

East Area Planning Committee

- 8<sup>th</sup> March 2017

**Application Number:** 16/03108/RES

**Decision Due by:** 2nd March 2017

**Proposal:** Demolition of public house, erection of 16 flats (6 x 3-bed, 8 x 2-bed, 2 x 1-bed) on three floors. Provision of 19 car parking spaces. (Reserved matters of outline planning permission 15/02282/OUT seeking approval of access, appearance, landscaping, layout and scale).(Amended plans).

**Site Address:** Jack Russell 21 Salford Road Oxford Oxfordshire

**Ward:** Marston Ward

**Agent:** Mr Martin Gilbert

**Applicant:** Zaiqat and Shoqat Ali  
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## Recommendation:

The East Area Planning Committee is recommended to GRANT planning permission for the reasons below and subject to conditions:

## Reasons for Approval

- 1 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
- 4 Bat assessment
- 5 Contaminated Land 1
- 6 Contaminated Land 2
- 7 Landscape management plan

## **Legal Agreement:**

A legal agreement was agreed under the outline planning permission to secure acceptable arrangements relating the affordable housing (50% affordable units). The application is also subject to Community Infrastructure Levy Payments (CIL).

## **Principal Planning 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
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP20** - Lighting
- CP21** - Noise
- CP22** - Contaminated Land
- HE2** - Archaeology
- RC18** - Public Houses

### Core Strategy

- CS9\_** - Energy and natural resources
- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS12\_** - Biodiversity
- CS13\_** - Supporting access to new development
- CS17\_** - Infrastructure and developer contributions
- CS18\_** - Urban design, town character, historic environment
- CS13\_** - Supporting access to new development
- CS20\_** - Cultural and community development
- CS24\_** - Affordable housing

### Sites and Housing Plan

- HP2\_** - Accessible and Adaptable Homes
- HP3\_** - Affordable Homes from Large Housing Sites
- 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
- MP1** - Model Policy

### Other Planning Documents:

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance  
Affordable Housing and Planning Obligations SPD  
Balance of Dwellings SPD

### **Relevant Site History:**

15/01147/DEM - Application to determine whether prior approval is required for the method of demolition. PRQ 8th May 2015.

15/02282/OUT - Demolition of public house. Outline application (with all matters reserved) for the erection of 16 flats (6 x 3bed, 8 x 2 bed, 2 x 1 bed) on 3 floors. Provision of 19 car parking spaces. (Amended plans). PER 20th July 2016.

16/01934/RES - Demolition of public house, erection of 16 flats (6 x 3-bed, 8 x 2-bed, 2 x 1-bed) on three floors. Provision of 19 car parking spaces. (Reserved matters of outline planning permission 15/02282/OUT seeking approval of access, appearance, landscaping, layout and scale). WDN 24th October 2016.

### **Representations Received:**

11no. support comments – 2 Inott Furze, 50 Wharton Road, 15 Cavendish Drive, 10 Deer Walk, Salford Road, 10 Kent Close, 8 Pear Tree Close, 74 Coniston Avenue, 47 Ramsden Road (Rotherham), 41 Dashwood Road, 375 Pegasus Road, 164 Upper Road and Address not given.

- Underused site
- Unviable business
- Provision of needed housing and social housing
- Improvement of a derelict site
- Other community facilities are up for sale due to lack of demand
- Impact on traffic would be minimal
- Construction would need to adhere to a code of conduct

31no. objection comments – 7 Lewell Avenue, 3 Croft Road (x3), 8 Croft Road, 89 Oxford Road, 8 Arlington Drive, 40 Arlington Drive, 56 Arlington Drive, 8 Cavendish Road, 2 Raymund Road, 9 Raymund Road, 42 Raymund Road, 44 Raymund Road, 4 Rippington Drive, 5 Elms Drive, 7 Salford Road, 8 Salford Road, 19 Salford Road, 32 Salford Road, 43 Kitchener Road (London), 8 Fairfax Avenue, 20 Fairfax Avenue, 158 London Road, 28 Mortimer Drive, 40 Mortimer Drive, 46A Mortimer Drive, 56 Mortimer Drive, 66 Oxford Road, 69 Oxford Road (x3), 4 Rippington Drive, Windsor Crescent, 33 High Street (Eynsham), 41 Dashwood Road, 7A Fane Road, 27 Nicholas Avenue, 155 Windmill Road and Marston.

