

East Area Planning Committee

6th November 2013

Application Number: 13/01502/FUL

Decision Due by: 15th August 2013

Proposal: Demolition of existing three storey building and redevelopment of the site to create a retail unit on the ground floor (use class A1) and 1 x 2 bed maisonette above (use class C3) and erection of 2 x 2 storey, 2 bed flats (use class C3). (Amended description).(Amended plans)

Site Address: M H S Plumbing & Heating 255 Marston Road, **Appendix 1**

Ward: Marston

Agent: The Anderson Orr Partnership **Applicant:** HERS LLC
Ltd

Application Called in – by Councillors – Clarkson, Lloyd-Shogbesan, Lygo and Price
for the following reasons – a tight site, local concerns about parking

Recommendation: Approve subject to conditions

For the following reasons:

- 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.
- 2 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

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 Materials
- 4 Bins and Cycle Stores

- 5 Reinststate dropped kerb
- 6 Contaminated Land
- 7 Variation of Road Traffic Order Marston South CPZ,
- 8 Sustainability design/construction

Main Planning Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1 - Development Proposals
- CP6 - Efficient Use of Land & Density

Core Strategy (OCS)

- CS2_ - Previously developed and greenfield land
- CS9_ - Energy and natural resources
- CS10_ - Waste and recycling
- CS18_ - Urban design, town character, historic environment
- CS22_ - Level of housing growth
- CS23_ - Mix of housing

Sites and Housing Plan (SHP)

- MP1 - Model Policy
- HP1 - Changes of use from existing homes
- HP2 - Accessible and Adaptable Homes
- 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

Other Material Considerations:

- National Planning Policy Framework
- Balance of Dwellings Supplementary Planning Document Jan 2008
- Parking Standards, Transport Assessments and travel Plans Supplementary Planning Document Feb 2007

Relevant Site History:

54/03434/A_H - Alterations. PER 23rd February 1954.

63/13069/AH - Demolition and rebuilding part of shop store and flat over. PER 22nd January 1963.

63/13457/AH - Demolition, rebuilding and extension to shop and flat. PER 28th May 1963.

64/15635/AH - Extension to shop. PER 27th October 1964.

69/21631/AH - Alterations and extension at 1st floor level to form bathroom and sitting room and provision of a conservatory. (Revised). PER 19th August 1969.

70/22933/AH - Formation of new entrance to flat over shop premises. PER 23rd June 1970.

71/24744/AH - New shop front, new windows, new dormer window, alterations and repairs. PER 14th September 1971.

86/00805/NF - Re-erection of storage shed (Retrospective). ALW 15th April 1987.

94/01539/NF - Demolition of front elevation and roof and rebuilding to original design but with brickwork to shop front at street level. PER 9th March 1995.

13/00570/FUL - Change of use from a heating plumbing distributors (A1) to a private hire/taxi office to include a waiting area (Sui Generis) (amended description). REF 10th May 2013.

13/01248/PDC - Use of office to rear of shop at 255 Marston Road as a taxi control office (ancillary to the shop use). PRQ 30th May 2013.

Representations Received:

53 Purcell Road: concerned with the effect on access to and from Marston Rd for Edgeway and connecting roads - Hugh Allen Crescent and Purcell Rd – when building work is being carried out. Obstruction, visibility, hazards, parking restrictions likely to be ignored

51 Hugh Allen Crescent: not in line with existing houses as being built up to pavement; would class them as two bed houses which should be in line with other houses; balconies overhang the pavement therefore a hazard with people dropping items off them; overlooking issues; no parking; building will over dominate that area/other properties either side; Line of sight will be reduced coming into and out of Edgeway Road, which will cause a safety hazard for pedestrians; no cycle storage space; loss of pavement during construction causing safety issues to the public

27 Hugh Allen Crescent: will increase footprint considerably; reduction in pedestrian access and pavement space on a very well used corner of Edgeway Road; balconies overhang the existing pavement which is unacceptable; they are also very obtrusive and would overlook neighbouring properties; no car parking; out of scale and proportion; dominate this part of Edgeway Road.

104 Ferry Road: The small group of Victorian houses lining the Marston Road in this area represent the historic core of the New Marston settlement and give the area character. Losing any of them would diminish the area.

42 Ferry Road: The character of this original Victorian terrace in the heart of New Marston would be maintained by retaining the facade of the original Victorian corner shop. There is a recent precedent for this in the new development/restoration of the terrace on the corner of Walton Street and Little Clarendon Street. The original facade could be integrated with the rest of the proposed development which clearly improves on the current "modern" extension to the original property.

