

West Area Planning Committee

13th August 2013

Application Number: 13/01510/FUL

Decision Due by: 12th August 2013

Proposal: Alterations to existing public house (Use class A4) to include; demolition of existing single storey extension and erection of single storey rear extension. Erection of 2 x 3 bed semi-detached dwellings houses (Use class C3). Provision of parking and cycle storage.

Site Address: Chester Arms, 19 Chester Street (**site plan: appendix 1**)

Ward: Iffley Fields

Agent: John Philips Planning
Consultancy

Applicant: Woodchester Estates
Limited

Application Called in by Councillors Van Nooijen, Kennedy, Tanner, and Canning on grounds that the future of this locally valued pub site, the previous application for which was refused by Members against officer advice, can be determined in public by committee.

Recommendation:

The West Area Planning Committee is recommended to APPROVE planning permission for the following reasons:

- 1 The proposed development would make an efficient and effective use of previously developed land in order to remodel the existing public house and provide two family dwellings with a good standard of internal and external environment within the East Oxford Neighbourhood Area which has been identified as an area where there is a need for family housing. The proposal would result in the pub being reopened and maintained as a focal point for the local community, and on the basis of the evidence put forward by both the applicant and prospective tenants, it is clear that they consider that the relocation of the kitchen, reduction in size of the garden, and pub car park will not have an adverse impact upon the long term future and viability of the public house. The overall size, scale, siting and design of the proposed dwellings and the extension to the pub will create an appropriate visual relationship with the built form of the street and surrounding area, and will safeguard the residential amenities of the proposed dwellings and those surrounding the site. The development will provide adequate access arrangements and off-street parking so as to maintain highway safety, and will not have an adverse impact upon the protected trees within the site, or on

flood risk within the site or the surrounding area. Therefore the proposal would accord with the National Planning Policy Framework and the relevant policies of the adopted Oxford Local Plan 2001-2016, Oxford Core Strategy 2026, and the Sites and Housing Plan.

- 2 In considering the application, officers have had specific regard to the comments of third parties and statutory bodies in relation to the application. However officers consider that these comments have not raised any material considerations that would warrant refusal of the applications, and any harm identified could be successfully mitigated by appropriately worded conditions.
- 3 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.

Conditions:

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples of material
- 4 Details of means of enclosure
- 5 Details of refuse and cycle storage
- 6 Landscape survey before site works
- 7 No felling lopping cutting
- 8 Landscape carried out by completion
- 9 Landscape hard surface design - tree roots
- 10 Landscape underground services - tree roots
- 11 Tree Protection Plan (TPP) 1
- 12 Arboricultural Method Statement (AMS) 1
- 13 Parking areas and access to be provided
- 14 Flood Risk Assessment Measures Implemented
- 15 Sustainable Urban Drainage Scheme
- 16 Details of Noise Insulation Measures
- 17 Air conditioning plant
- 18 Extraction equipment for restaurant
- 19 Amenity no additional windows
- 20 Design - no additions to dwelling
- 21 Contaminated Land Assessment

Main Local Plan 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
- CP19** - Nuisance
- CP21** - Noise
- CP22** - Contaminated Land

NE16 - Protected Trees
HS20 - Local Residential Environment
HS21 - Private Open Space
RC18 - Public Houses

Core Strategy

CS2 - Previously developed and greenfield land
CS11 - Flooding
CS18 - Urban design, town character, historic environment
CS20 - Cultural and community development
CS23 - Mix of housing

Sites and Housing Plan

HP2 - Accessible and Adaptable Homes
HP9 - Design, Character and Context
HP11 - Low Carbon Homes
HP12 - Indoor Space
HP13 - Outdoor Space
HP14 - Privacy and Daylight
HP15 - Residential cycle parking
HP16 - Residential car parking

Other Material Considerations:

National Planning Policy Framework

Relevant Site History:

The site has been subject to a number of applications those of most relevance to the application are as follows:

