

West Area Planning Committee

09 June 2015

Application Number: 15/00998/FUL

Decision Due by: 12th June 2015

Proposal: Erection of outbuildings and garden structures and formation of decking at rear (Retrospective) (Amended Plan)

Site Address: Jacob's Inn (Former Red Lion PH), 130 Godstow Road,
Appendix 1

Ward: Wolvercote Ward

Agent: Mrs Katherine Lovsey-Barton **Applicant:** Marston's PLC

Application Called in – by Councillors – Goodard, Fooks, Wade and Wilkinson.
for the following reasons – worries about effect on neighbouring properties, character of the area and numerous other grounds.

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 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.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials as approved
- 4 Exclusion from approved plans
- 5 Use of outside structures

Main Planning Policies:

Oxford Local Plan 2001-2016

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density
- CP8 - Design Development to Relate to its Context
- CP10 - Siting Development to Meet Functional Needs
- HE3 - Listed Buildings and Their Setting
- HE7 - Conservation Areas
- RC12 - Food & Drinks Outlets
- RC18 - Public Houses

Core Strategy

- CS18 - Urban design, town character, historic environment
- CS20_ - Cultural and community development

Other Material Considerations:

- National Planning Policy Framework
- This application site lies within the Wolvercote With Godstow Conservation Area.
- Planning Practice Guidance

Relevant Site History:

- 96/00334/L - Listed Building Consent for demolition of single storey rear additions on north and west side. Alteration and extension to construct new conservatory lounge bar, cellar kitchen and lavatory facilities. Alteration and extension of car park.. PER 12th June 1996.
- 96/00335/NFH - Demolition of single storey rear additions on north and west side. Alteration and extension to construct new conservatory lounge bar, cellar, kitchen and lavatory facilities. Alteration and extension of car park. PER 12th June 1996.
- 96/01081/L - Externally letters on front & replacement pole sign; internally illuminated lantern sign above entrance; 2 non-illuminated wall mounted signs on & 1 at rear; Non-illuminated single sided free standing sign in garden. PER 24th September 1996.
- 96/01082/AH - Replacement externally illuminated pole sign; Externally illuminated letters on front; Internally illuminated lantern above entrance; 2 non-illuminated wall mounted signs on front; Non-illuminated single sided free standing sign in garden. PER 24th September 1996.
- 07/00137/FUL - Planning permission for free standing pergola at side and repositioning existing picket fence and lights. PER 5th March 2007.
- 07/00287/LBC - Listed Building Consent for internal alterations to the bar and adjacent area with cladding to the staircase to increase the size of the going .. PER 3rd April 2007.
- 15/00998/FUL - Erection of outbuildings and garden structures and formation of decking at rear (Retrospective) (Amended Plan). PDE .

Representations Received:

Highways – no objection

Wolvercote Commoners' Committee Wolvercote

- Concern about application paperwork
- Animal husbandry
- Impact of use of outdoor area on neighbours

11 neighbour objections (2 by same objector)

- Parking and traffic
- Smell/noise from animals & pig shelter
- Smell/noise from cooking/pub use
- Views, light
- Cool store
- Use of ancillary brick structure
- Drainage/waste disposal
- Extensive development/scale of operations
- Illuminated sign on shed

Officers Assessment:**Site Description.**

1. The application site is the former Red Lion pub to the western end of the Wolvercote village green. The pub is a Grade II listed building within the Wolvercote with Godstow Conservation Area. The application site is at a prominent position and is bordering Mill Road to the north and Godstow Road to the south. The pub itself is located at the northern end of the large plot, with a car park at the entrance on the eastern site of the plot. The large garden space covers the rest of the plot.

Proposals.

2. This application seeks retrospective consent for a number of structures within the garden area of the Jacobs Inn public house. This includes a chicken coop, a large shed, a wood store, two pergolas, and a wooden structure housing an e-pizza oven and a polycarbonate roof and a raised timber deck. All these structures are located to the centre or eastern boundary of the site.
3. The text which follows considers the proposals under the following headings:
 - Principle of development
 - Heritage & design
 - Community concerns

Principle of Development

4. The application site is a well-established local pub that changed ownership and management in 2013. This village pub has been altered over the years and a number of ancillary structures have been established. This application now seeks to regularise a number of these structures in their present form. There are elements which are not included in this application, which will be addressed separately as further work needs to be undertaken. These relate to

the cool store container facing Mill Road as well as two sheds on the boundary wall with 1 Mill Road.

5. The application has come forth as a result of an enforcement investigation into the alterations and newly put up structures. The majority of structures are already in situ and have only been recently altered or expanded by the current occupants. Neither the current nor the previous structures have received planning permission, and the owners. During the course of the planning enforcement investigation into the site the owners were advised to seek planning permission for the developments.
6. Policy CS20 of the Core Strategy states that the Council: *“will seek to protect and enhance existing cultural or community facilities. Planning permission will not be granted for developments that results in the loss of such facilities”*. Officers consider that the pub constitutes a community facility in and that the application falls to be considered accordingly as the structures support the running and competitiveness of this local business.
7. Although the structures could be seen as unusual for a pub in an urban area, it remains important to consider the semi-rural location for this village pub. Some of the structures are not uncommon in a rural environment and therefore could be looked upon favourably in the context of the site.
8. The structures, though not essential or integral elements of the pub are associated with its business diversification. The structures add value, help run the business smoother as well as providing new opportunities and experiences for their customers. The buildings that have been constructed are also a reflection of traditional village life as they integrate an existing commercial enterprise with a subordinate element of a small holding.

