

Appendix 1

Fox and Hounds, Abingdon Road, Oxford



Legend

Scale: 1:1250

Km 0.02 0.04 0.06 0.08 0.1

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



Appeal Decision

Hearing held on 8 June 2011

Site visit made on 8 June 2011

by **Olivia Spencer BA BSc DipArch RIBA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2011

Appeal Ref: APP/G3110/A/10/2142828

279 Abingdon Road, Oxford OX1 4TJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tesco Stores Ltd against the decision of Oxford City Council.
 - The application Ref 10/02882/FUL, dated 26 October 2010, was refused by notice dated 8 December 2010.
 - The development proposed is demolition of an existing public house and erection of a 3 storey building comprising a retail store at ground floor level, 1no. 1 bedroom flat, 2no. 2 bedroom flats and 1no. 3 bedroom flat on the upper floors, together with plant enclosure, service yard, 16no. retail car parking spaces, 5no. residential car parking spaces, cycle parking and landscaping and an area of residential amenity space.
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Decision

1. I dismiss the appeal.

Main Issues

2. Following refusal of the application the Council wrote to the appellant advising them that sentences in the first reason for refusal referring to comprehensive development of the whole site and prejudice to the development of the adjacent petrol filling site were withdrawn. The first reason for refusal was amended by the Council's letter dated 8 March 2011 to read as follows:
The site is located on one of the main thoroughfares into Oxford City and constitutes a highly prominent site which is important in terms of its contribution to the street scene. The proposal fails to provide an efficient and effective use of land in that the form and layout of the building would not satisfactorily address the Abingdon Road frontage and the building would not turn the corner. The proposal is therefore contrary to policies CP1, CP6, CP7, CP8, CP9 and CP10 of the adopted Oxford Local Plan 2001- 2016.
3. I therefore consider the main issues are:
 - the effect of the proposed development on the character and appearance of the Abingdon Road street scene
 - whether the proposed development would make effective and efficient use of the site having regard to national and development plan policies for sustainable development
 - the effect on the living conditions of future occupiers of the development with regard to the provision of private open space

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Reasons

Character and appearance

4. The proposed shop would occupy a corner of the Abingdon Road – Weirs Lane junction. Weirs Lane provides a link to the east and is a well used route. It is Abingdon Road however that both historically and now provides a major route into the city. The suburban community that the shop will serve has grown up around this road and the other shops which make up the neighbourhood centre lie along it. The relative widths of these streets, and the scale and form of the buildings that line them reflect and make legible this historic townscape hierarchy.
5. Like the public house that now occupies the site, the proposed building would mark the corner with a set of 3 small gables. However, unlike the existing building beyond this corner element the Abingdon Road frontage would be left open for parking and access. A full 2 storey elevation with large windows and signage would on the other hand, extend a considerable distance along the Weirs Lane frontage. Whilst a portico would signal the main entrance on Abingdon Road, the building would as a result have a greater presence on Weirs Lane. This would be particularly evident when approaching the site along Abingdon Road from the north at a point where both road elevations would be visible. The size and function of the proposed building would give it a prominence in the local townscape. For such a building to have a greater presence on a side road than on Abingdon Road would distort the hierarchy and thus the established character of the area.
6. Vegetation could provide some enclosure of the parking area at the side of the building and future development of the filling station site could potentially repair the street frontage to the south leaving a gap between buildings that is not uncharacteristic of the area. This would not however redress the imbalance of the building itself which would remain inappropriately weighed in favour of Weirs Lane. I conclude therefore that the proposed building would detract from the character and appearance of the Abingdon Road street scene contrary to Policies CP1, CP7, CP8 and CP9 of the Oxford Local Plan 2005.

Sustainable development

7. Government policy in *Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth* and *Planning Policy Guidance (PPG) 13: Transport* requires local authorities to seek both the efficient use of land and to promote more sustainable transport choices by using parking policies alongside other planning and transport measures. Paragraph 52 of PPS 13 states that local authorities should use their discretion in setting the levels of parking appropriate for small developments so as to reflect local circumstances.
8. LP Policy TR3 and Appendix 3 to the Local Plan set out the City's maximum parking standards for retail development. Provision on the appeal site in accordance with these standards, if first floor retail space is included, would amount to a maximum of 9no. parking spaces. The proposed development would include substantially more than this providing 16no. retail parking spaces occupying a considerable area within the site. The Local Plan Policy approach is supported not only by the Government guidance to which I have referred but also by the Inspector considering objections to the Local Plan. The Inspector's report notes that the provision of non-essential parking would not make effective use of land and would encourage further trips to be made by car prejudicing the increased use of sustainable modes of transport.