- The proposal has not changed since the previously withdrawn reserved matters application
- Overdevelopment of the site

- Out of character with the area.
- Loss of privacy
- Inadequate parking and congestion on the highways
- Restriction of access to 19 Salford Road during construction
- Use of pilings
- Corner of the plot is not within the applicant's ownership
- Loss of a pub and community facility/potential for it to reopen
- Flooding
- Deliberate arson
- Adequate housing being provided in Barton
- General degradation of the area
- Pollution
- Too prominent in the streetscene
- Increased pressure on school places
- Power cuts

### **Statutory and Non-Statutory Consultees:**

- Natural England – no comment/refer to local advice.
- Environment Agency Thames Region – no comments received.
- Thames Water Utilities Limited – piling method statement required by condition.
- Highways Authority – concerns of the radius of the access (which were then withdrawn), further details of bicycle storage required and provision of a construction traffic management plan and a travel information pack.
- Drainage Authority – no objection subject to a drainage scheme being provided by condition.
- Old Marston Parish Council – objection due to over development of site, not in keeping with the surrounding properties, strain on utilities such as drainage and insufficient parking.

### **Officers Assessment:**

#### **Site and proposal:**

1. The Jack Russell public house is an existing part single, part two storey property occupying a large corner plot on the junction of Salford Road and The Link in the 'Carter Estate' part of Marston. The application site includes the existing building on the site (that measures approximately 18m x 20m), the small pub garden, yard and the large surface car park (that currently provides space for approximately twenty cars). A low wall surrounds the application site. To the north, south and west of the application site there are residential properties, mainly terraced or semi-detached houses. To the east of the application site lie some residential properties and shops (with flats above).
2. The Jack Russell has not been used as a pub since October 2014 and has subsequently been subject to an arson attack in November 2016.
3. The pub building on the site was constructed in about 1962; the property is constructed with bricks and a tiled roof with two large single storey side elements. The building is set back from the road and there is currently a

traditional hanging pub sign on the corner of Salford Road and The Link.

4. There is very little vegetation contained within the application site though this part of Marston is characterised by mature trees, vegetation and verges which give a pleasant suburban appearance.
5. Outline planning permission was granted on 27<sup>th</sup> October 2015 for the demolition of the public house with outline permission (with all matters reserved) for the erection of 16 flats (6 x 3bed, 8 x 2 bed, 2 x 1 bed) on 3 floors and the provision of 19 car parking spaces.
6. This application seeks the approval of the reserved matters for access, appearance, landscaping, layout and scale.
7. Officers consider that the principle determining issues in this case are as follows:
  - Residential Development
  - Design, Site Layout and Built Form
  - Living Conditions
  - Highways, Access, and Parking
  - Landscaping
  - Biodiversity
  - Flood Risk and Drainage
  - Sustainability

#### **Principle of Development:**

8. Whilst a large number of objection comments have been received in relation to the loss of a community asset, the principle of the development (demolition of the existing pub and erection of 16no. residential units) has already been established and planning permission has been granted. This application seeks the approval of the reserved matters only, all of which were reserved.

#### **Residential Development:**

##### Balance of Dwellings

9. As with the outline permission, the proposed development includes 6 x 3 bed, 8 x 2 bed and 2 x 1 bed flats. The Council's adopted planning policies, specifically Policy CS23 of the Core Strategy (2011) together with the Balance of Dwellings Supplementary Planning Document require that new developments of four or more units provide a range of dwelling sizes. The purpose of this policy is to ensure that developments do not have a deleterious impact on the range of dwelling sizes in the city and specifically the provision of family homes. The application site lies within an identified 'amber area' of the city where the SPD requires that at least 30% of dwellings for developments of 10-24 residential units are three bedroom units and 10% are two bedroom units. In this respect; the proposed development does provide a range of dwellings that is compliant

with the SPD. However, the proportion of two bedroom units (50%) does exceed the upper limit of the relevant criteria for the policy (35%) (for developments of 10-24 units in amber areas). Despite this, on balance, Officers consider that the proportion of three bedroom units (37%) is more generous than the minimum required (30%) and a reasonable balance of dwelling has therefore been provided.

