

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20.06.2012		
Application Number	W/12/00724/FUL		
Site Address	Eastleigh Court Bishopstrow Bishopstrow Warminster Wiltshire		
Proposal	Change of use from commercial to domestic dwelling		
Applicant	National Trust		
Town/Parish Council	Bishopstrow		
Electoral Division	Warminster Copheap And Wylde	Unitary Member:	Christopher Newbury
Grid Ref	389234 143577		
Type of application	Full Plan		
Case Officer	Miss Lucy Minting	01225 770344 Ext 01722 434377 lucy.minting@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Newbury has requested that this item be determined by committee for the following reason:

There is strong local interest in the future of the building and in whether an approval or a refusal is justified in terms of saved district plan policies (including H19, H21, C1, C26 and E5), which in my view merits public debate.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted, subject to conditions.

Neighbourhood Responses

6 letters received objecting to the proposal; 1 letter received supporting the proposal

Parish Council Response - report on parish meeting set out below.

2. Report Summary

The main issues to consider are:

1. The impact on the heritage asset - a grade II listed building located in a conservation area;
2. Loss of employment use

3. Site Description

Eastleigh Court is a good quality Grade II listed house dating from the later 19th century, built in brick with stone detailing in 17th century style. The house is located at the southern edge of the village in substantial grounds served by a single vehicular access onto Bishopstrow Road.

The building was converted to three flats in the later 1950s and has been wholly in office use since 1989, initially by an architectural practice and latterly by the National Trust. Despite its early conversion from single occupation, the building remains very much the unaltered gentleman's residence referred to in the list description and the interior retains much of its architectural character and detailing.

The site lies within open countryside, a conservation area, a special landscape area and an area of archaeological interest.

4. Relevant Planning History

W/89/00989/FUL: Change of use of area indicated from offices to caretakers flat and construction staircase extension: Permission 26.05.1989

W/89/00423/FUL: Change of use of Eastleigh Court to offices and company training centre: Permission 02.03.1989.

5. Proposal

The application proposes a change of use from commercial to a single dwelling.

6. Planning Policy

West Wiltshire District Plan – 1st Alteration (2004)

C20 - Change of Use in Conservation Areas; C26 - Maintenance of Buildings; H21 - Conversions of Rural Buildings; E5 – Employment

Policy H19 is not relevant to this application as this is for a change of use application rather than a new build development. Policy H21 is relevant to conversions.

Emerging Wiltshire Core Strategy:
Core Policy 35 – Existing employment sites

National Guidance
National Planning Policy Framework (NPPF), 2012

7. Consultations

Bishopstrow Parish Council

Bishopstrow Village is a village meeting

- A. The Village currently consists of 63 properties with 116 adult residents
- B. 2 properties/4 adults border the Eastleigh Court property boundary
- C. 19 properties/35 adults are 'outlying' of the main village. They do not access their homes via the Bishopstrow main road that includes Eastleigh Court so are not affected by traffic or any purpose to which Eastleigh Court is put
- D. All households received a response form (explaining that the next parish meeting is not until September and there is not enough time to set a date for an extra-ordinary meeting and requesting the households to response if the National Trust application should be approved or objected to)
- E. 46 adult responses were received, including some in C. above
- F. Of the 46 responses, 17 approved the National Trust's application and 29 objected (13 of the later citing support for the purchase of Eastleigh Court by Bishopstrow College in their objection although this was not asked of them)
- G. Other comments, by email and in writing, from both those who approved and those who objected, expressed concern about any development to the property or its land – for example, a home for the elderly, conversion to flats; further properties being built on the land.

For information, two of the three Village Committee members approve the application (included in the above figures). As no definitive conclusion can be reached from this feedback, the knowledge and experience of the Planning Committee and the Planning Officer will have to prevail.

Economic Development

I refer to the above mentioned application for change of use from commercial to residential. I believe that this proposal goes against policy H21A which states that conversion of rural buildings in the countryside and in settlements without village policy limits to residential use will be permitted only where the applicant has made every reasonable attempt to secure business, tourism, sport and recreation use. The property is currently being marketed by Savills for residential use. I am not aware of the property being marketed for commercial use but if it has been I would expect evidence to be provided to this effect.

I am not in support of this application as I would like to see the property to continue in commercial use providing local employment.

I believe that an offer has made by Bishopstrow College for purchase of the premises which would ensure continued business use. The offer has not been accepted by the National Trust. I visited the college last week and was impressed with the business model and was informed that the business currently employs 39 staff and would create at least 11 additional jobs if they were able to expand the business. They currently have a waiting list for places and the current site does not provide a viable opportunity to expand. The students and visiting parents make a significant contribution to the local economy.

Conservation Officer

Supports the proposal. The proposed change of use represents a return to the purpose for which the building was designed and constructed. It is likely to offer the best opportunity for the preservation of the building's architectural features and appreciation and enhancement of the character of the principal rooms, as well as for the enhancement of its setting. The proposal is therefore considered to be a positive one in conservation terms and there is no objection to the approval of the application.

8. Publicity

The application was advertised by site notice, newspaper advert and neighbour consultation. Expiry date: 25/5/2012

5 representations of objection received. Summary of points raised:

- Bishopstrow College has made an offer to buy this property at a significant premium above the valuation level. The College has proved a real asset to Bishopstrow, and the acquisition of Eastleigh Court would be a welcome addition and probably the best option for keeping the building within character, secures the long term future of the heritage asset and result in substantial reduction in car borne traffic and far less need for car parking.
- The College would propose to use the property for student and staff accommodation, classrooms and offices in association with its continuing development of Bishopstrow College, which has 32 existing employees, with potential for at least 11 additional jobs.
- The College income is derived from overseas and is a real stimulus to the local economy with benefits to local traders, suppliers, retail, leisure and tourism.
- The grounds for the proposal include that the alterations required to continue commercial use might damage the historic fabric of the building is not justified. The College has taken professional advice and is satisfied that it can adapt the building with fairly minimal internal alterations, including Means of Escape with no material impact upon the fabric of the building. Barrow House is an example where the building has been converted to institutional school use and the fabric of the building has not been compromised. Issues such as disabled access can be resolved without harm to the building. The College consider it can address the issues raised to their pre-application enquiry.
- The possibility of conversion to flats at a later date.
- Accept that the Trustees of the National Trust are obliged to obtain the best price for the sale of Trust property; however will result in loss of employment/jobs in order to obtain the best price for the Trust's financial gain.
- The change of use proposed by Bishopstrow College is essentially commercial and perpetuates commercial/employment uses at the site.

- The proposal amounts to the creation of a new dwelling in the countryside contrary to policy H19, which applies as much to change of use as to new buildings.
- The proposal makes no contribution to the rural economy, rural recreation, agriculture, contrary to policy C1.
- The applicant has not demonstrated there is no realistic prospect of viable economic or commercial use, contrary to policy H21. The offer from the College to acquire the property is evidence of real and practical commercial interest.
- Policy C26 encourages development that will secure the long term conservation interests of heritage assets. The National Trust's application is entirely speculative.
- The application is contrary to policy E5 which states the loss of employment floorspace will only be permitted where the applicant has demonstrated there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses. No information has been provided.
- The objective of reducing the loss of employment land is carried through in the emerging Core Strategy policy 35.
- A single dwelling does not represent optimum viable use in conservation of the asset or the strategic value and contribute to the local economy
- The development is in breach of adopted Development Plan policy which are still to be given full weight according the NPPF.

1 representation of support received, provided the permission is for a single occupancy dwelling. application was advertised by site notice/press notice /neighbour notification.

9. Planning Considerations

Relevant planning policies

The NPPF makes it clear that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that is in accordance with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

The relevant saved policies of the West Wiltshire District Plan – 1st Alteration (2004) are listed above.

Policy H19 is not relevant to this application as this proposal is for a change of use application rather than a new build development. Policy H21 is relevant to conversions.

9.1 Impact on the heritage asset

From the point of view of the historic environment the primary consideration is the duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act, to have special regard to the desirability of preserving the listed building and its setting.

The NPPF outlines current policy towards the historic environment and sets out the Government's key objective of ensuring that heritage assets are conserved in a manner appropriate to their significance. Emphasis is placed on the desirability of putting assets to viable uses consistent with their conservation.

The proposal to convert the building to residential use is considered to be a significant benefit to the preservation of this Grade II building; which is described as 'an unaltered gentleman's residence with good detail' in the list description:

Proposals for listed buildings should contribute towards the retention of such buildings without adversely affecting their character, setting or structural integrity. It is acknowledged that the best use for a listed building, where possible, is usually its original use - which in this case was as a single dwelling. This is because using listed buildings for their original use normally minimises any alterations that may compromise their character and historic significance.

The Conservation Officer has advised that whilst the current office use has had a limited physical impact on the fabric of the building, this has largely been due to the deliberate policy of the successive users and it is not necessarily to be relied upon that a new commercial user would not have more exacting requirements. Whilst office furniture, lighting, fire escape provisions, data handling etc. can all be handled in such a way as to try to limit damage, they can almost never be considered to positively enhance a domestic interior. The character of the spaces will always, to an extent, be compromised by the paraphernalia accompanying such uses. Other intensive uses such as institutional or multiple residential use would almost certainly place even greater pressure upon character and fabric. The harm caused by such uses should usually only be considered to be acceptable where it has been shown that economic viability cannot be achieved by other, less intrusive, options.

In this particular case the late 19th century layout, with a mix of rooms sizes and good service provision, appears to allow good scope for providing the facilities usually required of a modern high status residence and the layout suggests that a change of use would be achievable with limited disruption. Taking into account the scale, plot size, location and state of repair of the building, it also appears entirely feasible that economic viability can be achieved via a single residential unit. In conservation terms, it is considered that use as a single residence is the optimum viable use for the building and the current application represents a positive move towards achieving this. In the event that the market indicates that economic viability cannot be achieved on this basis, a continuation of the current use would appear to offer the best option for minimising disruption.

Existing and proposed floor plans have been provided demonstrating that the premises could be easily converted to residential use with no impact on the building's fabric. The National Trust has also advised "we will ensure that any eventual purchaser is made aware of the need to apply for Listed Building Consent for any physical changes they wish to make and that this is their responsibility".

It is considered that there would be significant conservation benefits arising from the proposed conversion of the historic building back to its original use as a single residential dwelling.

The site is also within a conservation area; described in The Planning (Listed Buildings and Conservation Areas) Act 1990 as "an area of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance". The historic core of Bishopstrow is characterised by high density terraced properties set back edge of pavement, although the outlying properties to the north and south are characterised by being larger, detached, set back from the road in large gardens. It is considered that the proposal to convert the premises back to its original purpose as a single residence set in substantial grounds will preserve and enhance this character and appearance of the Bishopstrow conservation area.

9.2 Loss of employment

Saved policy H21 of the West Wiltshire District Plan allows for the conversion of rural buildings outside of village policy limits in certain circumstances. The policy refers to the conversion for residential purposes being permissible where it has been demonstrated that the building is not suitable for business, tourism or sport/recreation use and every attempt has been made to secure one of these uses. This is normally via a speculative marketing exercise. The policy is in place to prevent farm and other countryside buildings that have been converted to diversified uses from being converted to residential uses that would have an adverse impact on the appearance of the landscape or the character or appearance of the building. These impacts would not occur in this case as the building was originally built as a house and still retains the outward character and appearance of a large dwelling. The supporting text to policy H21 goes on to state that the retention and conversion of rural buildings is particularly desirable where they are listed, and it will ensure the continuing use and maintenance of listed structures.

The design and access statement explains that the National Trust currently uses Eastleigh Court as an office base for a number of teams of professional and administrative staff supporting the Trust's property and other related work in Wiltshire, Dorset, Somerset and Gloucestershire (the South West Region). It goes on to explain that Eastleigh Court is not conducive to modern ways of working (particularly communication and sharing of ideas between teams and IT equipment) and is now too

large for the operational requirements and new ways of working following a recent major reorganisation with staff now being property or area-based.

It was agreed with the Council at pre-application stage that a marketing exercise was not necessary as there would be significant conservation benefits arising from the proposed conversion of the historic building back to its original use as single residential dwelling. The site is also in a relatively unsustainable location within the open countryside and as such the Council would not wish to encourage uses of the site that would increase additional vehicle trips (with potential highway safety and amenity issues) and create further dependence on the private car for travel to, and from the site, contrary to the principles of achieving a sustainable pattern of development, which seeks to promote patterns of development that would reduce reliance upon journeys made by private car.

The emerging Wiltshire Core Strategy has been in development since early 2009. At this stage in the process, the Council has published what it considers to be a 'sound' document and the final round of formal consultation expired on the 2nd April 2012. Subject to no fundamental issues being raised on the soundness of the core strategy and supporting documents it is the Council's intention to submit the document to Full Council for members to decide whether or not to submit the document to the Secretary of State during the summer of this year. At this stage an Inspector will be appointed to undertake an Examination in Public into the soundness of the document. As part of this examination the Inspector will consider the representations received during the formal consultation. Once adopted, the Wiltshire Core Strategy will supersede the West Wiltshire District Plan 1st Alteration.

Core Policy 35 of the emerging Wiltshire Core Strategy places an emphasis on protecting Principal Employment Areas (identified in the Principal Settlements and Market Towns) from alternative uses, although does recognise that it is also important to retain existing employment uses outside these areas to maintain diversity and choice of sites for employers and allow for local business expansion. The policy requires a marketing exercise to demonstrate non-viability on sites within the principal settlements, market towns and local services centres. Bishopstrow is not identified as one of these in the Core Strategy. The policy also supports change of use where this 'facilitates the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment'

The National Trust explains in the design and access statement that they would prefer to create new offices at one of its own properties either by re-use conversion, extension or new build and that this would be partially funded through the sale of Eastleigh Court. They are currently proposing to move to new offices in south west Wiltshire and are currently involved in pre-application discussions with the council. Whilst this is only at the pre-application stage; it should be noted that should a subsequent application be forthcoming and approved, there would be no net loss of employment within Wiltshire.

Policy H21 needs to be balanced in this case with the requirements of policies C26 and C20. Policy C26 seeks the maintenance of listed buildings through permitting a change of use where this will secure its future maintenance, and allows for the consideration of the relaxation of other planning policies if it secures the retention of the listed building and the proposal would not be detrimental to the character of the building. Similarly, policy C20 permits the change of use of buildings in a conservation area, provided that the new use would not require changes that would be detrimental to the character or appearance of the area. Given these factors, and in the light of the sustainability issues connected with the countryside location; and the emerging Wiltshire Core Strategy policies; it is not considered that a speculative marketing exercise is required to demonstrate non viability as a business, tourism or sport/recreation use.

Bishopstrow College has objected to the application on the grounds that they are planning to apply to convert the building to residential school use and that this in their opinion will be a preferable use. They are perfectly at liberty to submit such an application and it is possible that this use could also be acceptable. However, such an institutional residential use (Class C2) would also result in the loss of the current employment (Class B1 Offices), and would not secure the significant conservation benefits of converting the heritage asset back to its original use with minimal alteration. It is also likely that the school conversion proposals would require considerably more alterations to the listed building to suit an institutional residential use (for example bathroom provision and increased fire regulation requirements). The College is able to make a formal application for their proposals (subject to

serving notice on the National Trust), which would be considered on its own merits (and which may well be acceptable as well).

10. Conclusion

The proposed change of use represents a return to the purpose for which the Grade II listed building was designed and constructed and is considered likely to offer the best opportunity for the preservation of the building's architectural features and appreciation and enhancement of the character of the principal rooms, as well as for the enhancement of its setting. The proposal is therefore considered to be the an appropriate use for this heritage asset and approval is recommended.

Recommendation: Permission

For the following reason(s):

The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.

Subject to the following condition(s):

- 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 details shown on the following plans:

Plan Ref: PE1 04 Existing & Proposed Front & Side Elevations, dated March 2011, received by this office 18th April 2012

Plan Ref: PE1 05 Existing & Proposed Side & Rear Elevations, dated March 2011, received by this office 18th April 2012

Plan Ref: PE1 01/1 Rev A Proposed Ground Floor Plan, dated March 2011, received by this office 29th May 2012

Plan Ref: PE1 02/1 Rev A Proposed First Floor Plan, dated March 2011, received by this office 29th May 2012

Plan Ref: PE1 03/1 Rev A Proposed Second Floor Plan, dated March 2011, received by this office 29th May 2012

REASON: In order to define the terms of this permission.

Appendices:	
Background Documents Used in the Preparation of this Report:	