CASE OFFICER'S REPORT

Application Reference:	PL/2023/05487
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	03 August 2023
Case officer:	Gavin Forrest

Site Address:	71 Bradenstoke, Chippenham, Wiltshire, SN15 4EL
Proposal:	Retrospective application to regularise retention of a single dwelling (class c3) and associated works
Recommendation:	Approve with Conditions

SITE DESCRIPTION

The application site at 71 Bradenstoke, Chippenham is a 2-bedroom building comprising a three-storey building with a second floor attic room. The existing material features include facing brickwork, white render, roof tiles, timber oak doors and timber windows. The application site measures approximately 193.8m² in area and is located on the western side of Bradenstoke.

The application site is surrounded by grade II listed buildings. The boundaries of the Application Site are all well-defined. The northern boundary is formed by a 1.8m high close boarded fence beyond which is the garden of No. 70. The eastern boundary extends all the way to the edge of the allotments and includes part of the gravel track. The southern boundary is formed by a 1.8m high close boarded fence beyond which is No. 72. The western boundary is formed by the extent of the existing dwelling which abuts the footpath.

The Application Site lies within the Bradenstoke conservation area.

PROPOSAL

Permission is sought for the retrospective application to regularise retention of a single dwelling (class c3) and associated works. The existing building is currently operating as a 3 storey, 2-bedroom dwelling. The property was previously part of a single property at 72 Bradenstork. In 1999 an LBC application was submitted and approved for internal operations to join the 2 properties together as a single dwelling.

The application is seeking to change the property to a single dwelling with no internal or external alterations. The agent has detailed that the works have already taken place and that the dwelling has been operating as independent dwelling since some point in 2007. This application is to regularise the use of the dwelling.

Policies

Wiltshire Core Strategy (WCS) Adopted 2015
Core Policy 1 – Settlement strategy

Core Policy 2 – Delivery strategy
Core Policy 10: Spatial Strategy for the Chippenham Community Area

Core policy 57 – Ensuring high quality design and place shaping
Core Policy 58: Ensuring the Conservation of the Historic Environment
Core Policy 67 – Flood risk

National Planning Policy Framework (NPPF) 2021
Paragraph 2 – Compliance with the development plan
Paragraphs 7 and 8 – Sustainable development
Paragraph 11 – Presumption in favour of sustainable development
Paragraph 38 – Proactive approach to decisions
Paragraph 47 – Determination in accordance with the development plan
Paragraph 110 – Consideration of development proposals
Paragraph 130 – Function and form of development
Paragraphs 167 and 168 – Flood Risk

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.".

Section 70(2) of the Town and Country Planning Act 1990 provides that: In dealing with an application for planning permission, the authority shall have regard to:

• the provisions of the development plan, so far as material to the application,
• a post-examination draft neighbourhood development plan, so far as material to the application,
• any local finance considerations, so far as material to the application, and
• any other material considerations.

For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy Adopted January 2015 (WCS) and the Saved Policies of the North Wiltshire Local Plan 2011 (NWLP).

Key Issues

Principle of Development
Impact on the Character and Appearance of the surrounding area and Conservation Area
Impact on historic fabric of the building
Impact on Residential Amenity

Relevant Planning History

• Application Ref: N/99/00385/LBC. 71-72 Bradenstoke. Internal Alterations.

• Application Ref: N/99/00365/TCA. Honeysuckle Cottage, 71/72 Bradenstoke. Tree felling.

Consultation Responses

Wiltshire Conservation: No objection
Wiltshire Highways: No objection
Lyneham and Bradenstoke Parish Council: No objection

Representations

One letter of representation has been received in relation to this application. The points made and LPA response is detailed below;
Comment: The documents have many many words which say absolutely nothing. The documents provide no context, back ground or reference as to what is being sought, other than the title. In which case why all the words waffle.. There is no definition of “associated works” in any documentation. As the adjacent and impacted property owner, I therefore object as I cannot support in any way a planning application which has such ambiguity and potential to therefore impact my property.
Planning Response: The proposals and the submissions are clear to the Local Planning Authority. Where there have been information voids, further information has been submitted and clarity received. This is detailed within the application detailed below. In essence there are no physical works to be carried out as the application and the works have already been carried out. The application is regularising and seeking comfort in retrospect to works already carried o