Statutory Consultees:

Thames Water: no objections

Highway Authority: no objection subject to conditions to exclude from the CPZ and reinstate the dropped kerb

Issues:

- Principle
- Design
- Residential Amenity
- Highway Issues
- Sustainability
- Lifetime Homes
- Community Infrastructure Levy (CIL)
- Other matters

Officers Assessment:**Site Description**

1. The application site lies on the corner of Marston Road and Edgeway Road within the Marston area. The existing building which fronts Marston Road is a three storey late Victorian property built in brick with a slate roof. To the rear, along Edgeway Road, is a two storey flat roofed rendered extension. Also along the Edgeway Road elevation is a timber shed which butts up to the footpath along with a fence. The building currently has a retail element on the ground floor with the remaining floors given over to residential.

Proposal

2. The application is seeking permission for demolition of existing three storey building and redevelop the site to create a retail unit on the ground floor (use class A1) and 1 x 2 bed maisonette above and erection of 2 x 2 storey, 2 bed flats (use class C3). This differs from the proposal as originally submitted, (redevelopment of site to create retail on ground floor, 1x2 bed maisonette above and 2x2 bed houses), as officers had concerns regarding the size of the 2 bed houses, the lack of amenity space, the balconies etc. As a result of officers' concerns amended plans were submitted which are now before committee. The main visual difference is the removal of the balconies.

Assessment**Principle**

3. The NPPF states planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land). This is supported by Policy CS2 of the OCS.
4. Previously developed land is defined as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land in built-up areas such as private residential gardens.
5. The application site is considered to be previously developed by virtue of its previous use as retail and residential therefore the principle of redeveloping

the site for retail and residential use would still accord with the NPPF and Policy CS2 of the OCS.

6. Policy HP1 of the SHP states planning permission will not be granted for any development that results in the net loss of one or more self-contained dwellings on a site. There will be a loss of residential units but these will be replaced and there is in fact a net gain of one unit.

Design

7. As the building is not listed and not in a conservation area the demolition of the building in itself does not require planning permission. It is permitted development, subject to prior approval for the method of demolition, in accordance with Class A, Part 31 of Schedule 2 of the general Permitted Development Order condition A2(b)(i).
8. The existing building is in a poor state of repair and has undergone extensive alteration during its lifetime. The replacement building is of a similar scale and form as the original and steps down as you turn into Edgeway Road. It maintains a presence on the corner and imitates the original building in form, height and scale albeit with more modern detailing.
9. The proposed building generally follows the footprint of the existing building but comes out further towards Edgeway Road to utilise an area of hardstanding. This will result in elements of the building coming up to the footpath but still within the applicants control and will not encroach onto the public footway. Given the curve of Edgeway Road; the fact that the current building sits forward on the plot compared to the properties fronting Edgeway Road building line; and a more active frontage is created along Edgeway Road as the entrance doors to the flats are being located on this elevation, then the proposal would read as a logical part of the street scene of Marston Road and would not harm the appearance of Edgeway Road. It is therefore considered acceptable as it would be viewed as an integral part of the corner development rather than as one of the row of houses along Edgeway Road.
10. In short, the proposal is acceptable in terms of policy CS18 of the Core Strategy 2026, CP1 of the Oxford Local Plan 2001-2016 and HP9 of the Sites and Housing Plan in that it respects the character and appearance of the area; uses materials of a quality appropriate to the nature of the development, the site and its surroundings; and creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.

Residential Amenity

11. Policy HP12 of the SHP requires good quality internal living accommodation, with policy HP12 stipulating that any single dwelling provides less than 39m² of floorspace (measured internally) will not be granted permission. A single dwelling is a self-contained house of one bedroom or a self-contained flat of 1 or 2 bedrooms.

12. The proposed flats are all two beds and all are significantly over 39m². The rooms and corridors are able to accommodate furniture and household equipment that would be expected in that part of the home, and allow for convenient circulation and access and each has its own lockable entrance, its own kitchen and at least one bathroom. Therefore the proposal is in compliance with policy HP12.
13. Policy HP13 of the SHP states planning permission will only be granted for new dwellings that have direct and convenient access to an area of private open space, to meet the following specifications: 1 or 2 bedroom flats and maisonettes should provide either a private balcony or terrace of useable level space, or direct access to a private or shared garden.
14. The maisonette above the retail unit has access to a balcony which fronts onto Marston Road and the two flats have access to an area of shared private amenity space at the rear. The amenity spaces are small and considered adequate in size for their intended users. The existing flat has no external amenity space.
15. Policy HP13 goes on to say planning permission will not be granted for residential dwellings unless adequate provision is made for the safe, discrete and conveniently accessible storage of refuse and recycling, in addition to outdoor amenity space. Bin storage is proposed at the end of the unit accessed off Edgeway Road. However there are no details therefore a condition will be added to obtain such details.
16. Policy HP14 of the SHP states planning permission will only be granted for new residential development that provides reasonable privacy and daylight for the occupants of both existing and new homes. The balconies that were originally proposed overhanging Edgeway Road have been removed. These have been replaced with windows. The maisonette above the retail unit has a balcony facing out onto Marston Road which is a busy arterial road into the city and as such will not create any overlooking/loss of privacy. It also has a large full height window with a Juliet balcony on the side elevation which faces down Marston Road/side of 257 Marston Road. It also has a full height window and Juliet balcony which faces onto Edgeway Road.
17. Policy HP14 goes on to say planning permission will not be granted for any development that has an overbearing effect on existing homes. The building to the south is the main property affected by the proposal. The eaves of the two storey rear element are at 3.9m compared to the existing flat roof which is at just over 5m. overall there is an improvement on existing conditions for the adjoining property. There have been no objections received from any of the properties to the south of the application site.

Highway Issues

18. The proposal is to be car free. In accordance with policy HP16 of the SHP planning permission will be granted for car-free or low-parking houses and flats in locations that have excellent access to public transport, are in a

controlled parking zone, and are within 800 metres of a local supermarket or equivalent facilities.

19. The site is located within minutes of bus stops to and from the city centre; it is in a controlled parking zone and a condition will be added to exclude it from residents and visitors parking permits and whilst it is not within 800m of a local supermarket or equivalent facilities it is within easy reach of St Clements, a convenience store on Marston Road (almost opposite the scheme) and various other small shops along Marston Road. In addition a valid planning permission exists for a local supermarket at the former Friar public house to the north at 2 Old Marston Road which is 805m from the application site. No objection is therefore raised in these terms.
20. Policy CS13 of the OCS states that planning permission will only be granted for development that prioritises access by walking, cycling and public transport. A fundamental part of encouraging cycling is the provision of secure cycle storage within people's homes. This is reiterated in the Parking Standards SPD which says secure, and preferably sheltered, cycle parking should be integrated in the design of residential developments and again in policy HP15 of the SHP which states all residential cycle storage must be secure, undercover, preferably enclosed, and provide level, unobstructed external access to the street. Policy HP15 also requires houses and flats of up to 2 bedrooms to have at least 2 spaces per dwelling.
21. Cycle storage is proposed in a combined store for each flat with the bin store although there are no details supplied. A condition is suggested requiring details.

Sustainability

22. Policy CS9 of the OCS sets out a commitment to optimising energy efficiency through a series of measures including the utilisation of technologies that achieve Zero Carbon developments. A key strategic objective in the Core Strategy seeks to maximise Oxford's contribution to tackling the causes of climate change and minimise the use of non-renewable resources.
23. Energy use in new development can be further reduced by appropriate siting, design, landscaping and energy efficiencies within the building. New developments, including conversions and refurbishments, will be expected to achieve high environmental standards. All development must include the use of renewable energy where possible.
24. Minimal detail has been submitted and in relates to materials, orientation and location. There is no mention of renewables etc. A condition will be added to seek further details.

Lifetime Homes

25. The proposal has demonstrated, where appropriate, Lifetime Homes standards are achievable in accordance with policy HP2 of the SHP. This will

ensure that the spaces and features in new homes can readily meet the needs of most people, including those with reduced mobility. Given the need to promote social inclusion, the City Council considers it appropriate that all new homes should be built to Lifetime Homes standard.

Community Infrastructure Levy

26. The Community Infrastructure Levy (CIL) is a standard charge on new development. The amount of CIL payable is calculated on the basis of the amount of floor space created by a development. CIL applies to developments of 100 square metres or more, or to new dwellings of any size. The reason that CIL has been introduced is to help fund the provision of infrastructure to support the growth of the city, for example transport improvements, additional school places and new or improved sports and leisure facilities. CIL is being brought in by councils across the country, although each local council has the ability to set the actual charges according to local circumstances. CIL is non-negotiable and payable on commencement.

Other Matters

27. Contaminated Land.
In view of the previous use, Officers have considered the application with respect to contaminated land and would recommend that a condition requiring a phased risk assessment is attached to any planning permission. This recommendation has been made due to the sensitive nature of the proposed development i.e. the creation of new residential properties with gardens and the former use of the site as a plumbers yard and central heating supplier. There is, therefore, some potential for contamination to be present on site and it is important that the developer demonstrates that the site is suitable for use. As a minimum, a desk study and documented site walkover are required to ensure that there are no sources of contamination on or near to the site and that the site is suitable for its proposed use.
28. Construction
Oxford City Council strongly encourages that when this permission is implemented all building works and the management of the development site are carried out in accordance with the Code of Considerate Practice promoted by the Considerate Contractors scheme. An informative is added giving details for the applicant.

Conclusion:

29. Approve subject to conditions.

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:

Contact Officer: Lisa Green

Extension: 2614

Date: 25th October 2013

Appendix 1



The ANDERSON ORR Partnership The Studio, 70. Church Road, Wheatley, OXON, OX33 1LZ t: 01865 873936	scale 1:1000 @A4	client HERS LLC.	
	date MAY '13	drawing LOCATION PLAN	
PROJECT REDEVELOPMENT OF 255 MARSTON ROAD, OXFORD, OX3 0EN	drawn IG	no. 13011-L01	rev /
	job 13011		