

East Area Planning Committee

- 2nd November 2011

Application Number: 11/02205/FUL

Decision Due by: 19th October 2011

Proposal: Conversion and alterations of external retained workshop to provide 3No. two-bed live/work units with private gardens. Erection of two and a half storey building containing 3No. flats (1 x one-bed and 2 x two-bed). Car and cycle parking provision.

Site Address: 103-104 St Mary's Road Oxford (**Appendix 1**)

Ward: St Marys Ward

Agent: Riach Architects

Applicant: Stephen Moss
Developments

Recommendation: The East Area Planning Committee is recommended to grant planning permission for the following reasons:

- 1 The proposal would make a more efficient use of a previously developed site. It would maintain an employment use while providing residential accommodation in a manner which adequately provides for the amenities of future residents. The development would be a sympathetic addition to the site and its surroundings and would preserve the residential amenities of neighbouring properties. The application accords with the policies of the Local Plan and Core Strategy.
- 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.
- 3 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 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Samples
- 4 Boundary details before commencement
- 5 Landscape plan required
- 6 Landscape carry out after completion
- 7 Car Parking accord with plans
- 8 Details of Bin and Cycle Storage
- 9 Vision splays
- 10 Rumble Strip
- 11 Live/work unit not to be occupied separate
- 12 Live/work unit not sub divided
- 13 Live/work unit B1 only
- 14 No storage of plant etc in open areas
- 15 Design - no additions to dwelling
- 16 Omission/replacement with obscure glass in Northwest windows
- 17 Roof light cills 1.8m minimum height
- 18 Details of privacy screens
- 19 Land contamination study

For the following reasons:

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

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- 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
- HS11** - Sub-Division of Dwellings
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment
- HS21** - Private Open Space
- TR3** - Car Parking Standards
- TR4** - Pedestrian & Cycle Facilities
- NE21** - Species Protection

Oxford Core Strategy 2026

- CS2_** - Previously developed and greenfield land
- CS12_** - Biodiversity
- CS18_** - Urban design, town character, historic environment
- CS23_** - Mix of housing

CS28_ - Employment sites

Other Material Considerations:

The site lies within the St Clements and Iffley Road Conservation Area

PPS 1 – Delivering Sustainable Development

PPS3 - Housing

PPS 4 – Planning for Sustainable Economic Growth

PPS 9 - Biodiversity and Geological Conservation

PPG 13 – Transport

PPS25 – Development and Flood Risk

Regional Spatial Strategy for the South East

Balance of Dwellings Supplementary Planning Document

Parking Standards, Transport Assessments and Travel Plans Supplementary Planning Document

Relevant Site History:

06/00715/FUL - Demolition of sheds and outbuildings. Erection of three storey building (including rooms in the roof) fronting St. Mary's Road containing 5x1 bed flats and 2 car parking spaces to frontage. Conversion and alterations of retained workshop at rear to provide 3x1 bed live/work units. Provision of 6 car parking spaces in court yard (Amended plans and description) (103-104 St Marys Road and rear of 102 St Marys Road) – Approved

05/02033/FUL - Demolition of sheds and outbuildings. Erection of three storey building (including rooms in roof and undercroft) fronting St. Mary's Road containing 5 x 1-bed flats and 1 parking space. Conversion and alterations of retained workshop at rear to provide 3 x 2-bed houses. Provision of 7 parking spaces (103-104 St Marys Road and rear of 102 St Marys Road) – Withdrawn

03/00818/FUL - Demolition of single storey two storey 3 bedroom terraced house, single storey photographic workshop and related storage buildings (200 sq m). Erection of 3 storey block of 9x1 bedroom flats (with third floor in roof space) to St Mary's Road with covered accessway to single and two storey block at rear to provide two workshop/office units (112 sq m) on ground floor and 2x1 bed flats on first floor. Provision of communal landscaped courtyard, 4 car parking spaces for workshop occupiers and bicycle parking for occupiers of flats and workshop (Amended Plans) (102-104 St Marys Road) – Refused

