

Application 10/01371/F	No:	Ward: Ruscote	Banbury	Date 08/09/2010	Valid:
Applicant:	Councillor Alyas Ahmed				
Site Address:	175A Warwick Road, Banbury				

Proposal: Conversion of roof space above existing 1st floor flat to studio flat – re-submission of 10/00475/F

1. Site Description and Proposal

- 1.1 The application site is a flat over an existing shop, fronting onto the Warwick Road. The site is accessed by a service road adjacent to the Warwick Road/Orchard Way/Ruscote Avenue junction area.
- 1.2 The proposed conversion of the roof, and the addition of a dormer to the rear will create an independent flat, accessed from a communal stairwell serving both flats.
- 1.3 The application is placed before the committee for determination as the applicant is an elected Member of this Council representing the Banbury Neithrop Ward.

2. Application Publicity

- 2.1 The application has been advertised by way of site notices, press notice and neighbour letters. The final date for comments was 14 October 2010.
- 2.2 Letters of objection to the originally proposed hours were received from residents of two nearby addresses. Material comments raised were as follows;
 - Impact on (and by) parking, and associated impact on residential amenity

3. Consultations

- 3.1 Banbury Town Council – no comments received, however the Town Council did not object to the original application.
- 3.2 Head of Housing Services – no objections to this revised scheme; the previous issues of room sizes and amenity space have been addressed.
- 3.3 County Highways Liaison Officer – no objections, given the existing parking controls and the edge of town-centre location.

4. Relevant Planning Policies

- 4.1 National Policy Guidance:
 - PPS1 – Delivering Sustainable Development
 - PPS3 – Housing
 - PPG13 - Transport
- 4.2 Local Policy in the Adopted Cherwell Local Plan 1996:
 - Policy C28 – Layout, design and external appearance to be compatible with the character of the context of a development proposal
 - Policy C30 – Through the exercise of design control, development should provide acceptable standards of privacy and amenity
 - Policy C31 – Compatibility of proposals in residential areas

5. Appraisal

- 5.1 As an application to create an additional residential unit above an existing flat and shop, within an existing mixed use area, adjacent to residential areas, the proposal must be considered with regard to its impact on residential amenity, the compatibility of the proposed residential use with the business uses, and issues of highway safety.
- 5.2 The proposal is considered to be acceptable, in the light of the above policies, with regard to residential amenity. This Council's Private Sector Housing Team is now satisfied that the proposal is capable of providing sufficient levels of privacy and amenity for the occupants. In addition, the proposal is considered to ensure sufficient levels of privacy and amenity for the occupants of surrounding properties. The dormer window, whilst a new and non-original feature in this block, does not cause any unacceptable overlooking, loss of privacy or other loss of amenity. The distances from the windows in the proposed dormer to the flats to the rear and to the other properties on Cromwell Road, Orchard Way and Orchard Close; are all in excess of the minimum distances required by this Council's Design Guide. The proposed side facing windows, which illuminate the stairs and communal hallways of the flats, are to be restricted to obscure glazing by condition. It is considered that this will mitigate any potential for harmful overlooking or loss of privacy for the adjacent property.
- 5.3 The proposal is also considered to be acceptable in terms of its impact on the character and appearance of the street-scene. The proposed dormer to the rear will be of limited visibility from the public domain, and the roof-lights to the front have minimal impact.
- 5.4 That the residential use is compatible with the ground floor retail is not at issue as there is established residential use to the first floor units.
- 5.5 Whilst the comments of the contributors to the application are noted, it is considered that the proposal is acceptable in highway safety terms. There is space to the rear of the units which could be used for parking, but it is beyond the remit of this application to require further details. The location of the site, relatively close to the town-centre means that specific parking provision is not necessary for a unit of this type.
- 5.6 The proposal is therefore considered to comply with the relevant policies of the adopted Cherwell Local Plan as well as national guidance and is therefore recommended for approval.

6. Recommendation

Approval, subject to the following conditions;

- 1) SC 1_4A (Time for implementation)

- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the plans and documents submitted with the application.

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 in PPS1 – Delivering Sustainable Development.

- 3) SC 2_9AA insert “proposed first and second floor side facing windows” and “South-East” (Obscurely glazed windows to comply with Policy C30)

Planning Notes

- 1) T1 – Third party rights

Summary of Reasons for the Grant of Planning Permission and Relevant Development Plan Policies

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate and will not unduly impact on the neighbouring properties, public, private or any other amenity, or the appearance of the street-scene. In addition, the proposal makes efficient use of existing housing stock and contributes to the mix of housing in this area. As such the proposal is in accordance with government guidance contained in PPS1 – Delivering Sustainable Development, PPS3- Housing; and Policies C28, C30 and C31 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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