has confirmed that the extension to the lease, along with the opening of the hotel, will help to secure suitable investment to enable a full internal and external repair exercise to be undertaken to occur at the same time and develop the Priory into a viable long-term business.
11. The National Planning Policy Framework states that when determining planning applications involving heritage assets such as listed buildings, it is important to take account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It goes on to state that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Oxford Local Plan Policy HE3 supports these aims states that planning permission will be granted for the re-use of redundant or unused listed buildings for new purposes compatible with their character,

architectural integrity and setting.

12. Officers recognise that both the Oxford Civic Society and Littlemore Parish Council have expressed concerns during the consultation process that any delays to the repair works will result in the further deterioration of the building. However as a basic principal the introduction of a viable use into a Listed Building is a recognised approach to secure the long term future and conservation of these heritage assets espoused by the National Planning Policy Framework. The applicant is not seeking to remove their requirement to fulfil their obligation to carry out external repair works to the listed building, but to simply vary the condition to enable a further 6 months to carry out these works. The applicant has made clear that it is not in their interests to have the building boarded up and empty alongside the new hotel development. As such officers consider that the extension to the period of compliance should be supported if it enabled a more holistic set of repair works to be undertaken. That said, it is also recognised that the External Façade Condition Survey approved under the condition is 8 years old now, and therefore due to the period of time that has lapsed there may be further repair works required to the building. As the applicant is suggesting that this will be part of a set of internal and external repair works to the building, then it would be reasonable to ask for a more up-to-date survey to be carried out.
13. As such officers would recommend that the condition be varied to allow the works to be carried out within 6 months of the date that the planning permission for the variation is allowed. The condition should also be reworded to state the following

Notwithstanding the scheme of repair works set out within the External Façade Condition Survey approved under condition 5 of planning permission 05/00287/FUL on the 11th October 2007, a further survey of the external condition of the Grade II Listed Building (The Priory) which sets out a written scheme for the repairs of the building shall be submitted to and approved in writing by the Local Planning Authority. The written scheme of repairs shall be undertaken in accordance with these approved details and written confirmation provided to the Local Planning Authority that they have been carried out within 6 months of the date of this permission unless otherwise agreed in writing by the Local Planning Authority*

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Conclusion:

14. 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.

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 16th November 2015

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