DELEGATED REPORT

Application Reference:	PL/2023/06447
Application Type:	Planning Permission
Site Address:	38 Church Street, Calne, SN11 0HZ
Proposal:	Change of use of existing office/shop into annexe to residential property
Recommendation:	Planning Permission be GRANTED

SITE AND PROPOSAL

The application relates to 38 Church Street which is a disused retail unit situated close to the town centre of Calne, just off the High Street and running parallel with the London Road. The site falls within the Secondary Retail Frontage of the town. The building is in close proximity to a number of listed buildings (including 21 & 22, 23 and 23A The Green) and also within the Calne Conservation Area. The road is identified as being at risk of surface water flooding and ground water level are suggested to be high in the area. There are no landscape or ecological designations affecting the site.

This application seeks planning permission for the change of use from an existing retail unit to residential annexe associated with 23 The Green. The annexe would consist of one bedroom, a kitchen/dining space, living room and shower room and basement store/study space. Access would be gained via the existing door through the garden courtyard of no.23. No external changes to the building area proposed as part of this application.

PLANNING HISTORY

The Heritage Statement explains that the unit has not been in active retail use since 2004, this is reflected in the Council Business Rates records. In 2009 listed building works affecting 23 The Green were completed and this also involved demolition of part of the shop premises, attached to 38 Church Street (N/04/03482/LBC refers).

In 2015, a planning application was submitted initially seeking planning permission for the change of use of the remaining unit from A1 Shop/retail to residential (as an independent dwelling) along with various works to renovate the building (15/04624/FUL refers). The change of use element of this proposal was removed from the scheme after the LPA indicated use of the building as a separate dwelling would not be supported due to unacceptable living conditions. Following revisions to the application, planning permission was granted for external alterations to the existing building only. It is understood that internal renovations have also taken place since this permission was granted.

In 2022, two applications were made seeking a Lawful Development Certificate to establish lawful use of the building as ancillary storage to 23 The Green (PL/2022/03881 and PL/2022/7548 refer). These applications were refused as the evidence provided in support of the applicant's claim was not considered to be sufficient to demonstrate that a continuous use has taken place for the requisite period. The LPA was not satisfied that there was a continuous relevant period upon which a Lawful Development Certificate could be granted.

MAIN ISSUES

- Principle of development
- Scale and Design
- Impact on the setting of the nearby listed buildings and Calne Conservation Area
- Residential Amenity
- Access and Parking
- Drainage and Flood Risk

PLANNING POLICY

Wiltshire Core Strategy 2015 (WCS)
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 8: Spatial Strategy for Calne Community Area
Core Policy 57: Ensuring High Quality Design and Place Shaping
Core Policy 58: Ensuring the conservation of the Historic Environment
Core Policy 60: Sustainable Transport
Core Policy 61: Transport and Development
Core Policy 64: Demand Management
Core Policy 67: Flood Risk

North Wiltshire Local Plan 2011 (NWLP)
R2 Town Centre Secondary Frontage Area

Calne Community Neighbourhood Plan 2016-2026 (CCNP)
Policy WS2.1 Calne Town Centre
Policy WS2.2 Calne Town Centre Masterplan
Policy BE4 Heritage Assets

National Planning Policy Framework 2021 (NPPF)
Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 6 Building a strong, competitive economy
Section 12: Achieving well designed places
Section 16: Conserving and enhancing the historic environment

CONSULTATION RESPONSES

Calne Town Council: No Objection

The Planning, Licensing and Highways Consultative Committee has approved a Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge which we would ask is considered when determining this application

Wiltshire Council Conservation: No Objection

REPRESENTATIONS

The application as advertised by site notice and direct neighbour letter.

No responses have been received.

ASSESSMENT

Principle of Development

The application site is located within the Calne Town Centre and well within the framework boundary. The Wiltshire Core Strategy identifies Calne as a Market Town which can support sustainable patterns of living through its current level of facilities, services and employment opportunities. The principle of residential development within this sustainable location is therefore regarded as acceptable.