02/02117/FUL - Demolition of existing storage buildings, alterations and extensions to 102 St Marys Road to form 9x1 bedroom flats in a 3 storey high building across the site frontage. Alterations, extensions and change of use of the workshop buildings at the rear to form 5x1 bedroom flats. Formation of vehicular access to serve 7 parking spaces. (102-104 St Marys Road) - Refused

Third Party Representations Received: One letter of comment has been received from No 9 Hawkins Street. The comments can be summarised as follows:

- Overdevelopment
- Too close to adjoining properties

- Too dense
- General dislike of proposal
- Loss of privacy
- Out of keeping with area
- Loss of historic use
- Substandard and cramped accommodation
- Bin and cycle storage inadequate and poorly sited
- Amenity spaces too small

Statutory and Internal Consultees:

Highways And Traffic – No objection as the proposal is similar to scheme approved under reference 06/00715/FUL.

Thames Water Utilities Limited – No objection

Oxford Civic Society - Substandard and cramped accommodation. Bin and cycle storage inadequate and poorly sited. Amenity spaces too small

Officers Assessment:

Site Description and Proposal

1. The application site is identified in **Appendix 1** and comprises No 103-104 St Mary's Road, a disused workshop building which is presently occupied by INEVENTS as a community venue known as the 'Old Boot Factory'.
2. The original single storey frontage buildings and other out buildings have been long since removed and the main workshop building, constructed in 1933, is all that remains of the original Boot Factory. The workshop is single storey with a feature 'Dutch' style gable facing southwest towards the road. Behind the gable is a series of pitch roofs, with ridges running parallel to the road rather than away from the gable as is more traditionally the case. Vehicular access is off St Mary's Road and there is a secondary pedestrian access to the northeast via an alleyway leading to Randolph Street.
3. The site is located within a predominately residential area, although the busy commercial centre of Cowley Road is a few hundred metres to the north/northwest.
4. Planning permission is sought for the extension to the roof of the existing workshop building and its conversion to form three live/work units (with work space on the ground floor and 2 bed flats in the extended roof space). The roof extension will introduce a new ridge running away from the front feature gable. The original roof forms are retained and the new apex will be 1.8m higher than the original roof.
5. At the front of the site, in the gap between No 102 and 105 St Marys Road, the application proposes the erection of a two storey building (with accommodation in the roof space) providing three flats (comprising 1x1 bed and 2x2 bed).

6. Car parking is provided off street for six vehicles, four of which are located to the rear of the frontage building with access off St Mary's Road via an underpass, while two spaces are in front of the new frontage building. Cycle parking and bin storage is also accommodated within the site.
7. Officers consider the main issues of the case to be the planning history, principle of development including the balance of dwellings, form, scale and appearance, proposed residential environment, impact on neighbouring properties, parking and biodiversity.

Planning History

8. Planning permission was granted under reference 06/00715/FUL for the demolition of sheds and outbuildings and the erection of a three storey building (including rooms in the roof) fronting St. Mary's Road containing 5x1 bed flats and conversion of the workshop building provide 3x1 bed live/work units. Provision of 6 car parking spaces in court yard (Amended plans and description) (103-104 St Marys Road and rear of 102 St Marys Road). The current proposal is for the most part very similar to the previously approved scheme.
9. The 2006 planning permission has expired, however there has been no major change in the policy context. Although the Council has since adopted its Core Strategy and the Balance of Dwellings Supplementary Planning Document (BoDs), the Core Strategy does not introduce policies that were fundamentally different to those against which the previously approved scheme was assessed and the number of residential units does not fall to be considered by BoDs for the reasons set out below. In such cases CLG Circular 03/09 - *Costs Awards in Appeals and Other Planning Proceedings* points out that a planning authority may be considered to have acted unreasonably if it does not determine like cases in a like manner. The Circular further explains that a Planning Authority may be vulnerable to costs in two other circumstances noted in the circular: where it fails to grant permission for a scheme that is subject to an extant or recently expired permission and where there has been no material change in circumstances. In this regard officers would advise that as there has been no great shift in the policy context or site constraints, it would not be reasonable to resist those elements which remain the same or very similar to the approved 2006 scheme. For clarity the current application has the following differences to the previously approved scheme:
 - Rear building now incorporates a roof extension to accommodate 2 bed flats rather than 1 bed flats as approved in 2006;
 - Current scheme has 2 less units than the approved scheme;
 - Mix of units is now 3x2 bed live/work, 2x2 bed and 1x1 bed flats, rather than the approved mix of 3x1 bed live/work units and 5x1 bed flats;
 - Work units on average are larger than approved scheme;
 - 1 less car parking space in current proposal;