### Affordable Housing

10. The Oxford Core Strategy 2026 recognises that the provision of affordable homes is a key priority for the Council in order to deliver a wide choice of quality homes to address the needs of local people and to create sustainable, inclusive mixed use communities. The Sites and Housing Plan makes clear in Policy HP3 that development sites with a capacity for 10 or more dwellings must provide 50% affordable homes on site. It goes on to state that a minimum of 80% of these homes must be social rented accommodation, with the remaining intermediate housing. The Affordable Housing and Planning Obligations Supplementary Planning Document specifies the preferred mix of dwelling sizes for the social rented and intermediate housing within this on site provision.
11. A S106 agreement has already been secured agreeing that 50% of the units provided on site would be affordable units which was negotiated at outline stage. The plans show the development split into two blocks; it has been indicated to Officers that one block would provide the affordable housing provision with both blocks being identical in appearance and design. This would ensure identical quality of accommodation regardless of tenure whilst also providing a practical means of management of affordable units.
12. Following on from the above point, officers have noted that the proposed arrangements to have one block of flats for market housing and one block of flats for affordable housing would be at odds with the Council's adopted policies that seek to distribute and mix residential units regardless of tenure. It is the understanding of officers that the proposed arrangements relate to a request by an RSL to split the accommodation this way as it provides for the most practical day-to-day management. This would appear to be a sensible approach and it would also be difficult to mix the units by tenure given the spatial constraints of the site.

### **Design**

#### Layout

13. The application seeks approval of the appearance of the building. An indicative design and layout was submitted at outline stage indicating the development would be split into two blocks. It was considered this would be acceptable and break up the appearance of the development and thereby reduce its visual prominence. As with the current proposal, this indicative layout projected further into the streetscene than other buildings

however it was considered that there is no defined building line in the area; with contrasting distances of set-backs for development in the vicinity of the application site. It was therefore considered that the proposed development was likely to be acceptable in terms of its layout and impact on streetscene, subject to the necessary submission of design details, which are now included in this application.

### Scale of Development

14. The proposed development involves the creation of three storey development as set out in the application description at outline stage, this principle has already been established as it was considered that this would not be an uncharacteristic feature of the area; where there are already three storey developments, including town houses and retail premises with flats above.

### Appearance

15. The appearance of the development has been negotiated through this application. Following the withdrawal of the previous reserved matters application, 16/01934/RES, the design has evolved and broken up the massing of the two blocks. This has been done to reflect the property widths in the area. Following the receipt of revised plans during the course of the application further alterations were sought to give the sections of the building a more vertical emphasis.
16. The buildings would be rendered in subtle colours to compliment the local pastel rendered houses and terraces like the ones on Fairfax Avenue and Rippington Drive. Slate is to be used on the roofs and the elevations in order to break up the massing of the buildings and create vertical emphasis to read as a series of dwellings which reflect property widths in the area.

### Energy and Natural Resources Impact

17. The proposed development now includes an energy and sustainability statement proposing renewable energy and low carbon energy generation on-site which is also sought by condition on the outline application. This sets out how 20% of the energy needs of the development would be met from sustainable sources in accordance with policy HP11 of the Sites and Housing Plan. It is proposed that 28% of energy demand would be met by on site generation through the use of high efficient condensing gas fired combi boilers for space heating and domestic hot water and photo voltaic panels. This is considered the most feasible option given site constraints, the energy statement has identified alternatives and justifies why these have not been chosen.
18. Sustainable construction methods would also be used as set out in policy CS9 of the Core Strategy. It is proposed that low air permeability of façade, improved U value, high performance low E double glazing, efficient condensing A rated boilers, water efficiency measures and energy

efficient lighting would be incorporated into the scheme.