The site is located within the Calne town centre secondary frontage area, meaning that saved policy R2 of the NWLP is of particular relevance to this proposal. It is a positively framed policy which expects that proposals falling within former Use Classes A, D1 and D2 will be permitted in secondary frontage areas provided they satisfy a number of criteria. Policy R2 does not however seek to control the conversion of properties to residential uses. The development is therefore not considered to be contrary to policy R2 of the NWLP.

The site borders the Calne Town Centre Masterplan area identified within the CCNP. In this area WS2.2 is relevant as it expects development to have regard for the Masterplan document objectives which include seeking development which improves the town vibrancy and rebalance uses, improve employment opportunity and support existing retail and commercial uses.

Whilst the Local Planning Authority seeks to ensure retailing and other commercial uses remain the primary function in the town centres, it is recognised in national guidance that residential uses are complementary uses which can sustain activity in these centres. It is acknowledged in this case that the building has been vacant or retail use for an extended period of time and that due to the location and size of the space, ongoing retail use is unlikely to be viable. The change of use being proposed is regarded as a reasonable alternative option for the building which is unlikely to undermine the vitality or viability of the town centre.

Scale and Design

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. Sections 12 of the NPPF expects a good standard of design.

CCNP Policy WS2.1 EXPECTS Development proposals consider, assess and address their impact on the streets, pavements, parking areas and other public spaces and the opportunities provided to improve the quality, accessibility and safety of the public realm and benefit businesses and customers alike. CCNP WS2.2 expects development to have regard for the Town Centre Masterplan which includes respecting the town architecture.

With no external changes proposed, the change of use is not likely to have any effect on the visual amenity of the area. The annexe will share the existing private courtyard serving no.23. The owners have maintained the shop front appearance meaning that the residential use is almost undetectable from the outside. The proposal will have no impact on the pavements and public spaces in the vicinity. Parking is discussed in the relevant section below.

The Town Council made reference to Sustainability Statement as part of the Climate Emergency & Climate and Environmental Pledge, asking that is considered when determining this application. Given that the proposal only relates to the change of use with internal changes already having been undertaken there is limited opportunity to secure improvements in energy efficiency or specification of sustainable materials. The applicant will still need to comply with the relevant building regulations requirements in respect of water and energy efficiency.

Overall, the proposal will integrate effectively complying with WCS Core Policy 57, CCNP Policy WS2.2 and Section 12 of the NPPF.

Impact on the setting of the nearby listed buildings and Calne Conservation Area

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require Local Planning Authorities in determining planning applications affecting a Conservation Area to pay special attention to the desirability of preserving or enhancing the character or appearance of that conservation area.

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Section 16 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

CCNP Policy BE4 relates to heritage assets and expects proposal within or affecting the Calne Conservation Area to take account of their distinctive characters, including their open spaces and natural features, and reflect these in the proposed layout, design, form, scale, mass, use of materials and detailing. The CCNP sets out that the protection of individual heritage assets is important not only to safeguard the significance of the asset itself but also to protect the wider historic environment.

The building subject of the application is not listed, however it does make a positive contribution to the character and appearance of the Calne Conservation Area. External changes to the building would also have potential to impact the setting of nearby listed buildings, the closest being 21 & 22, 23 and 23A The Green.

In this case, the application does not include any external alterations to the building therefore its outward character would be largely unchanged. The current owners have maintained the building to retain the

pleasant shop front aesthetic and as a result any impact to the character and appearance of the Conservation Area or the setting of nearby listed buildings is likely to be neutral.

The Council's Conservation Officer have provided the following comments -

No.38 Church Street Calne dates from prior to 1880 and could be considered to be a non designated heritage asset.. Although a small building it is significant in the street scape with a shop front onto Church Street creating an active frontage between with high stone walls.. The proposal for a change of use from a separate commercial use to ancillary residential accommodation connected to grade II listed No. 23 The Green. There are no physical works and it does not change the current physical relationships between the properties that share a courtyard. There is no evident harm to significance of Listed Building or the setting of the listed buildings on Church Street and The Green or the character and appearance of Calne Conservation Area.

On consideration of the above, the proposal is considered to comply with the requirements of CP57 & CP58 of the WCS as well as Section 16 of the NPPF.

Residential Amenity

Core Policy 57 states that development should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants and ensuring that appropriate levels of amenity are achievable within the development itself. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users.