- Detailing of frontage building altered to include brick lintels, whereas the approved scheme had simpler detailing;
 - Rear elevation of frontage building altered to infill the 'gap' between the two rear projections of the approved scheme;
 - 2nd floor terraces now proposed.
10. Since registration of the application officers have requested changes to the plans to address some concerns about the outdoor space for the 2x2 bed flats in the frontage building. The following changes have been made:
- Depth of rear wall at 2nd floor level reduced by 450mm;
 - Terraces increased in size from 1.55m (d) x 3.8m (w) to 2.05m (d) x 4.2m (w);
 - The layout of the 1st/2nd floor maisonettes altered to provide communal rooms (i.e. kitchen and living room) on 2nd floor so that terraces are accessed directly from communal living areas.

Principle of Development

11. The site is not a Key Protected Employment Site as identified by policy CS28 of the Core Strategy. However the site is afforded the normal protection for employment generating sites, included as part of the 'cascade approach' to safeguard the supply of employment sites set out in the Core Strategy.
12. Policy CS28 recognises the importance of small employment generating sites and their contribution to the economic and social wellbeing of the City. In response to this the application, like the 2006 permission, proposes the modernisation of the workshop to create three live/work units. This approach would maintain an employment use on the site in accordance with policy CS28. Local Plan policy CP6 states that development proposals should make efficient use of land by making best use of site capacity.

Balance of Dwellings

13. Core Strategy policy CS23 comments that the predominance of one particular form of housing type within a locality may have unwelcome social implications. To remedy this policy CS23 supports a balance of dwelling types within any given locality.
14. In support of policy CS23 the Balance of Dwellings Supplementary Planning Document (BoDs) has assessed the housing stock within Oxford and has identified areas of pressure. The aim of BoDs is to ensure that development provides a balanced and mixed community and as a result Neighbourhood Areas provide the framework for the assessment of new residential developments.
15. The application site falls within an area defined by the SPD as red, which indicates that the scale of pressure is considerable and as such a proportion of family dwellings should form part of new development. BoDs

does not prescribe a mix for development with three or fewer units and as such the provision of a 1x1 bed flat and 2x2 bed maisonettes is acceptable in principle. The BoD's is not applicable to live/work units.

Form, Scale and Appearance

16. Local Plan policy CP8 states that the siting, massing and design of development should create an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area. While CP10 states planning permission will only be granted where proposed developments are sited to ensure that street frontage and streetscape are maintained or enhanced or created.
17. The street is characterised by residential development of a traditional domestic scale and appearance. The houses in the street are, with a few exceptions, all two storeys in height and form long terraces with very few breaks in the building line. The terraces are set back from the edge of the street behind a small yard or front garden which is enclosed by a low wall or in some cases a hedge.
18. The larger terrace is made up of shorter blocks of uniform terraces, with ridge, eave and roof planes matching. The front elevations also exhibit a degree of repetition with the door lintels being brick arches or more decorative stone. Most houses have ground floor bay windows. However, amid this uniformity the street exhibits variety, this is typified by the long terraces being made up of smaller blocks each with their own qualities. The ridge heights and roof lines differ in places and the replacement of original timber sash windows with metal or UPVC imitations adds further variety. More recent development has seen the insertion of a number of dormer windows fronting the street.
19. The site is between No 102 and 105 St Mary's Road, both of which have similar features but different eave and ridge lines. In response to the variety in the street the proposal does not match the ridge height of either neighbour nor does it seek to replicate their features. The proposed frontage building follows the strong building line of the road and is of a similar scale and form to the other houses in the street. Its appearance, which includes the undercroft, 1st floor Juliet balconies and small box style dormer windows, is considered to be a more modern interpretation of the street and its characteristics. It should also be noted that the scheme approved in 2006 had an identical scale and form to that now proposed. The only difference is that the current scheme incorporates brick lintels.
20. The workshop building would not be visible from St Mary's Road, however presently there are glimpsed views from Leopold Street. The alterations to the roof would introduce a new ridge which would be 1.8m higher than the ridge of the existing roof. The new roof would take a traditional pitch form and although partially visible from Leopold Street and some neighbouring gardens, it pitches away from the edges for the building and as such the additional height does not add greatly to the bulk of the building. The

existing multiple pitch roof will also assist in breaking up the new area of roof. The roof extension is not therefore considered to be unsympathetic to the appearance of the existing building.