## **Living Conditions**

### Size of Dwellings

19. The exact dimensions of dwellings are now laid out for the approval of the reserved matters stage. The proposed 3 bedroom units solely on ground floor are 80.3sq m in excess of the required 74sq m for 4 occupants. The 3 bedroom maisonettes on the ground and first floors are 112.5sq m in excess of the 102sq m required for 6 occupants over two floors, the 2 bedroom single storey flats on the first and second floors are 70.1sq m in excess of the required 70sq m for 4 occupants and the second floor 1 bedroom flats also 51.3sq m and meet the required 50sq m for two occupants in accordance with national space standards.

20. The quality of indoor space provided is considered acceptable with inbuilt storage, adequate circulation space and natural light and ventilation.

### Outdoor Space

21. Outdoor space is proposed for family units to have ground floor gardens as identified on the submitted site plan. Further to negotiations revised plans were submitted to fully enclose the front gardens to avoid confusion between public and private space and enhance the size of gardens. One and two bedroom flats in the proposed building would have balconies of an acceptable size to allow drying of clothes and space to sit outside. As a result, officers consider that the proposals would meet the requirements of Policy HP13 of the Sites and Housing Plan (2013).

### Refuse and Recycling Stores

22. The site plan submitted with the application shows an area for the storage of refuse and recycling. Following comments from waste and recycling within the City Council, the layout was amended to incorporate large communal bins rather than individual bins for each flat. The exact design of this area has not been included but is requested by condition.

### Lifetime Homes

23. The proposal is considered to meet the Lifetime Homes standards and the provisions of Policy HP2 of the Sites and Housing Plan. For sites of below 20 units, one unit must be wheelchair accessible or adaptable for wheelchair use. The proposed ground floor single storey units have level access and open plan living suitable for wheelchair use which can also easily be adapted to meet a wheelchair user's needs. These units are also in close proximity to the disabled parking bays.

## Impact on Neighbours

24. The proposed layout is considered to minimise the impact on neighbouring properties by providing adequate separation between the buildings and nearby dwellings, including 20 metres between directly facing windows with neighbours to the front and rear of the development. Concerns have been raised about the proximity to 19 Salford Road. The impact on the property has been considered and the floor plans of this property assessed from records held by the council. The proposed building sits in close proximity to side facing windows of this property which serve bathrooms. The ground floor side facing window serves a kitchen which has been extended to the rear with a secondary light source overlooking the garden. Due to the siting of the proposed building which is set further forward than No.19 this would also allow light to still reach the side facing kitchen window.

## **Highways, Access and Parking**

### Access

25. Vehicles, pedestrians and cyclists would access the site via The Link. There would be a new crossover at an existing dropped / low rise kerb. The 'cul-de-sac', including car and cycle parking and footway, would be a shared space area. This is considered acceptable however there were concerns that corner radii of the proposed access junction, as shown on '...Proposed Ground Floor Plan...' was too large and may encourage drivers to make the turn more quickly. Therefore, it was there strongly recommended that the corner radius was re-designed to be small. This was considered practicable particularly as refuse and other larger vehicles are unlikely to turn into the site but rather stop on The Link (the bin store is next to The Link). Furthermore, it would give pedestrians, including those walking past the sight, more priority. On further reflection the Local Highway Authority considered that this did not need to be amended.

### Parking provision

26. The '...Proposed Ground Floor Plan...' shows 16 standard spaces and 3 disabled car parking spaces. Dimensions of the standard car parking spaces and width of the access road (for manoeuvring) meet the requirements set out in the county council's Design Guide and are therefore considered to be acceptable. The Design and Access Statement (Part 2) states that "The disabled bays are 2.4m x 1.2m with a 1.2m access strip as required by BS 8300". The county's Design Guide confirms these should be 5.5m (length) by 2.9m+ (width). However, the dimensions of the disabled parking bays appear to exceed the county's requirements and so are therefore acceptable. The Design and Access Statement proposes that car parking would be allocated with 1 space per dwelling, with 3 additional spaces for visitors. It is not clear from the information provided whether the 3 disabled spaces would be allocated to wheelchair accessible or adaptable homes, or whether it is the intention that they

would also be for use by visitors. It is recommended that standard parking spaces are unallocated albeit with each property told they have access to one space. This would ensure spaces are used more efficiently including for visitors and would reduce the potential for overspill parking on the highway.

