

Note: Please read this report in conjunction with the supplement published on 16 October 2017; the supplementary paper amends some of the information in this report.

## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	18 October 2017
<b>Application Number</b>	17/03839/FUL and 17/04445/LBC
<b>Site Address</b>	3 High Street, Warminster BA12 9AG
<b>Proposal</b>	Refurbishment of existing frontage building to provide 2 shops with 4 flats above plus new residential development of 5 dwellings and landscaping to the rear. (17/03839/FUL); and  Refurbishment of existing frontage building to provide 2 shops with 4 flats above. (17/04445/LBC)
<b>Applicant</b>	Mr Huy Nguyen
<b>Town/Parish Council</b>	WARMINSTER
<b>Electoral Division</b>	WARMINSTER EAST – Cllr Andrew Davis
<b>Grid Ref</b>	387369 145088
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the applications being considered by Committee

These applications are brought to Committee following the resolution of members at the meeting of 20<sup>th</sup> September to defer both for a site visit “...to be held at 12noon on the 18 October 2017”. Members will recall also the request from Cllr Ridout that both applications be considered and contained within one report. This report covers both applications.

Both reports which were placed before Members at the meeting of 20<sup>th</sup> September are appended to this report.

### 1. Purpose of Report

The purpose of the report is to bring the deferred applications back to Committee following the arranged members site visit and to recommend that both applications be approved, subject to a S106 agreement relating to 17/03839/FUL, as previously recommended.

At the 20 September meeting, members requested amendments to conditions and these have been appraised and are included as part of the recommended list of conditions to include the following:

### 2. Consideration of Additional Conditions

#### 2.1 Archaeology Watching Brief

The question of the possible presence of archaeological remains in the cellar areas below the building at No.3 and the access path was raised in a late representation received from the Feoffees. As far as the application proposals are concerned, no works to the path are proposed. However, the Council’s archaeologist has been consulted and advises that the a

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planning condition could be used to define the terms of the planning permission and to safeguard any archaeology found during on site works.

*“No works shall commence on site until a watching brief has been agreed to be maintained during the course of the works which comprise or affect below ground works. The watching brief shall be carried out in accordance with a written specification which shall have been first agreed in writing by the Local Planning Authority, by a professional archaeologist, which is acceptable to the Local Planning Authority.*

*REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to safeguard the identification and recording of features of archaeological interest associated with the site”.*

## **2.2 Construction Management Plan**

At the 20 September meeting, Members also debated the potential for disturbance during the construction phase to neighbouring and nearby occupants, including the relationships and impacts with the neighbouring Chapel services. Councillors considered the possibility that section (e) of the recommended Construction Management Plan (CMP) condition [“e) No construction or demolition work [should take] place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays”] could be amended to take account of all service times at the Chapel.

It is understood that the Chapel holds communion services on Wednesday mornings; and is also available for baptisms, weddings and funerals on other days. It is not possible to anticipate the days and times of services at the Chapel and nor is it reasonable to restrict the construction times to avoid chapel services. It is important to be fully mindful of the 6 legal tests which all planning conditions must satisfy which for the avoidance of any doubt require the following:

They must be necessary; relevant to planning and to the development to be permitted; they must also be enforceable; precise and reasonable in all other respects.

The construction work would be a temporary process and the proposed development works in close proximity to the Chapel would largely relate to the refurbishment of the building. Any condition imposed restricting development so as not to run concurrent with chapel services cannot be precisely or reasonably controlled; and would thus fail the legal tests.

At the September meeting, Members also discussed the potential harm to the fabric of the Chapel and the pathway. This would essentially be a matter of private treaty, where the developer would be ultimately responsible for any consequential effects/damage to any neighbouring property including the Chapel. The CMP planning condition as previously recommended has been expanded to include a clause which would require the developer to confirm the safeguarding measures prior to commencement of works, which would require the written agreement of the Council and its implementation.

In view of the above, it is recommended that the CMP condition should be revised as follows:

*No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority, which shall include the following:*

- a) the access and parking of vehicles of site operatives and visitors;*
- b) the loading and unloading of plant and materials;*

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- c) the storage of plant and materials used in constructing the development;
- d) the measures to control the emission of noise, dust and dirt during construction; the hours of construction, including deliveries;
- e) No construction or demolition work taking place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- f) the measures to be put in place to protect adjoining properties against damage / disturbance.

*The approved CMP shall be complied with in full throughout the construction period.*

*REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.*

### **2.3 Informative on Bells**

Members also discussed the potential impact of the Chapel bells ringing and affecting the amenities of future occupants. The Council's public protection officer raises no concerns and it should be noted that there are other residential properties in close proximity to the chapel (including flats and Curfew Cottage) and officers are not aware of any noise complaints arising from the bells chimes. Chapel Bell ringing/chiming would not be reasonable grounds for refusal, but an informative attached to any planning permission could recommend that as part of any sales package, the applicant/developer duly alerts any future purchaser/occupant to the presence of the chapel and the frequency of the bell ringing/chiming, with transferring attorneys being aware of the content. An informative along the following lines is therefore recommended:

*INFORMATIVE: The applicant should advise all prospective purchasers and occupiers of the dwellings hereby approved that the neighbouring Chapel has bells which chime 24/7.*

### **3. Assessment**

The planning and heritage issues were considered under the previous reports and the recommendations are set out below, which reflect the amendments outlined above. The proposed development accords with relevant National and WCS Policies in relation to new development within development limits in this town centre location, as well as regarding the preservation and enhancement of Listed Buildings.

### **4. RECOMMENDATION:**

**4.1 In respect of Planning Application reference 17/03839/FUL it is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and following the completion of a S106 legal agreement which would bind the developer and this permission to firstly secure and complete all the necessary repair works to bring the Grade II Listed building at No. 3 High Street back into a functional use prior to the first occupation of any of the approved dwellings.**

#### **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.

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2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1364/P/LOC received on 25 July 2017; 1364/P/01 P3 received on 25 July 2017; 1364/P/02 P2 received on 18 April 2017; 1364/P/03 P2 received on 18 April 2017; 1364/P/04 P2 received on 18 April 2017; 1364/P/05 P2 received on 18 April 2017; 1364/P/06 P3 received on 25 July 2017; 1364/P/07 P2 received on 18 April 2017; 1364/P/08 P2 received on 18 April 2017; 1364/P/09 P3 received on 25 July 2017

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

3. No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

In respect of the 3 residential units located to the rear of the site and behind the Chapel:-

Eaves and chimney details to include a section at a scale of 1:10, full detail of doors, lintels, cills and windows and brochure details for rainwater goods and roof lights (conservation style): A sample panel of the proposed brickwork and mortar colour (brickwork should be Flemish bond) and the proposed specification for the repair of the wall; and,

In respect of alterations and conversion of 3 High Street:-

Detailed drawings of the ground floor shop front at a scale of no less than 1:50;  
A repair schedule for all the existing windows with sash windows to be repaired or be replaced on a like-for-like basis;  
Details of conservation style roof lights, timber French doors and other new external doors and any canopies, natural slate roofing materials and new stone copings;  
Details of the design of the new stairs at ground to the first floor level; and  
A room by room survey of all surviving historic features (i.e. doors, skirtings, cornices etc.) and that such features identified are suitably reinstated; and,

In respect of the 2 residential units to be provided by the extension to the rear of No 3 High Street:-

A sample panel of the proposed Flemish bond brickwork and mortar colour;  
New window details at a scale of 1:5 including horizontal and vertical sections, and detailing windows with rubbed brick arches and Bath stone cills.

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

4. 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:

- all hard and soft surfacing materials including proposed planting;
- wildlife friendly proposals for the planting scheme
- finished levels
- the type and form of any protective fencing to safeguard boundary walls and retained trees
- any means of site/plot enclosure.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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5. 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 or the completion of the development whichever is the sooner. 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.

6. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority, which shall include the following:

- a) The access and parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) The measures to control the emission of noise, dust and dirt during construction; the hours of construction, including deliveries;
- e) No construction or demolition work taking place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- f) The measures proposed to be put in place to protect adjoining properties against damage / disturbance.

The approved CMP shall be complied with in full throughout the construction period.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied unless and until the foul water drainage scheme has been implemented in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied unless and until the surface water drainage scheme has been implemented in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

9. No development shall commence on site until a scheme for protecting the future residents against noise from road traffic and noise from other sources such as plant for air conditioning units etc. has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the use commences and shall be maintained at all times thereafter.

Note: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to

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BS8233: 2014 (or subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L<sub>Amax</sub> between the hours of 23:00 and 07:00.

REASON: In the interests of the amenity of future occupants.

10. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of neighbour amenity.

11. The A1 use hereby permitted shall only take place between the hours of 08:00 and 1800 Mondays to Saturdays and between 10:00 and 16:00 on Sundays and Bank or Public Holidays.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

12. No deliveries shall be made to or collections made from the retail development hereby approved except between the hours of 08:00 and 18:00 Monday to Saturday, with no deliveries or collections on Sundays or Public and Bank Holidays.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

13. No loud speakers or amplification equipment shall be attached to ceilings or external walls in the A1 use premises.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

14. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

15. Prior to the first occupation of the dwellings hereby approved wildlife friendly measures in the form of house sparrow nest box under the eaves/soffits of new buildings on site and bat enhancements with crevice spaces to new buildings shall have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of enhanced biodiversity.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

17. No works shall commence on site until a watching brief has been agreed to be maintained during the course of the works which comprise or affect below ground works. The watching



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brief shall be carried out in accordance with a written specification which shall have been first agreed in writing by the Local Planning Authority, by a professional archaeologist, which is acceptable to the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to safeguard the identification and recording of features of archaeological interest associated with the site.

#### **INFORMATIVES TO APPLICANT:**

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 [www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).
2. The applicant is advised that it is an offence to disturb nesting birds. Site clearance of vegetation should be undertaken outside the bird nesting season (March to the end of August) or immediately after an ecologist has confirmed the absence of active nests.
3. This decision should be read in conjunction with the listed building consent decision issued for application 17/04445/LBC and the conditions attached thereto.
4. The applicant is advised to contact Wessex Water with regard to new connections and in respect of any agreement that may be required with regard to the protection of existing infrastructure.
5. The applicant should advise all prospective purchasers and occupiers of the dwellings hereby approved that the neighbouring Chapel has bells which chime 24/7.

**4.2 In respect of Application Reference 17/04445/LBC it is recommended that Listed Building Consent is granted, subject to the following conditions.**

#### **Conditions:**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

**REASON:** To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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2. The development hereby permitted shall be carried out in accordance with the following approved plans:

1364/P/LOC received on 25 July 2017; 1364/P/01 P3 received on 25 July 2017; 1364/P/02 P2 received on 18 April 2017; 1364/P/03 P2 received on 18 April 2017; 1364/P/04 P2 received on 18 April 2017; 1364/P/05 P2 received on 18 April 2017; 1364/P/06 P3 received on 25 July 2017; 1364/P/07 P2 received on 18 April 2017; 1364/P/08 P2 received on 18 April 2017; 1364/P/09 P3 received on 25 July 2017

[insofar as they relate to the Listed Building No.3 High Street Warminster].

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

3. No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

In respect of alterations and conversion of 3 High Street:-

Detailed drawings of the ground floor shop front at a scale of no less than 1:50;  
A repair schedule for all the existing windows with sash windows to be repaired or be replaced on a like-for-like basis;  
Details of conservation style roof lights, timber French doors and other new external doors and any canopies, natural slate roofing materials and new stone copings;  
Details of the design of the new stairs at ground to the first floor level; and  
A room by room survey of all surviving historic features (i.e. doors, skirtings, cornices etc.) and that such features identified are suitably reinstated; and,

In respect of the 2 residential units to be provided by the extension to the rear of No 3 High Street:-

A sample panel of the proposed Flemish bond brickwork and mortar colour;  
New window details at a scale of 1:5 including horizontal and vertical sections, and detailing windows with rubbed brick arches and Bath stone cills.

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

**Informative to Applicant:**

1. This decision should be read in conjunction with the planning application decision issued for application 17/03839/FUL and the conditions attached thereto.



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**Reports placed before the WAPC meeting 20.09.2017:**

**REPORT FOR WESTERN AREA PLANNING COMMITTEE**

<b>Date of Meeting</b>	20 September 2017
<b>Application Number</b>	17/03839/FUL
<b>Site Address</b>	3 High Street, Warminster BA12 9AG
<b>Proposal</b>	Refurbishment of existing frontage building to provide 2 shops with 4 flats above plus new residential development of 5 dwellings and landscaping to the rear.
<b>Applicant</b>	Mr Huy Nguyen
<b>Town/Parish Council</b>	WARMINSTER
<b>Electoral Division</b>	WARMINSTER EAST – Cllr Andrew Davis
<b>Grid Ref</b>	387369 145088
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

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

This application is brought to Committee at the request of Councillor Andrew Davis for the consideration of the scale of development, the visual impact upon the surrounding area, relationships with adjoining properties, as well as design and environmental/highway parking impacts. Furthermore, the Warminster Town Council PAC requested that Cllr Davis call in the application.

**5. Purpose of Report**

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend that the application be approved, subject to a Section 106 agreement relating to repairs to the existing listed building. This report appraises the proposed extension, refurbishment and re-use of the listed building which is presently derelict as well as assessing the proposed five house development to the rear of the site and behind St Lawrence Chapel and Curfew Cottage (which are outside the application site).

A separate report pursuant to a Listed Building consent application (ref: 17/04445/LBC) duly appraises the proposed works to the Listed Building at No.3 High Street and is the next planning item on this committee agenda.

**6. Report Summary**

This report assesses the proposal in the light of the principle of the development, the impacts on heritage asset(s), the access and parking impacts and neighbouring amenity impacts, and

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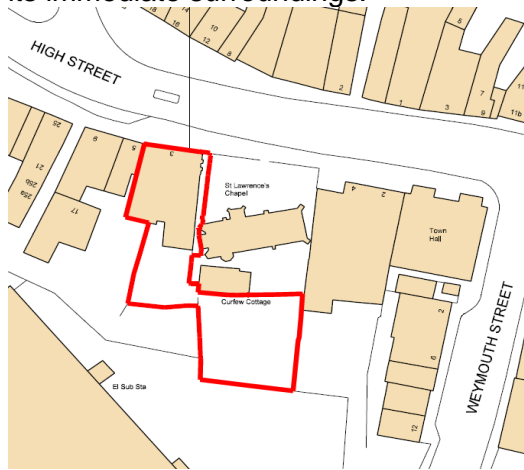
recommends that planning permission should be granted, subject to conditions and a S106 legal agreement.

Neighbourhood Responses: Representations were received from the Feoffees (Trustees) of St Lawrence Chapel as well as one letter of support from a third party.

Warminster Town Council: Objects to the application for reasons summarised in section 8.

## 7. Site Description

The subject property at No. 3 High Street is a grade II listed building which is in a very poor perilous state of repair and is described as 'derelict' by the applicant and is currently scaffolded without which the building would be at risk of collapse. The site photo below illustrates the extent of scaffolding and the boarded pedestrian gangway. The site also comprises land to the rear, located between the High Street frontage and the Morrisons supermarket. It is an irregular shaped site is located within Warminster's Conservation Area and adjacent to St Lawrence Chapel. The insert plan below illustrates the application site and its immediate surroundings.



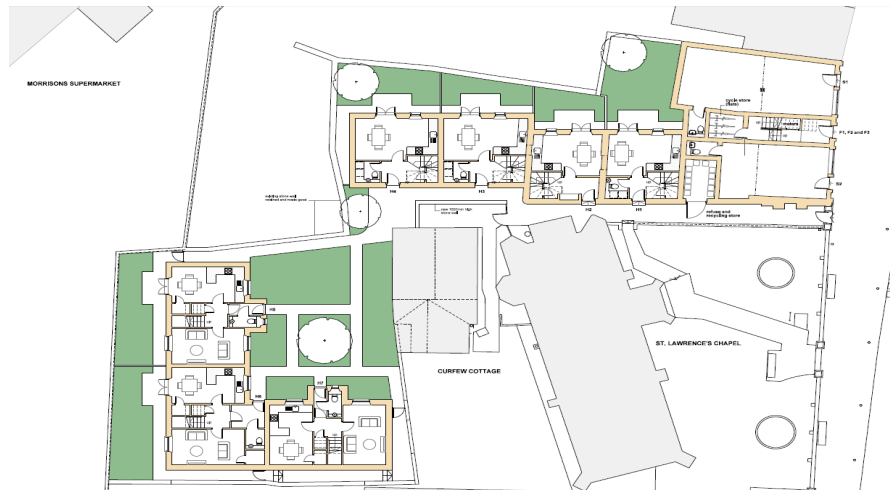
## 8. Planning History

There have been a number of applications in the last decade relating to attempts to refurbish the building at No. 3 High Street. However, no refurbishment works have been implemented. The most recent relevant planning applications relating to the site are:- W/12/02179/FUL and W/12/01745/LBC: which comprised the refurbishment of existing building to provide 2 shops at ground floor level and 5 flats to the upper (first and second) floors - which was approved with conditions.

## 9. The Proposal

Under this application, the applicant proposes to restore and convert No.3 High Street to form 2 ground floor shops and 4 flats on the upper floor and in so doing, preserve its visual role in the High Street and Chapel setting within the Conservation Area.

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The ground floor of No. 3 would be re-developed to provide two retail units with a new central access directly off the High Street for the upper levels of new residential accommodation (4 flats) in refurbished and converted spaces. The layout has been designed to make use of the original walls and floors where this is possible.

The application proposal also comprises erecting a 2 storey extension to the rear of No.3 to accommodate 2 houses which would be designed to follow the pattern of the existing rear wing and replace earlier works, now demolished, in the same location.

In addition, 3 houses are proposed to be sited to the rear of Curfew Cottage. The scheme is proposed to be car-free, with pedestrian access available only to serve the rear properties via an existing pathway located to the west side of St Lawrence Chapel. A landscaped courtyard is proposed between the 3 dwellings at the rear of the site and "Curfew Cottage" on the St Lawrence Chapel land.

The following insert elevation plan illustrates the proposed development.

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The application is supported by the following documents:

- A Design and Access Statement
- A Heritage Statement and Assessment of Significance
- A Structural Inspection Report
- An Arboricultural Impact Assessment Report
- An Ecology Phase 1 Habitat Survey
- An Ecology Phase 1 Layout
- A Financial Statement

## 10. Planning Policy

Wiltshire Core Strategy (WCS) Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 31: Spatial Strategy for the Warminster Community Area; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; 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.

In addition to the above Core Policies, the following West Wiltshire District Plan – 1<sup>st</sup> Alteration (2004) saved policies remain relevant: SP1 - Town Centre Shopping & SP4-Primary Retail Frontage.

The 2016 'made' Warminster Neighbourhood Plan is also a material consideration and forms part of the development plan and must be appraised as part of determining planning applications.

Wiltshire Council's Car Parking Strategy is also of material relevance to this application.

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations.

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## **11. Summary of Consultation Responses**

Warminster Town Council - The Town Council objects to this application on the grounds the need for development to be done sensitively, taking in all the surrounding area, including access and traffic issues. The proposed development constitutes gross overdevelopment, and would lead to loss of amenity to neighbouring properties and impact on the conservation area.

Conservation Officer – No objection. The building is in a very poor condition and clearly earns the ‘building at risk’ label. The retention and conversion of the existing building, albeit with considerable rebuilding, would be costly and deliver little in the way of profit to act as an incentive. The previous owner did not implement the 2012 consented scheme which is summarised within section 4 of this report and financial viability has been mooted as being part of the reason, which is not disputed. Whilst the proposed new building to the rear is not “enabling development” as envisaged by the development policies in the WCS, the proposed new building element of the project would nevertheless enable the restoration of the Grade II listed building as part of a viable scheme.

The proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for this long-neglected building. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jeweller’s shop. The proposed 3 additional residential units to the rear of Curfew Cottage and the Chapel would not harm the setting of the chapel when viewed from the rear (behind Morrison’s or from the carpark to the rear of number 4 The High Street). Additional conservation based commentary is provided within section 9 of this report.

Drainage Officer – Following the submission of revised plans and additional detail, the officer supports the proposal, subject to conditions in relation to foul and surface water disposal.

Ecologist – No comments received.

Environmental Health – No objection subject to conditions to cover noise and nuisance control during construction and upon commencement of the ground floor commercial uses.

Highway Officer – No objections are raised in relation to the proposed redevelopment of the existing building at No. 3 High Street to create a mix of retail and flats without any dedicated car parking provision, and it is duly acknowledged that there is no dedicated parking provision at present. Concerns are raised about the proposed housing development to the rear of the existing building being car free. Whilst the site is located within the town centre with close proximity to amenities and local public transport, the development is likely to appeal to families, who would be more likely to require the use of personal transport compared to 1 bedroom units that would be marketed for single occupancy or couples that are starting out on the property ladder. There are also concerns raised regarding construction traffic accessing the site during the construction period; although it is acknowledged that construction traffic is noted within the supplementary information.

Tree Officer – No objections. The officer notes that the Arboricultural Impact Assessment clearly states the trees within the curtilage are low value individually and in this instance, the site could benefit from their removal to facilitate redevelopment of the immediate area. A soft landscape plan indicating the mitigation tree planting, species and sizes that are suitable for the site should be conditioned.

## **12. Publicity**

Following the display of a site notice and individual neighbour notifications, two parties responded to the public consultation exercise.

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The Feoffees (Trustees) of St Lawrence Chapel submitted several responses, raising the following objections/queries:

- The applicant's reference made to discussions held between the applicant and Feoffees are not accurate. Permission would be required to use the access.
- No easement rights exist along the path and access for bins and to 3 new dwellings to rear would be via the path.
- The door leading from No. 3 onto the path was infrequently used. Access was mainly via the main shop entrance.
- The applicant provides no indication as to how heavy materials would reach the rear of the site;
- Feoffees have indicated that permission will not be granted for works to be carried out from the Chapel land.
- The path provides the only entrance to Curfew Cottage which requires unrestricted access 24 hours a day, 7 days a week.
- The application should state that this would be a "car free" development.
- The indicated dimensions of the proposed buildings to the rear are queried.
- Concerns raised about the impact the development would have on the Chapel structure, loss of light to the west facing stained glass window, general overpowering of the Chapel and Curfew Cottage and the loss of privacy to both buildings.
- The loss of all the trees to the rear is a concern.
- The path is consecrated land and it is likely that human remains could be present under the path as this was originally a grave yard.
- Development would need to be undertaken in a sympathetic way to preserve local tranquillity and amenity (both during the construction process and after completion).
- Impact of Chapel bells chiming on residential amenity of future occupants.

The 2nd third party response supports the proposal with a view to the restoration of the street frontage, stating that No. 3 has been an "eyesore on the High street of Warminster" for too long. If it takes development at the rear in the vicinity of the back wall of Morrisons to enable the restoration, that would be acceptable.

### **13. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

**9.1 The Principle of the Development** - The site is located within the established limits of development of Warminster where the principle of new dwellings and sustainable forms of development are supported. The proposal is considered to comply with CP1, CP2 & CP31. The site is within the Primary Retail Frontage area of the Warminster Town Centre (to which saved Policy SP4, of the West Wiltshire District Plan refers) and the ground floor shop units accord wholly with policy. However, the details of the proposal must be appraised against all the relevant development plan policies as set out within section 6 of this report.

**9.2 The Setting of St Lawrence Chapel and the Conservation Area** – The existing building sits between St Lawrence Chapel and the Grade II Listed buildings at No. 5-17 High Street, which are all within the Warminster Town Centre Conservation Area. The proposed development would structurally correct and repair the front elevation which without the significant amount of scaffolding would be at serious risk of collapse. As illustrated below, the proposal seeks to restore and preserve the essential character of the building and in turn,



Note: Please read this report in conjunction with the supplement published on 16 October 2017; the supplementary paper amends some of the information in this report.

would enhance the character and appearance of the Conservation Area and neighbouring settings of listed buildings. The insert plan below illustrates the proposed High Street frontage.

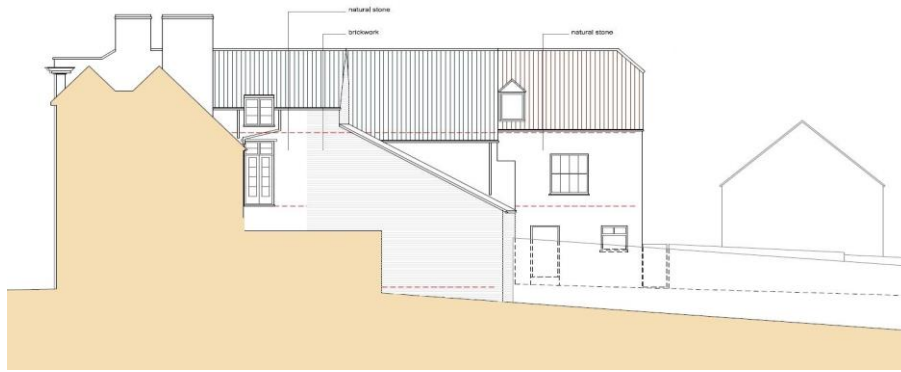


Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the LPA has a general duty, in the exercise of planning decisions in respect to any buildings or other land in a conservation area, to give special attention to the desirability of preserving or enhancing the character or appearance of that area. Furthermore, Core Policy 58 of the Wiltshire Core Strategy aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life.

With regard to the heritage considerations, a Design and Access Statement, a Heritage Statement and an Assessment of Significance on the existing building and proposed development to the rear, as well as a Structural Inspection Report on the building were all submitted in support of the application and these have been carefully appraised.

The following extracts illustrate the existing and proposed elevations:

Note: Please read this report in conjunction with the supplement published on 16 October 2017; the supplementary paper amends some of the information in this report.



**Existing West Elevation and Section**



**Proposed West Elevation and Section**

The building would be extended with the addition of the double storey element extending off the existing southern rear elevation. Historic maps show a previous range of buildings attached to the rear of the original building as illustrated in the reproduced historic mapping inserts below. The range of buildings at the rear of No. 3 were demolished at some point after 1952 as they don't appear on the 1952-1992 epoch mapping database available to officers. The parcel of land to the immediate rear of No. 3 High Street is now used as a parking area to the rear of no 5 High Street. Along the eastern and southern part to the rear of No. 3, another range of buildings have since been demolished. An existing lean-to extension would be demolished and replaced by the proposed double storey rear extension.



**1868-1899 historic map of No. 3 High Street**



**1924-1952 historic map**

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Existing (above left) and Proposed (above right) plans of South elevation and sections (Main Building)



Proposed new building to the rear of the Chapel and Curfew Cottage illustrating the proposed south elevation (i.e. as viewed from the Morrisons supermarket)



Proposed Western elevation of 3-house development to rear of the Chapel and Curfew Cottage

The Conservation officer has carefully appraised this planning proposal in terms of considering the effects it would have on the listed building and conservation area heritage assets and advises that: The application is supported by An Assessment of Significance which

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draws on the previous historical report by Compass Archaeology (submitted in respect of the previous application)...which identifies that the significance of the [host] building is:

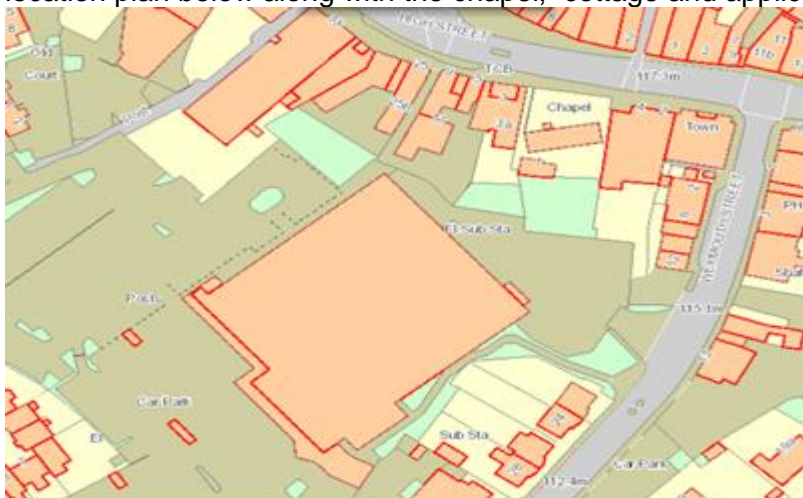
- Its historic value as a timber framed house for a prominent local;
- The variety of traditional materials and detailing;
- The rear wings reflecting the historic burgh pattern of development;
- Its relationship with the Chapel of St Lawrence.

As noted in the report, the work of the mid-19th Century (converting a house into shop) and again in the mid-20th century, has compromised the interest of the interior such that the interior is now of 'low interest' – a statement, officers fully concur with.

The application for the conversion of the existing building comprises:

- retaining and repairing the frontage (but reconfiguring the ground floor shop front elevation)
- converting the ground floor into two separate shops;
- installing a staircase at ground floor in the centre of the building to create a separate hallway and means of entrance to access the 3 residential units on the first and second floor;
- converting the first floor to two flats and the second to one flat – all accessed via the central staircase;
- converting the existing rear element into two x 2 bed units over 3 floors (ground to second floor level); and,
- extending the rear extension to the west to create two further houses (each 1 bedroom over two floors).

In terms of the proposed works on the character and interest of the building, the works to the frontage would repair the main elevation (upper levels) and reinstate a traditional shop frontage with a central doorway, which would be much more in keeping with the historic character of the building than the recent past configuration. The installation of a staircase would reinstate the arrangement that formerly existed. The application also proposes three new units (located to the rear of St Lawrence's Chapel and Curfew Cottage) – arranged in an 'L' shape. It is appreciated that this part of the site is lower than that of the church and the cottage and is currently neglected and overgrown. To the south of the site is a stone wall which has collapsed in the southern corner beyond which is a car park area the Morrisons supermarket, which is a large monolithic building which is clearly identifiable on the insert location plan below along with the chapel, cottage and application site at No. 3 High Street.



The proposed 'L' shaped building would be two storeys and designed in a traditional unassuming style using traditional materials (clay tiles and bricks) with a pitched roof and chimneys. The conservation officer questions the style choice of sash windows, rather than



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flush-framed casement windows, which would be more typical of a modest development to the rear of the High Street.

The view of the chapel from the car park is not a prominent view given the fact that the car park is to the rear of the Morrisons supermarket and staff carpark and that the current site is overgrown. The general impression generated is that of a run-down neglected area – which is partially illustrated by the site photograph reproduced below. In view of the topography of the site whereby the land slopes away from Curfew Cottage towards the carpark, the proposed development would not likely impede views of the chapel tower, which is an important and much valued landmark feature. In any case, the view from the car park is not a significant one. Moreover, the proposed scale, massing and siting of the development is considered appropriate in terms of the character of the area. Furthermore, it is submitted that the modest development would enhance views towards the site and beyond to the chapel and that the development would facilitate further enhancement through improved management of the site and repairs to the historic walls.



Officers conclude that the proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for the long-neglected building at No. 3 High Street. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jewellers shop. The 3 residential units to the rear of Curfew Cottage and the chapel would not harm the setting of the chapel when viewed from the rear behind Morrisons or from the carpark to the rear of number 4 The High Street. As such, the proposals are considered to be in accordance with the WCS core policies, the Warminster Neighbourhood Plan and paragraph 137 of the NPPF.

It must be recognised that No.3 High Street is in very poor condition and has scaffolding in place to prevent the collapse of the building (as certified by Building Control). The submitted proposals would see the building retained, repaired and reinstated (in terms of the ground floor). The rear extension is considered an appropriate and sympathetic addition which would reflect the historic character and previous 19<sup>th</sup> Century development of the building and the site and would be in keeping with the character of the listed building. The proposals would enhance the significance of the listed building and accord with paragraph 131 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. The proposals, by virtue of the repair and reinstatement of the principal elevation would enhance the setting of the adjacent Chapel of St Lawrence and would consequently be in accordance with paragraph 137 of the NPPF and the relevant development plan policies.

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Should members be minded to support this application, the Council's conservation officer recommends planning conditions in relation to detailing on the refurbished frontage, an internal survey of retrievable fabric and additional details for the new buildings to the rear.

After a detailed heritage appraisal, officers support this application. It is however necessary to note that the 3 house development located to the rear of the site is partially justified as a means of contributing to the funding of the repair and reinstatement of the host Grade II listed building, and it is considered necessary to secure the refurbishment of the building at No. 3 High Street prior to the occupation of any new units by way of a S106 Legal Agreement.

Members are furthermore advised that a separate listed Building consent application has been submitted which also requires committee consideration (application 17/04445/LBC refers) and is listed next on the committee agenda.