Heritage & Design

9. The public house is Grade II listed. The listing acknowledges many changes to the building over the years but emphasises its key position in Wolvercote: *“Very altered, but Grade II for its important position.”* The structures that form part of this application are detached and have arisen since the publication of the listing description.
10. Local Plan policies HE3 and HE7 indicate that that planning permission will only be granted where the proposal has regard to the setting of a listed building and does not substantially demolish a building or structure that contributes to the special interest of the conservation area. In this case the setting of the pub is very prominent on the junction of Mill Road with Godstow Road at the western end of the village green. The pub is fronted by a car park where some planting can be found as boundary treatment. The proposed structures are all located within the site, and are well shielded from the public realm for the most part. The plot with its large garden does not appear cluttered despite the number of changes to the built environment and the efforts of the owners to provide the atmosphere of a village pub.

11. In this context, and on balance, it is considered that the structures are acceptable in planning terms. Whilst there may be some harmful impact due to the number of structures and changes, the harm is outweighed by the wider contribution they make to the site. The site is seen and experienced in its entirety and is considered not to be impacted harmfully by the visual changes and developments proposed. Moreover the various structures are not substantial and are not fixed in perpetuity. To that extent their contribution is considered to be transient with regard to visual amenities.
12. The application is therefore considered to be acceptable in design and heritage terms and in accordance with policies HE3, HE7, and CP8 of the Oxford Local Plan and CS18 of the Core Strategy. In coming to this view officers would also comment on each of the individual elements as follows.
13. Chicken Coop. This structure is 2.5 metres high and 1.3 metres in width and length. It is located more than 2 metres away from the eastern boundary. Its design and appearance meet its functional needs and fit in well with the village location of the business premises. This structure is considered not be harmful to neighbour or visual amenities.
14. Shed. The shed measures 3.6 metres in length and is 2.5 metres deep at its base and 2.1 metres high. The structure is located adjacent the main pub building and is not visible from the public realm. The structure is considered acceptable and in accordance with local plan policies. There is some advertising atop the shed structure but is not harmful to neighbours or visual amenities due to its location in the middle of the site. The advert is illuminated by an external light source which is considered harmful, and a condition is suggested for its removal.
15. Wood Store. This open sided structure measures 1.9 in height and 2.4 metres in depth and length. Its location is hidden behind the main building, and is considered not harmful to neighbour and visual amenities.
16. 2 Pergolas. Planning history shows that in 2007 similar structures (or potentially the same structures) has received planning permission. The pergolas do not harm the visual amenities of the conservation area or listed building and are considered sympathetic to this community facility.
17. Polycarbonate Roof. This roof structure is considered inconspicuous and not harmful to the setting of the heritage asset, the conservation area or the neighbour amenities.
18. Timber Decking. Timber decking is only considered development if over 300 mm above ground level. This structure is 320 mm high. It covers approximately 100 square metres. The structures are located to the centre of the application site, just south of the pub building. The proposal for decking is considered acceptable, as the plot is very large and the decked area is minimal compared to the rest of the site. The decking is considered in keeping with the site's use and appearance and is not considered harmful to the listed building, the conservation area or neighbour amenities.

Response to Community Concerns.

19. In view of the unusual nature of the planning application and the concerns which were expressed by local residents, this report also seeks to respond specifically to the comments raised.
20. Application Paperwork. The paperwork is considered to have been submitted accurately and with all relevant details required. The applications clearly outlined the proposals, and which site the proposals relate to. Amendments have been received that omitted some structures.
21. Animal Husbandry. This is not a material planning consideration and as such cannot be included in an assessment of the planning merits of the case. In any event the activities are considered to be on a small scale and ancillary to the use of the premises and not out of character for a village type location.
22. Use of Outdoor Areas. The outdoor area has been and will continue to be used as an area ancillary to the pub. The structures neither increase nor decrease the number of patrons at the public house.
23. Parking and Traffic. The application does not propose any changes to parking arrangements or access to the site, and as such is not part of the assessment. However the Highways Authority has been fully consulted on the application and in response to residents' concerns raises no objection on highway grounds.
24. Smell / Noise from Animals & Pig Shelter. The structures themselves do not cause the issues raised of course though the potential for nuisance may arise. The pig shelter is not considered development in any event due to its size, scale and lack of substantial nature and could be easily moved around. This is not a material planning consideration, but environmental health has been involved and investigates separately.
25. Smell / Noise from Cooking etc. The outside barbeque area has been converted to an electric pizza oven which is only used on the weekend. Inevitably there will be some noise from the pub garden but there is no change in circumstances in this regard. In any event there are reserve powers under Environmental Development regulations if a position is reached where a statutory nuisance is created.
26. Views & Loss of Light. The proposed structures do not impact on lighting conditions or obstruct views to a harmful degree on neighbouring properties. Two structures that potentially could have caused loss of light and views have been removed from this current application.
27. Cool Store. The cool store is housed in a shipping container which is not part of this application. This issue is being dealt with separately.
28. Use of Ancillary Brick Structure. The brick house facing Mill Road is ancillary in its use to the pub, and the change from store to food preparation is not considered material and does not require separate planning permission for that use.

29. Drainage / Waste Disposal. The disposal of cooking waste and clogged drains are an historic issue that has been brought up in a consultation. This would be an issue for environmental health.
30. Scale of Operations. This application is only assessing the impact of the existing structures with this retrospective application which in themselves do not necessarily imply an intensification of activity.
31. Illuminated Sign on Shed. The light source on the bar shed has been conditioned for removal, it is considered to be a harmful nuisance.

Conclusion.

32. Whilst concerns expressed by local residents are fully acknowledged, the case has been assessed on the basis of established policies as well as national and local guidance. In any event some of the issues raised fall outside the planning system to control. On balance therefore the application is considered to be acceptable.

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 approve, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers: 15/00998/FUL

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Date: 28th May 2015

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