

East Area Planning Committee

2 November 2011

Application Number: 11/02477/FUL

Decision Due by: 23rd November 2011

Proposal: Conversion and alteration to the existing public house to form a four bedroom dwelling, together with erection of five dwellings and garages parking, landscaping and alterations to existing access. (amendment to permission 11/01331/FUL)

Site Address: Bricklayers Arms 39 Church Lane Marston Oxford

Ward: Marston Ward

Agent: JCPC Ltd

Applicant: Rectory Homes Ltd

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the existing public house building and the surrounding development and would preserve the special character and appearance of the Old Marston Conservation Area. There is an extant planning permission for a similar form of development and revised plans have now been submitted that address outstanding issues. No objections have been received from third parties or statutory consultees and the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 - 2016.
- 2 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.

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

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans

- 3 Design - no additions to dwelling
- 4 Samples in Conservation Area
- 5 Boundary details before commencement
- 6 Garage not for living accommodation
- 7 Relocate cider press
- 8 Landscape plan required
- 9 No felling lopping cutting
- 10 Landscape carry out by completion
- 11 Tree Protection Plan (TPP) 1
- 12 Arboricultural Method Statement (AMS) 1
- 13 Arch - Implementation of programme historic Saxon, medieval, post medieval and early modern remains,
- 14 Construction Travel Plan
- 15 Cycle parking details required
- 16 Car/cycle parking provision before use
- 17 Driveway to be porous
- 18 Sample panels to be erected on site
- 19 Joinery details to be submitted
- 20 Repair of public house
- 21 Drawn/Photo records & Interventions
- 22 Details of driveway
- 23 Sustainable construction details
- 24 Contaminated land assessment
- 25 Provision of bat boxes/swallow nest boxes
- 26 Amenity windows obscure glass - rear bedroom window in pub conversion,

- 27 Ecology appraisal
- 28 Details of bin stores
- 29 Use of air source heat pumps

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
- CP9** - Creating Successful New Places
- CP10** - Siting Development to Meet Functional Needs
- CP11** - Landscape Design
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE15** - Loss of Trees and Hedgerows
- NE16** - Protected Trees
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS21** - Private Open Space
- RC18** - Public Houses

Core Strategy

- CS2_** - Previously developed and greenfield land
- CS9_** - Energy and natural resources
- CS10_** - Waste and recycling
- CS11_** - Flooding
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS19_** - Community safety
- CS23_** - Mix of housing

Other Material Considerations:

This application is in or affecting the Marston Conservation Area.

- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS5 – Planning for the Historic Environment
- PPG13 – Transport
- Balance of Dwellings [BoDS] Supplementary Planning Document [SPD]

Relevant Site History:

11/01331/FUL

Conversion, alteration and extension to public house to form 1 x 4 bedroom dwelling. Erection of 5 dwellings [2 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom]. Alterations to existing access. Erection of garages, car parking and landscaping.

Approved August 2011

Representations Received:

None. As this report has been compiled before the expiry of the consultation period, any representations received will be reported verbally at the committee meeting.

Statutory and Internal Consultees:

Marston Parish Council, Drainage Team Manager, Thames Water Utilities Limited, Highways And Traffic, Oxford Preservation Trust.

Marston Parish Council

No objection

Thames Water

No objections on grounds of either waste or surface water infrastructure

Oxfordshire County Council – Countryside Services

Old Marston Footpath 1 runs to the southeast, east and northeast of the site and is well used and defined. It must not be reduced in width in any way. The applicants must be advised that no materials, plant or temporary structures of any kind should be deposited on or adjacent to the path that may obstruct or dissuade the public from using the route while development takes place. Any damage to the surface of the path caused by the construction/demolition of the development will be the responsibility of the applicant or their contractors to put right/make good

Oxfordshire County Council as Local Highway Authority

No objection in principle, subject to the following conditions/informatives being imposed on the planning permission [as per the planning permission 11/01331/FUL].

- Private road agreement for the maintenance of the new access
- Section 278 agreement for the highway adoption of the visibility splay to the south
- The provision of at least 2 secure and sheltered cycle parking spaces
- The provision of car and cycle parking prior to occupation
- Retention of garages to maintain an appropriate level of off street parking
- Submission of a Construction Travel Plan
- All ground resurfacing to be SUDS compliant

Issues:

- Principle
- Loss of the public house
- Form and appearance and impact in the conservation area
- Impact on neighbours
- Highways and parking
- Trees
- Private amenity space
- Balance of dwellings
- Ecology

Sustainability:

The site lies in a sustainable location within easy access of shops, services and public transport links and the proposal constitutes a sustainable form of development that would make more efficient use of an existing brownfield site.