The proposal would create a compact unit of accommodation for ancillary residential use in connection with no.23 The Green. The level of accommodation is constrained, and the floor area does not appear to meet the Nationally Described Space Standards for a new dwelling. Whilst not adopted policy, these standards are a useful indicator that can be used for assessing living conditions. The relationship with the courtyard of no.23 would also create access issues and not allow for adequate levels to privacy to be achieved if the accommodation were to be occupied independently. It is evident that a separate dwelling would not be appropriate here, however, as ancillary accommodation to no.23 the proposal is considered as an enhancement to the existing dwelling. A condition will be required to ensure that the accommodation is not occupied independently of no.23.

Subject to an appropriately worded condition to restrict occupation, the proposal would meet the requirements of CP57 of the WCS and Section 12 of the NPPF.

Access and Parking

Wiltshire Core Strategy policy CP61 states that new development should be capable of being served by safe access to the highway network. Core Policy 64, states that provision of parking associated with residential development will be based on minimum standards and that standards will be reduced to reflect local circumstances and the relative accessibility by sustainable transport modes in accordance with an accessibility framework. Section 9 of the NPPF expects that development provides safe and suitable access for all users and that opportunity is taken to promote sustainable transport options.

It is understood that the existing property (no.23 The Green) has 4 bedrooms and does not benefit from any off-road parking. The proposal would provide one further bedroom does not include any change to the existing parking arrangements. The proposal would not meet the minimum parking requirements however this is an existing situation with all parking already occurring on the road at The Green. CP64 does allow for a lessening of parking standards under certain circumstances which include where there are significant urban design or heritage issues, where parking demand is likely to be low or where any parking overspill can be controlled. In this case there is a sufficient availability of off-street parking in close proximity to the site and the property is located very close to the town centre with ready access to sustainable transport alternatives. The property also benefits for adequate space for bike storage. On balance, it is not considered that the proposal for annexe would lead to any additional parking pressure that would warrant refusal of the application.

Drainage and Flood Risk

Core Policy 67 of the WCS expects all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. Section 14 of the NPPF expects that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

The application does not include any exterior changes or additional hardstanding and so there are no issues in relation to surface water drainage. It is assumed that the building is already adequately drained therefore the proposal would not increase flood risk on or off site. The road to the front of the site is identified as being at risk of surface water flooding however this does not affect the site itself. The annexe will have a means of access/escape via the garden of 23 The Green which is unaffected by the surface water flood risk.

The site is within an area indicated to be at high risk of ground water flooding. The NPPF expects development to be directed away from areas at highest risk of flooding and expects a sequential approach to consider alternative sites at lower risk first if they are available. In this case, the application relates to the change of use of a redundant premises where residential use is considered to be the most viable future use. It is therefore considered that application of the sequential test would not be necessary in this case.

CONCLUSION

The proposal is considered to be acceptable in principle and would not result in any unacceptable amenity of highways impacts. Any impact on the setting of nearby listed buildings and character and appearance of the conservation area would be neutral. The proposal is therefore in accordance with CP1, CP2, CP8, CP57, CP58 and CP67 of the Wiltshire Core Strategy, the Calne Community Area Neighbourhood Plan, North Wiltshire Local Plan Saved Policy R2 and the relevant sections of the NPPF. In the absence of any material considerations indicating otherwise, planning permission should be granted.

RECOMMENDATION

That Planning Permission is GRANTED subject to the following conditions;

Conditions: (3)

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 and documents:

2324.03.01 Location and Site Plan
2324.03.02 Existing Ground Floor
2324.03.03 Existing First Floor
2324.03.06 Existing East and West Elevations
2324.03.07 Existing North Elevation
2324.03.08 Existing South Elevations
2324.03.10 Proposed Ground Floor
2324.03.11 Proposed First Floor
2324.03.14 Proposed East and West Elevations
2324.03.15 Proposed North Elevation
2324.03.16 Proposed South Elevation
(received 31 July 2023)

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

3 The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling, known as 23 The Green, Calne, SN11 8DJ and it shall remain within the same planning unit as the main dwelling.

REASON: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, andplanning policies pertaining to the area, would not permit a wholly separate dwelling.

Informatives: (3)

4 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.

5 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.

6 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy