

REPORT OUTLINE FOR AREA PLANNING COMMITTEES**Report No.**

Date of Meeting	24 January 2018
Application Number	17/10136/FUL
Site Address	150 Sheldon Road, Wiltshire, Chippenham, SN14 0BZ
Proposal	Change of Use of Old Persons Home (Class C2) to Create 2No Residential Units Within Class C3(c)
Applicant	Mr David Phizacklea
Town/Parish Council	CHIPPENHAM
Electoral Division	CHIPPENHAM QUEENS AND SHELDON – Cllr Ashley O'Neill
Grid Ref	390718 173369
Type of application	Full Planning
Case Officer	Chris Marsh

Reason for the application being considered by Committee

The application has been called in by Cllr O'Neill in order to consider the car parking, highways and environmental impacts of the proposal.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved, subject to conditions.

2. Report Summary

The key issues in the consideration of the application are:

- Principle of development;
- Impact on highways/parking; and
- Impact on neighbour amenity

3. Site Description

The application relates to land at buildings at no.150 Sheldon Road, Chippenham, a former retirement/nursing home (Use Class C2) providing full-time care to its elderly residents. The site is situated on the northern side of Sheldon Road, which occupies a reasonably central position in a mature, predominantly residential, part of Chippenham. Access is obtained directly from the highway, with a private drive running the length of the western site boundary to serve parking/turning and external circulation/utility areas. As with most properties on this side of the highway, the single extended bungalow on site is set back from the road behind a modest garden area, and is of linear form and one-and-a-half-storey proportions, providing a limited degree of additional accommodation in the roof of the frontward element. It is finished in render beneath a concrete tile roof with tiled box dormers.

4. Planning History

N/87/02449/FUL	EXTENSION FOR ANCILLARY ACCOMMODATION – Approved
N/93/01011/FUL	EXTENSION TO DWELLING EXTENSION – Approved
N/00/01205/FUL	ERECTION OF CONSERVATORY – Approved
N/08/01800/FUL	Proposed Dormer Window Extension – Approved

5. The Proposal

The proposed development comprises the change of use of the former home to a five-bedroom dwelling and attached four-bed flat, comprised within the forward – one-and-a-half-storey – and rear single storey sections of the building respectively. The former is to be comprised of a large open-plan living room/kitchen/diner, utility, study and bedroom with ensuite at ground floor, with stairs to a further four bedrooms; two have ensuite bathrooms and another has an ensuite and dressing room. The attached flat to the rear is to provide four bedrooms, each with ensuite, and a central kitchen/lounge with separate laundry provision. In either case, no significant external alterations are necessary other than the replacement of a window with an external door within the inset area shown as 'Elevation A'. Parking areas are to be reconfigured to provide 3no. parking spaces at the rear of the site, and a further four allocated bays within the area of amenity space to the front of the building, all accessed via the existing entrance off of Sheldon Road.

The original application was for a change of use to cluster flats, representing a House in Multiple Occupancy (HMO, Use Class C4) however the revised plans clearly show the building instead configured as two separate, more typical single residential units (Use Class C3) and the description of development has been amended accordingly. Understanding that the rooms may be let independently it is considered that principally due to their size, parking arrangements and sharing of amenity areas in a typical domestic manner, both units fall into Class C3(c), being "*groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class*".

6. Local Planning Policy

Wiltshire Core Strategy:

Core Policy 1 (Settlement strategy)

Core Policy 2 (Delivery strategy)

Core Policy 57 (Ensuring high quality design and place shaping)

Core Policy 60 (Sustainable transport)

Core Policy 61 (Transport and development)

Core Policy 64 (Demand management)

National Planning Policy Framework:

Paragraph 17

Section 4 (Promoting sustainable transport)

Section 6 (Delivering a wide choice of high quality homes)

Section 7 (Requiring good design)

7. Summary of consultation responses

Chippenham Town Council – objections; *“The Town Council objects on the grounds of over development of the site and traffic concerns regarding the impact onto the highway network.”*

Highways – no objection, subject to conditions

Public Protection – no objection, subject to conditions

8. Publicity

The application was advertised by site notice and neighbour letter.

12 objections were received, raising the following concerns:

- Inadequate on-site parking provision, leading to pressure on obstructive on-street parking;
- Increased noise and disturbance;
- Loss of privacy to neighbouring occupiers;
- Potential for crime and anti-social behaviour;
- Overdevelopment of the site; and
- Visual harm to street scene

A petition of 100 signatures (some overlapping with the above count) was also received, citing *“safety concerns around traffic, parking, noise and possible anti-social behaviour”*.

Following amendments, the application was re-advertised for a further three weeks. A further five objections were received, raising the following concerns:

- Loss of privacy due to overlooking;
- Lack of suitable parking and turning provision;
- Increased noise and disturbance; and
- Inconsistency of plans

These comments were accompanied by a further petition of 160 signatures citing the same reasons as previously.

It should be noted that concerns pertaining to the value of property and speculation as to the character or intentions of the applicant are not material considerations and are not afforded any discussion or weight in the section below.

9. Planning Considerations

Principle of development

The site is located within a well-established residential part of Chippenham, which is itself identified in the Core Strategy as a Principle Settlement capable of accommodating a significant level of new residential development. The site has historically been in residential use and offers excellent access to a wide range of employment, service and transport options consistent with the objective of reducing the need to travel by private car. As such, the site is a sustainable location for new residential development and the exact quantum of accommodation falls to be considered primarily on the specific capacity and constraints of the site itself.

Impact on highways/parking

The proposed development makes use of an established vehicular access historically serving as the single point of entry to the site. This would, at a fundamental level, not change, with a similar area to the rear of the building serving part of the new parking requirement. The 4-bed rear flat generates a requirement for 3no. parking spaces in order to meet the adopted countywide standards, and this has been demonstrated in a manner well-related to the accommodation. An additional area created to the front of the dwelling would, in the view of the Council Highways Officer, also provide adequate parking for the 5-bed unit (again requiring 3no. spaces) plus an additional visitor space. All areas would provide adequate facility for turning, enabling vehicles to join and exit the highway in a forward gear and due to the reasonably low intensity of use and connecting driveway would not give rise to an unacceptable potential for conflict between users.

Public representations made before and after the receipt of revised parking/turning details make reference to an increase in traffic and on-street parking associated with this development. Whilst on-street parking is acknowledged to be a problem, particularly at times of peak vehicle movements along Sheldon Road, it is one that already exists and developments cannot be expected to exceed the countywide standards. Notwithstanding, in this instance, it is considered reasonable that the additional visitor space takes account of the occasional visit by private car that may be introduced by unrelated occupants. The Highways Officer also notes that the amended layout is also less likely to attract additional caretaker/cleaner, inspection or other service visits typically associated with HMOs. Particularly when noting the 'severe' test set out at Paragraph 32 of the Framework it is not considered that the highways implications of the proposal now provide any meaningful basis for objection.

Impact on neighbour amenity

Several public representations make explicit reference to concerns that the proposed development will attract an unwelcome degree of disruption both to the site itself and immediate neighbours, as well as to the wider neighbourhood. There seems little to suggest that the latter could be demonstrated as a direct consequence of the development in question, being more speculative as to the pursuits of future occupants who could just as well be living in any other dwelling. It is acknowledged that the creation of two units in place of what was previously a particularly un-intrusive use is likely to lead to an increased intensity of activity with some noise implications. Due to the detached nature of the building and accommodation now proposed, however, this is

not considered to be detrimental to the neighbourhood which, it should be noted, lies in a relatively busy area within the town. Were any exceptional disturbance to be experienced by neighbours, however, there are separate statutory powers such as Noise Abatement Notices capable of addressing such an issue.

It is considered that – unlike the original configuration of the building as proposed – occupants would be afforded an appropriate standard of residential amenity in terms of private space (though without this amounting to bedsit-type accommodation) and natural daylight. It should be noted that, despite the lack of useable outside amenity space, this is a pre-existing arrangement on site and occupants would be cognisant of this from the outset. Whilst a good standard of useable rear amenity space is typical of residential properties in the area, even if the subject building were converted to a single dwelling this could not be achieved without significant, and rather unrealistic, demolition works. Its absence is not considered determinative in this instance, therefore. In respect of neighbour privacy, it is noted that a degree of overlooking from the first floor windows exists already and, in the absence of any change to fenestration, this situation would remain unaltered.

Noting that the difference between Class C3(c) and Class C4 HMO's is a relatively narrow one, the revisions to the proposed layout are nonetheless considered significant in terms of the way in which the building is to be occupied and the implications for potential noise disturbance and suchlike. Whilst instances of anti-social behaviour associated with HMO's more generally are certainly known, with a greater emphasis on shared living areas rather than bedsit-type accommodation with the odd circulation space it seems reasonable to assume that occupants would take greater ownership of their environment out of respect for others around them. Given that the setup of both units is now not dissimilar to a typical domestic blueprint, it is not considered that the impacts of the development in this regard is likely to be significantly greater than any other dwellinghouse. In this instance, therefore, the question moreover is whether two dwellings on this site represents overdevelopment or not; having regard to the considerations above and the context of the site, it is considered that it does not.

The Council's Public Protection Officer commented on the original application as follows: *"The proposal is for a change of use from a nursing home to a cluster of flats and unlikely to have any long term effects on the local amenity. It is likely that there will be some effect on the amenity during the construction/renovation phase through noise and potentially dust. To protect the neighbours during this period it is appropriate to prohibit any burning of waste and restrict hours of construction which are detailed in the conditions below. Dust from any building activities should also be managed as necessary."* Conditions are recommended in the latter regard.

Other matters

There are no significant design changes to the exterior of the building, the change of a window to a door having no consequential impact on the overall appearance of the newly-created flat nor on the amenity of occupants or neighbours. The creation of the new parking area to the front of the unit will however have an impact on the appearance of the street as a landscaped area is to be replaced by hard standing and, one would

anticipate, parked vehicles. Whilst this does little to enhance the street, it is not out of character and several other examples of such an arrangement can be seen sporadically along Sheldon Road. Subject to securing an appropriate standard of landscaping including a suitable boundary wall along the highway frontage, it is not considered that the visual effects of the change will be detrimental to the character and appearance of the area, therefore.

In terms of the configuration of the property, the plans do exhibit some unusual elements, as observed by neighbours. Although the first floor Bedroom 4 does not appear to have an allocated bathroom, though, this is a practicality of concern principally to the applicant and future occupiers; in practice this may simply reduce the intensity with which the building is occupied – e.g. by rendering it suitable only as a study, and/or occupied in tandem with another bedroom. As regards the extension into a conservatory of the ground floor Bedroom 4, to the rear of the property, this is again a matter of personal choice and – in remaining a habitable room for the purposes of planning – does not materially alter the consideration of the application. In that instance, occupants are likely to be more affected by a sense of overlooking by neighbours than vice-versa, and may therefore take appropriate measures such as the installation of blinds to address this. The proposals, it should be remembered, can only be considered on their individual merits.

Conclusions

On the basis of the matters discussed above, it is considered that the amended proposals comply with adopted Core Policies 1, 2, 57, 60, 61 and 64 and, in light of the absence of any material consideration indicating otherwise, are acceptable in planning terms.

RECOMMENDATION

That planning permission is GRANTED, subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from 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 the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

17/107/3 rev A - Proposed Plans
17/107/1 rev A - Parking
Received 15 December 2017

17/107/1 - Block & Location Plan
Received 19 October 2017

REASON: For the avoidance of doubt and in the interests of proper planning.

- 3 No dwelling shall be occupied, until details of screen walls and/or fences have been submitted to and approved in writing by the Local Planning Authority, and the screen walls and/or fences in respect of each dwelling have been erected in accordance approved details. The approved screen walls and/or fences shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy and in the interests of amenity.

- 4 No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 5 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

- 6 No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of local amenity.

- 7 **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

- 8 **INFORMATIVE TO APPLICANT:**
The applicant is advised that this permission authorises a change of use to Class C3(c) only and does not authorise any works or further change of use that may require a separate grant of planning permission, including any intensification of occupation that may create a dwelling or dwellings falling within Class C4 of the Use Classes Order (as amended).

- 9 **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.