### Traffic Generation

27. Whilst objections have been received in relation to traffic generation, Officers have already had regard to the acceptability of the proposals in terms of traffic generation at outline stage. Whilst some car parking is provided for the proposed development this is not proposed to be at a level that would facilitate disproportionately high levels of car use. The application site lies in an area where there would be a reasonably good access to local services, particularly the adjacent neighbourhood shopping area (which includes a convenience store). The Highway Authority requested a condition that requires the submission of a travel pack that would be provided to occupiers of the proposed development to inform them about alternative means of transport (other than private car); this condition is attached to the outline planning permission. Officers regard the impact of the development on traffic generation to be acceptable.

### Cycle parking

28. Storage for 32 bicycles is proposed. This is in line with the City's standard for residential dwellings providing 2 spaces per residential unit, and is considered acceptable. The Design and Access Statement proposes that 16 twin bike lockers would be provided and that these would be secure covered storage for cycles that can be designated to individual dwellings. If lockers are to be provided then horizontal lockers are only acceptable as vertical ones require lifting and some do not accept larger cycles. The location of lockers (4 x 8, 3 x 6 & 2 x 4) also means a section of 'footway' is unusable / blocked and whilst the proposal is for a shared space area it is recommended that these lockers are moved up so some footway is provided, at least 1m. This would mean reducing the grassed area slightly but that has been done to accommodate the disabled bays and so should be acceptable here. Proposals also mean that there is no visitor cycle parking. There is considered to be ample space to locate a few Sheffield stands around the development, e.g. at the back of footways next to the disabled bays, and this is strongly encouraged. Further details of the type of locker to be provided are required by condition under the outline scheme.

### Construction Traffic Management Plan

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

## **Landscaping**

30. This projection of the building limits opportunities for new tree planting of any substantive form on the northern frontage. The proposed verge width between northern elevation and pavement is between 6m-8m wide; although tree planting is possible, it would not be similar in scale or form to the large trees which characterise the local vicinity.
31. The permission granted under the outline application scheme establishes the acceptance of the scale and projection of the building footprints, in this context, the proposed landscaping scheme achieves the best that can be expected and should be accepted; a specific landscape plan condition is not required as such details are already contained within the application submissions. However, a condition for a landscape management plan should be recommended to ensure establishment and management of the landscaping proposals.

## **Biodiversity**

32. In previous biodiversity comments on this development it has been recommended that bat and bird devices be incorporated into the building design. No evidence of this in the current plans, the design and access statement (5.4) states: "...The new landscaping proposed would bring greater diversity in the form of flora to the site and we anticipate that this would result in a more diverse habitat for fauna over time. The development would result in an increase of biodiversity." It is very unlikely that the limited amount of proposed planting would attract many species, and it certainly would not provide nesting for birds within the first few years. As short-lived species that would be maintained by pruning etc., the trees to be planted are unlikely ever to develop rot holes and fissures suitable for roosting bats. Details of 4 bird nesting and 2 bat roosting devices to be installed on the building are requested by condition on the outline permission. With regard to the bat survey, it is noted that this is a 2015 survey. If demolition has not been completed before 1st April, an update to the bat survey would be required, and if bats are found a licence from Natural England would also be required. This is requested by condition.

## **Flood Risk and Drainage**

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

capacity and the water infrastructure capacity that they, we would not have any objection to the planning application.

### **Contaminated Land**

35. Given the potential for contamination on this site which was highlighted under the geotechnical investigation and soil test results which were submitted under the outline application and the sensitivity of the proposed use, it is recommended that a phased risk assessment is carried out which is requested by condition.

### **Conclusion:**

36. The proposal is considered to be acceptable in terms of the relevant policies of the Oxford Core Strategy 2026, Sites and Housing Plan 2011-2026, and Oxford Local Plan 2001-2016 and therefore officer's recommendation is to approve the development in principle. In reaching a recommendation to approve the proposed reserved matters, Officers have been particularly mindful of the objections submitted and the matters raised, where these are material considerations they have been addressed throughout the report. Officers recommend that the application is approved.

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

### **Background Papers:**

16/03108/RES

**Contact Officer:** Sarah Orchard

**Date:** 22nd February 2017

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