61/10487/A H - Extension to Public Bar for Chester Arms: Approved

65/16146/A H - Provision of car park on land adjacent to Chester Arms: Approved

69/21224/A H - Outline application for erecting one pair of semi-detached houses with garages (9 and 11 Argyle Street): Approved

86/01037/NF - Single storey rear extension to form cellar and conversion of existing cellar to kitchen for Chester Arms: Refused

98/00689/NF - Demolition of existing single storey extension, erection of new single storey extension for Chester Arms (Amended Plans): Approved

12/02310/FUL - Change of use and conversion from public house (class A4) to a single dwelling house (class C3)

The application was refused by the West Area Planning Committee in November 2012 as the proposal would result in the loss of the public house.

Representations Received:

Letters of comment have been received from 129 addresses, whose comments can be summarised as follows

Support (98)

- This is the sort of brownfield site that should be developed for housing
- There has been a tide of pub closures throughout Oxford, and so it is positive to see that the pub could be kept open
- The proposal is a pragmatic and positive compromise that allows Iffley Fields to keep the pub and the developers to get something back from their investment.
- The proposal will preserve a valuable community amenity
- The reformed Chester deserves to be a success as it has the potential to be a fantastic community pub and the plans put forward are exciting
- The facilities on offer – local shop, local place for mums groups, community pub in evening – will be of great benefit to area
- There are few pubs or cafes in the area with gardens for people with small children
- The proposal is an easy walking distance to the local community in Iffley Fields
- The people proposing to run the pub have a good track record and so should be aware that the pub could be run with the loss of the pub car park and smaller garden
- The proposal will provide good quality family housing that makes a contribution towards new housing targets
- The proposed houses make a good use of space
- The alternative to this proposal would be that the public house remains empty and become derelict
- The planning committee should reassert the importance of retaining this pub for the community
- Support if the buildings use sustainable building practices
- A condition should be attached which require the works to the pub to be carried out before the dwellings are erected
- The Iffley Fields Residents Association would have preferred to see the scheme amended to provide a single dwellinghouse, but above all wish to see the long term future of the pub with the proposed leaseholders secured.
- Supportive as long as the pub is let to Drew and Fraser the prospective tenants
- Sufficient off-street parking needs to be provided
- Supportive as long as the houses do not become HMOs
- Supportive as long as a tree survey is carried out on the beech tree

Objection (38)

- The proposal is not greatly changed from the previously refused scheme
- The provision of dwellings would be an irreversible step towards the loss of a beautiful and unique public house
- The kitchen was only built recently and so should not need much investment, this cannot be a valid reason for building two houses
- The pub would lose much of its main assets – the pub garden and car park
- The value of the garden should not be underestimated and should be retained

- The remaining pub garden will receive inadequate levels of natural light
- The pub garden would not be of a sufficient size for uses such as Aunt Sally
- The underlying premise is that the public house was bought for a sum of money that reflects the entire use of the site
- It is not clear whether the lease arrangements will allow a profitable pub to be run, and Woodchester's track record suggests this will not be the case
- The Chester has lost momentum in comparison to other pubs in the area
- In the previous application Woodchester argued that the pub could not be made viable, but have changed tack, suggesting that it could be viable despite losing its assets
- There is a need to think long term otherwise the pub could be lost forever
- The pub has still not been adequately marketed and was only remarketed on the basis of a smaller pub as proposed.
- The entire site should be retained as a pub, with the prospective tenants running the building, and the kitchen invested in. The community facilities will be maintained
- The pub is not proven as unviable, and there would be interest in buying the freehold as it stands
- The site is too narrow for two semi-detached houses to be built, and the amount is excessive.
- The crown spread for the Beech Tree will overhang the garden of the proposed houses
- The pub will cause noise disturbance to the dwellinghouses
- The houses will increase parking problems in the surrounding streets
- There is a concern that the second house will have an impact upon the birch tree
- The provision of housing / change of use should only be investigated if the proposed tenants cannot make a go of the pub
- The dwellings should follow the Argyle St building line and be built closer to the Argyle St properties, this allows better access arrangements to parking and also the pub garden
- The loss of the Leyland Cypress is put forward as a condition of the application but this could be replaced at anytime
- The extractor fan from the pubs kitchens has been the subject of noise complaints. The closer the housing is to the extraction will increase potential for disturbance
- The houses are too big in comparison to the public house
- This is a thinly veiled attempt to get student accommodation on the site
- The dwellings should be prevented from be turned into Houses in Multiple Occupation
- The IFRA does not support the application

