DELEGATED REPORT

Application Reference:	PL/2023/07146
Application Type:	Removal/variation of conditions
Site Address:	1 Langley Road, Chippenham, SN15 1BP
Proposal:	Variation of condition 2 on PL/2022/08349 to allow for extension of time to 6 months to supply a validation report for glazing and ventilation
Recommendation:	Planning Permission be GRANTED

SITE AND PROPOSAL

Full planning permission (retrospective) was granted 13th June 2023 under application ref. PL/2022/08349 for the change of use from former offices to a house in multiple occupation (HMO) for up to six people. This was a retrospective application as the building has already been converted and is currently in use as a six person HMO with licence in place.

The site is located at the northeastern corner of the junction of Langley Road, Malmesbury Road, New Road and Park Lane, within the settlement boundary of Chippenham. Adjacent to the north is a takeaway with a flat above. There are commercial premises to the east and a retail park on the opposite side of Foundry Lane to the south. To the west on the opposite side of Langley Road is the Grade II* Listed St. Pauls Church and associated graveyard. Opposite the site on the other side of the junction is the Little George which is Grade II Listed. The site is located within the Chjppenham Conservation Area in an area of archaeological potential. The site is within Flood Zone 1 and is susceptible to ground water flooding.

This application is seeking a variation to Condition 2 (glazing and ventilation validation) attached to the decision notice for PL/2022/08349 to request an additional three month period to submit the validation report required to discharge this condition. Condition 2 currently reads as follows:

> *Within 3 months of the date of this planning permission a validation report shall be submitted to the local planning authority for approval in writing. The validation report shall demonstrate compliance with the glazing and ventilation specifications set out within Table 5.5 of Parker Jones Noise Impact Assessment dated 4th April 2023 in order to achieve compliance with the required standards as set out within the assessment.*

This application seeks to amend the wording as follows:

> *Within 6 months of the date of this planning permission a validation report shall be submitted to the local planning authority for approval in writing. The validation report shall demonstrate compliance with the glazing and ventilation specifications set out within Table 5.5 of Parker Jones Noise Impact Assessment dated 4th April 2023 in order to achieve compliance with the required standards as set out within the assessment.*

This proposal relates only to this variation in the timing of Condition 2 and no other matters related to the development need to be considered.

PLANNING HISTORY

PL/2022/08349 - Change of use to House in Multiple Occupation (HMO) for up to 6 people (C4) – Approved with conditions 13/06/2023

PL/2022/05232 - Lawful Development: Proposed Use - The proposed use is Permitted Development under Schedule 2 Part 3 Class L of the General Permitted Development Order 2015 (as amended) and is therefore lawful. Application Withdrawn 20/10/2022

PL/2021/07724 - Notification for Prior Approval under Class O for a Proposed Change of Use from Offices to Residential (Use Class C3) to Form 1 Dwelling At: 1 LANGLEY ROAD, CHIPPENHAM, SN15 1BP - Approved 1st November 2021

PL/2021/03951 - Notification for Prior Approval under Class O for a Proposed Change of Use from Offices to Residential (Use Class C3) to Form 1 Dwelling At: 1 LANGLEY ROAD, CHIPPENHAM, SN15 1BP - Refused 29th June 2021

20/08053/FUL – Change of use of offices to 8 bedroom house in Multiple Occupation (HMO) and associated works including the insertion of new windows and the formation of light wells – Refused 02/03/2021

17/01407/FUL - Conversion of Existing Offices into 5 Flats, Including Rear Extension and Raising the Roof- Refused 24/04/2017 – Dismissed at Appeal 26th Feb 2018

N/92/01706/S73 - Variation of Condition No 2 Relating To N/92/1023/F - Change of Permitted Opening Hours Change of Opening Hours – Approved 14/10/1992

N/90/02180/FUL - Change of Use From Residential To Office Including The Installation Of New Dormers – Approved 06/11/1990

N/87/00976/FUL - Change of Use From Hotel To Retail Use With Ancillary First Floor Office Accommodation – Approved 06/07/1987

POLICIES

<u>Wiltshire Core Strategy 2015 (WCS)</u>

CP 1 Settlement Strategy
CP 2 Delivery Strategy
CP10 Spatial Strategy: Chippenham Community Area
CP35 Existing employment sites
CP45 Meeting Wiltshire's Housing Needs
CP57 Ensuring High Quality Design and Place Shaping
CP58 Ensuring the Conservation of the Historic Environment
CP60 Sustainable Transport
CP61 Transport and New Development

CP62 Development Impacts on the Transport Network
CP64 Demand Management

Saved Policies of the North Wiltshire Local Plan 2006

BD2 Safeguarding Existing Business Uses
R2 Town Centre Secondary Frontage Areas
NE18 Noise and Pollution

National Planning Policy Framework 2023 (NPPF)

MAIN ISSUES

• Whether the proposed variation to the wording of Condition 2 is acceptable

CONSULTATION

Chippenham Town Council – No objection

Public Protection – No comment

REPRESENTATIONS

No other comments received from members of the public.