The applicant has confirmed that the development will employ some or all of the sustainable construction measures included in the approved application. These are as follows:

- High performance double glazing
- 'A' rated condensing gas boilers
- High levels of insulation to floors, walls and roofs
- Passive solar gain via orientation and layout
- High levels of natural lighting and ventilation
- Grade A appliances where supplied
- Integrated energy management controls
- Water butts for rainwater collection
- Dual flushed cisterns and reduced capacity baths

The previous application also indicated that PV panels would be incorporated on the roofs of the new dwellings. The design and access statement accompanying the current application states that these would have limited usefulness and would 'jar' against the high quality materials required to be used in the conservation area. The current application therefore proposes to use high efficiency air source heat pumps instead of PV panels which the applicant states would provide a continuous year round supply/source of heat that can be used for heating and domestic hot water and can achieve a significant reduction in carbon dioxide emissions when compared to traditional heating systems.

Officers Assessment:Site location and description

1. The site, which extends to 0.2 hectares, comprises the now closed Bricklayers Arms Public House together with its garden area and substantial car park. The site lies at the junction of Butts lane and Church

Road and the frontage of the pub building faces south towards St. Nicholas Church.

2. The site is largely flat and has a number of mature trees and established hedges. It shares a common boundary with numbers 35 – 38 Church Lane, a property called Atlast in Church Lane and numbers 28 – 30 Church Lane.
3. The site lies in the Old Marston Conservation Area and is surrounded by residential dwellings. The site location plan appears as **Appendix 1**.

The Proposal

4. The application seeks planning permission for the conversion and alteration of the former public house to a four bedroom dwelling which would be served by a new single garage and private gravel drive. The application also seeks planning permission for the erection of 5 dwellings and a detached double garage on the former pub car park and garden area. The mix of dwellings would comprise 2 x 3 bedroom, 2 x 4 bedroom and 1 x 5 bedroom.
5. The existing access would be retained and the visibility splays improved. The existing established trees on the site would for the most part be retained with the existing hedge on Butts Lane being retained but cut back and replanted where necessary. A new double garage would serve units 1 and 2, units 3 and 5 would have integral garages and unit 4 would have 2 parking spaces.
6. At the request of your officers, amended plans have been submitted that improve the detailing of the development, particularly in relation to plot 5 such that it is now considered to be more appropriate on this sensitive site within the Old Marston Conservation Area.
7. The development is essentially the same as that already approved in August of this year but there are some internal and external alterations that will be examined in more detail below.

Principle

8. PPS3 identifies the need to make efficient use of land and this is reflected in policy CP6 of the Oxford Local Plan which states that development proposals should make efficient use of land by making the best use of site capacity; however it goes on to say that this should be in a manner that does not compromise the character of the surrounding area. The site constitutes previously developed land and therefore there is no in principle objection to its redevelopment.
9. Furthermore there is an extant permission that grants planning permission for the loss of the public house and its conversion to a dwelling together with the erection of further 5 dwellings.

Loss of the public house

10. Policy RC18 of the Oxford Local Plan states 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:
- No other potential occupier can be found following a realistic effort to market the premises for its existing use
 - Substantial evidence of non-viability is submitted
 - It is demonstrated that suitable alternative public houses exist to meet the needs of the local community.
11. The previously approved application for the conversion of the pub to a dwelling was accompanied by an Expert Witness Report which assessed the above criteria. On the basis of the information submitted, officers were satisfied that firstly, the business provides insufficient profit to provide owners with a liveable income and secondly that there are alternative pubs nearby to cater for the needs of the local community. It is not considered necessary to re-visit these conclusions given that the extant permission was granted only 3 months ago. Therefore sufficient justification has previously been provided for the loss of the public house and its conversion to form a family dwelling.

Form, appearance and impact in the conservation area

12. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for new development that shows a high standard of design that respects the character and appearance of the area and uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests that the siting, massing and design of any new development should create an acceptable visual relationship with the form, grain, scale, materials and detailing of the surrounding area and policy CP10 states that planning permission will only be granted where proposed developments are sited to ensure acceptable access, circulation, privacy and private amenity space.
13. Policy HE7 of the Oxford Local Plan states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation areas and their settings.
14. The site lies within the Old Marston Conservation Area which is characterised by a mix of development but which has a traditional village feel in the area around St. Nicholas Church and including the application site. In PPS5 – Planning for the Historic Environment, the Government has re-affirmed its commitment that the historic environment and its heritage assets should be conserved and enjoyed for the quality of life they bring to this and future generations. A heritage asset is defined as a *“building, site, place, area or landscape positively identified as having a degree of significance meriting consideration in planning decisions. Heritage assets*

are valued components of the historic environment”.

15. The Government recognises that intellectually managed change may sometimes be necessary if heritage assets are to be maintained in the long term but it does say that it is desirable for development to make a positive contribution. It goes on to say that there should be a presumption in favour of the conservation of designated heritage assets and the more significant the asset, the greater the presumption in favour of conservation should be.
16. The Bricklayers Arms is a key building in the conservation area and acts as a landmark building in views along Church Lane. Its conversion to a dwelling would involve the removal of the more modern, single storey, rear additions and the erection of a new two storey extension. The front elevation of the building would remain largely unchanged and the removal of the unsightly, modern additions would positively improve the appearance of the building. There has been a recent fire in the pub building; however damage is limited to the roof area and will not affect the plans for a residential conversion, the details of which are identical to the extant planning permission.
17. The amendments to the approved scheme as proposed in the current application involve alterations to the internal layout, footprint and external appearance of all the units, rendering them slightly larger than the units in the approved scheme. In particular the details of the proposed 5 bedroom dwelling on plot 5 have been revised to incorporate a lively elevation facing towards Butts Lane and over the adjacent fields.
18. Officers consider that the proposed amendments to the approved scheme, being primarily at the rear of the new dwellings, would not appear prominent or intrusive when viewed from the street scene and would preserve the character of the conservation area.
19. At the request of officers, an old cider press from the pub garden would be retained and relocated adjacent to the access.

Impact on neighbours

20. Policy HS19 of the Oxford Local Plan states that planning permission will only be granted for development that adequately provides both for the protection and/or creation of the privacy or amenity of the occupiers of the proposed and existing neighbouring, residential properties.
21. The proposed amendments to the approved plans contained in the current application do not have any further impact on the neighbouring properties. The details of the pub conversion are identical to the extant permission and a condition requiring the new rear, first floor bedroom window in the new extension to be obscure glazed and partly fixed shut is again recommended [condition 26].

22. The minor alterations to the new dwellings proposed on plots 1 – 5 would not have any further impact on the amenities enjoyed by the occupiers of numbers 35 – 38 Church Lane, the property called Atlas to the rear of the site or the terraced dwellings to the rear of plot 5.

Highways and parking

23. Oxfordshire County Council as Local Highway Authority are not raising an objection to the application on highway safety grounds. The LHA has concluded that there is unlikely to be any significant intensification in vehicular movements associated with the site as a result of the development but have recommended a number of conditions and informatives to be imposed on the planning permission. These have been set out earlier in this report.

Trees

24. The extant permission is based on an Arboricultural Report which proposes to retain the large weeping willow tree [T7] near the existing access together with a cockspur thorn [T6]. The approved scheme also retains trees and shrubs along the rear boundaries of the site together with the established hedging along Butts Lane, although as this is sparse, it will be necessary for this to be replaced with new hedge planting.
25. The current scheme retains the same layout as the approved scheme and all the significant trees, shrubs and hedges. There are no new issues relating to trees.

Private amenity space

26. Policy HS21 of the Oxford Local Plan states that planning permission will not be granted for development proposals involving residential uses where poor quality or insufficient private open space is proposed. It goes on to say that each dwelling should have access to a private, amenity space and the family dwellings of two or more bedrooms should have exclusive use of a private garden which should generally have a length of 10 metres.
27. The current proposals increase the ground floor footprint of all of the new dwellings which results in smaller rear garden areas. The new house on plot 5 [5 bedroom] would sit in a generous plot with a garden length of approximately 13 – 14 metres. The new house on plot 1 [4 bedroom] would have a garden length of between 7 – 9 metres and a garden width of 9 metres. The new dwelling on plot 2 [3 bedroom] would have a garden length of between 9 – 10 metres and a garden width of 6 metres.
28. The new dwellings on plots 3 [4 bedroom] and 4 [3 bedroom] would have garden lengths of 8.5 and 8 metres respectively and widths of 9 and 5 metres respectively. Officers consider that, whilst the garden area serving plot 4 in particular, is small, this would not cause such harm to the overall scheme to warrant a refusal of the application on this ground.

29. The garden area serving the converted pub remains as previously approved.

Balance of dwellings

30. The Balance of Dwellings [BoDS] Supplementary Planning Document [SPD] was adopted in January 2008 to elaborate upon the provisions of policy HS8 of the Oxford Local Plan [now superseded by policy CS23 of the Core Strategy] and to ensure the provision of an appropriate mix of dwelling sizes in the different neighbourhood areas described in the SPD. These are red, amber and green. The application site lies in an amber area wherein new developments of between 4 – 9 dwellings should include 30% three bedroom units.

31. The proposal is for a total of 6 new dwellings, including the pub conversion, which would comprise 2 x 3 bedroom, 3 x 4 bedroom and 1 x 5 bedroom. This provides 30% three bedroom units as required by BoDS but would also provide 50% 4+ bedroom dwellings. This is the same mix as was previously approved.

32. There is no requirement in the BoDS matrix for amber sites for the provision of any one or two bedroom units. The scheme is very close to being BoDS compliant with just one bedroom being at issue and in the case of units 1 and 3, both four bedroom dwellings; the fourth bedroom is very small and may be more appropriate for use as a study. It is therefore considered that in this particular case, the strict application of BoDS in terms of the provision of larger dwellings could be seen as being over prescriptive and there is insufficient harm to warrant a refusal of the application on the grounds of BoDS.

Ecology

33. The approved application was accompanied by an Ecology Appraisal which contains habitat and bat surveys. The appraisal concludes that no notable or protected species were found on the site which overall was of little ecological interest. The appraisal highlights the following:

- Any site clearance work should take place outside the nesting season, typically from March to August
- A survey of the small, potential bat roost feature on the outside of the pub building would be recommended immediately prior to demolition
- The site could be enhanced for the benefit of wildlife by installing sparrow and bat boxes at suitable locations around the site [condition 25 refers]
- New planting should be native species
- A swallow/swift nest box should be installed at the eaves of the two new buildings on the site

34. Officers broadly concur with the conclusions of the ecology appraisal and appropriate conditions are recommended

Conclusion:

35. The proposal forms an appropriate visual relationship with the existing public house building and the surrounding development and would preserve the special character and appearance of the Old Marston Conservation Area. There is an extant permission for a similar form of development and revised plans have been submitted that address outstanding issues. No objections have been received from third parties or statutory consultees and the proposal complies with adopted policies contained within both the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016.

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:

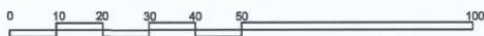
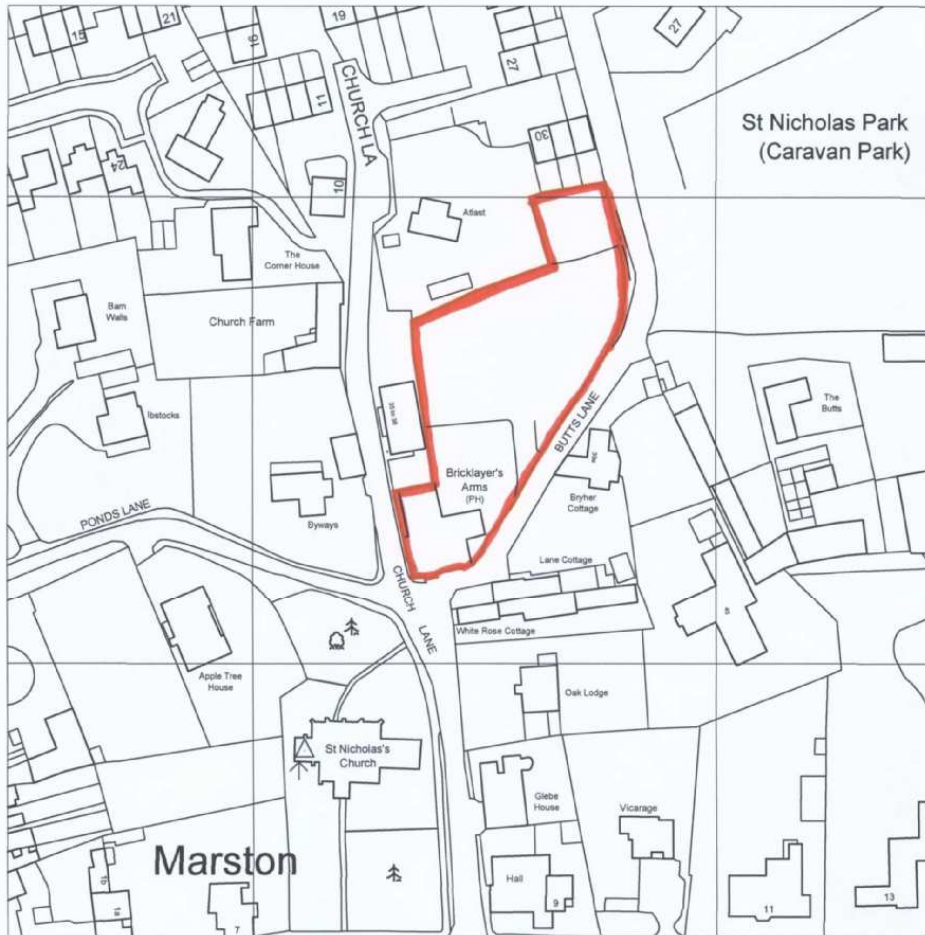
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Date: 18th October 2011



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Sept 2011

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Site location plan

P.158.00