

Site Address: 2 Friars Hill Flats Friars Hill Wroxton

14/02095/F

Ward: Wroxton

District Councillor: Cllr Douglas Webb

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Mr Nicholas Turner

Application Description: Subdivision of Flat 2 into two separate flats

Committee Referral: Applicant is a District
Councillor

Committee Date: 19/02/2015

1. Site Description and Proposed Development

- 1.1 The site is a residential flat contained within a two storey block of similar flats located in a remote rural location north of the village of Wroxton. The flats are constructed of red/sand coloured brick with a very shallow pitched roof and uPVC windows and doors. There are two vehicular accesses to the flats; one access leads to a bin storage area and associated outbuildings whilst the main access leads to a large parking area with shared amenity spaces.
- 1.2 The application seeks planning permission for the subdivision of Flat 2 (a three bedroom flat) into two smaller separate units of residential accommodation (one bedroom flats). The flat is located on the ground floor of the south-western wing of the building and is currently accessed from the main foyer. The proposed subdivision would result in two flats being created each with 1 bedroom and a sitting room linked to the kitchen and a separate bathroom. One flat would utilise the existing access arrangement, whilst a new access would be created for the other; replacing an existing uPVC window with a uPVC door to match others within the block of flats.
- 1.3 In terms of site constraints, the site is within an area of high landscape value and a number of notable species and habitats have been identified in the area. The site is also within a mineral consultation area and within 250m of a landfill site and is potentially contaminated. However given the nature of the proposal and the fact that the proposal relates to the subdivision of an existing residential property it is not considered that any of these issues act as constraints to the application which need further consideration.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 29/01/2015. One letter of objection has been received on behalf of the occupants of two of the neighbouring flats as a result of this process.
- 2.2 The following comments were made within the objection letter:
 - i). At the moment we have 17 Hot water tanks, with two more to be fitted. An increase to 20 tanks will increase the likelihood of an escape of water. This will also put extra pressure on the cold water system.
 - ii). With the proposed conversions there is the potential for an extra 6-8 vehicles in the car park. This will cause congestion, particularly when visitors are present.
 - iii). In line with the above there will be an extra strain on the infrastructure. Sewage is currently dealt with via a septic tank. I am not sure of the effect of potentially six-eight more people. The electric is another consideration. Am not

sure whether the current system is designed for any more additions.

- iv). I have not seen a plan but access to and from the proposed dwellings will be an issue, especially as the foyer in that part of the complex is very narrow.
 - v). Refuse collection will need to be increased by CDC or extra bins provided, which need to be housed.
- 2.2 The issues raised in the objections will be addressed within the relevant sections of the main body of this report. The full contents of all the representations received are viewable on the Council's web-site.

3. Consultations

3.1 Wroxton Parish Council - No objections

3.2 Cherwell District Council Internal Consultee:

Private Sector Housing Officer - No Objections, I would however suggest that the shower rooms are accessed from the bedrooms forming en-suites instead of directly off the main living area.

3.3 Oxfordshire County Council Consultees:

Highways Liaison Officer - No objections subject to conditions

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

C28: Layout, design and external appearance of new development

C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF) - March 2012

Planning Practice Guidance (PPG)

Submission Local Plan (SLP) - October 2014

Submission Local Plan (October 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation, from 22nd August to 3rd October 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The examination reconvened and closed in December 2014 and the Inspectors report is likely to be published in March 2015. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

ESD 16: The Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- The principle of subdivision;
- Highway safety;
- Visual amenity;
- Impact on neighbour amenity.

Relevant Planning History

- 5.2 14/01518/F - Subdivision of Flat 10 into two separate flats
CHN.869/87 - Reroofing with double pitched roof over existing flat roof and other alterations to flats. Approved
CHN.473/80 - Re-arrangement of partitions for flats at first floor level and other alterations. Approved
B.404/56 - The extension of existing flats to form additional accommodation. Approved
B.281/51 - Alterations to convert workers' hostel into 8 self-contained flats. Approved
B.177/51 - Workers' hostel and access. Approved
- 5.3 The site was at one time 8 self-contained flats. In 1980 permission was granted for the subdivision of 8 out of the 10 flats to smaller units (CHN.473/80). This current application comes following the recent approval of 14/01518/F for a similar scheme at Flat 10; at this time Flat 2 would be the only flat that had not been previously subdivided.

Principle

- 5.4 There are no policies contained within the Adopted Cherwell Local Plan or the Submission Local Plan that address the principle of the subdivision of existing properties and other housing policies contained within the plan are also difficult to apply to this case given that it does not constitute the construction of a new dwelling. The proposals therefore need to be considered in the context of the NPPF and its principles of sustainable development; and whether or not there is any harm caused by the development that outweighs the benefit of providing an additional residential unit of accommodation; when currently the Council is in a position where it cannot demonstrate a 5 year housing land supply. The potential for harm is assessed in the following sections of the report.

Highway Safety

- 5.5 It is understood from the submission that there are 30 parking spaces available. However, it would appear on site that there is no specific or formal allocation of these spaces. The Highways Officer has assessed the proposals and raises no objections to the scheme; subject to a condition being applied to any permission requiring that the parking and manoeuvring areas are kept free from obstructions at all time and only used for the intended purpose.
- 5.6 From visiting the site it is clear that there is a significant area of land given over to parking and the existing access is good. The addition of a one bedroom flat is likely to generate some additional demand for parking; however this is unlikely to be at the level suggested within the objection letter received (6-8 additional vehicles), given the size of the proposed additional flat. As noted previously 8 out of the 10 flats have already been subdivided; and a further permission has been granted for the subdivision of Flat 10. With the additional subdivision, now proposed, it would still result in a parking provision of 1.5 spaces per unit. Given that the majority of units are only one bedroom this is likely to meet the parking requirements. Officers see no reason not to agree with the opinion of the Highways Authority. It is considered that adequate parking is retained within the site and that there will be no detrimental impact on highway safety as a result of the proposed subdivision.

Visual Amenity

- 5.7 The Government attaches great importance to the design of the built environment within the National Planning Policy Framework (NPPF). Good design is a key aspect

of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

- 5.8 Saved Policies C28 and C30 of the Adopted Cherwell Local Plan also seek standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development.
- 5.9 The proposal consists of a subdivision of an existing unit and the only external alteration proposed is the insertion of a new uPVC access door (to match existing doors on other ground floor flats) in place of an existing uPVC window. The proposed change to the external appearance is considered minor in its nature, and given that the proposed door will match others already in situ elsewhere on the building, would not appear out of place. As such it is considered that there is no adverse visual impact arising from the proposal and the application complies with Policy C28 of the adopted Cherwell Local Plan and guidance contained within the NPPF.

Neighbour Amenity

- 5.10 Given the nature of the development and the fact that there are no external alterations to the property, other than the replacement of a window with a door, there is no potential for additional overlooking between the units, loss of light or overbearing. The creation of 1 additional unit of accommodation may result in additional vehicular and pedestrian movements but the impacts from these in terms of noise and disturbance is unlikely to be greater than you'd expect from the existing residential units. It is considered that the proposal will comply with Policy C30 of the adopted Cherwell Local Plan.

Other matters

- 5.11 Comments have been made as to the impact of the proposed subdivision of the flat on the services and utility provision within the rest of the block of flats. It is considered that one additional (1 bedroom) unit of accommodation would not significantly impact on service provision within the site and is not something that would warrant a reason on which to base a reason to refuse the application. Further that the proposals will also be the subject of Building Regulations approval which ensures that standards for the design and construction of buildings are met.
- 5.12 Comment has also been made with regard to refuse collection and bin storage. It would be the applicant's responsibility to arrange for the necessary recycling and waste bins to be provided. As noted previously there is an existing bin storage area which is to be used going forward. The Local Authority already collect refuse from the existing flats and it is considered that the addition of an extra unit would not alter this arrangement.
- 5.13 The Private Sector Housing Officer has not raised concerns about the principle of the development, but has suggested alterations to the internal layout; specifically to where the bathrooms are accessed from. These suggestions have been discussed with the applicant but discounted; considering that if access to the bathrooms was made via the bedrooms that it would mean that visitors to the property would have to go through the private bedroom area in order to access bathroom facilities. The proposals as submitted do not contravene the Authority's required housing standards and it is not considered that the suggestions made by the Private Sector Housing Officer would need to be implemented to make the scheme acceptable in planning terms.

Engagement

- 5.14 With regard to the duty set out in paragraphs 186 and 187 of the Framework, any

problems or issues that have arisen during the application have been dealt with in consultation with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant and the efficient determination of the application.

Conclusion

- 5.15 The proposal is fairly minor in nature and is not considered to be controversial. It is not considered to result in any adverse harm to neighbour and visual amenity or highway safety. The external alterations are sympathetic to the character of the context of the site and the design provides standards of amenity which are considered acceptable. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

6. Recommendation - Approval subject to the following conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and proposed floor plan drawings.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. The parking and manoeuvring area shall be kept free of obstructions at all times and used only for the specified purpose.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), any problems or issues that have arisen during the application have been dealt with in consultation with the applicant. It is considered that the duty to be positive and proactive has been discharged through the interaction with the applicant and the efficient determination of the application.