

West Area Planning Committee

26th February 2016

Application No: 15/02694/FUL

Decision Due by: 03.11.2016; Agreed Extension till 01.04.2016;

Proposal: Demolition of existing public house. Erection of four storey building to provide 5 x 1-bed and 2 x 2-bed flats (Use Class C3). Provision of private amenity space, bin and cycle storage.

Site Address: 8 Hollybush Row, Oxford, OX1 1JH (site plan: Appendix 1);

Ward: Carfax Ward

Agent: Mr. Henry. Venners (JPPC) **Applicant:** Linea OX1 Ltd

Recommendation:

The West Area Planning Committee is recommended to resolve to grant planning permission subject to conditions and the satisfactory completion of S106 agreement/unilateral undertaking for the following reasons:

1. Reasons for Approval:

- 1.1. The proposed development would represent an efficient use of land that would redevelop a disused site without giving rise to any unacceptable environmental problems or disturbance for the adjoining residential properties or highway implications for Hollybush Row and the surrounding area. The proposed development would create an appropriate visual relationship with the built form of the locality and would not impact on the character and appearance of the Central Conservation Area, while at the same time safeguarding the amenities of the adjoining properties. The proposed development would therefore accord with the relevant policies of the Oxford Core Strategy 2026, Oxford Local Plan 2001-2016, and Sites and Housing Plan 2026.
- 1.2. In considering the application, officers have had specific regard to all 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 that any harm identified by the proposal could be successfully mitigated by appropriately worded conditions.

- 1.3. 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.

2. Conditions:

1. Development begun within time limit;
2. Develop in accordance with approved plans;
3. Development subject to S106 Agreement;
4. Development subject to CIL contribution;
5. Traffic Regulation Order Car free;
6. Development to provide sample materials;
7. Development to record existing materials;
8. Development to salvage existing materials;
9. Development to provide screening in terrace areas;
10. Construction Traffic Management Plan
11. Remedial works and ground contamination works;
12. Details of underground services and soakaways to be submitted;
13. Details relating to the management of surface water drainage;
14. Development to provide cycle storage areas;
15. Development to provide bin storage areas;

3. Principle Policies;

- 3.1. This application has been assessed against the following policies:

National

National Planning Policy framework 2012 (paragraphs 5, 7-9, 11-16, 17, 35, 40, 49, 58, 69, 47, 50, 54, 55, 56-68, 69, 89, 95-96, 111, 119, 123, 125, 151, 153, 158-161, 173-174, 177, 186-187, 196-197, 203-206);

National Planning Policy Guidance

Oxford City Council's 'Local Plan' 2005 (as amended 2013)

CP.1 - Development proposals;
CP.6 - Efficient use of land and density;
CP.8 - Design development to relate to its context;
CP.9 - Creating successful new places;
CP.10 - Siting development to meet functional needs;
CP.11 - Landscape design;
CP.13 - Accessibility;
TR.13 - Controlled parking zones;
NE.11 - Land drainage and river engineering works;
NE.14 - Water and sewerage infrastructure;
HE.2 - Archaeology;
HE3 - Listed Buildings and their Settings;
HE6 - Buildings of Local Interest;

HE7 - Conservation Areas;
HE.9 - High building area;
HE.10 - View cones of Oxford;
RC.18 - Public houses;

Oxford City Council's 'Core Strategy' 2011

CS2 - Previously developed land and greenfield land;
CS5 - West End;
CS10 - Waste and recycling;
CS11 - Flooding;
CS12 - Biodiversity;
CS13 - Supporting access to new development;
CS17 - Infrastructure and developer contributions;
CS18 - Urban design, townscape character and the historic environment;
CS19 - Community safety;
CS23 - Mix of housing;
CS24 - Affordable housing;

Oxford City Council's 'Sites and Housing Plan' 2013

MP1 - Model policy;
HP2 - Accessible and adaptable homes;
HP4 - Affordable homes from small housing sites;
HP9 - Design, character and context;
HP12 - Indoor space;
HP13 - Outdoor space;
HP14 - Privacy and daylight;
HP15 - Residential cycle parking;

Oxford City Council's Supplementary Planning Documents

High Quality Design 2015;
Affordable Housing and Planning Obligations 2013;
Balance of Dwellings 2008;

Oxford City Council's Technical Advice Notes

Accessible Homes 2013;
Community Public Houses 2014;
Energy Statements 2013;
Waste Bins 2014;

West End Area Action Plan 2008

WE10 - Historic environment;
WE11 - Design code;
WE12 - Design and construction;
WE14 - Flooding;
WE15 - Housing mix;
WE16 - Affordable housing;

- 3.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan and

relevant supplementary documents unless material considerations indicate otherwise.

4. Relevant Site History

4.1. A planning history search exercise was carried out on 27.01.2016 to no planning history of material relevance. Site history from the former public house known as the 'Maroon' is considered material and has been included below:

- Full planning application made to the Council on 06.08.2012 for building sited at 44 St Thomas Street for 'alterations and conversion of existing building to provide 6 x 1 bedroom dwellings' under application reference: 12/01970/FUL. The scheme was refused at committee but later overturned at appeal on 10.10.2013.

5. Section 106 Legal Agreement and CIL

5.1 The applicant has agreed to a financial contribution in the form of a Section 106 legal agreement, meeting the requirements for the affordable housing policy HP4 of the Sites and Housing. A CIL contribution will also be required.

6. Comment

6.1. Five letters of objection were received during the public consultation periods, comments from a material planning perspective are summarised as follows:

- Amount of development onsite;
- Effect on adjoining properties;
- Effect of character of the area;
- Effect on existing community facilities;
- Effect on traffic and parking;

7. Consultation

7.1. Oxford County Council Highway Department recommendation to grant consent subject to the imposition of conditions. Comments in part state;

"The development is located within the CPZ area of Central Area. The development currently proposes parking facilities for 12 bicycles on-site. Whilst Sites and Housing Plan Policy HP15 stipulation for 2 cycle parking spaces per residential units, it is noted that there should be flexibility in application."

7.2. Oxford Civic Society, objecting to the proposal, comments in part draws the Councils attention to the potential impact the proposal may have on the character and appearance of the Conservation Area and the cumulative loss of public houses would have on the vibrancy and activity of the community.

7.3. Victorian Group of the Oxfordshire Architectural and Historical Society, objecting to the proposal. Comments made from a material planning perspective reference the significance of the building's façade and the expectation of preserving it.

7.4. Oxford City Councils Land Contamination Officer, no objection subject to the imposition of conditions. Comments in part state;

"This recommendation has been made due to the sensitive nature of the proposed development ie. new residential development with gardens/landscaping. The previous use of the site as a public house has the potential for contamination. Further, historical land use maps identify previous land uses in the near vicinity, such as a bottling depot, a brewery and an electrical substation, which may have associated land contamination. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use."

7.5. Oxford City Councils Ecologist and Biodiversity Officer, no objections raised subject to the imposition of an informative.

7.6. Internal consultation carried out with the Councils Community Infrastructure Levy Officer on 08.09.2015, consultation response received on 21.10.2015, no objection subject to receipt of CIL liability payment. Comments in part state:

"The above application is liable for CIL. Taking the calculations from the amended CIL form (confirmed with the agent) the liability will be £43,940.17."

7.7. Oxford City Councils Historic Buildings and Conservation Area Officer, no objection subject to condition, comments in part mentions:

"This is a 'Non-Designated Heritage Asset' under the meaning of the NPPF.Not a Listed Building, Not in Conservation Area, not on the OHAR Register, not in the setting of the conservation area....the following should be used for materials, recording, salvage and samples"

8. Site Description and Surrounding Area

8.1. The application site and its surroundings fall within the city centre and the West End (city centre commercial area) as depicted on the Local Plan Policies Map. The site falls within the Carfax ward. Site constraints that are of material planning relevance include; Development Plan, City Centre, Hierarchy of Centres, High Build Area, Transport Central Area, Limited Travel, Flood Plain (Flood Zone 1), Archaeology Area.

- 8.2. In terms of its local context, the application site falls approximately 200m outside the boundary of the Central Conservation Area (which ends half way down St Thomas Street and straddles the border of Woodbine Place and down to Osney Lane). The application site lies adjacent to and opposite 'The Jam Factory' which is a Grade II Listed building. The area is of a predominantly mixed-use in character, a built form comprising of both two and three storey buildings, ranging from terrace to detach. A character appraisal reveals that buildings in the locality are not necessarily uniform in architectural style, with disparities shown by way of detailed fenestration and use of materials, building heights, roofshape/roofslope.
- 8.3. In terms of its immediate context, the applicant's property is located on the Eastern side of Hollybush Row, midway between the junction intersecting with Park End Street and St Thomas Street. The application site is attached to the Southern end of the King Charles House (protected employment land) and directly adjacent of the Western elevation that forms the Castle Mews development, bordered by a former public house known as (Maroon) and a row of residential properties to its Southern boundary.
- 8.4. The site comprises a former public house known as 'The Adventurer', a partly two-storey, partly single-storey building, comprising a roof-shape that is pitched with two end-gables, constructed of glazed red brick, dark grey plain roof tiles, and painted timber cladding. The upper floor has three windows with a painted pebbledash finish to the upper floor elevation. The fascia is full-width with brackets. The ground floor elevation has two wide windows and one shorter window and one front door. To the front elevation, the original ground floor windows have quadrant beaded mullions and transoms with the dowels showing. The upper lights are mostly leaded with lead comes and stippled glass. The rear has Crittall-style windows with white-painted pebbledash. There are two long extensions to the back garden under pitched slate roofs with chimneys. The built footprint of the building amounts to approximately 156.5m², situated on an area of land no greater than 212.5m².

9. Proposed Development

- 9.1. Permission is sought for the replacement of the existing public house with a contemporary four-storey building containing 7 flats (5.No, 1-bed and 2.No. 2-bed self-contained flats), to include provisions for internal bin and bicycle storage (12 racks) and internal amenity space.
- 9.2. The proposed development would require the change of use of the former public house from planning use class 'A4 Drinking establishment', so therefore expressed consent for change of use to planning use class 'C3' would be also be sought for in accordance with the Town and Country Planning Use Classes Order 1987 (as amended).
- 9.3. Following discussions with the Local Planning Authority on 06.01.2016, the applicant submitted revised drawings on 07.01.2016 making minor adjustments.

- 9.4. The newly revised submission has introduced a 'string course' in attempts to integrate the building's façade to that of its neighbouring property (King Charles House) so to add an element of consistency and symmetry which officers feel has been successfully accomplished. Other changes officers suggested include modifications to the front of the property (West elevation) to include a low lying brick plinth (500mm high) with planting, mainly as a measure of security in efforts to safeguard the amenity of any ground floor residents from passers-by to distinguish public space from private.
- 9.5. The proposed recessed brickwork at the side of the property have been removed as officers suggestion to provide a more simple and uncluttered appearance.
- 9.6. At ground floor level, officers have recommended partial screening (above eye level) to be affixed against the perimeter of the ground floor terrace and the main front entrance in efforts to prevent potential overlooking into bedroom 1. The applicant has successfully espoused a 1.8m high privacy screen that now safeguards the amenity of future occupants. Additionally, officers have also recommended a privacy wall (1.8m high) to be erected at the rear of the building on both first and second floor flats (East facing) to prevent potential overlooking to windows serving Castle Mews.
- 9.7. The internal layout has also been reconfigured, at ground floor level the scheme now features a larger communal area, better sited refuse areas that are more accessible, with ventilation and extraction flues serving all communal areas and kitchens that have also been revealed on elevations.

10. Main Issues

- 10.1. Officers consider that the determining issues with regards to the proposal are as follows;
- Principle of development and loss of a public house;
 - Demolition, Impact of setting of Listed Building and Conservation Area;
 - Siting/Form, Scale/Mass/Height, Design/Materials, Amenity;
 - Balance of Housings Mix;
 - CIL Contribution;
 - Affordable Housing;
 - Ecological and Biodiversity;
 - Archaeology
 - Highways
 - Flooding;
 - Environmental Sustainability;

11. Principle of Development and Loss of Public House

11.1. In terms of national policy, extracts from paragraph 17 and 111 from the *'National Planning Policy Framework'* 2012, makes reference to development on previously developed land, extracts from the document part state that development should:

“encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

11.2. In local policy terms, 'Policy CS2' from Oxford City Council's *'Core Strategy'* 2011 in part states:

“Development will be focused on previously developed land.”

11.3. Additionally, 'Policy CP.6' from the Oxford City Council's *'Local Plan'* 2005 (as amended 2013) makes reference to efficient use of land, extracts from the policy in part state:

“Planning permission will only be granted where development proposals make maximum and appropriate use of land. Development proposals must make best use of sites capacity, in a manner compatible with both the site itself and the surrounding area...”

11.4. The application site falls within the city centre boundary of Oxford, a 'brownfield site' of no environmental value. The proposal aims to make efficient use of the land by creating additional floor space and floors to make optimal use of the site; the development is also associated with the modernisation of the site and integration with new development. The resultant development would maximise the use of the existing site and officers regard that 'Policy CP6' of the *'Oxford Local Plan'* 2001-2016 would support in principle the proposed development on this basis. Officers therefore consider that the general principle of development in the area proposed would accord with the aims of both national and local planning policies by maximising the potential of the site.

11.5. In terms of national policy, extracts from paragraph 70 from the *'National Planning Policy Framework'* 2012, aims to focus on and deliver community needs, extracts from the paragraph in part state that planning policies and decisions should:

“guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs” and;

“ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”

11.6. In local policy terms, 'Policy RC18' from the Oxford City Council's '*Local Plan*' 2005 (as amended 2013) makes reference to public houses, extracts from the policy in part state that planning permission will only be granted for the change of use of a public house 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."*

11.7. The applicant, from their 'Planning, Design and Access Statement' emphasise the business hours of the public house, outlining its operations as a night time venue rather than one that caters for the day-time needs of the local community. The applicant, in their supporting statement suggests that alternative facilities are directly similar to the offer being provided by the public house in question. As such, the applicant has submitted supporting evidence in the form of an aerial photograph highlighting nearby drinking establishments, which they consider to offer a similar function to that previously on the site.

11.8. Officers have assessed the information as submitted, and recognise that within an approximate 1 mile radius from the application site lays approximately 22 similar establishments, the closest public house being within a reasonable walking distance of less than 100m (The Jam Factory). Officers have also sought the response from the policy department, who have raised no objection subject to a S106 being agreed. In the absence of any marketing or submission of non-viability tests (criterion 'a' and 'b' of 'Policy RC18' from the Oxford City Council's '*Local Plan*' 2005, the applicant has successfully satisfied criterion 'c' by referencing the catchment population for the public house and demonstrated that suitable and alternative public houses do exist and within close proximity.

11.9. Furthermore, the building is neither listed as an 'Asset of Community Value' nor nominated to be. In keeping with the comments and recommendations of the Planning Policy Officers, who accentuate that it has not been established that the public house in question serves as an 'essential community facility' and are of the understanding that suitable alternative public houses exist to meet the needs of the local community. The proposal therefore falls in accordance to the aims and objectives of 'Policy RC18' from the Oxford City Council's '*Local Plan*' 2005 (as amended 2013); and Oxford City Council's Technical Advice Note on '*Community Public Houses*' 2014; and paragraph 70 from the '*National Planning Policy Framework*' 2012.

12. Demolition, Impact of setting of Listed Building and Conservation Area

12.1. In terms of national policy, extracts from para 9 of the 'National Planning Policy Framework' 2012, emphasises the pursuit of sustainable development through seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

"replacing poor design with better design; and

improving the conditions in which people live, work, travel and take leisure; and widening the choice of high quality homes."

12.2. Paragraphs 132, 134 and 135 from the document then goes onto state:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be"

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

.....In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

12.3. The application site is nestled in-between two properties, King Charles House and the Castle Mews development which is both significantly taller than the development proposed, the proposal therefore continues to remain bounded by its neighbouring properties which appear pervasive enough to veil any vantage points.

12.4. The application site does not fall within a designated Conservation Area, and although appreciated that the site falls within close proximity (approximately 250m) to the Western boundary of the Central Conservation Area, officers have reserved the need to apply or warrant the imposition heritage policies given its inconspicuous location/siting, appreciating the proximity and sightlines into or out of the Conservation Area. Insofar as assessing the impact to a nearby Listed Building and its setting, officers have taken into consideration distance to and general architectural styles to comprehend that the special architectural or historic interest of the Listed Building remains unaffected, as would too the character of the Central Conservation Area. Therefore, relevant policies, to include HE3, HE6, HE7' of the 'Oxford Local Plan' 2001-2016 would not be applicable. Consideration has been given to 'Policy WE10' of the 'West End Area Action Plan' 2008 which mentions the building, notwithstanding this the Local Planning Authority have outweighed the harm and considered that no detrimental impact is to occur.

12.5. Although certain features from the building have been cited as being an attractive feature; 'glazed red bricks and glazing', no weight could be given on their conservation as no statutory legislation would safeguard their retention. The public house is not statutorily listed, or on the list of non-designated heritage assets or nominated to be. Officers have carefully considered the merits of preserving any architectural feature, and feel the elements in question together in their setting hold little aesthetical value, and therefore the proposal to demolish is acceptable.

13. Siting/Form, Scale/Mass/Height, Design/Materials, Amenity

13.1. Officers have assessed the architectural style and finish on buildings throughout Hollybush Row and considered that they are not uniform to one another. The only shared similarities from buildings on Hollybush Row include an established and consistent building-line that follows the curvature of the road. The proposed building is set 800mm behind the building-line of its neighbouring property (King Charles House) which falls aligned to the curvature of the road. The proposed building is therefore sited in such a way that would complement the existing built form of Hollybush Row.

13.2. The dimension of the proposed building measures a building width of 8.2m with a projected depth of 25.4m, similar to that of the existing public house. The footprint of the existing public house amounts to approximately 156.5m² with a cubic content amounting to approximately 1175m³. The proposed development however, covers an area amounting to approximately 212.5m² with a cubic content of 1993m³, which by comparison to the existing signifies a 36% enlargement over the existing footprint, or a 69% growth in mass. The development proposal by virtue of its scale and mass would be acceptable as it harmonises on its surroundings. Overall officers consider that the proposed development would be of a size, scale, and design that would create an appropriate visual relationship with the built form of the nearby and neighbouring buildings and has been designed in a manner to preserve the significance of the Hollybush Row. This would accord with the aims of the 'Policy CS18' from Oxford City Council's '*Core Strategy*' 2011; and guidance from within Oxford City Councils Supplementary Planning Document on '*High Quality Design*' 2015; and Para's 17, 56, 63 the '*National Planning Policy Framework*' 2012.

13.3. The proposal presents a building height peaking 11m at its ridge, some 2m higher than the existing public house and some 6m beneath its neighbouring property (King Charles House) and 1m beneath Castle Mews to its rear. Officers have taken into consideration the site constraint of a 'High Building Area', given its close proximity of Carfax. Notwithstanding this, the roofridge of the proposal is 7.2m lesser than the maximum requirement of 'Policy HE9' of the '*Oxford Local Plan*' 2001-2016. Similarly, the proposal by virtue of its height and location would continue to preserve existing view cones in keeping with 'Policy HE10' of the '*Oxford Local Plan*' 2001-2016.

- 13.4. At ground floor level, the measured floor space of the 1 bed self-contained unit measures at approximately 48.8m². Both first and second floor levels would contain further 1 bed self-contained units measuring at approximately 60m². A two 1 bed self-contained unit measuring at approximately 78m², whilst on the top floor 2 further 1 bed self-contained units measuring at approximately 44m². It is therefore appreciated that all units provide good quality of living accommodation for the intended use in accordance with 'Policy HP12' as emphasised within Oxford City Councils '*Sites and Housing Plan*' 2013; and Para 17 from the '*National Planning Policy Framework*' 2012.
- 13.5. The development proposal presents a ground floor layout which is wheelchair accessible, this formed layout and satisfies the policy requirement for providing at least 5% of the proposal as easily adapted for full wheelchair use in accordance with 'Policy HP2' and 'Policy MP1' of Oxford City Council's '*Sites and Housing Plan*' 2013; and 'Policy CP13' from Oxford City Council's '*Local Plan*' 2005; and Oxford City Council's Technical Advice Notes on '*Accessible Homes*' 2013;
- 13.6. The proposed development has regard to waste management by providing waste storage areas to meet occupant needs. The proposal provides a well-ventilated area at ground floor in accordance with aims and objectives of 'Policy CS10' from Oxford City Council's '*Core Strategy*' 2011; and with Oxford City Council's Technical Advice Notes on '*Waste Bins*' 2014.
- 13.7. The facade of the proposed building is somewhat unique, officers have carefully assessed its appearance and balanced features against similarities shared from nearby, neighbouring and adjacent buildings, drawing through some shared elements to create an aesthetically coherent form of development.
- 13.8. The building's façade incorporates a recessed brickwork panel at both first and second floors which help break the appearance of largely exposed flank walls. All windows from the front and side elevations (West and South facing) provide a coherent appearance.
- 13.9. Specified materials and finishes include ground floor walls 'orange/red multi brick with string detail' (at ground floor); first and second floor walls 'buff brick'; Windows/doors 'dark grey aluminium frames'; roof 'zinc cladding'. Officers are still in discussion to the appropriateness of the chosen material, and will continue to have dialogue to find choice that is proven to blend in. Should planning permission be granted, a condition would have to be placed so that sample materials be submitted to and approved in writing by the local Planning Authority prior commencement of development in the interest of visual amenity. Subject to condition, this element of the development proposal would accord with 'Policy HP9' from the 'Oxford City Councils '*Sites and Housing Plan*' 2013; and with 'Policy CS18' from the 'Oxford City Council Core Strategy' 2011; and guidance from within Oxford City Councils Supplementary Planning Document on 'High Quality Design' 2015; and policies 'WE11, WE12' of the 'West End Area Action Plan' 2008; and Para 63 from the '*National Planning Policy Framework*' 2012.

