

West Area Committee

8 December 2011

Application Number:

1. 11/02597/FUL
2. 11/02595/FUL
3. 11/02596/FUL
4. 11/02591/ADV

Decision Due by: 6th December 2011

Proposal:

1. Alterations to frontage of existing building to provide new shop front and creation of a ramped access.
2. Installation of plant and associated fencing
3. Installation of an ATM
4. Display of 4 externally illuminated fascia signs and one internally illuminated hanging sign

Site Address: Fox And Hounds Public House 279 Abingdon Road
[Appendix 1]

Ward: Hinksey Park

Agent: CgMs Ltd

Applicant: Tesco Stores Ltd

Application called in by Councillors Van Nooijen, McManners, Clarkson and Sinclair to allow consideration of the issues by Committee.

Recommendation: Committee is recommended to support the proposals in principle but defer the applications in order to draw up an accompanying legal agreement relating to access through the site and delegate to officers the issuing of the notices of planning permission and advertisement consent on its completion.

11/02597/FUL - New shop front and ramped access

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal forms an appropriate visual relationship with the existing building and the surrounding development and would not detract from the character of the area. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained within 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 Development in accordance with approved plans

11/02595/FUL - Plant and associated fencing

APPLICATION BE APPROVED

For the following reasons:

1. The proposal forms an appropriate visual relationship with the existing building and the surrounding area and will not appear intrusive in the street scene. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained within 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. Development in accordance with approved plans
- 3 Details of mechanical plant including sound attenuation measures
- 4 Noise levels

11/02596/FUL - Installation of ATM

APPLICATION BE APPROVED

For the following reasons:

1. The proposal forms an appropriate visual relationship with the existing building and the surrounding area and will not appear intrusive in the street scene. No objections have been received from statutory consultees or third parties and the proposal complies with adopted policies contained within 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 within time limit
2. Development in accordance with the approved plans

11/02591/ADV - Externally illuminated fascia signs and internally illuminated hanging sign

APPLICATION BE APPROVED

For the following reasons:

1. The proposed illuminated signs form an appropriate visual relationship with the existing building and the surrounding area and would not be detrimental to highway safety. No objections have been received from third parties or statutory consultees and the proposal complies with policy RC14 of the adopted 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 within time limit [5 years]
2. Development in accordance with approved plans
3. Advert – statutory conditions
4. Adverts to be illuminated only while store is open

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
TR3 - Car Parking Standards
TR4 - Pedestrian & Cycle Facilities
HS19 - Privacy & Amenity
RC13 – Shop fronts
RC14 - Advertisements

Oxford Core Strategy 2026

CS2_ - Previously developed and greenfield land
CS9_ - Energy and natural resources
CS10_ - Waste and recycling
CS11_ - Flooding
CS18_ - Urban design, town character, historic environment

Relevant Site History:

See separate report on agenda relating to planning application 11/02594/FUL

Representations Received:

Both Oxford Civic Society and Oxford Preservation Trust have made representations in response to the redevelopment scheme and have made it clear that they favour the retention and renovation of the existing building.

Officers Assessment:

Site Location and Description

1. The site lies at the junction of Abingdon Road and Wiers Lane and comprises the former Fox and Hounds Public House which has been vacant for some time and boarded up as a result of fire damage in 2009. There is an existing access off Abingdon Road. The site extends to some 0.17 hectares and the applicant owns a further 0.085 hectares of land which comprises part of the former pub car park and lies immediately to the south of the application site. This land is not part of the application site area.
2. The locality is characterised by in the main terraced and semi detached dwellings with a small parade of local shops further north on Abingdon Road which together make up the New Hinksey Neighbourhood Shopping Centre.

The Proposal

3. These four applications seek planning permission and advertisement consent for firstly, alterations to the frontage of the existing building to

provide a new shop front and the creation of a ramped access; secondly, the installation of plant and associated fencing to the rear of the building; thirdly the installation of an ATM and fourthly the display of 4 x externally illuminated fascia signs and 1 x internally illuminated hanging sign.

4. The new aluminium shop front would have a contemporary appearance and would be sited in a central position on the front elevation of the building. The new plant would be enclosed by close boarded fencing.
5. The application for the new plant enclosure is accompanied by a Noise report which sets out an assessment of the impact of the new plant on neighbour amenity.
6. The ATM facility would be located on the Abingdon Road frontage of the existing building and the new fascia signs would be displayed on both the Weirs Lane and Abingdon Road frontages. A fascia sign is also proposed on the side of the building facing down Abingdon Road. The illuminated hanging sign is proposed to be sited above the ATM.
7. Officers consider the principle determining issues in this case to be:
 - Principle of development
 - Form and appearance
 - Noise
 - Signage
 - Legal agreement

Principle

8. The site has been in use as a public house since the 1950's and the lawful use of the site falls within Use Class A4 [pubs and bars]. The Town and Country Planning General Permitted Development Order 2005 allows a permitted change from A4 use to A1 [shops], A2 [financial and professional services] or A3 [restaurants and cafes] uses without the need for any planning permission. In this case therefore, permitted development rights allow the retail use of the existing premises.
9. The four applications the subject of this report therefore only relate to alterations to the front elevation to provide a new shop front and ramped access, the installation of plant and associated fencing, the display of signage and the installation of an ATM. In turn, the recommended conditions relate only to the particular details of the development proposed in each application. Conditions relating to the more general use of the site as a retail store and associated car park are not appropriate as this use is permitted without the need for planning permission. For this reason it is not possible to condition access, car and cycle parking deliveries or servicing.

