

**REPORT TO THE NORTHERN AREA  
PLANNING COMMITTEE**

Report No.

<b>Date of Meeting</b>	<b>16<sup>th</sup> May 2012</b>		
<b>Application Number</b>	<b>12/00599/FUL</b>		
<b>Site Address</b>	<b>The Town Local, 51 Station Road, Royal Wootton Bassett, SN4 7ED</b>		
<b>Proposal</b>	<b>Change of Use of Ground Floor Public House to Residential Use (Class C3), Conversion of Existing First Floor Self Contained 3 Bedroom Flat to 2 Self Contained 1 Bedroom Flats and Erection of 3 Two Storey 2 Bedroom Dwellings (Resubmission of 11/02289/FUL)</b>		
<b>Applicant</b>	<b>Lion Assets Ltd</b>		
<b>Town/Parish Council</b>	<b>Royal Wootton Bassett</b>		
<b>Electoral Division</b>	<b>Wootton Bassett South</b>	<b>Unitary Member</b>	<b>Cllr Peter Doyle</b>
<b>Grid Ref</b>	<b>407019 182169</b>		
<b>Type of application</b>	<b>FULL</b>		
<b>Case Officer</b>	<b>Lydia Lewis</b>	<b>01249 706 643</b>	<b>Lydia.lewis@wiltshire.gov.uk</b>

**Reason for the application being considered by Committee**

The application has been called to committee by Cllr Doyle to consider the scale of development; its relationship to adjoining properties; and under policy R6 what impact the abandonment of a public house use at this location would have on the availability of facilities and services within walking distance of substantial completed and proposed new residential developments in the immediate vicinity.

**1. Report Summary**

To consider the above application and to recommend that authority be DELEGATED to the Area Development Manager to grant permission subject to conditions and the approval of the submitted Unilateral Undertaking in respect of the provision of a financial contribution towards public open space.

**2. Main Issues**

The main issues in the consideration of this application are the acceptability of:

- The principle of development;
- The design and appearance;
- The impact of the development on the amenity of neighbouring occupiers;
- Parking and highway safety; and
- Provision of public open space.

The application has generated an objection from Royal Wootton Bassett Town Council as well as 6 letters of objection.

**3. Site Description**

The site extends to approximately 0.4 hectares and currently comprises "The Town Local", a vacant public house on the west side of Station Road at its junction with Noremarsch Road. A large

area of hardstanding, previously used as a car park exists to the rear of the site. The site is situated within the defined Settlement Framework Boundary.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
11/02289/FUL	Change of use of ground floor public house to residential use (class C3), conversion of existing first floor self contained 3 bedroom flat to 2 self contained 1 bedroom flats and erection of 3 two storey 2 bedroom dwellings	This application was withdrawn following concerns expressed by the case officer
00/1694/FUL	Stationing of railway carriage and use as ancillary dining area	Refused and dismissed at appeal

## **5. Proposal**

The applicant seeks consent to convert the existing public house to one 4 bedroom flat at ground floor level and two 1 bedroom flats at first floor level. A paved and bound amenity space would be provided to the rear and each of the first floor flats would have access to a private terrace area. Three, 2 bedroom dwellings are proposed to the rear of the site. 14 parking spaces are proposed.

## **6. Planning Policy**

### North Wiltshire Local Plan 2011

C3 – Development Control Policy

NE14 – Trees, Site Features and the Control of New Development

H3 – Residential Development within Framework Boundaries

R6 – Existing Local Shops and Services

CF3 – Provision of Open Space

## **7. Consultations**

Thames Water – With regard to water infrastructure, no objection is raised. An informative relating to water pressure is recommended.

Highways – The issues raised on the previous application have now been address. There is no highway objection subject to a condition relating to the provision of the access, turning area and parking spaces.

Principal Ecologist – No objection in relation to ecology.

