

PLANNING REVIEW COMMITTEE

Thursday 22 December 2011

COUNCILLORS PRESENT: Councillors Brett (Chair), Altaf-Khan, Armitage, Lygo, Rowley, Cook, Price and Tanner.

OFFICERS PRESENT: Lois Stock (Democratic and Electoral Services Officer), Murray Hancock (City Development) and Daniel Smith (Law and Governance)

27. APOLOGIES

Apologies were received from Councillor Bance (Councillor Tanner substituted); Councillor Baxter (Councillor Cook substituted); Councillor Turner (Councillor Price substituted); and Councillor Young (no substitute).

28. DECLARATIONS OF INTEREST

Councillor Brett declared a personal interest in the application for the John Allen Centre on the grounds that he knew one of the people speaking against it.

29. PLANNING APPLICATION 11/02446/FUL - CANTAY HOUSE, 36-39 PARK END STREET

The Head of City Development submitted a report (previously circulated, now appended) concerning a planning application for the demolition of the rearmost building, erection of 5 storey building consisting of 9 x 2-bed flats with cycle parking, bin stores and landscaping at Cantay House, Park End Street.

The application was approved by West Area Planning Committee as follows:-

- (1) Support the development in principle, subject to the conditions in the officer's reports, but defer the application in order to complete an accompanying legal agreement as outlined in the offers' report and to delegate to officers the issuing of the notice of planning permission on its completion.*
- (2) Add the additional Informatives as follows:*
 - i. To encourage the use of solar PVT panels where possible*
 - ii. Grey water*
 - iii. To make provision to encourage the nesting of Kingfisher and Sand martin varieties of bird.*

The application was subsequently called in to Planning Review Committee by Councillor Cook, supported by Councillors Sinclair, Turner, Coulter, Hazell, Rowley, McManners, Wilkinson, Humberstone, Jones, Brown and Pressel; for the following reason:-

This proposal for 9 number two-bed flats i.e. one flat short of triggering a social housing requirement. It is my contention that this site is perfectly capable of taking 10no. flats and that the developers have deliberately under-developed this site in order to avoid making a contribution to social housing contrary to policy CP.6 in the Affordable Housing SPD.

Murray Hancock presented the report to the Committee. Nik Lyzba (agent for the applicant) spoke in favour of it. No-one spoke against it.

In speaking in favour of the application, Mr Lyzba made the following points:-

- The scheme has been the subject of extensive discussions with planning officers and the Conference centre;
- The development would help kick-start development in the West End; to which it was close; and the aim was to have a high quality development in that area;
- There were several constraints on the site, with buildings nearby, student accommodation, and neighbouring flats;
- It was not possible to have a larger building footprint because of the flooding risks;
- The West End Area Action Plan required a high proportion of 2-bed flats, which this development provided. These would be high quality flats with balconies or gardens. The density would be 126 per hectare, which was in excess of that demanded by the City Council's policy CP6;
- The scheme would be car free;
- The service yard would be landscaped, which would improve the view from Stream Edge properties
- The applicant was not persuaded the make changes to the scheme that would increase the density at the expense of the quality or amenity of the development.

Councillor Cook was still of the opinion that this was an underdevelopment of the site. He pointed out that Council at its meeting on 19th December 2011 resolved to send out for public consultation the Sites and Housing Development Planning Document, and he felt that the criteria outlined in this document should be applied to this development. This would allow the Council to seek a developer contribution of up to 15% of the total sale value of the development as a contribution towards affordable housing. The applicant could be given the chance to do this or explain why it was not possible. Therefore, he suggested that the application be deferred to allow such consultations with the developer to take place.

Daniel Smith (Legal) advised that a Council resolution such as that outlined above carried some weight; but as it was not yet an adopted policy of the Council that weight was limited. The developer had formulated his scheme and submitted his application before the advent of this document, and certainly before its adoption, and therefore he could be said to have a legitimate expectation that the application would be considered free from its constraints.

Murray Hancock agreed that a draft document would carry limited weight, although it might be a material consideration. The Committee had to judge how much weight to give to it. If the application was deferred, the applicant could have the right to appeal on grounds of non-determination.

The Committee RESOLVED to DEFER the application in order to allow discussions concerning the size of the developer contribution, in line with the Sites and Housing DPD, to be held; or information to be received demonstrating that the development would not be viable with such a contribution

30. PLANNING APPLICATION 11/02032/FUL - UNIT 1, JOHN ALLEN CENTRE.

The Head of City Development submitted a report (previously circulated, now appended) concerning an application for the refurbishment of Unit 1, the John Allen Centre.

This had been discussed at the East Area Planning Committee where the following was agreed:-

- (a) *To support the proposals in principle and subject to the 22 conditions as laid out in the Planning Officers report with an additional condition (23) to remove Permitted Development Rights which would have allowed a change of use from café/restaurants to retail shops without the need for planning permission and to allow servicing of the food store at Unit 1A from the rear yard on Sundays and Bank Holidays and from the car park area overnight;*
- (b) *To defer the application to allow a "Deed of Variation" to be drawn up and to delegate to Officers the issuing of the Notice of Planning Permission on its completion.*

The application was subsequently called in to Planning Review Committee by Councillor Shah Khan, supported by Councillors Rowley, Cook, Turner, Price, Sinclair, Tanner, Timbs, Lloyd-Shogbesan, Darke, Humberstone, Van Nooijen and Baxter for the following reasons:-

Issues of significant public concern regarding public safety and lighting were not considered in the report and so were not addressed at East Area Planning. Local Plan policies CP9 (j) and (k) are relevant

Murray Hancock presented the report to the Committee. He drew attention to the fact that the developer had offered a financial contribution of £10,000 for safety measures, which could include including lighting on footpaths within the parkland to the east of the site.

Anne Mackintosh, Graham Jones, Hilary Grime, and Shah Khan spoke against the application and made the following points:-

- Concern was expressed about the service and delivery hours, and access to the service yard. It was felt that the current restrictions on delivery were not respected and it was feared that this would continue into the future.

The proposed hours needed to be controlled – they would be very intrusive for residents;

- Trees on the site that died were not replaced, and it was feared that this would not change;
- Footpaths that were used to gain access to the site were very dark and quite intimidating after dark. If the Committee was minded to grant this application, it should be with the £10,000 offered as a financial contribution towards safety measures;
- The footpaths were well used, including by local schoolchildren. There had been unpleasant incidents in the area, so that any approval should include conditions for lighting on the footpaths;;
- The vicinity of the site was very dark, but could be made less intimidating by the better use of light. Lights should not go out at 10pm – the area needed to be better illuminated in order to make it safer.

Jonathan Best (Agent for the Applicant) spoke in favour of the application and made the following points:-

- Conditions proposed around servicing reflect the existing position. Cafes would be serviced from the back of the site and an internal rear service corridor provided;
- The safeguarding of trees could be controlled by a condition;
- The development was in accordance with the Core Strategy and was a good thing for the Cowley area;
- Pre-application discussions had taken place with officers. The Police were also aware of this application and were happy with the proposals;
- The Applicant was happy to offer the S106 contribution of £10,000 to cover safety conditions.

The following further information was then provided by officers and the applicant in response to questions posed by members of the Committee:-

- The management and maintenance of the nearby park area had been transferred by legal agreement to the Council and therefore the provision of lighting on it was in the control of the City Council;
- The Police welcomed the idea of additional lighting, and would like the lights to remain on when the shops were open, but should be turned off once they closed in order to deter people from gathering there at night;
- The £10,000 contribution was proportionate to the proposed extension – it did not relate to the whole of the John Allen Centre because that already existed;
- If the contribution was insufficient for a full lighting scheme, it could be completed in phases. In any event, the speed of installation was in the Council's hands;
- Contributions of this sort were normally received when development began on site.

Having considered all submissions, both written and oral, the Committee RESOLVED to SUPPORT the application subject to conditions laid out in the planning officer's report, and to securing a financial contribution of £10,000 towards improvements in public safety in the adjacent parkland (which could include the introduction of lighting), and to delegate to officers the authority to

issue the notice of permission upon completion of the legal agreement, details of which are set out in the report.

31. DATES OF FUTURE MEETINGS

Resolved to note the following dates:-

25th January 2012
29th February 2012
28th March 2012
25th April 2012

The meeting started at 6.00 pm and ended at 7.20 pm