- 13.10. In amenity terms, the applicant has provided terraced areas to serve the flats, this together with a communal area at ground floor amounting to approximately 42m². The development proposal provides bedrooms with private terraces and of useable and defensible level space that falls in keeping with principles from within 'Policy HP13' from the 'Oxford City Councils *'Sites and Housing Plan'* 2013.
- 13.11. The majority of windows and terraces serving the units are East and West facing which would benefit from natural lighting. A sunlight/daylight assessment under the 25/45 degree rule was undertaken and concluded that given the scale of development surrounding the proposal there would be no detrimental impact on the amenity of adjacent and nearby occupants. Lastly, potential overlooking has been mitigated by way of incorporating screening to the terrace areas which prevents any direct intrusion. The development proposal therefore falls in accordance with aims and principles from 'Policy HP14' from the 'Oxford City Councils *'Sites and Housing Plan'* 2013; and with 'Policy CP10' from Oxford City Council's *'Local Plan'* 2005.

14. Balance of Housing

- 14.1. In terms of national policy, extracts from paragraph 50 from the *'National Planning Policy Framework'* 2012, expresses that in order to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

"plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community; and identify the size, type, tenure and range of housing"

- 14.2. In local policy terms, 'Policy CS23' from the Oxford City Council's *'Core Strategy'* 2011 in part states that:

"Planning permission will only be granted for residential development that delivers a balanced mix of housing to meet the projected future household need, both within each site and across Oxford as a whole.... Mix of housing relates to the size, type and tenure of dwellings to provide for a range of households, such as families with children, single people, older people and people with specialist housing needs....."

- 14.3. Additionally, 'Policy CS1' from the Oxford City Council's *'Core Strategy'* 2011 in part states that:

"most major development will be focused in the West End of the city centre, and; Planning permission will be granted in the city centre and its immediate surroundings for higher-density development."

14.4. While the Council seeks to ensure a balanced mix of dwellings across Oxford, no specific mix for dwellings for 1-9 units or fewer in the City centre have been highlighted, the aforementioned policies do however highlight that the City centre is considered more suitable for higher-density residential developments. The proposal to introduce a mix of 5.No. one bed and 2.No. two bed self-contained flats would continue to promote a greater proportion of smaller units which is considered appropriate and acceptable in keeping with 'Policy CS23' from the 'Core Strategy' 2011; and with Oxford City Council's Supplementary Planning Document on 'Balance of Dwellings' 2008; and 'Policy WE15' of the 'West End Area Action Plan' 2008; and with Para 50 from the 'National Planning Policy Framework' 2012,

15. Community Infrastructure Levy

15.1. In terms of national policy, paragraph 175 from the 'National Planning Policy Framework' 2012, in part states:

"Where practical, Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan. The Community Infrastructure Levy should support and incentivise new development, particularly by placing control over a meaningful proportion of the funds raised with the neighbourhoods where development takes place."

15.2. In local policy terms, 'Policy CS17' on 'Infrastructure and developer contributions' from Oxford City Council's 'Core Strategy' 2011, which in part states:

"Planning permission for new development will only be granted if it is supported by appropriate infrastructure at a timely stage. Developer contributions will be sought where needs arise as a result of new development... and

The City Council will, where appropriate, seek to secure such measures through planning obligations. Where appropriate, pooled contributions will be used to facilitate the necessary infrastructure in line with development."