Statutory Consultees:

Thames Water Utilities Limited:

- No objection

Oxfordshire County Council Drainage:

- The development should employ Sustainable Urban Drainage principles for all hard surfacing

Oxfordshire County Council Highways Authority:

- The Highways Authority has no objection to the proposal, subject to conditions

Officers Assessment:

Site Location and Description

1. The site is located at the junction of Chester Street and Argyle Street and is within the residential area of Iffley Fields (**site plan: appendix 1**)
2. The site comprises the Chester Arms Public House, which is a detached two-storey building situated on the north-western corner of the site. The existing building has the main commercial area of the public house on the ground floor, and residential accommodation at first floor.
3. The public house has a small single storey extension added to the side, a large pub garden to the rear of the site, and a car park with space for 10 vehicles accessed from Argyle Street. There is a Beech Tree and Silver Birch within the application site that is subject to a tree preservation order. A part of the site is located within Flood Zone 2

Proposal

4. Planning permission is sought for alterations to the existing public house (Class A4) comprising the demolition of the existing single storey extension and the erection of a single storey rear extension, and the erection of 2x3 bedroom semi-detached (Class C3) dwellinghouses, provision of off-street parking, cycle storage, and amenity space.
5. Officers consider that the principle determining issues with regards to the proposal are as follows; principle of development; alterations to the public house; balance of dwellings; form and appearance; impact upon adjoining properties; residential uses; trees; highway matters; flood risk; sustainability matters; and contaminated land.

Principle of Development

6. The National Planning Policy Framework [NPPF] encourages the effective use of previously developed land, provided it is not of high environmental value. This is supported by Policy CS2 of the Oxford Core Strategy 2026.
7. The site is within a residential area, and the proposal involves the reuse of the previously developed part of the site and therefore the general principle of redeveloping this part of the site for a residential use would accord with the aims of the above-mentioned policies.

Alterations to the Public House

8. The National Planning Policy Framework identifies public houses as community facilities which enhance the sustainability of communities. The Oxford Core Strategy seeks to protect existing community facilities through Policy CS20, however the Local Plan deals specifically with the loss of public houses through Policy RC18. This identifies public houses as having two distinct roles, firstly as a community facility in residential areas and secondly as part of the historic legacy of Oxford and only supports their loss where it can be demonstrated that no other potential occupiers can be found; or that evidence of non-viability is provided; or there are suitable alternatives in the local area.
9. The previous application sought the change of use of the public house (12/02310/FUL) to a single dwelling but was refused by the West Area Planning Committee on grounds that it would result in the loss of a community facility. The current proposal seeks to retain the public house albeit in a remodelled form, with a single storey extension added to enable the kitchen facility to be situated within the public house providing access to the restaurant area, bar and cellar, and a new toilet block to the rear. As part of these works the existing kitchen and pub car park is to be removed and the existing pub garden reduced in size.
10. The public house was marketed in this remodelled form by Christies & Co for a period of 6 months from December 2012. A total of 8 viewings were undertaken and an offer accepted by the applicant from a consortium of four businessmen who are local to Iffley Fields and have experience of operating a number of similar establishments within the area. The applicant and prospective tenants have consulted with the Iffley Fields Residents Association prior to submitting their plans. The plan is to rebrand the pub as 'The Chester' and combine a pub, café, and meeting place in order to better serve the local community. They would seek to generate revenue through lunch time trade, tea, coffee, and cake during the days and, as a freehouse, offer a unique pub experience in the evenings. They intend to also include a cornershop element to the café by stocking local eggs, milk, and other essentials. During the consultation process, concerns have been raised that the provision of the semi-detached dwellings would effectively 'asset' strip the public house by removing the pub car park and reducing the size of the existing pub garden which would harm the long term viability of the public house. These concerns are understandable and need to be addressed given Members reasons for refusing the previous scheme and despite the fact that the removal of these 'assets' would not require permission.
11. The prospective tenants have written in support of the application and stated that they would not have entered into a 15 year lease if they considered that the loss of these assets would make the pub unviable. They say that turning the premises into a freehouse improves the viability of the pub, as it allows them to have a fixed rent and serve local ales, and locally sourced food, which caters for community needs. They consider this will better serve people in the daytime such as those that work from home, and in the evenings provide a more relaxed and informal pub. The remodelling works to the pub are seen as a benefit as the kitchen will be moved into the heart of the pub allowing a more efficient relationship between the kitchen, bar, restaurant and garden. They recognise

that the garden will be reduced in size, but that it meets their needs for outdoor space and the beech tree can be used as a feature for the external area to create atmosphere. They also consider the loss of the pub car park as a positive, and that none of their previous establishments had car parks. The pub is intended to draw from the local area which is in walking distance, and at times when the car park is full it may place pressure on visitors to park in the surrounding streets. They also recognise the importance of engaging with the local community in terms of providing community events and hosting local groups (such as the residents associations) and to turn the pub into a community hub.

12. Having reviewed the submitted application, officers would sympathise with the concerns raised by local residents about the potential impact upon the long term future of the public house. That said it is recognised that the applicant could open this at any time without planning permission. Following the refusal of the previous scheme, the applicant has remarketed the pub as proposed in this application and found prospective tenants who have experience in running these types of facilities and have given consideration to the loss of these 'assets' and do not see these factors as a negative in terms of viability. Furthermore in terms of the ability for such 'asset stripping' to be used as a reason to demonstrate non-viability in the future, it would be more difficult for the applicant to make such a case given the level of interest shown from the recent remarketing of the public house. Therefore officers would see no reason to object to the proposed remodelling of the public house or the provision of the residential accommodation on the basis that it would harm the long term viability of the public house.

Balance of Dwellings

13. Policy CS23 of the Oxford Core Strategy 2026 requires residential development to deliver a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole. The mix of housing relates to the size, type and tenure of dwellings to provide for a range of households.
14. The Balance of Dwellings Supplementary Planning Document (BoDSPD) sets out the appropriate housing mixes for each Neighbourhood Area within the City. The site is located within the East Oxford Neighbourhood Area, where there is a need to achieve a higher proportion of new family dwellings as part of the mix for new developments. The proposed development would provide 2x3 bedroom dwellings, which would be considered an appropriate mix of housing type for this area in accordance with Policy CS23 of the Oxford Core Strategy 2026 and the BoDSPD.

Form and Appearance

15. Sites and Housing Plan Policy HP9 states that planning permission will only be granted for residential developments that responds to the overall character of the area, including its built and natural features; the form, layout and density of the scheme make and efficient use of land whilst respecting the site context; the development exploits opportunities to sustain and enhance the significance of heritage assets and makes a positive contribution to local character and

distinctiveness; landscaping, and boundary treatments are provided that integrate the development, in a way that defines public and private space and maintains natural surveillance of the public realm. This is supported by Oxford Core Strategy Policy CS18, and Policies CP1, CP6, CP8, CP9, and CP10 of the Oxford Local Plan.

16. The site is located within the residential suburb of Iffley Fields which is a high density suburb characterised by terraced rows of two-storey properties interspersed with semi-detached properties that all follow a linear development pattern with small front gardens and larger private gardens to the rear. The properties are from the Victorian and Edwardian era and are generally brick built of either red or yellow brick and have natural slate roofs. This gives the streets a clear vernacular pattern.
17. The proposal would remove the existing single storey kitchen extension to the building and provide a pair of semi-detached properties which would have main ranges that measure approximately 8.3m (l) x 5.2m (w) x 7.2m (h) with projecting elements to the rear measuring 3.3m (l) x 4.6m (w) x 6.3m (h) alongside the existing public house. The dwellings would be sited to follow the same linear street pattern as all the other properties within Argyle Street but would be set back further behind the building line. The dwellings would be two-storey and would sit comfortably alongside the existing public house, and also the infill development at 9 and 11 Argyle Street. The materials and architectural detailing would also be consistent with the prevailing character of Argyle Street. Officers consider that the overall size, scale, siting and design of the pair of semi-detached properties would suit the site's capacity and create an appropriate visual relationship with the built form and grain of Argyle Street and the surrounding residential area.
18. The removal of the existing single storey kitchen extension to the public house would not have an adverse impact upon the street scene, and the proposed single storey extension to the pub would also create an appropriate visual relationship with the existing building.

Impact upon Adjoining Properties

19. Policy HP14 of the Sites and Housing Plan states that residential development should provide reasonable privacy and daylight for the occupants of both existing and new homes. This is supported by Policy CP10 of the Oxford Local Plan 2001-2016.
20. The provision of the dwellings would not have a material impact upon any of the adjoining properties in Argyle Street or Chester Street in terms of loss of light, outlook, overbearing impact, or privacy that would conflict with the aims of the above-mentioned policies.
21. During the consultation process concerns have been raised with regards to the potential impact of the public house upon the residential amenities of the proposed dwellings. There would be numerous examples of properties that have similar arrangements throughout Oxford and the existing pub sits alongside the

residential properties in Chester Street. The layout of the public house is such that the main public areas of the building are located away from the building. A small gap will be provided between the single storey element of the public house and the proposed dwellings in order to assist with noise insulation. The pub garden would share a boundary with the rear garden of plot 1 but it is intended for this to be separated by a suitable means of enclosure. The pub garden would be used by patrons but the relationship between this part of the pub and residential properties already occurs given its proximity to other properties in Chester Street and it is not proposed to play amplified music in the garden. While noise and disturbance matters could be successfully managed through Environmental Health and the Licensing Authority, it is considered that a condition could be attached requiring details of a noise insulation scheme for the proposed buildings; details of any mechanical plant / ventilation for the new kitchen; and the prevention of amplified music being played in the garden.

Residential Amenities

22. The National Planning Policy Framework requires development proposals to deliver a wide choice of quality homes in order to create sustainable, inclusive and mixed communities.
23. The proposed dwellings would have a good standard of internal environment that would accord with Policy HS20 of the Oxford Local Plan 2001-2016, and Policy HP12 of the Sites and Housing Plan. The planning statement indicates that the dwellinghouse would be designed to meet lifetime Homes Standards in accordance with Sites and Housing Plan Policy HP2.
24. Policy HP13 of the Sites and Housing Plan states that new dwellings should have direct and convenient access to an area of private open space. It recognises that family homes will require additional space, and this means that they should be provided with a private garden of adequate size and proportions for the size of house proposed, for exclusive use by occupants of that house. The preamble to the policy suggest that the council will expect an area of private garden for each family house which is at least equivalent to the original building footprint.
25. The proposed dwellings would each have access to private gardens which would be of an equivalent size to other properties in Argyle Street and would accord with the aims of Policy HP13. Both gardens would be accessed from the rear so as to provide suitable arrangements for refuse and cycle storage.

Trees

26. The site is covered by a Tree Preservation Order that relates specifically to two trees a Beech Tree (T1) in the rear garden of the public house and a Silver Birch (T2) on the Argyle Street frontage. There is also a Leyland Cypress (TG1) to the rear of the pub garden not covered by the order.
27. The Tree Survey states that the Beech and Silver Birch are to be retained as part of the scheme, but that the Leyland Cypress is to be removed. Officers would raise no objection to the loss of the cypress trees to the rear, and are satisfied

that the proposed dwellings and extension to the pub would not have an adverse impact upon either of the two protected trees, subject to conditions requiring adequate tree protection measures.

28. The crown spread of the Beech Tree would cover the majority of the reduced pub garden and as a result has the potential to have some bearing on the quality of this space. As the tree is subject to a preservation order, any works required to the tree will need consent. Officers have received assurances from the applicant and the prospective tenants that they place significant value on this tree and are satisfied with the size of the tree and the degree of shade that it places on the garden. It is recognised that some small scale health and maintenance works for the tree and that these will be discussed directly with tree officers. As such officers are satisfied that the layout of the garden would not have an impact upon this protected tree and that the applicant understands the need to seek approval for any such works.

Highway Matters

29. The site is in a sustainable location with good access to shops, services and public transport which would normally support a reduction in off-street parking. However the site is not within a controlled parking zone and there are on-street parking pressures in the area.
30. The proposal would use the existing vehicular access to the site to provide access to 7 off-street parking spaces. The spaces would be allocated to two spaces per dwelling, and three spaces for the public house. The access would also be maintained for the parking spaces and garages to the Argyle Street properties. A condition should be attached preventing parking spaces being created on the frontage of the properties.
31. The Local Highways Authority has raised no objection to the parking provision which would accord with the parking standards as set out in Policy HP16 of the Sites and Housing Plan. The provision of suitable off-street parking for the development would prevent any adverse impact upon existing on-street parking pressures. The Local Highways Authority is also satisfied that the access arrangements will have suitable visibility splays at the entrance/exit to the access road.
32. Therefore there are no objections raised to the proposal in highway terms subject to conditions requiring the access, parking and vision splays to be provided as shown on the proposed site plan and any walls and fencing to be kept to a minimum height of 0.6m. In addition an informative added which advised that construction traffic movements should take account of on-street parking in the vicinity of the development site and the narrow nature of these residential streets; and

Flood Risk

33. The site is located within Flood Zone 2 according to the Oxford City Council Strategic Flood Risk Assessment. A Flood Risk Assessment [FRA] has

accompanied the application to assess how the development will affect flood risk and also to provide a drainage strategy for the development.

34. In accordance with the Environment Agency's Standing Advice, the FRA states that the finished floor levels in the dwellings will be set at 0.3m above the 1 in 100 years plus climate change level. This will help mitigate the flood risk in the most extreme of flood events. Having regards to the nature of the proposed development and the contents of the Flood Risk Assessment, officers consider that the proposed development would not increase flood risk, subject to a condition being attached requiring the measures set out within the Flood Risk Assessment being carried out and details of the flood resilience and safe access measures provided. A condition should also be attached requiring the provision of a sustainable urban drainage system to be provided for approval by the Oxfordshire County Council Drainage Authority.

Sustainability

35. Sites and Housing Plan Policy HP11 encourages energy efficient developments and is supported by Policy CS9 of the Oxford Core Strategy. The Planning Statement states that the building will be built high efficiency standards in terms of insulation, double glazing and heating systems. A condition should be attached requesting further details of sustainability measures.

Contaminated Land

36. Oxford City Council Environmental Health has recommended that due to the sensitive nature of the proposed development, a condition should be attached requiring a contaminated land risk assessment. Whilst the site is not known to be contaminated, it is important that the developer demonstrates that the site is suitable for use. As a minimum a desk study and a documented site walkover are required to ensure that there are no sources of contamination on or near to the site and the site is suitable for its proposed use.

Conclusion:

37. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2011-2026 and therefore officer's recommendation is to approve the development.

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

Contact Officer: Andrew Murdoch

Extension: 2228

Date: 31st July 2013

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