

## East Area Planning Committee

8th March 2017

**Application Number:** 16/03157/FUL

**Decision Due by:** 10th February 2017

**Proposal:** Part demolition of the existing public house. Part redevelopment and conversion to create a new community run public house at basement and ground floor level and 1 x 1-bed, 3 x 2-bed and 2 x 3 bed residential apartments over ground, first and second floors. Erection of 1 x 3-bed dwellinghouse (Use Class C3). Provision of private amenity space, landscaping, car parking and associated infrastructure.(Amended description)

**Site Address:** 53 Collinwood Road Oxford OX3 8HH

**Ward:** Quarry And Risinghurst Ward

**Agent:** Mr Owen Francis

**Applicant:** Box Development Management Ltd.

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### Recommendation:

The East Area Planning Committee is recommended to GRANT planning permission for the reason below, subject to the conditions and the satisfactory completion of a Section 106 agreement to secure a contribution towards affordable housing and to delegate authority to the Head of Planning and Regulatory Services to issue the permission.

#### Reason:

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 Time limit
- 2 Strictly in accordance
- 3 Samples
- 4 Hours of use of pub garden space
- 5 Construction Traffic Management Plan
- 6 Drainage

- 7 SUDs
- 8 Further details car parking areas
- 9 Further details ventilation and extract
- 10 Further details screening and boundaries
- 11 Drainage
- 12 Removal of PD rights for pub (change of use)
- 13 Contaminated Land investigation
- 14 Contaminated Land remedial works
- 15 Bin storage
- 16 Bike storage

## **Main Local Plan Policies:**

### **Oxford Local Plan 2001-2016**

- CP1** - Development Proposals
- CP10** - Siting Developmnt to Meet Functionl Needs
- CP11** - Landscape Design
- CP13** - Accessibility
- CP19** - Nuisance
- CP21** - Noise
- CP22** - Contaminated Land
- CP5** - Mixed-Use Developments
- CP6** - Efficient Use of Land & Density
- CP8** - Design Developmt to Relate to its Context
- RC18** - Public Houses
- TR14** - Servicing Arrangements
- TR3** - Car Parking Standards

### **Core Strategy**

- CS10\_** - Waste and recycling
- CS11\_** - Flooding
- CS18\_** - Urb design, town character, historic env
- CS23\_** - Mix of housing
- CS24\_** - Affordable housing
- MP1** - Model Policy

### **Sites and Housing Plan**

- HP12\_** - Indoor Space
- HP11\_** - Low Carbon Homes
- HP13\_** - Outdoor Space
- HP14\_** - Privacy and Daylight
- HP15\_** - Residential cycle parking
- HP16\_** - Residential car parking
- HP2\_** - Accessible and Adaptable Homes
- HP4\_** - Affordable Homes from Small Housng Sites

## **HP9\_ - Design, Character and Context**

### **Other Material Considerations:**

National Planning Policy Framework

Planning Practice Guidance

Affordable Housing and Planning Obligations Supplementary Planning Document

Balance of Dwellings Supplementary Planning Document

### **Relevant Site History:**

Planning history relates to the previous use of the site and is not considered relevant to the application for its redevelopment.

### **Representations Received:**

Comments in support from 30 Downside Road, 6 Kiln Lane: Beneficial to local community by providing pub/café and housing; proposal fits in with adjacent buildings and keeps many of existing buildings features; look forward to site being back in use

Comment from 43 Downside Road: Broadly in support; concern regarding design of north elevation which should have hipped not gable roof; lack of consideration for parking provision; no obvious space for deliveries and would not be acceptable from Collinwood Road; surface water drainage needs to be addressed

Objections from 46 Downside Road. 38, 40, 44 Collinwood Road, 53 Stanway Road: Not enough parking space; parking will overflow onto surrounding roads which are bus routes; using corner as pub garden is not a good idea; very public pub garden which may cause issues with anti-social behaviour; upper level balconies will overlook neighbours and reduce their privacy; proposed new house is too much development for site and this area should be retained as pub garden; measures should be taken to ensure no loud music after 11pm; no space for deliveries

### **Statutory and Internal Consultees:**

Highway Authority: Access to bins and refuse is narrow and cramped; plans could be amended to improve this; acceptable car parking provision for scheme; welcome use of signs to discourage pub patrons parking; additional cycle parking spaces are required to comply with policies; servicing proposals acceptable; recommended conditions.

Environmental Development Contaminated Land: Recommended conditions to ensure ground conditions investigated and any issues addressed

Natural England: No comment.

Risinghurst & Sandhills Parish Council: Comment would wish to see more parking provision.

Flooding and drainage: No details of drainage or sustainable drainage have been

provided; condition requiring further details should be included on any grant of planning permission.

Environmental Health Noise Officer: Further information required regarding treatment of any cooking odours, noise from plant and other activities; concerned at use of mechanical ventilation in some units to address noise from use of pub garden

### **Issues:**

Principle of development  
Provision of affordable housing  
Quality and mix of proposed residential units  
Design  
Parking and servicing  
Living conditions of neighbours  
Flooding and drainage  
Contaminated land

### **Officers Assessment:**

#### The Site

1. The application site is the Ampleforth Arms (currently closed) on the corner of Collinwood Road and Downside Road. The area surrounding the site consists of a small parade of commercial units on Downside Road but is otherwise predominantly residential.

#### The Proposal

2. The application is for the partial demolition of the building and its replacement with a mixed use scheme. A community pub facility would be retained on part of the ground floor and basement, accessed from Collinwood Road. The remainder of the site would be redeveloped to provide six flats in the main building and a detached house to the rear of the site. The six flats would have their main communal entrance from Downside Road. The house would have its entrance from Collinwood Road.
3. On-site car parking would be provided for the residential units only and would be split between the two street frontages. Refuse and bicycle storage would be provided to the rear of the building, accessed from Collinwood Road. Bicycle parking for the pub would be provided adjacent to its entrance. Amenity space for the residential units would be provided to the front and rear of the site and in balconies on the upper floors. A pub garden area would be created to the front of the site.
4. Amended drawings were received during the course of the application to address points raised by consultees and to provide more details to officers in relation to the front wall on Downside Road, the amenity space provision to units and the rooflights to the upper flats. The amended drawings also revised the mix of housing proposed to 1 1-bed unit, 3 2-bed units and 3 3-

bed units.

#### Principle of Development

5. The proposal would retain a pub facility on the site. It would therefore not trigger an assessment under policy RC18 and is acceptable in principle. The size of the proposed pub has been reduced from the previous unit to reflect what is considered the most viable size of unit to maintain at the site for community use. The legal agreement would include a provision to ensure that the pub is retained at the site for the benefit of the community.
6. The redevelopment of the remainder of the site for residential use is also considered acceptable in principle. Residential use is compatible with the predominantly residential surroundings of the site. The proposal would provide additional housing and would comply with Core Strategy and Sites and Housing Plan policies requiring additional housing units within the City.

#### Affordable Housing

7. The proposed development meets the threshold set out in policy HP4 requiring small sites to deliver a financial contribution towards the provision of affordable housing in the city.
8. The proposal is put forward on the basis that a policy compliant financial contribution to affordable housing will be made. This would be secured by a legal agreement. The proposal therefore complies with Policies CS24 and HP4.

#### Quality and mix of residential units

9. The site lies in an area identified as “amber” in the Balance of Dwellings Supplementary Planning Document. This identifies that the area is under considerable pressure in terms of housing mix. In order to comply with the guidance in the SPD and policy CS23, small scale proposals in this area should have a mix of dwellings of 1 bed units no more than 30%, 2 bed units no more than 50%, 3 bed units between 30-100% and 4+ bed units no more than 50%.
10. The proposed scheme would have 43% 3 bed units and 57% 1 and 2 bed units which would provide an acceptable mix of accommodation. The proposal complies with policies CS23 and the Balance of Dwellings SPD.
11. All proposed residential units provide in excess of minimum floorspace standards and a good quality of internal accommodation. Some of the second floor bedrooms would have rooflights only but these would provide sufficient internal light and sections have demonstrated that their position would still allow occupiers a view out.
12. The proposed residential units would all have a sufficient amount of external amenity space for their size. The proposed front garden to unit 1 would be

adjacent to the proposed pub garden. On balance, this is considered acceptable. The redevelopment is for a mixed use building and the retention of the pub on the site is considered a benefit of the scheme. The existing pub garden to the rear of the site is close to other residential properties. Moreover, a further garden space is proposed to unit 1 at the rear of the site away from the pub garden to provide alternative external space. Overall the scheme provides a good standard of residential accommodation and complies with policies HP12 and HP13.

## Design

13. The proposed extensions and alterations to the building are considered acceptable. The extensions to the existing footprint would result in a building that would respect the scale and positioning of surrounding buildings. The form of the building would allow a distinction to be made between the proposed residential entrance and the pub use. The design detail of the building responds to the traditional residential form found on the majority of the surrounding streets. The proposed detached house picks up the design detail and scale of its neighbours to successfully integrate into the streetscene.
14. A condition requiring the submission of samples of the proposed materials is considered reasonable given the prominent corner location of the site and the importance of a high quality building on this site. Further details of the proposed terrace screens and boundary details will also be required by condition. The proposed brick wall to separate the private residential amenity space from the pub garden has been particularly considered. Whilst this is an unfortunate element on a prominent streetscene, it is considered acceptable given that there is an existing enclosed element on this frontage and that, given its limited length and set back from the frontage, it would not reduce the open aspect of the corner plot.
15. Overall, the proposed design, massing and scale of the building is considered acceptable and successfully responds to its context. The proposal complies with policies CS18 and HP9.

## Parking and Servicing

16. Significant concerns have been raised regarding the parking provision proposed for the development. The application has been reviewed by the Local Highway Authority who have raised no objection. The plans have been revised to improve access to bin and bicycle storage. Further details of bicycle and bin storage will be required by condition to ensure fully compliant facilities are installed.
17. Given the proposed community use of the pub and its small scale, the proposal is acceptable without any car parking provided for this use. The patrons of the pub are likely to be drawn from the local area and able to walk to the site. The site is also on a bus route.

18. The level of car parking provided for the residential units is considered acceptable. The site is located within a reasonable accessible location and there does not appear to be pressure for on-street parking within the immediate vicinity of the site. Signage would be used to discourage patrons from the pub from using the residents parking spaces. Sufficient visibility is maintained for the access points. Conditions are recommended to require final details of the parking layout. Given the location of the site, a condition is recommended for a construction traffic management plan to minimise disruption to the surrounding highway network.
19. The proposal to use the surrounding roads for servicing is acceptable. The existing use would have also had a servicing need. The servicing of the pub from the roads would not result in any significant harm to traffic flow or safety in the surrounding area and would have to be done in accordance with other traffic regulations. The proposed development complies with policies TR3, TR14, HP15 and HP16.

### Living Conditions

20. The siting and scale of the proposed building would not result in any increased sense of overbearing nor loss of light to any neighbouring properties. Concerns have been raised regarding the impact on privacy of the proposed terraces. The terraces on the side elevation are set sufficient distance away from the nearest residential properties to ensure there would be no harmful loss of privacy. The proposed rear second floor terrace would also be set 13m away from the nearest existing neighbouring property on Collinwood Road. Whilst the raised nature of the terrace may give rise to a perception of overlooking, the distances involved would prevent any significant material harm to the living conditions of neighbours occurring.
21. Concerns have also been raised regarding the position of the proposed pub garden. Issues of anti-social behaviour can be addressed through the licensing regime. However, it is acknowledged that this would be sited on a prominent corner. Whilst the pub use is established on site, the previous pub garden was to the rear of the site. In this instance, it is considered reasonable to limit the hours of use of the front pub garden area to reduce it as a potential source of disturbance to neighbouring occupiers. Other issues regarding noise that may be generated by users of the pub would be regulated by the licensing regime and are not appropriate to be controlled under this planning application.
22. A condition is recommended to require further details of ventilation and extract that may be required for the proposed pub kitchen. The details would need to demonstrate that the proposed uses on site would not result in disturbance to one another. A concern has been raised about residential units having mechanical ventilation to mitigate potential harm from the pub use. The further details required will need to review what is appropriate for the proposed residential units as well as the proposed pub. Overall, the proposal is considered to comply with policies CP19, CP21 and HP14.

## Flooding and Drainage

23. The site lies in Flood Zone 1 and is not an area subject to surface water flooding. No details of drainage have been provided with the application which are required to ensure compliance with policy CS11. This can be addressed by a condition requiring details of drainage and the use of SUDs on site.

## Contaminated Land

24. The proposed residential use of the site is a sensitive use. The previous use of the site means that the ground conditions should be investigated in relation to land contamination and measures put in place for any issues discovered. Conditions are recommended to address these issues. Subject to these conditions, the proposal would comply with policy CP22.

## Conclusion:

25. The East Area Planning Committee is recommended to grant planning permission. The scheme delivers a number of benefits, in particular the retention of a community pub on site. The proposal, subject to conditions, would not result in a harmful impact on the living conditions of neighbours nor result in unacceptable additional pressure on parking in the surrounding area. Additional details required by condition will ensure that the final scheme is compliant with all relevant policies.

## Human Rights Act 1998

Officers have considered the implications of the Human Rights Act 1998 in reaching a recommendation to refuse this application. They consider that the interference with the human rights of the applicant under Article 8/Article 1 of Protocol 1 is justifiable and proportionate for the protection of the rights and freedom of others or the control of his/her property in this way is in accordance with the general interest.

## 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:

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**Extension:** 2809

**Date:** 24th February 2017

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