15.3. In keeping with the provisions of the aforementioned policy, and comments received from the Councils CIL officer, the application would be liable for CIL contributions and calculations of the liability will be £43,940.17. This amount has been confirmed to the applicant and accepted under the model terms and conditions.

16. Affordable Housing Contribution

16.1. Internal consultation carried out with the Councils Planning Policy Officer on 08.09.2015, consultation response received on 21.10.2015, no objection subject to a S106 being agreed, other comments in part state:

“We feel suitable alternative public houses exist to meet the needs of the local community.”

16.2. Subject to the satisfactory completion of a S106 agreement, the development proposal would adhere with principles from ‘Policy HP4’ of the *Sites and Housing Plan* 2013; and ‘Policy WE16’ of the *West End Area Action Plan* 2008; and ‘Policy CS24’ of Oxford City Council’s *Core Strategy* 2011; and Supplementary Planning Document on *Affordable Housing and Planning Obligations* 2013.

17. Ecological and Biodiversity

17.1. In terms of national policy, paragraph 118 from the *National Planning Policy Framework* 2012, in part states:

“When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity.”

17.2. In local policy terms, ‘Policy CS12’ on *Biodiversity* from Oxford City Council’s *Core Strategy* 2011 in part states that:

“Development will not be permitted that results in a net loss of sites and species of ecological value. Where there is opportunity, development will be expected to enhance Oxford’s biodiversity.”

17.3. In keeping with the comments and recommendations of Councils Ecologist and Biodiversity Officer, no protected species are found or harm perceived. Notwithstanding this, the consultees have specified an informative be included should planning permission be granted.

18. Archaeology

18.1. The application site lies within an area of archaeological interest and importance. Notwithstanding this, given the built form of the site it has not been suspected or confirmed that archaeological deposits remain. As a result, officers have recommended a condition be included that would require further archaeological investigations as well as recording and presentation of findings in keeping with ‘Policy HE2’ of the *Oxford Local Plan* 2001-2016.

19. Highways

19.1. The development proposal is centrally located and close proximity to good transport links. The site falls within a Controlled Parking Zone and facilitates 12.No onsite secure cycle parking areas which satisfies policy criteria. The highways Authority have commented and do not object subject to condition on cycle areas to be provided. The development proposal falls in keeping with

'Policy HP15' from the 'Oxford City Councils *Sites and Housing Plan*' 2013; and 'Policy TR13' from Oxford City Council's *Local Plan* 2005.

20. Flooding

- 20.1. The development proposal is sited within a Flood Plain (Flood Zone 1). At the time of drafting the report no comments had been received from the Councils Drainage officer. Notwithstanding this, although appreciated that existing infrastructure exists onsite should planning permission be granted a condition will have to be applied for further drainage information to be submitted to and approved in writing prior commencement of development in accordance with 'Policy CS11' of Oxford City Council's *Core Strategy* 2011; and policies 'NE11, NE14' from Oxford City Council's *Local Plan* 2005.

21. Environmental Sustainability

- 21.1. The applicant has highlighted within their Design and Access Statement that they aim to use the BRE Green Guide to assist selection of materials and construction for both lower embodied energy and recyclability and focus for detailing to achieve a high standard of fabric to keep energy low. The applicant has further highlighted that the buildings orientation would benefit from natural lighting and ventilation. These detailed improvements and alterations would be made to the proposed building more energy efficient than the existing. A condition has been included with the Officer recommendation to ensure that the recommendations and technologies included in the report are implemented as part of the approved development. Subject to condition, the development proposal falls in keeping with Oxford City Council's Technical Advice Notes on *Energy Statements* 2013.

22. Conclusion

- 22.1. Having regard to the material considerations and all other matters raised, the Local Planning Authority considers the proposal is consistent with the provisions of the development plan, and that the balance of considerations therefore weighs for granting of planning permission. Officers therefore recommend that members approve planning permission.

23. Recommendation

Application be approved subject to conditions and signing of legal agreement;

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:

Contact Officer: Mr. Mehdi Rezaie

Extension: 2703

Date: 26th February 2016

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