Principle of Development
The principle of the built form of development has already been established and implemented on site and is therefore considered acceptable in principle and in accordance with Core Policies 1, 2 and 57 of the WCS, subject to a range of site-specific considerations and compliance with policies found within the development plan. The main issue in terms of assessment is in relation to the use as 2 independent dwellings.
The 1999 Listed Planning Consent did not have any conditions relating to the permission which would raise issue with the return to two dwellings.
The proposed circumstances of the owner have changed since the implementation of the permission. Due to this the units were brought back into use as independent dwellings in 2007. The only works which were carried out both internally and externally related to the infilling of the single opening created under the 1999 LBC consent
In assessment of the proposals, the properties and their gardens were returned to that of the site prior to the 1999 LBC consent. No further changes to the dwellings nor their related sites have taken place and as such there are no further mitigating circumstances which would need to be considered in the assessment of proposed retrospective regularisation of the properties to their previous uses and as such the principle of the proposals is acceptable.

Impact on the Character and Appearance of the Area and Conservation Area
The promotion of high-quality design is encouraged through the planning system and reflected in Core Policy 57 of the WCS, requiring design to relate closely to the existing pattern of development regarding the size, scale, massing, materials and the layout of the proposal.
Part vi of Core Policy 57 also requires development to take into account the characteristics of the site and deliver appropriate development. This requirement is further exhibited in Paragraph 130 of the NPPF, ensuring development will not only function for the short term but over the lifetime of the development.

Sections 16 (LBC) and 66 (PP) require that **special regard** be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay **special attention** to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The Revised NPPF, Wiltshire Core Strategy Policies 57(i and iv) and 58 and the Wiltshire Local Plan Policy HE1 requires due consideration to be given to the impact of a development proposal on local character/appearance particularly where this involves a designated heritage asset. In this case, this is considered to be the Conservation Area and the neighbouring listed buildings.
Policy CP58 states that designated historic assets and their settings will be conserved, and where appropriate enhanced. These heritage assets include listed buildings and their settings, and the special character or appearance of conservation areas and their settings.
The policy requires development to protect, conserve and where possible enhance the historic environment, avoiding “unacceptable impact on historic environment particularly where this could be avoided or mitigated”.
Planning legislation and the NPPF require applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
In this case it is considered that there are significant material considerations that would support the development i.e. the proposals are returning back to their former use without any detriment to the neighbouring properties, the surrounding Listed Buildings nor the Conservation Area they are within. The proposals are considered to have a neutral impact on the character and appearance of the area, especially given there will be no external alterations.

Impact on Residential Amenity
Core Policy 57 vii requires development to have regard to the compatibility of adjoining buildings and the impact on the amenities of the existing occupants. Appropriate levels of amenity should be promoted within the development including the consideration of the loss of privacy, overshadowing and pollution.
The works have already been carried out, and have returned the units to the state they were in prior to the 1999 Listed Building Consent. The gardens have returned back to their thin linear subdivided state and the internal opening previously created infilled.
No change in terms of privacy, overlooking, overbearing, overshadowing, loss of sunlight, daylight nor overshadowing will occur as a result of the proposals.
The proposals are therefore considered to have a neutral impact on the residential amenity of the area and are considered to be consistent to the relevant LDP policies.

Conclusion
It is considered that the proposed development is acceptable upon assessment against the relevant policies and in accordance with Core Policies 1, 2,10, 15, 57,58 and 67 of the WCS and Paragraphs 2,7,8,11,38,47,110,130, 167 and 168 of the NPPF.
Recommendation
That planning permission be GRANTED subject to the following conditions

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Conditions: (2)

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of

this Planning Permission.
REASON: To comply with Section 91of the Town and Country Planning Act 1990.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing floor plans and elevations- 3045-125 – 6th July 2023

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

Informatives: (5)

3 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.

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 should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

7 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 www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy