

East Area Planning Committee

6 December 2011

Application Number: 11/02477/FUL

Decision Due by: 23rd November 2011

Proposal: Conversion and alteration to the existing public house to form a four bedroom dwelling, together with erection of five dwellings and garages parking, landscaping and alterations to existing access. (amendment to permission 11/01331/FUL)

Site Address: Bricklayers Arms 39 Church Lane Marston Oxford

Ward: Marston Ward

Agent: JCPC Ltd

Applicant: Rectory Homes Ltd

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1. This application was considered by Members at their meeting on 2 November 2011 and a copy of the report and site plan is attached at Appendix 1. The application has been brought back to Committee in order to up date Members of public comments and consultation responses that were received after the compilation of the committee report and which were not made known to Members at the November meeting.
 2. The following comments can now be reported:

Oxford Civic Society

Too many dwellings are proposed. There might be space enough for two houses above the original public house but not more; if they were all built they would be too close together without space and daylight between them and a potentially good site would have been wasted.

Archaeology Officer

Archaeological trial trenching has been undertaken at this site by Thames Valley Archaeological Services which identified extensive medieval features. It would therefore be appropriate to repeat the previous condition to secure archaeological excavation in the event that this alternative scheme is progressed.

Oxfordshire County Council- Drainage

No objection subject to:

- No surface water to enter the highway
- Excess surface water to be dealt with on site
- Permeable block paved areas
- Use of water butts
- SUDS drainage scheme

Neighbour representations – 4.

The main comments can be summarised as follows:

- Butts Lane is very narrow and the existing pub is on a blind bend which is very dangerous. The road does not conform to the Residential Road Guide [Oxfordshire County Council] as it is only just over 4 metres wide
 - Butts Lane is already the access road for St. Nicholas Park which contains 50 dwellings and a farm. There are probably up to 70 vehicles already using Butts Lane
 - The development would considerably increase the number of vehicles using the road and cause problems for the existing road users including pedestrians as there is no footpath and this is especially dangerous in the hours of darkness
 - Disruption to residents during the construction period
 - Planning permission has been refused on a number of occasions in the past on grounds of access
 - The traffic pattern for the pub is substantially different from residential traffic
 - The pub traffic tends to be outside the peak times for residential traffic
 - The pub car park has often been used when large numbers of people attend St. Nicholas Church
 - There will be extra strain placed on Church Lane
 - Over development of the site with a high density proposed
 - The block of flats at numbers 35 – 38 Church Lane backs onto the site. The new house on plot 1 would be very close to the existing building and would result in a loss of light entering into the living room of no. 36
 - The new house on plot 1 should be moved further away from the existing flats
3. As set out in the attached committee report, Oxfordshire County Council as Local Highway Authority is not raising any objection to the proposal on highway safety grounds. This is based on the established use of the site as a public house and the potential of such a use to create a large number of vehicle trips at varying times of the day and evening. The LHA has requested that a Construction Travel Plan be submitted and agreed in order to minimise disruption to local residents during construction works.
 4. At the time of the previously approved application, no comments were received from the occupiers of the flats at 35 – 38 Church Lane which back onto the site. A site visit made by the case officer established that there were high level windows together with roof lights on the rear elevation of the building that would face the new development and that these were unlikely to be adversely affected by the proposals.

5. Comments have now been received from the owner of number 36 Church Lane which comprises one of the first floor flats, which state that one of the rooflights is actually combined with a high level window and provides light and outlook to the living area of the flat.
6. Officers have further considered the relationship of this high level window/rooflight which would be some 2.2 metres distant from the gable wall of the new house on plot 1. Officers have concluded that, whilst it is difficult to apply the 45/25 degree rule to situations involving rooflights, there could be some impact in terms of daylight and outlook in terms of the lower part of this high level opening. It is considered that the larger rooflight, which faces upwards, would not be significantly affected by the proposal.
7. There remains an extant permission for the development and the current layout is virtually identical to that approved. The relationship between number 36 Church Lane, the flat in question and the new dwelling on plot 1 remains unchanged. It is considered that, on balance, any loss of light or outlook caused to the living room window at number 36, would not be so harmful to warrant a refusal of the application on this ground alone and the Committee is recommended to endorse their previous approval of the application subject to the conditions set out in the committee report.

Contact Officer: Angela Fettiplace

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Date: 17 November 2011

Background papers:

11/01331/FUL

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