

East Area Planning Committee

-2nd December 2015

Application Number: 15/02282/OUT

Decision Due by: 27th October 2015

Proposal: Demolition of public house. Outline application (with all matters reserved) for the erection of 16 flats (6 x 3bed, 8 x 2 bed, 2 x 1 bed) on 3 floors. Provision of 19 car parking spaces. (Amended plans)

Site Address: Jack Russell 21 Salford Road Oxford Oxfordshire

Ward: Marston Ward

Agent: Mr Martin Gilbert

Applicant: Mr Zaiqat Ali Saddique

Recommendation:

The East Area Planning Committee is recommended to resolve to grant outline planning permission, subject to the satisfactory completion of an accompanying legal agreement and to delegate to the Head of Planning and Regulatory Services the issuing of the Notice of Permission upon its completion.

Reasons for Approval

- 1 The proposed development is submitted in outline form with matters of access, landscape, scale, appearance, and layout reserved for a later date. The proposed development would make an efficient use of an existing previously developed and under-used site and would provide much needed good quality affordable and market housing while at the same time establishing a balanced and mixed community. Appropriate evidence and information has been submitted to demonstrate that the loss of the existing public house on the site is not viable and another similar facility exists within a reasonable distance. Regard has been had to the status of the existing public house as an Asset of Community Value. The application has demonstrated that it would not have an adverse impact in highway safety terms and could provide sufficient off-street cycle and car parking. Furthermore given the constrained nature of the site the indicative proposed access arrangements would be the most appropriate in terms of enabling better links to shops, services, and public transport for modes of transport other than the private car. The outline application contains sufficient supporting information to

demonstrate that it would be of a suitable scale and appearance for the site and its setting without having an adverse impact upon the adjacent neighbouring areas. The proposed development has also demonstrated that it would not have a significant impact upon biodiversity; trees; flood risk; drainage; air quality; land contamination; or noise impact and any such impact relating to these matters could be successfully mitigated through the reserved matters applications and appropriate measures secured by condition or associated legal agreements. The proposal would accord with the overall aims of the National Planning Policy Framework and relevant policies of the Oxford Core Strategy (2011), Oxford Local Plan 2001-2016, and Sites and Housing Plan (2013).

Conditions

- 1 Outline application
- 2 Time limit
- 3 Reserved Matters Required
- 4 Landscape Plan
- 5 Complete landscaping scheme
- 6 Management of landscaping
- 7 Car parking
- 8 Cycle Parking
- 9 Vision Splays and Access
- 10 Travel information pack
- 11 Construction Traffic Management Plan
- 12 Energy Statement
- 13 Drainage strategy
- 14 Biodiversity Enhancement
- 15 Refuse and Recycling
- 16 Piling method statement

Legal Agreement:

A legal agreement will be required with the outline planning permission to secure the acceptable arrangements relating to affordable housing:

- A minimum of 50% affordable units (80% social rent / 20% intermediate housing) as defined by Policy HP3 of the Sites and Housing Plan (2013).
- The mix of dwelling sizes to be provided as affordable units will include 3 x 3 bedroom flats, 4 x 2 bedroom flats and 1 x 1 bedroom flats.
- The minimum floor space for the on-site affordable homes within the proposed development to accord with the Sites and Housing Plan and the AHPOSPD.
- The phasing and distribution of the affordable housing.
- The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)].

Principal Planning Policies:

Oxford Local Plan 2001-2016

CP19 - Nuisance

CP20 - Lighting

CP21 - Noise

RC18 - Public Houses

CP1 - Development Proposals

CP6 - Efficient Use of Land & Density

CP8 - Design Development to Relate to its Context

CP10 - Siting Development to Meet Functional Needs

CP11 - Landscape Design

CP13 - Accessibility

Core Strategy

CS2 - Previously developed and greenfield land

CS9 - Energy and natural resources

CS10 - Waste and recycling

CS11 - Flooding

CS12 - Biodiversity

CS13 - Supporting access to new development

CS17 - Infrastructure and developer contributions

CS18 - Urban design, town character, historic environment

CS23 - Mix of housing

CS24 - Affordable housing

Sites and Housing Plan

HP2 - Accessible and Adaptable Homes

HP3 - Affordable Homes from Large Housing Sites

HP9 - Design, Character and Context

HP10 - Developing on residential gardens

HP11 - Low Carbon Homes

HP12 - Indoor Space

HP13 - Outdoor Space

HP14 - Privacy and Daylight

HP15 - Residential cycle parking

HP16 - Residential car parking

Other Planning Documents

National Planning Policy Framework (NPPF)
National Planning Policy Guidance
Affordable Housing and Planning Obligations Supplementary Planning Document (AHOSPD)
Balance of Dwellings Supplementary Planning Document (BoDSPD)
Technical Advice Note 4 – Community Public Houses

Relevant Site History

15/01147/DEM - Application to determine whether prior approval is required for the method of demolition. – PRIOR APPROVAL REQUIRED AND REFUSED

Representations Received

Representations have been received from local residents and summarised below.

Objections:

13 Oxford Road, 26 Arlington Drive, 1 Nicholas Avenue, 1 Fairfax Avenue, 23 East Street (Bicester), 42 Raymund Road, 9 Lewell Avenue, 281 London Road, 54 Mortimer Drive, 69 Oxford Road, 33 High Street (Eynsham), 18 Salford Road, 5 Lewell Avenue, 7 Lewell Avenue (two responses received from this address), 5 Avenue Theodore Flournoy (Geneva), 3 Croft Road, 8 Heather Place (two responses received from this address), 10 Lewell Avenue, 66 Mortimer Drive, 3 Arlington Drive (two responses received from this address), 8 Cavendish Drive, 5 Elms Drive, 27 Nicholas Avenue, 9 Raymund Road, 7 Salford Road, 9 Salford Road, 6 Windsor Crescent, 7a Fane Road, 26 Lewell Avenue (two responses received from this address), 24 Oxford Road, 79 Oxford Road, 9 Raymund Road, 1 Stainer Place (two responses received from this address), 13 William Street:

- Pub has always been an important part of local community
- Road network is not adequate to support development
- Concerns about loss of community facility
- Loss of existing pubs in area (has led to deficiency of alternative pubs)
- Existing facility is viable
- Effect on traffic
- General dislike of development
- Pub was a well used venue (particularly for music)
- Effect on pollution
- Noise and disturbance
- Effect on character of area
- Not enough information provided within application
- Effect on drainage
- Impact on family houses
- Height of development
- Concerns about impact of development on biodiversity and wildlife
- Effect on parking on street
- Cultural importance of the pub (associated with the name)

Comments

1 Fane Road, 120 Arlington Drive:

- Welcomes new housing, particularly including 50% affordable housing
- Would prefer to see community use given the site's status as an Asset of Community Value
- Concerns that parking provision is not sufficient

Statutory Consultees

- Highways Authority

Consider that the main issues relate to the visibility of new access (as shown on the submitted plan), parking layout and drainage. No objections, subject to appropriate conditions relating to cycle parking, car parking, visibility splays, travel information packs, the submission of a Construction Traffic Management Plan and drainage.

- Thames Water Utilities Limited

No objections subject to a condition requiring a piling method statement and an informative relating to water pressure.

- Old Marston Parish Council

No comments

- Environment Agency Thames Region

No comments.

Site Description

1. The Jack Russell public house is an existing part single, part two storey property occupying a large corner plot on the junction of Salford Road and The Link in the 'Carter Estate' part of Marston. The application site includes the existing building on the site (that measures approximately 18m x 20m), the small pub garden, yard and the large surface car park (that currently provides space for approximately twenty cars). A low wall surrounds the application site. To the north, south and west of the application site there are residential properties, mainly terraced or semi-detached dwellinghouses. To the east of the application site lie some residential properties and shops (with flats above).
2. Information submitted with the planning application suggests that the Jack Russell has not been used as a pub for several months and was last open in October 2014. The property has recently been purchased by a new owner. There is an upstairs flat at the property which is in use.
3. The pub building on the site was constructed in about 1962; the property is constructed with bricks and a tiled roof with two large single storey side elements. The building is set back from the road and there is currently a traditional hanging pub sign on the corner of Salford Road and The Link.
4. There is very little vegetation contained within the application site though this part of Marston is characterised by mature trees, vegetation and verges which

give it a pleasant suburban appearance.

Proposed Development

5. It is proposed to demolish the existing building on the site and erect sixteen flats. The application proposes 6 x 3 bed flats, 8 x 2 bed flats and 2 x 1 bed flats to be provided over three floors. The proposals also specifically include the creation of nineteen car parking spaces.
6. The application is for outline planning permission with all matters reserved.
7. Despite being an application for outline planning permission some details have been provided that relate to an indicative layout of the site. The proposals show the creation of two blocks, each containing 3 x 3 bed flats at ground floor (with one of the three bed flats in each block being a maisonette, with accommodation at ground and first floor), 2 x 2 bed flats at first floor and 2 x 2 bed flats and 1 x 1 bed flat at second floor. The blocks of flats would differ slightly in their siting relative to the highway and are proposed to be sited adjacent to Salford Road with a set back approximately 6m and 8m from the highway respectively. The flats would have a central staircase with amenity spaces provided at the rear; gardens would be provided at ground floor level with balconies for first and second floor dwellings.
8. The submitted site plan also provides details of the location of the 19 proposed car parking spaces and access (off of The Link). The site plan shows a proposed bin store and bike storage area. Indicative areas for landscaping and retained verges are also shown on the submitted site plan.
9. Officers consider that the principle determining issues in this case are as follows:
 - Principle of Development
 - Residential Development
 - Design, Site Layout and Built Form
 - Living Conditions
 - Highways, Access, and Parking
 - Landscaping
 - Biodiversity
 - Flood Risk and Drainage
 - Sustainability
 - Community Infrastructure Levy and S106 Agreement

Officers Assessment:

Principle of Development

10. The application site's current lawful use is as a public house (Use Class A4); though it is currently vacant. A single flat exists at first floor which would have presumably be originally proposed for use by the proprietors of the pub.

11. The main policy consideration for this application in terms of the principle of development is Policy RC18 of the Oxford Local Plan 2001-2016; this relates to changes of use of existing pubs. The proposals would involve the demolition of the existing pub and the change of use of the land to residential use (Use Class C3). Policy RC18 requires that planning permission only be granted if one or more of the following criteria are met:
 - a. No other potential occupier can be found following a realistic effort to market the premises for its existing use;
 - b. Substantial evidence of non-viability is submitted; and
 - c. It is demonstrated that suitable alternative public houses exist to meet the needs of the local community.
12. A viability assessment report has been submitted with the application. Officers have had regard to each of the requirements of the policy (points a-c above); though only one of the above criteria needs to be met for the change of use to be accepted in the context of Policy RC18. An assessment against the requirements of the policy is set out in detail below.
13. In relation to criteria (a) of Policy RC18, no marketing exercise has been carried out since the pub was last in use.
14. Very detailed information has been provided in relation to criteria (b) of Policy RC18. The information provided suggests that the pub's location greatly impacts upon its viability. Estate pubs do not benefit from passing trade and are therefore denied the opportunity presented by many pubs to substantially supplement their income from drink with food revenue and passing trade. The evidence provided suggests that the falling drink market, the principal revenue stream for a local estate pub, has fallen substantially in recent years (largely as a result of social factors). As a result, the real figures of drinks sales and revenue mean that the Jack Russell would not be viable and would require substantial investment to make it more viable due to maintenance needs for the building and to make the pub more attractive to customers (and thereby win enough of a market to make profit). Officers recommend that the evidence provided does point to a lack of viability that would certainly suggest that criteria (b) has been mainly met in this case.
15. Information has been provided in relation to alternative facilities, this is the requirement of criteria (c) of Policy RC18. Officers have had regard to the information provided and consider that an alternative public house exists within reasonable walking distance (800m). For clarity, 800m is the maximum distance considered acceptable for the purposes of Policy RC18 (as set out in the Community Public Houses Technical Advice Note). Information has also been provided with the application which indicates the acceptability of the Red Lion as an alternative public house and suggests that as a result of recent investment it provides an attractive alternative (with outdoor seating, service of food, live music, darts, cribbage and Aunt Sally). Other alternative pubs lie further afield, including the Victoria Arms which is 1600m away and is therefore a less viable alternative.

16. The Localism Act 2011 and the Assets of Community Value (England) Regulations 2012 enable local communities to identify Assets of Community Value (ACV). Since 30th June 2015, the Jack Russell has been designated as an ACV. The status of the property as an ACV means that if the current owner wished to sell the property it would provide a six month moratorium period where a local community group could attempt to raise money to purchase it. In the case of the Jack Russell; the current owner wishes to develop the site if planning permission is granted so there would not be an opportunity for a local community group to attempt to purchase the property. The status of a property as an ACV can be material planning consideration; though the degree of weight afforded to this status is not specified in national guidance. Although the Council's adopted planning policies, specifically Policy RC18 of the Oxford Local Plan 2001-2016 pre-dates the Localism Act 2011 and the creation of ACVs the status of ACVs in planning is set out in the Community Public Houses Technical Advice Note:

'The implications for planning are that once listed [as an ACV] there are no restrictions on what the owner can do with their property while it remains in their ownership. Planning policies continue to be the principal determining factors of the future uses of a building. Whilst the designation of a building as an Asset of Community Value may not be a sufficient reason alone for refusing planning permission a listing could be considered by the Local Planning Authority as a 'material consideration' if an application for change of use is submitted.'

(Technical Advice Note 4 – Community Public Houses, November 2014)

17. Officers have had regard to the status of the property as an ACV and have specifically considered appropriate circumstances where planning permission resulting in the loss of an ACV could be refused. If the Jack Russell was likely to be a viable community facility which could rely upon extensive local use and supplement its income with passing trade then it could be appropriate to recommend refusal on the basis that there would be a reasonable prospect of the community making a success out of the venture. Any refusal would also need to carefully weigh the status of the property as an ACV with the requirements of Policy RC18. However, the information submitted with the application suggests that the Jack Russell has declined in use substantially over recent years and would not be viable without substantial investment (which the community group purchasing the pub would presumably have to raise on top of any prospective cost of buying the property). Also, the Jack Russell cannot rely on passing trade which would otherwise offer a substantial revenue stream. The success of ACVs elsewhere being used to resist changes of use then leading to viable community enterprises is consistent with the views set out above which indicate that in most cases where community groups have purchased pubs they have been in villages where passing trade, a lack of alternatives and, in many cases, substantial local affluence have ensured their success.

18. Officers consider that on the basis of the above, the requirements of Policy RC18 have been met as at least one criterion has been fully met (criteria (c)).

Criteria (b) has been met in part as it is suggested that the existing facility is not viable; though with investment it could be viable. Officers have also had regard to the status of the Jack Russell as an ACV and do not consider this alone would be sufficient grounds for refusal in principle. As a result, Officers consider that the change of use of the public house is acceptable in principle and accords with the requirements of Policy RC18.

19. The National Planning Policy Framework (NPPF) together with Policy CS2 of the Oxford Core Strategy (2011) requires that the majority of new development should take place on previously developed land on sustainable sites. For the purposes of the NPPF the existing site would be regarded as previously developed land.

20. Officers consider that the existing land has not been used for some time and has always contained a large area of surface car parking. As a result, the existing site is under-used and the proposed application would enable the redevelopment of the site which would make better use of land. This approach is broadly supported by Policy CP6 of the Oxford Local Plan 2001-2016.

Residential Development

Balance of Dwellings

21. The proposed development includes details relating to the sizes of dwellings proposed; 6 x 3 bed, 8 x 2 bed and 2 x 1 bed flats. The Council's adopted planning policies, specifically Policy CS23 of the Core Strategy (2011) together with the Balance of Dwellings Supplementary Planning Document (BoDSPD) require that new developments of four or more units provide a range of dwelling sizes. The purpose of this policy is to ensure that developments do not have a deleterious impact on the range of dwelling sizes in the city and specifically the provision of family homes. The application site lies within an identified 'amber area' of the city where the BoDSPD requires that at least 30% of dwellings for developments of 10-24 residential units are three bedroom units and 10% are two bedroom units. In this respect; the proposed development does provide a range of dwellings that is compliant with the BoDSPD. However, the proportion of two bedroom units (50%) does exceed the upper limit of the relevant criteria for the policy (35%) (for developments of 10-24 units in amber areas). Despite this, on balance, Officers consider that the proportion of three bedroom units (37%) is more generous than the minimum required (30%) and a reasonable balance of dwelling has therefore been provided.

Affordable Housing

22. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. The Sites and Housing Plan makes clear in Policy HP3 that development sites with a capacity for 10 or more dwellings must provide 50% affordable homes on site. It goes

on to state that a minimum of 80% of these homes must be social rented accommodation, with the remaining intermediate housing. The Affordable Housing and Planning Obligations Supplementary Planning Document (AHPOSPD) specifies the preferred mix of dwelling sizes for the social rented and intermediate housing within this on site provision.

23. The application details that 50% of the units provided on site would be affordable units. Officers have sought clarification about the proposed tenure of the units; all of the proposed affordable units would be social rent which exceeds the minimum requirement of Policy HP3 (where at least 80% units have to be social rent). The mix of dwellings for the affordable housing provision would reflect the scheme as a whole, with 3 x 3 bed, 4 x 2 bed and 1 x 1 bed units provided as social rented. This would be acceptable in terms of providing a range of dwelling sizes to meet affordable housing needs. Officers have received confirmation that the applicant has entered into discussions with both Registered Social Landlords and the Council's own affordable housing advisors.
24. The indicative plans show the development split into two blocks; it has been indicated to Officers that one block would provide the affordable housing provision with both blocks being identical in appearance and design. This would ensure identical quality of accommodation regardless of tenure whilst also providing a practical means of management of affordable units.
25. Following on from the above point, officers have noted that the proposed arrangements to have one block of flats for market housing and one block of flats for affordable housing would be at odds with the Council's adopted policies that seek to distribute and mix residential units regardless of tenure. It is the understanding of officers that the proposed arrangements relate to a request by an RSL to split the accommodation this way as it provides for the most practical day-to-day management. This would appear to be a sensible approach and it would also be difficult to mix the units by tenure given the spatial constraints of the site.
26. The Officer recommendation includes securing a Section 106 legal agreement relating to the affordable housing provision.

Design

Layout

27. The application seeks outline planning permission with all matters reserved, including those relating to the appearance, layout and scale. However, Officers have been mindful of the submitted layout plan that shows an indicative layout scheme. The proposed layout in two blocks would break up the appearance of the development and thereby reduce its visual prominence. Despite projecting beyond the building line there are proposed to be areas of landscaping at the front of the building and there is no defined building line in the area; with contrasting distances of set

back for development in the vicinity of the application site. As a result, the proposed development is likely to be acceptable in terms of its layout and impact on streetscene, subject to the necessary submission of design details.

Scale of Development

28. The proposed development would involve the creation of three storey development as set out in the application description. This is not an uncharacteristic feature of the area; where there are already three storey developments, including town houses and retail premises with flats above. Therefore, Officers recommend that the scale of development is appropriate.

Appearance

29. The appearance of the development will be a matter to be considered at reserved matters stage; only a site plan has been provided with the application and there are no details of elevations or materials.

Energy and Natural Resources Impact

30. The proposed development does not propose any renewable energy or low carbon energy generation on-site. This would likely be an aspect of the scheme that would come forward as part of reserved matters submissions but given its requirement in Policy HP11 Officers have recommended a condition requiring submission of details by condition.

Living Conditions

Size of Dwellings

31. Though the exact dimensions of dwellings would be determined at reserved matters stage when details of design and layout are submitted Officers have considered the proposed site plan which identifies the area of proposed residential units and their sizes. The three bedroom units provided would either have a size of 75m² or 100m². The proposed one and two bedroom units would have an internal floor area of either 64m² or 47m². On this basis, the proposals would appear to provide sufficient quantitative space to meet the requirements of the Council's adopted policy relating to floorspace, Policy HP12 of the Sites and Housing Plan (2013).

32. The quality of indoor space provided would be a matter to be considered at reserved matters stage as there are no details of layout or windows etc. However, Officers have had regard to the overall space to be provided and therefore suggest that there is capacity to provide high quality space to meet the demands of the Council's planning policies.

Outdoor Space

33. Outdoor space is proposed for family units to have ground floor gardens as identified in the submitted site plan. Officers consider that this is likely to be acceptable but have recommended a condition that would require the submission of boundary details by condition to ensure that these areas are private and appropriately treated. One and two bedroom flats in the proposed building would have balconies, though their exact appearance and design has not been included in the application their indicative size would likely be acceptable. As a result, officers consider that the proposals would meet the requirements of Policy HP13 of the Sites and Housing Plan (2013).

Refuse and Recycling Stores

34. The site plan submitted with the application shows an area for the storage of refuse and recycling. The exact design of this area would likely come forward at reserved matters stage but a condition is included in the recommendation to ensure that the provision of appropriate refuse and recycling stores are included.

Lifetime Homes

35. Further to the above, because there are no details provided of layout of the proposed dwellings it is not possible to assess whether or not the proposed development would meet the requirements of Lifetime Homes standards and the provisions of Policy HP2 of the Sites and Housing Plan (2013). The scheme submitted for reserved matters would need to meet the requirements of the policy in order to be acceptable; the submitted design and access statement does say that the proposed development would meet Lifetime Homes standards and four of the proposed units would be suitable for wheelchair users.

Impact on Neighbours

36. The exact layout, appearance and location of windows would need to be submitted with a reserved matters application however the submitted site plan does show the location of the proposed development and how it would relate to nearby properties. Officers consider that the proposed layout would minimise the impact on neighbouring properties by providing separation between the buildings and nearby dwellings. This would contribute towards protecting the privacy of nearby occupiers and ensuring that the development would not have an overbearing or obtrusive impact on those properties.

37. As a result of the design of the development not being fixed at this stage, Officers have not been able to assess the impact of the proposed development on light for nearby occupiers. Specifically, Officers have not been able to assess the proposals against the 25/45 degree code as set out in Policy HP14 of the Sites and Housing Plan (2013). However, the submitted design and access statement that accompanies the application

states that the setbacks and depths of the proposed developments have been specifically considered on the basis of their impact on the adjacent property at No. 19 Salford Road to ensure light would be maintained to that property.

Highways, Access and Parking

Access

38. Despite being an outline application with access as a reserved matter there are plans submitted that show the proposed access from The Link and this is confirmed in the submitted design and access statement. The proposals would provide an access into the car parking area from The Link (approximately 25m from the corner with Salford Road). The Highway Authority have no objection to this proposal subject to conditions relating to visibility splays which could be provided in this location.

Traffic Generation

39. Officers have had regard to the acceptability of the proposals in terms of traffic generation. Whilst some car parking is provided for the proposed development this is not proposed to be at a level that would facilitate disproportional high levels of car use. The application site lies in an area where there would be a reasonably good access to local services, particularly the adjacent neighbourhood shopping area (which includes a convenience store). The Highway Authority have requested a condition that requires the submission of a travel pack that would be provided to occupiers of the proposed development to inform them about alternative means of transport (other than private car); this condition is included with the Officer recommendation. On the basis of the above, Officers regard the impact of the development on traffic generation to be acceptable.

