

West Area Planning Committee

-12th December 2012

Application Number: 12/02809/VAR

Decision Due by: 2nd January 2013

Proposal: Variation of conditions 5 (landscape planting scheme), 7 (landscape management plan), 8 (bin stores and cycle stores) and removal of conditions 3 (materials), 4 (boundary treatments), 10 (residents parking permits), 11 (sound attenuation), 12 (noise assessment survey), 13 (extraction), 15 (recording), 16 (drainage) and 17 (archaeological investigation) of planning permission 10/01631/FUL for short stay visitor accommodation

Site Address: 62 St. Clements Street, **Appendix 1**

Ward: St Clement's Ward

Agent: Mr Henry Venners

Applicant: Linfield Ltd

Application Called in – by Councillors –Graham Jones, James Fry, Stuart McCready and Pat Kennedy; for the following reasons – on the ground the removal of the conditions would effectively nullify the Committee's decision.

Recommendation:

Application be Approved

For the following reasons:

- 1 The proposal to vary conditions 5, 7 and 8 of planning permission 10/01631/FUL is considered acceptable given the implementation and acceptable amended details provided with the application. Due to the proposed use of the premises to provide Bed and Breakfast accommodation with morning meals only (and no restaurant use) conditions 11, 12 and 13 are no longer necessary nor reasonable and therefore would not comply with the tests set out in Circular 11/95. For the same reasons it is considered appropriate to delete conditions 4 and 16 also, as the requirements and purposes of those conditions have been carried out. However the remaining conditions 3, 5, 6, 7, 8, 10, 15 and 17 are varied or re-imposed accordingly as set out in detail below due to the impact the deletion of those of conditions would have parking pressure, the historical environment, visual and residential amenity.
- 2 The Council considered that the proposal accords to 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 the consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.

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

1. Material details- door
2. Unless otherwise agreed the permission excludes any restaurant use outside of the building.
3. Landscape plan in accordance with scheme as submitted
4. Completion of the approved submitted landscaping scheme by 1 April 2013.
5. Maintenance of landscaping in accordance with the management plan submitted as approved
6. Notwithstanding the GPDO no part(s) of the roof shall be used as a balcony or terrace.
7. Bin and cycle stores to be maintained in accordance with the details submitted as approved
8. Traffic variation Order to exclude the site from eligibility for hotel guest parking permits in the future.
9. Programme of architectural recording to be submitted by 1 April 2013.
10. Level II Salvage report for archaeological recording to be submitted by 1 April 2013

Main Local Plan Policies: Oxford Local Plan 2001-2016

CP 1- Development proposals
CP 5- Mixed use Developments
CP 10- Siting of development to meet its needs
CP 11- Landscape design
CP 21- Noise
HS19- Privacy and Amenity
HE 2- Archaeology
HE 4- Archaeological remains within listed buildings
HE 6- Buildings of local interest
HE 7- Conservation Areas
NE10- Sustainable Drainage
TR 3- Car Parking Standards
RC12- Food and Drink Outlets

Core Strategy

CS 18- Urban Design, townscape character and historic environment.

Other Material Considerations:

- National Planning Policy Framework
- The application site is located within the St. Clement's And Iffley Road Conservation Area.

Relevant Site History:

07/00825/FUL-Demolition of public house, retention of vaulted basement. Erection of four storey building containing restaurant on ground floor and 7 flats on upper floors. Bin/cycle stores. Refused- 20.6.07

08/02726/FUL- Demolish single storey rear extension. Single and 2 storey rear extensions. Use as restaurant (ground floor) and three flats (2 bed x 3) on first and second floor. Approved 31.3.09

09/02796/NMA- Application for a non-material amendment to permission 08/02726/FUL involving re-ordering of rear elevation to accommodate lower staircase. Approved 8.01.2010

10/00869/CND- Details of materials, security gate, means of enclosure, landscape plan, bin and cycle storage, mechanical plant, construction process and architectural recording submitted in compliance with conditions 3, 4, 5, 6, 9, 12, 15 and 16 of planning permission 08/02726/FUL. Approved- 05.07.2010

10/00899/NMA- Application for a non-material amendment to planning permission 08/02726/FUL involving alterations to single storey rear extension. Refused 27.04.2010

10/03220/FUL- Demolition of rear extension. Erection of single and three storey rear extension, to provide restaurant on ground floor and 3x2 bed flats on the 1st and 2nd floor. Refused 23.3.2011

10/01631/FUL- Demolition of existing rear extension. Erection of part single and part 3 storey extension to provide restaurant and staff accommodation at ground floor and 9 bedrooms for short stay visitor accommodation at upper levels. Approved 13.08.2010

11/01306/FUL- Demolition of existing single storey rear extension. Erection of new single and 3 storey rear extension to provide restaurant at ground floor level and 3 x 2 bed flats at first and second floor levels. Revised roof details. Approved 07.07.2011

Representations Received:

Statutory and Other Consultees:

Highways Authority: no objection to the application

Third Parties: One objection received: concerned with the removal of the planning conditions which protect neighbouring amenities; namely conditions 10, 11, 12 and 13.