ASSESSMENT

Principle of Development

Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006).

The site falls within the Chippenham settlement boundary where new development is focussed. The principle of the change of use from an existing office building to an HMO use has already been considered and found to be acceptable through extant permission PL/2022/08349.

Residential Amenity – Noise

Concern was raised during the determination of application PL/2022/08349 regarding the potential for noise impacts from the commercial premise at 2 Langley Road from the condensing units to the rear of the building. Mitigation measures were then carried out to relocate and cover the units with an acoustic shield and further assessment was undertaken by the applicant. After extensive investigation, together with commitments for

the implementation of mitigation works, the Council's Environmental Health Officer removed his objection. Condition 2 was then placed to ensure the mitigation measures set out within the submitted noise assessment report were implemented in full and that a validation report must be submitted to the Council for approval within three months. The proposal was not considered to give rise to other impacts on amenity enjoyed by neighbouring properties such as in terms of loss of light, privacy or overbearing.

This proposed variation is to extend the period of time to submit the validation evidence by a further 3 months. The applicant has stated on the Application Form the following justification for this:

"Whilst the windows have been delivered we are still waiting to source appropriate vents and arrange installation. These delays mean that completing installation and preparing the validation report is not possible within the 3 months timescale in the condition."

Whilst the delay is concerning, a short extension of time to address the requirements of the condition is considered acceptable in this instance. Public protection have not objected to the variation and no other objections or representations have been received. It should not however be assumed that further extensions of time would be considered acceptable given the implications for amenity of residents.

Subject to the discharge of conditions the proposal would be considered acceptable with regards to Core Policy 57 in relation to amenity impacts.

CONCLUSION

In conclusion, the principle of the change of use of an office building to an HMO use is already established by the extant permission. Previously raised concerns in relation to noise from adjacent commercial premises can be addressed by Condition 2, with a short extension of a further three months to submit the validation evidence considered to be acceptable in this instance. Subject to the conditions, the proposal is considered acceptable and to accord with WCS core policies 35, 57,58 and 61.

RECOMMENDATION:

That Planning Permission be GRANTED subject to the following conditions:

CONDITIONS

1. Approved Plans

The change of use is permitted in accordance with the following approved plans and the details set out within the following documents:

- Site Location Plan – 21-A101
- Existing First & Second Floor Plan-– 21-A104
- Existing Elevations – 21 -A105
- Revised Block Plan – 21- A102
- Proposed Bin Shed – 21-A110
- Proposed Elevations – 21-A108
- Building Section sheet 1 – 21-A111

- Building Section sheet 2 – 21-A112
- Existing basement and ground floor plan – 21-A103
- Proposed Basement and Ground Floor Plan – 21-A106
- Proposed First & Second Floor Plan – 21-A107
- Elevations of Bicycle Shed 6 bay – 21- A109 (received 21 Dec 2022)
- Noise Assessment Report – 4th April 2023 (Parker Jones acoustics)

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

2. Noise Mitigation Works

Within 6 months of the date of this planning permission a validation report shall be submitted to the local planning authority for approval in writing. The validation report shall demonstrate compliance with the glazing and ventilation specifications set out within Table 5.5 of Parker Jones Noise Impact Assessment dated 4th April 2023 in order to achieve compliance with the required standards as set out within the assessment.

REASON: To ensure a satisfactory standard of living environment for incoming occupiers.

3. Bin and Cycle Storage

Within 3 months of the date of this planning permission, photographic evidence shall be provided to demonstrate that the bin and cycle store have been provided in accordance with approved plans (Elevations of Bicycle Shed 6 bay, Dwg. No 21- A109 received 21 Dec 2022, and Proposed Bin Shed, Dwg. No 21-A110). These stores shall be kept permanently available for their intended use and shall be retained in perpetuity.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

4. Contamination

In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. Parking Spaces

The parking area as shown on the hereby approved plans shall be kept free from obstruction, maintained and remain available for its intended use at all times thereafter in perpetuity.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

Informatives

1. 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.

2. The applicant is advised that this permission authorises a change of use only and does not authorise any works or alterations that may require planning permission/internal or external alterations, additions, or works.

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.