Form and Appearance

10. Policy CP1 of the Oxford Local Plan states that planning permission will only be granted for developments that show a high standard of design, that respect the character and appearance of the area and use 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.
11. In addition to the planning applications, other alterations to the existing building are, for the most part, works of renovation and repair following fire damage and would include a new roof. These works do not require planning permission. The new entrance door and shop front on the Abingdon Road elevation of the building would comprise a new opening with the existing entrance door into the pub being retained but not used. The new shop front would utilise aluminium window frames and would appear simple and modern. The ramped access would also appear as a simple structure. Officers have no objection to these proposals which would serve to increase the prominence of this elevation as the main entrance to the building.
12. The proposed plant would be sited to the rear of the building and would not be prominent from the public realm. It will not be visible at all in views from Weirs Lane and only the close boarded fencing would be visible in views from Abingdon Road. Officers have no objection to this proposal.
13. The ATM would be sited on the Abingdon Road frontage and would replace the existing cellar entrance. The ATM would be sited sufficiently far away from the new entrance to the store to ensure that it would not cause any problems in terms of pedestrian queues or obstruction. Railings are proposed to the front and side of the ATM which would ensure its use would not impact or obstruct the footway or the vehicle access into the site. ATM facilities are regularly seen on supermarket buildings and no objection is raised to this proposal.

Noise

14. Policy CP21 of the Oxford Local Plan states that planning permission will be refused for any development that results in excessive noise. The proposed new plant has the potential to create noise and a Noise Report has been submitted setting out the results of a survey that has been carried out. The residential properties most affected are considered to be number 10 Weirs Lane and numbers 2 and 4 Peel Place.
15. Officers have considered the report and are generally satisfied with its contents. However two conditions are considered to be appropriate, one requiring the details of the proposed mechanical plant and sound attenuation measures to be submitted to and approved by the City Council and the other restricting noise levels to 45 dB LAeq 15 min when measured 1 metre from the façade of number 10 Weirs Lane between

8.00 and 23.00 hours and 35 dB LAeq 15 min at any other time.

Signage

16. Policy RC14 of the Oxford Local Plan states that planning permission will be granted for new, outdoor advertisement proposals provided that:

- they suit their visual setting in terms of scale, design, appearance and materials
- they preserve or enhance the visual amenity of the building and
- they do not significantly prejudice highway safety or residential amenity.

17. The advertisement application proposes the display of 4 x externally illuminated fascia signs and 1 x internally illuminated hanging sign which would be sited above the new ATM facility. Two fascia signs would be displayed on the Abingdon Road elevation, one on the Weirs Lane elevation and a further fascia sign would be displayed on the side elevation facing down Abingdon Road.

18. The signs would display the standard corporate Tesco logo and officers raise no objection to the proposal. However, given that the site is located in a residential area, a condition restricting the illumination of the signs to the opening hours of the store would seem reasonable.

Legal agreement

19. As part of the negotiations in processing these applications, a legal agreement is being prepared which would allow unfettered access through the site to the adjacent land to the south to enable some form of future development to take place there. In this way, should the applicant decide to implement these permissions and use the existing building as a retail store then the potential for the beneficial use of that land would be created. Such access would be both for construction traffic and for future occupiers of and visitors to the adjacent land.

20. At the time of writing, a draft legal agreement has been drawn up. Committee will be updated at the meeting as to whether the legal agreement has been finalised.

Conclusion:

The application proposals form an appropriate visual relationship with the existing building and the surrounding development, would not detract from the character of the area and would not adversely impact upon highway safety. No objections have been received from third parties or statutory consultees and the proposals comply with adopted policies contained within the Core Strategy 2026 and the Oxford Local Plan 2001 – 2016. An accompanying legal agreement would allow land to the south not required for the retail store to be beneficially developed in the future.

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

Background Papers:

10/02882/FUL	11/02596/FUL
11/02594/FUL	11/02591/ADV
11/02597/FUL	
11/02595/FUL	

Contact Officer: Angela Fettiplace

Extension: 2445

Date: 22nd November 2011

Appendix 1

Fox and Hounds, Abingdon Road, Oxford



Legend

Scale: 1:1250



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Organisation	Not Set
Department	Not Set
Comments	
Date	24 November 2011
SLA Number	Not Set

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