9. The policy allows for some variation in provision subject to the merits of each proposal and to local conditions. However, in this case the appellant's Transport Assessment provides evidence to demonstrate that the site is well served by buses and readily accessible on foot from nearby high density residential areas. The report states that pedestrian and cycle infrastructure in the vicinity of the site is good, with good standard flat continuous footways and cycle route connections to the City centre and to a National Cycle Network Route. It concludes at paragraph 2.30 that the site provides the opportunity for future users to walk, cycle or use public transport facilities as a genuine alternative to the car.
10. Parking half on and half of the footway is a common feature of local narrow residential streets and it is not surprising therefore that the submitted parking survey records a demand for parking in excess of available safe on-street parking spaces. Nevertheless when I visited the site during the morning and evening rush hours, and later at night, a number of safe on street spaces were available in surrounding roads. When I conducted the accompanied site visit between 5pm and 6pm participants found spaces in streets close to the site with apparent ease. This suggests strongly to me that short-term on-street parking arising from the proposed development would not necessarily add to unsafe parking practices in the area. Notwithstanding its consultation response at application stage, the Highway Authority has stated that it would not have objected to provision of just 9 on-site retail parking spaces albeit with measures to prevent pavement parking.
11. The Tesco store at Southborough in Tunbridge Wells referred to by the appellant has a similar use class, floor area and edge of town location. However car ownership levels in Tunbridge Wells are substantially higher than those in Oxford and a considerably higher percentage of people in Oxford travel to work by bicycle. It is perhaps not surprising therefore that parking standards for Tunbridge Wells allow for more parking spaces per square metre than those in Oxford. The Oxford parking standards are set to reflect local conditions. A comparison with the Southborough store is not sufficient on its own therefore to justify the considerably higher than standard parking provision proposed.
12. In dismissing appeals on the basis of a lack of on-site parking spaces the decision letters referred to by the appellant set out in detail the specific features of the site and locality which led to that conclusion. Unlike the Tesco store at Ringwood appeal ref APP/U1240/A/07/2041910, the proposed Abingdon Road store would serve a neighbourhood shopping function, would be served by frequent public transport and, given its location at the road junction passing drivers would be most unlikely to stop at the kerb or on the pavement outside the store. In the case of the Sheffield appeal ref APP/J4423/A/09/2119387, the Inspector noted that steep gradients and pedestrian detours and crossing delays would encourage customers to park close to the store. The submitted Transport Assessment and my own observations at the site visit indicate that customers walking to the proposed Abingdon Road store would not experience the same difficulties.
13. I consider the evidence before me is not sufficient therefore to justify the provision of on site parking spaces in excess of the maximum standards set out in the Local Plan and conclude that the proposed development would fail to make effective and efficient use of the site contrary to the objectives of LP Policy TR3 and national policies for sustainable development.

Amenity space

14. The development would include 4no. residential flats on the upper floors. The Council has concluded on other schemes that a combination of private balconies and communal open space is sufficient to meet the requirements for residential private open space set out in LP Policy HS21. The Council's concern in this case relates not to the quantity but to the quality and accessibility of the proposed communal garden.
15. Residents would need to cross the entrance to the service yard to reach the garden and this could pose a risk to children from manoeuvring vehicles. However, all but the 1 bedroom flat would have generous private balconies which would provide direct access to outside space and it is unlikely in any event that parents would allow very young children to go to, and play in, the garden unsupervised. The garden would have very similar proportions to those of nearby houses and given its proposed size, the 2 metre screen walls would not be experienced as unduly enclosing. In common with the adjoining private garden the space would benefit from a southern aspect and whilst residents would be aware of activity in the adjacent car parking and delivery areas, screen walls of the height proposed would limit any intrusive impact and provide good levels of privacy.
16. I conclude therefore that the proposed development would provide sufficient private open space of a reasonable quality and that there would be no adverse impact therefore in this respect on the living conditions of future occupiers. The development would thus accord with LP Policy HS21.

Other considerations

17. I have considered carefully the concerns raised by many local residents with regard to the potential impact of the development on the viability of existing shops in the area. Government policy recognises the important role of shops, services and other small scale economic uses including post offices in local centres. However, even taking account of the relative inaccessibility of some residential areas within a 1 kilometre radius of the site it is evident from the appellants' Retail Capacity Assessment that there is a considerable unmet demand for top-up food shopping within the vicinity of the site. The proposed store would assist in meeting that need and serve to broaden the range and quality of convenience retail shopping in the area. As such it would accord with PPS 4 objectives for promoting vibrant, competitive and sustainable town and neighbourhood centres.

Conclusion

18. The Ministerial Statement *Planning for Growth* published in March this year directs local authorities to take a positive approach to development which would promote economic growth and jobs except where, as in this case, development would compromise sustainable development principles. My conclusions with regard to the impact on existing shops and the effect on the living conditions of future occupiers of the development are not sufficient to outweigh the considerations that led to my conclusions on the first two main issues. I conclude overall therefore that the appeal should be dismissed.

Olivia Spencer

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr M Roe BA (Hons) MTP MRTPI	Agent for the appellant
Mr N Bridges RIBA	Ettwein Bridges Architects
Mr S White	Barrister Landmark Chambers
Mr R Lyons MSc CMILT	Transport Planning Associates

FOR THE LOCAL PLANNING AUTHORITY:

Mrs A Fettiplace BA DipTP MRTPI	Principal Planner
Mr M Armstrong	Development Control Team Leader

INTERESTED PERSONS:

Ms C Bradbury	Local resident
Mr J Williams	Local resident
Mr N Afzal	Local resident
Cllr. O van Nooijen	Speaking as a local resident
Mrs J Chipchase	Local resident
Cllr. Tanner	Speaking as a local resident
Dr P Fryer	Local resident
Mr B Muir	Local resident
Ms S Smith	Local resident
Mr M Haines	Marston resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Images of the consented proposal for the Motorworld site Abingdon Road
- 2 Extract from the Oxford Green Space Study 2007
- 3 Appendices 3 and 4 to the Oxford Local Plan 2005
- 4 Letter from the Council dated 31 May 2011 regarding the Transport Statement of Common Ground