Officers Assessment:

1. Site Description:

The application site, the former Coach and Horses public house, is located on

the northern side of St. Clements's Street between the junctions of Boulter Street and Bath Street. The site comprises of a three storey building with basement fronting St Clements, built tight to the back of the footway. There is a vehicular access to the side of the building and re-modelling of a large rear extension has recently been carried out as part of application 10/01631/FUL.

2. The Proposal:

This application seeks the removal of conditions 3, 4, 10, 11, 12, 13, 15 and 16 and the variation of conditions 5, 7 and 8 imposed on planning permission 10/01631/FUL for; 'demolition of existing rear extension. Erection of part single and part 3 storey extension to provide restaurant and staff accommodation at ground floor and 9 bedrooms for short stay visitor accommodation at upper levels.'

The application has come about as part of an enforcement investigation into the positioning of an exterior flue (condition 13). On further investigation it was found none of the conditions attached to the above planning permission had been complied with prior to work commencing. A previous submission of details had been approved but this related to an earlier permission which the applicant had not implemented.

Work on site is near completion and it is officers understanding that the applicant wishes to open the Bed and Breakfast for trade in the near future. As many of the conditions required details to be approved 'prior to the start of work...' they can no longer be complied with. The purpose of this application is to rationalise the position by varying some conditions, and removing those which the applicant considers no longer serve any purpose.

The principal determining issues are the following, which are considered in relation to each condition proposed for variation or deletion as relevant.

- Impact on Neighbouring amenity
- Parking
- Impact on Conservation Area

3. Condition 3: required samples of the exterior materials to be used to be approved in writing prior to the start of work on site. The condition was attached in the interests of the visual appearance of the St Clement's and Iffley Road Conservation Area. The applicant has provided details of the materials used for the roof covering (grey fibreglass, appears as a lead finish from the ground); garden wall (brick); other external walls (smooth concrete render painted in white masonry paint except for the front elevation which has been painted a light blue). The windows have been replaced with timber double glazed custom units, painted white. The windows and other finishes are considered acceptable. No details of the door have been provided however other than the photograph of the front elevation. The door installed is not in keeping and is of an inappropriate design for its location within the building and conservation area in which it is located. It is therefore suggested further details are required of the front door to show one that is more appropriate to the C19th architectural style of the front elevation of this building. Therefore the condition will

not be removed but re imposed with the wording varied to include further details of the door specifically. Summary – condition VARIED

4. Condition 4: requested the boundary treatment to be as shown on the approved plan ref 250130 050 which accompanied the application. This was done in the interest of both residential amenity and security. The applicant has submitted that the pre- existing boundaries have been retained and therefore no further change is required. Plan ref. 250130 050 indicated the boundary treatment to be the retention of the existing 1.8m brickwork boundary wall. It is suggested this condition can be removed as it no longer serves any purpose. Summary – condition REMOVED

5. Condition 5: required the applicant to submit a landscape plan to include a survey of the existing trees, indicate which (if any) were to be removed and show details of all tree and shrub planting. This condition was imposed in the interests of visual amenity. The applicant has included a scheme with this application, ref. 250130 050C. The planting scheme varies from that originally submitted with the application by rationalising the planting area from a circular to a square shape planting bed. This has resulted in the planting area being slightly larger. Visually this proposal is acceptable and does not impact on visual or residential amenity. The condition can therefore remain but with the wording varied to include reference to the submitted landscaping scheme. Summary – condition VARIED

6. Condition 6: follows on from condition 5 above and states that the planting should be carried out in accordance with the scheme above in the next planting season following substantial completion of the development. The applicants have indicated this will be carried out by the 1st April 2013, providing condition 5 is agreed. Condition 6 can therefore remain but with the wording varied to require the planting is completed by 1st April 2013. Summary – condition VARIED

7. Condition 7: related to the agreement of a landscape management plan which was to include design objectives, management and maintenance schedules for the landscape areas. The applicant has included a management plan which details the soil preparation and the proposals for each species; the Apple Tree, Soribus and Prunus Trees, Jasmine, Polentilla, Lavendula and Hebes and various Spring, summer and Autumn bedding plants. The plan is considered acceptable as it covers all the areas of the planting and landscape plan as detailed in condition 5. The condition can be varied to include the maintenance of the landscaping in line with this approved management plan. Summary- condition VARIED.