Public Transport

40. The application site lies approximately 350m from the bus stop in Old Marston Road where there are regular services (up to four an hour) to the City Centre, JR Hospital and Railway station. Further afield there is a bus stop on Marston Road which is approximately 800m away that also provides bus services to Oxford Brookes University (Headington Hill), the Churchill and Nuffield Hospitals, Cowley Centre and Cowley Road. As a result, it is considered there are good public transport options from the application site and Officers recommend that the proposals would therefore meet the requirements of Policy CS13 of the Core Strategy (2011).

Cycle Parking and Accessibility by Bicycle

41. The application site lies in an area where cycling is an attractive mode of transport; with a flat, traffic free access provided into the City by way of the Marston Cyclepath (and bridge over the River Cherwell). The proposals provide plans showing the location of proposed cycle parking and indicate

that there would provision of cycle parking for thirty-two bicycles. Officers have recommended a condition that would ensure the provision of covered, secure cycle parking for thirty-two cycles in order that the development meets the requirements of Policy HP15 of the Sites and Housing Plan (2013).

Car Parking

42. The proposed plans show nineteen car parking spaces to be provided, sixteen of these would be provided along the south-east border of the site in the shared car parking area and three disabled spaces are proposed closer to where the proposed buildings would be sited. Though the layout could change as a result of the submission of reserved matters, Officers recommend that the provision and layout of car parking is acceptable. The Highway Authority have also indicated that they consider the proposed car parking arrangements are acceptable subject to conditions to ensure the provision of car parking as proposed; this condition is included in the Officer recommendation. The proposed car parking would be required to be constructed from permeable materials in compliance with Policy CS11 of the Core Strategy (2011).

Construction Traffic Management Plan

43. The application site lies within an established residential area. Given the size of development proposed it is appropriate to require the submission of a Construction Traffic Management Plan by condition. Officers have included this in the recommendation.

Landscaping

44. Limited information relating to landscaping has been provided with the application in the form of indicative areas of landscaping on the proposed site plan. Officers consider that the provision of landscaping that could be provided in these areas would be acceptable and would meet the requirements of the Council's adopted planning policies (specifically Policy CP11 of the Oxford Local Plan 2001-2016). The exact landscaping proposed would be submitted as a reserved matter, as indicated in the submitted application form. Despite this, a condition has been included in the Officer recommendation that would ensure a landscaping plan is submitted prior to the commencement of work. The management of the landscaping on the site would also feature as a separate condition to ensure that the site's continued verdant appearance in perpetuity.

Biodiversity

45. The existing public house on the site is not likely to be a habitat for protected species, specifically bats. Officers therefore consider that the demolition of the existing building on the site would not conflict with the requirements of ensuring the protection of habitats.

46. The submission of details by way of reserved matters would provide an opportunity to provide appropriate biodiversity enhancements as required by Policy CS12 of the Core Strategy (2011). Despite this, Officers have also recommended a condition that requires these details to be provided prior to commencement.

Flood Risk and Drainage

47. The application site does not lie within a defined area of high flood risk. There are no proposals relating to drainage on the site; a drainage strategy is included as a recommended condition. Officers note that the site currently contains extensive areas of impermeable car parking and there are therefore opportunities to actually improve surface water drainage conditions as a result of the proposed development through the requirements to use permeable surfacing.

Community Infrastructure Levy and S106 Agreement

48. The requirements for a Section 106 Agreement have already been outlined and are included as part of the Officer recommendation. The payment of Community Infrastructure Levy (CIL) would be determined after the submission of reserved matters (where floorspaces of units are finalised).

Conclusion:

49. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to approve the development in principle, but defer the application for the completion of a legal agreement as set out above. In reaching a recommendation to approve the proposed outline planning application, Officers have been particularly mindful of the objections submitted and the matters raised have been addressed throughout the report.

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.

Background Papers:

15/02282/OUT

Contact Officer: Robert Fowler

Extension: 2104

Date: 23rd November 2015