Royal Wootton Bassett Town Council – Object along the same lines submitted when the original application was made:

- 1) Evidence of a full and proper investigation into the viability of keeping the business as a public house has not been seen by the Planning Committee. This, as well as evidence that every reasonable attempt to market the premises has been made, is needed before a

change of use can be permitted, under the NWLP. To the knowledge of the Planning Committee, this work has not been undertaken;

- 2) Change of use can only be permitted where development would result in the provision of alternative services of equivalent or greater community benefit. This would not be the case if the Town Local were to be converted into residential flats; and
- 3) Under Section II R6 of the NWLP, there must be alternative facilities within walking distance before a change of use can be permitted. It was felt that this was not the case in this instance. Members strongly believe that there is a social need for a Public House in that area of the Town.

The Committee does not agree with the change of use to a long standing Public House in a historic part of the town.

Amenity and Fleet Team – It would be unreasonable to require the developer to provide a local park or LEAP and therefore an offsite contribution will be required. This development generates a need for £19,576 in offsite Open Space Contribution to be used to upgrade facilities at Old Court Local Park.

Environmental Protection – Recommend a condition relating to contamination be attached to any planning consent.

## **8. Publicity**

6 letters of objection have been received in response to the application publicity. The concerns raised are summarised below:

- Development will be a traffic hazard due to the number of vehicles entering and leaving directly onto the roundabout;
- The road is already recognised by the Council and Wiltshire Police as having traffic exceeding the speed limit;
- Houses along Station Road to the north of the development have always used the pub car park for off street parking;
- When turning out of Honeyhill into Station Road it is not possible to see pedestrians or vehicles northbound up Station Road as the view is restricted by the parked cars;
- Size and height of the building as there is currently a gap in the present layout, which allows for light and a better aspect;
- Privacy and peace;
- Would spoil view and outlook;
- Adverse affect on natural wildlife and environment;
- The previous owners did not provide sufficient investment in order to sustain it as a business and the site is becomingly increasingly viable for a pub; and
- The site is the closest pub premises to a large and growing part of the town.

## **9. Planning Considerations**

### Principle of development

The site is situated within the Settlement Framework Boundary and policy H3 of the adopted Local Plan is therefore relevant. This policy considers that proposals for residential development within the Framework Boundaries will be permitted, provided that: priority is given to the re-use of previously developed land and buildings; the proposal is for small scale or limited development in all villages; and the most efficient use of land is achieved compatible with the site's location, its accessibility and its surroundings.

Policy R6 of the Local Plan states that the change of use of existing local shops and services (Use Class A), in local centres will be permitted subject to:

- i) The business no longer being viable and every reasonable attempt to market the premises has been made.
- ii) Development would result in the provision of alternative services of equivalent or greater community benefit.
- iii) There are alternative facilities, within walking distance, available in the locality.

Paragraph 11.15 of the reasoned justification to this policy states that “the Council acknowledges that it would be unreasonable to resist a change of use where local patronage is such that a business (e.g. a public house) is no longer viable. In these circumstances, applicants will need to demonstrate that the existing use is not well supported and is not capable of being viably operated, or that there are satisfactory alternative facilities available within a convenient walking distance”.

A marketing report prepared by Whitmarsh Lockhart has been submitted in support of the application. This confirms that the property had been marketed by Maggs and Allen for about 6 weeks prior to be entered into their property auction. The property had a guide price of £240,000, kept at a level designed to stimulate interest. The auction took place on the 30<sup>th</sup> June 2010 and failed to sell. Following the auction, the property was marketed by Melrose Commercial Property with a quoted price of £300,000. It is understood that both agents received early enquiries and conditional offers which were rejected as the vendor simply wished to exit the property and was not interested in trying to generate enhanced value from the site.

The following marketing activities were undertaken:

- A marketing board was erected on site in September 2010;
- In house agency particulars were produced in September 2010;
- Initial mailing of property details via the Estate Agents Clearing House to all commercial agents along the M4 corridor was undertaken in September 2010;
- In October 2010 mailing of property details via the Perfect Information Property service was undertaken. This is a mail clearing house dedicated to dealing with property professionals. The property details were sent to all agents active in the South West of England;;
- The agency details were re-circulated in August 2011;
- The details have been listed on the Whitmarsh Lockhart website on the estates gazette website.

Various parties were interested in the property but these were not taken further for the following reasons:

- Poor access;
- Cost of refurbishment to bring the property back to full repair;
- Distance from the main retail and leisure area of Royal Wootton Bassett High Street; and
- Restrictions on the use imposed by highways / planning.

Further to the marketing undertaken above, the applicants have drawn attention to a planning application submitted in 2000 (ref: 00/01694/FUL). This sought permission for the stationing of a railway carriage and use as ancillary dining area and was refused and dismissed at appeal for the following reason:

*‘Any increased use made of the existing substandard access generated by the proposed development would be prejudicial to road safety.’*

The Inspectors report stated:

*‘The 53 sqm floor area of the railway carriage represents a significant overall increase in the floor area of the public house. While I accept that the proposed dining area would help to ease congestion, particularly in the winter when the outside tables are not available for use, there are a significant number of additional tables and it is probable that trade would increase. At present*

*during the summer a marquee is erected outside the public house to increase capacity, and the railway carriage would replace this. No information regarding the size or capacity of this marquee has been provided. Nevertheless, whether or not these are equivalent in size, I do not consider that the occasional use of a marquee in the summer months would justify a permanent structure, and the increase in traffic that would be generated throughout the year, particularly as the use of the existing outside area and marquee would increase activity in the summer months.'*

A number of alternative public houses exist within the High Street at a distance of approximately half a mile including 'The Cross Keys', 'The Angel' and 'The Crown'.

It is considered that the submitted marketing report, together with the planning history of the site, demonstrate that the business is no longer viable and every reasonable attempt to market the premises has been made. No objection is therefore raised, to the loss of the public house on this occasion.

### Design and appearance

Policy C3 of the adopted Local Plan states that new development will be permitted subject to a number of criteria including amongst other things: respect for the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal.

The surrounding area is characterised predominantly by residential properties of a mixture of architectural styles and designs. The existing public house is situated in a prominent position and is in a state of disrepair with little architectural merit. The proposed development includes alterations and improvements to the public house, including in summary the removal of the existing parapet, insertion of a door on the front elevation and rendering of the whole building which is a mixture of materials at present.

The design of the proposed dwellings to the rear has been amended and simplified following pre-application discussions. These dwellings, which would be two storey in height would adopt a form and design appropriate to the context of the surrounding area. They would be constructed of render under a natural blue slate roof and conditions requiring sample roof materials and a sample render panel are recommended to ensure the quality is sufficient.

The scale, massing and layout of the proposed dwelling would be acceptable and in accordance with policy C3 of the Local Plan.

### Amenity

Policy C3 of the Local Plan states that new development will be permitted subject to inter alia: avoid creating developments with unacceptable low levels of privacy and amenities and avoid the unacceptable loss of privacy and amenities to adjacent dwellings or other uses to the detriment of existing occupiers development.

An acceptable separation distance of approximately 33 metres would exist between the converted public house and the dwellings proposed to the rear. No habitable room windows are proposed in the south elevation of the converted public house or in the north or south elevations of the proposed dwellings. The proposal would not therefore have a detrimental impact on the amenity of neighbouring occupiers. It is not considered necessary to attach a condition restricting any further windows in this elevation as flats do not benefit from permitted development rights. The proposed dwellings to the rear would not result in any material overshadowing of neighbouring properties.

A first floor terrace area currently exists to the rear of the pub providing private amenity space for the existing 3 bedroom flat above the public house. This would be retained but split between the two proposed first floor flats. Given that this terrace currently exists, it is not considered that the

proposed development would result in any overlooking of neighbouring properties materially greater than currently exists.

It is not considered that the proposed development would be detrimental to the amenities of neighbouring occupiers in terms of overlooking, overshadowing or noise and disturbance.

### Parking and Highway Safety

Policy C3 of the Local Plan states that new development will be permitted subject to a number of criteria including amongst other things have a satisfactory means of access, turning, car parking and secure cycle storage and not result in a detrimental impact upon highway or pedestrian safety.

The car parking guidelines have been revised and require a minimum of one space for one bedroom properties, two spaces for two and three bedroom properties and three spaces for four + bedroom properties. A further 0.2 spaces per dwelling are required for visitors. This equates to a requirement for 14 spaces and 14 have been provided.

Highway improvements have been made to the scheme following pre-application discussions. The access would be located in a similar position to the existing access with no reduction in visibility splay in the north-west direction. The access width of the private drive has been increased to 5 metres allowing two vehicles to pass. A footway priority is proposed across the site frontage.

Following pre-application discussions the Council's highways team are now satisfied, subject to the imposition of an appropriately worded condition, that the proposed development would not be detrimental to highway safety in this location.

### Planning Contribution

Policy CF3 of the Local Plan requires new housing development to make provisions for open space. Where it is not possible to make that provision directly, the Council will accept financial payments to remedy deficiencies in the quantity or quality of that space. The reasoning accompanying the policy emphasises that all residential developments, regardless of scale, have the potential to contribute to an increased need for open space.

The proposal would generate a need for £19,576 in offsite Open Space Contribution to be used to upgrade facilities at Old Court.

A Unilateral Undertaking has been submitted in support of the application under the terms outlined above and subject to this being acceptable the proposal would be appropriate in this respect.

## **10. Recommendation**

That authority be DELEGATED to the Area Development Manager to GRANT Planning Permission for the following reason subject to an acceptable legal agreement to secure contributions to Public Open Space and the conditions set out below:

The Council are satisfied that the business is no longer viable and every reasonable attempt to market the premises has been made. The scale and layout of the proposal is considered to be acceptable in the context of the surrounding area and the proposal is not considered to result in an unacceptable impact upon the residential amenity of surrounding properties. Sufficient car parking and manoeuvring space is provided within the site and the proposed development would not be detrimental to highway or pedestrian safety. In this way the proposed development is considered to comply with the provisions of policies C3, H3, R6 and CF3 of the adopted North Wiltshire Local Plan 2011.

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. No development shall commence on site until details and samples of the materials to be used for the external roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

3. No development shall commence on site until a sample panel of the render to be used on the external walls has been made available on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

POLICY: C3 of the North Wiltshire Local Plan 2011.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no garages, sheds, greenhouses and other ancillary domestic outbuildings shall be erected anywhere on the site on the approved plans.

REASON: In the interests of the amenity of the area including adjacent trees and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additional structures.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;

- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas; and
- (h) hard surfacing materials.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

POLICIES: C3 and NE14 of the North Wiltshire Local Plan 2011.

8. 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 in accordance with policy C3 of the North Wiltshire Local Plan 2011.

9. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been undertaken and until:

- a) The Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.
- b) If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease all work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.
- c) In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority, in accordance with policy NE17 of the North Wiltshire Local Plan 2011.

10. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without



the prior approval of the local planning authority. Amendments may require the submission of a further application.

- 2011-05-1 – Site plan and existing site survey
- 2011-05-6 – Existing ground and first floor layout plan
- 2011-05-7 – Existing elevations
- 2011-05-8 – Proposed elevations
- 2011-05-10 – Proposed layout plans
- 2011-05-11A – Proposed elevations
- 2011-05-12A – Site layout plan
- 2011-05-13A – Proposed ground and first floor layout plan

All date stamped 28<sup>th</sup> February 2012

REASON: To ensure that the development is implemented as approved.

### Informatives

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres / minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

2. The Building Regulations are applicable to this proposal. Unless you have already properly deposited a Building Regulations application, and a written notice of commencement has been given by your builder, you should not start work on site.