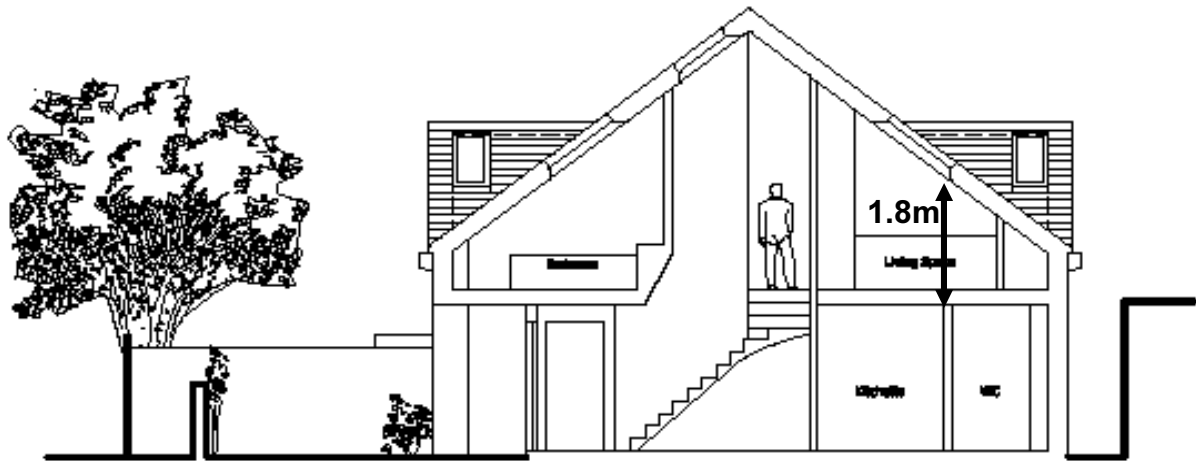
21. In consideration of the character of the street, as well as the scheme approved in 2006, officers conclude that the proposal would not be unsympathetic to the character or appearance of the street.

Proposed Residential Environment

22. The Local Plan requires proposals for new residential development to adequately provide for the needs of future occupiers. An acceptable internal and external environment must be provided. Specifically policy HS11 requires flats to be well lit and ventilated, fully self contained and to have a floor area in excess of 25m². The proposed flats all comply with these requirements.
23. Residential accommodation is also required to cater for the outdoor needs of future occupiers by way of an acceptable residential environment and garden space. Local Plan policy HS21 states that planning permission should be refused when insufficient or poor quality private open space is provided. The policy explains that where the units proposed are unlikely to be occupied by a family then access to a communal space may be reasonable. It goes on to say that units with two or more bedrooms should have exclusive use of an outdoor space.
24. The three live/work units have exclusive and direct access to gardens measuring between 5.4 and 5.8m wide and 4.7 to 5m long. These gardens would be adequate for the purposes of the live/work units and comply with the requirements of policy HS21.
25. The one bed flat on the ground floor of the frontage building would have exclusive and direct access to an outdoor space measuring 2.7m x 5.9m. For the purposes of a one bed flat this space is considered to be acceptable and in accordance with the requirements of policy HS21.
26. The 2x2 bed maisonettes have direct access to and exclusive use of a terrace on the 2nd floor. These terraces each measure 2.05m (d) x 4.2m (w). Policy HS21 states that outdoor space can be provided in the form of a balcony and although not large, the terraces would provide adequate space for a table and chairs or to dry clothes. Given the constraints of the site the outdoor spaces provided are considered to be acceptable.
27. No 102 St Marys Road, also in the ownership of the applicant, presently has no private outdoor space. The proposals will provide an exclusive rear garden for No 102 which will be to the betterment of existing and future residents.
28. Questions have been raised about the internal environment of the flats in the workshop building. In the first instance the 2006 permission included

no roof extension and was deemed to be acceptable by the Council. Secondly, the roof extension significantly improves the head heights within the roof space and the carefully positioned roof lights allow an outlook without resulting in a loss of privacy to neighbouring properties. Figure 1 shows a section through the building and demonstrates the acceptable head height.

Figure 1 – Section of Workshop Building



Rear Building - Section d-d

Impact on Neighbouring Properties

29. Policy HS19 of the OLP states that planning permission will only be granted for developments that adequately provide for the protection of the privacy or amenity of the occupants of the proposed and existing neighbouring residential properties.
30. The roof extension to the workshop would not have an overbearing impact on the neighbouring properties as it slopes away from both side boundaries at an angle of 40°. The existing pitch roof elements of the workshop cut into the new roof thus breaking up its bulk. The impact on neighbouring properties in St Marys Road would not therefore be unreasonable. The site backs onto Hawkins Street, with the rear gardens of No 1-5 backing onto the site. The increase in height would have a minimal impact on these properties due to the back to back separation distances and the pitch roof design of the roof extension. There is a betterment by way of the removal of glazing in the rear roof pitch of the existing workshop and although there will be a roof light replacing these windows, it will be high level so as to prevent any overlooking.
31. The northwest elevation of the warehouse building proposes three circular windows at 1st floor level. Although the lower end of No 101 St Mary's

Road is relatively maturely planted, due to the close proximity of the building to the boundary officers have concerns that there is an opportunity for direct overlooking. In the light of this it is recommended that the windows be either omitted or obscure glazed.

32. Other roof lights on the warehouse building are either high level (i.e. 1.8m above floor level) or do not face neighbouring properties. This ensures that the outlook is acceptable without adversely affect the privacy of neighbouring properties.
33. The frontage building does not project further rearward than No 105 St Mary's Road and as such there would be no loss of light to its rear facing windows. The building does project further rearward than No 102 St Mary's Road, however, it would not conflict with the 45° code when applied to the rear facing habitable room windows.
34. The frontage building would introduce a number of rear and front facing windows, as well as two rear terraces. The front and rear windows would not introduce levels of overlooking which are not common within dense urban areas, i.e. mutual overlooking of neighbouring gardens and facing windows across a residential street. These are considered to be reasonable within the context of the area and would not be unreasonably harmful.
35. The terraces have scope to overlook neighbouring properties, however both would have privacy screens to prevent side way views and therefore views would be restricted to the type of outlook afforded from any normal window. As a result of this the terraces are not considered to have an unacceptable impact on neighbouring properties and officers consider that the proposal complies with policy HS19.

Biodiversity

36. Policy CS12 of the Core Strategy states that development that results in the net loss of sites or species of ecological value will not be supported. Local Plan policy NE21 states that planning permission will not be granted for developments that would harm animal species specifically protected by law, unless the harm can be overcome by appropriate mitigation through compliance with planning conditions or planning obligations.
37. The warehouse building has been stripped out by its previous owner and as such there are no roof voids etc which might provide roosting opportunities for any species of bats. The site does not provide a suitable habitat for protected species and is of no ecological value. As such the proposals would not have any adverse impact in this regard.

Parking

- 38.** The proposals provide one off street car parking space per unit. The site is within the Transport District Area and as such is highly sustainable, i.e. excellent access to alternative modes of transport and to shops and services. As such the level of parking provision is acceptable and accords with the requirements of the Local Plan. The highway Authority raised no objection to the proposals on parking and highway safety grounds.
- 39.** Cycle parking is provided for 14 cycles which exceeds the requirements of the Local Plan.

Conclusion:

- 40.** The proposal would make a more efficient use of a brown field site in a manner which would retain employment opportunities whilst providing good quality residential accommodation. The proposals would respect the character and appearance of the area and the amenities of neighbouring residential properties. Officers would therefore recommend that planning permission be granted subject to the conditions set out above.

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: 11/02205/FUL, 06/00715/FUL

Contact Officer: Steven Roberts

Extension: 2221

Date: 20th October 2011

Appendix 1