8. Condition 8: required the submission of details of both bin and cycle storage in order to ensure the bins were adequately screened to protect the amenities of occupiers of nearby properties and to encourage cycle use respectively. The proposal includes details of the bin and cycle stores as constructed. The bin store is screened by 1.8m 'hit and miss' timber fencing and is located in the north west corner of the rear courtyard which utilises the existing boundary wall for the rear and far side of the store. The store can accommodate 3 x 240 litre wheelie bins. The applicant has not included any details of a screened and covered cycle store in line with condition 8 however but instead has installed 2 'Wiggins' cycle

racks which secure cycles by placing the front wheel in the rack which is secured to the ground. There is provision for 10 cycles in this rack. Given there are 9 rooms available for customers the provision is acceptable. Highways raise no objection to the proposal in this regard and it is therefore recommend this condition is varied accordingly. Summary – condition VARIED

9. Condition 10: was imposed to exclude the site from eligibility for residents parking permits. The applicant submits that as the site is to be used as a bed and breakfast, there will be no residents and in turn the condition was unnecessary and unreasonable as there was no significant change from the pre existing situation when staff or visitors would stay above the pub. Again Highways have raised no objection to the variation of this condition, where there is no difference in number of residents at the site. In the interests of minimising on street parking pressure it is therefore suggested that the condition is not removed but varied so that the site is not eligible for hotel guest parking permits in the future. Summary- condition VARIED.

10. Condition 11: required details of the mechanical plant and the anticipated sound attenuation measures. The plant as approved should then be installed prior to the first use of the restaurant. The applicant has stated the specification of the ceiling which includes the use of soundbloc plasterboard and two x layers of 100m rockwool between chipboard and 17mm engineered oak flooring. Only half of one side wall is connected to neighbouring accommodation. On the application site is a 9 inch party wall with further Celotex and soundbloc in a 50mm air gap.

The plant machinery used is only domestic in scale and only domestic power extraction has been installed for the toilets and the kitchen. It is therefore likely that very little sound will be detectable from outside, and no significant difference from a 'normal' residential domestic situation. Consultation with colleagues in Environmental Development has confirmed this scale of plant would not generate unacceptable levels of noise. The submitted details are therefore accepted and the condition no longer serves any purpose given that no plant machinery has been installed. Summary- condition REMOVED

11. Condition 12: followed on from 11 above, and required a Noise Assessment Survey in order to protect residential premises from noise from commercial development. The applicant asserts that as the previous use of the premises as a licensed public house would have not have caused any more noise and disturbance than the proposed use as a B and B with cooking of morning breakfast meals only. Both conditions 11 and 12 were imposed in the interests of protecting neighbouring amenity. Given the proposed use is as a B and B with small scale cooking facilities and no licensed bar the use is unlikely to cause any more noise or disturbance than the previous use a public house. Consequently condition 12 is not considered to be either reasonable or necessary and therefore can be removed. Summary – condition REMOVED

12. Condition 13: required a scheme for the treatment of cooking fumes and details of the extraction systems to be installed. The toilets and bathrooms have been fitted with a continuous mechanical extract ventilation unit and which vent through the roof, one through the external wall and the rest through 230 volt fans.

The kitchen extraction has been fitted on the advice sought from colleagues in Environmental Development. As the kitchen is only equipped to cater for breakfasts a standard domestic extractor hood was considered acceptable. This extracts on to the driveway/underpass and is 5 metres from the neighbouring boundary wall. This is considered acceptable for the use now proposed which has no additional significant impact than can be reasonably expected in any residential situation. The condition therefore no longer serves any purpose and can be removed. Summary – condition REMOVED

13. Condition 15: requires a programme of architectural recording to take place to record the building to be demolished by drawings, measurements and photography. This was imposed in order to preserve by record the building so that archive details could be kept. The applicant has requested this condition be removed as the historic parts of the building have been retained. No specific details of this have been provided other than the drawings which supported the original application previously which indicated which structural sections of the building were to be removed. To delete this condition would undermine the purpose of preservation by record and it is considered the applicant should provide sufficient details in the form of photographs taken over the course of the development. This condition will therefore be re imposed but the wording varied to request these details within a specific time frame. Summary – condition VARIED

14. Condition 16: A Sustainable drainage scheme was required to be approved and implemented prior to commencement of development in order to prevent the risk of surface water flooding. The applicant has submitted details to show a 4x 4m and 3m deep soakaway which is provided at the rear of the site and the pavements used allow for drainage. The details show the fall across the site so that water falls away to the soakaway and not on the street. The details are considered acceptable and as the scheme has been carried out on site it is no longer reasonable or necessary to continue to impose this condition. Summary-condition REMOVED

15. Condition 17: A programme of archaeological work in accordance with a scheme to be approved before development takes place was required by condition 17. The applicant has stated that as 'nothing of interest' was found the condition no longer serves any purpose. The purpose of the condition was similar to 15, above, to record the historic interest of the building. The Councils' Archaeologist suggests that scope remains to produce a salvage record of the building which would provide some mitigation. This should consist of a level II record including archived reports, annotations, plans and photographs where necessary. This condition will therefore be re imposed but the wording varied to require submission of these details within a specific time frame. Summary condition- VARIED

16. Conclusion:

Having considered each condition in turn it is recommended that conditions 4, 11, 12, 13 and 16 are removed, and conditions 3, 5, 6, 7, 8, 10, 15 and 17 are varied or re-imposed accordingly.

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: Planning applications listed at the head of this report.

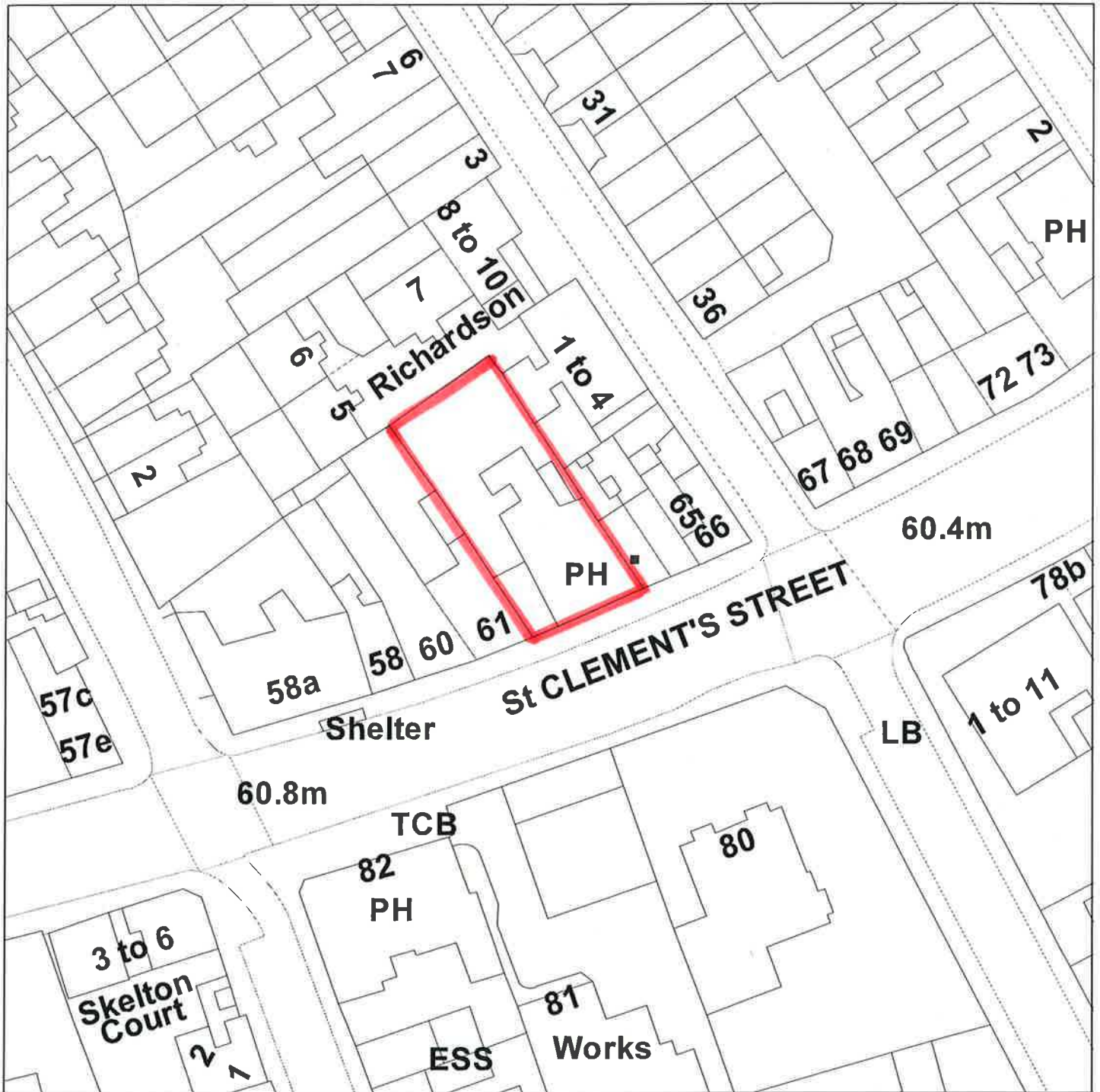
Contact Officer: Hannah Revell

Extension: 2241

Date: 28th November 2012

APPENDIX 1

62 St Clement's Street, Oxford



Scale : 1:625

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Organisation	Oxford City Council
Department	City Development
Comments	
Date	29 November 2012
SLA Number	Not Set

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