**9.3 Highways and Parking** - A new entrance off the High Street is proposed giving access to the ground floor residential lobby of the frontage building. Shop access would be via new entrance doors off the High Street. Only pedestrian access is provided to the units to the rear of the site, and the scheme is being proposed as a car-free development. The highway officer is satisfied that the refurbishment is acceptable due to the building being existing with no parking provision but raises concerns in respect of possible parking demand arising from the two bedroom units – which the Council's published car parking strategy guidance indicates a requirement for 6 spaces. It should be stressed however that this is guidance.

Whilst the Council's Car Parking Strategy sets out the standards, it also states that reduced residential parking requirements can be considered to include circumstances where there are significant urban design or heritage issues, or where parking demand is likely to be low and where any parking overspill can be controlled. Furthermore, decision makers must also be mindful of NPPF paragraph 32 which states that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*".

In this instance, the proposed development is in the heart of the town centre of the market town of Warminster which benefits from being within short walking distance access to public transport and the full range of the town's facilities, amenities and services. There is in addition, extensive public car parking available for any visitors, again within close proximity. Whilst each application must be considered on its own merits, it is worthwhile acknowledging that in terms of principle, there have been some recent examples of two bedroom residential units being approved as car-free schemes elsewhere within Warminster town centre near to this site. For example, application 13/00921/FUL approved 2 x 2-bed flats at No. 10 Market Place with no dedicated car parking; and application 14/09710/FUL approved a 2 bed unit at No. 20 Market Place with no car parking also. Trowbridge town centre has also had car free developments approved in recent years.

Under this application, nine residential units and two retail units would be provided in a highly sustainable location. If approved and implemented, the development would deliver significant heritage benefits which would secure the refurbishment of the Grade II listed building and enhancements to the appearance of the Conservation Area street scene. It is considered that these benefits would significantly outweigh the lack of any dedicated car parking provision.

Officers fully appreciate that the development if it is to be approved would require a robust construction management plan in recognition of there being only a pedestrian access available to service the rear of the site. The applicant's agent has been approached on this matter and advised that construction traffic could possibly be negotiated on a short term basis via private land to the west and/or the south-east of the site. If this cannot be agreed, it is



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understood that the applicant would use the existing shopfront as an access and 'build out' the site from the rear. Such an approach would require careful site management and a robust planning condition would be necessary to secure a comprehensive site management plan which would need to be agreed prior to the commencement of any works on site.

**9.3 Neighbouring Amenity** – It is acknowledged that The Chapel Feoffees have raised concerns regarding privacy and overshadowing harm, especially in relation to Curfew Cottage but also in respect of loss of light to the Chapel itself. In response to the privacy concerns arising from direct visibility between the 3 new dwellings at the rear of the property and the cottage, the design has been revised to replace the one directly facing window with a fixed closed window with obscure glass, with gable windows to provide light in its place. Whilst it is accepted that there would be a limited separation distance between the development and the neighbouring properties, there is a significant difference in levels which would result in any views being obscured. These levels and the separation distance also mean that overshadowing of the cottage from the south would not arise to any unacceptable degree. Officers are also fully mindful of the present site circumstances with established trees reducing outlook and light to some degree. Officers are also appreciative of the town centre context whereby a denser development and reduced separation distances between buildings combine to form the existing character of the town centre. It should be stressed that there would be no directly intervisible windows from the proposed new build extending to the rear of No. 3.

It is also noted that the Feoffees also raise potential amenity impacts on future occupiers arising from the Chapel bell ringing at regular intervals. Officers would respond to this matter by stating that the bell ringing takes place in the context of existing residential uses at upper floor levels already in the vicinity of the Chapel and officers are not aware of any complaints being lodged in this regard and future potential buyers would be fully aware of the presence of the Chapel and bell ringing before going through with any property purchase. It is also noteworthy to mention that the Council's public protection officer has not raised any objections in this regard.

**9.4 Other Matters** - The Chapel Feoffees also raised further questions about additional surveys to ensure the protection of the Chapel and the pathway during construction. The Chapel itself lies outside of the red line area and arrangements in respect of protection during building works would be a matter of private treaty which would fall outside of the planning remit open to the local planning authority. If the pathway is to be utilised, it would an agreement to be reached between the relevant parties. Any consequential works to or impacts on the path would also require private agreement.

In respect to ecology matters the submitted documentation confirms discussions with the Council's ecologist, and it has been confirmed that no further surveys for bats are required. The ecology report recommendations are supported by the Council's ecologist comprising site clearance of vegetation to be undertaken outside the bird nesting season (March to the end of August) or immediately after an ecologist has confirmed the absence of any active nests; that a nesting bird check is undertaken by a suitably qualified ecologist prior to any building works commencing; provision of replacement bird nesting features through the installation of bird boxes and that any trees scheduled for retention proposals should be protected during construction. Planning conditions and an informative can satisfactorily secure all of the above ecology safeguarding and enhancement requirements.

The Warminster Neighbourhood Plan and WCS Core Policy 41: Sustainable construction and low carbon energy requires that new dwellings achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. Members are advised that any grant of planning permission should include a condition to that effect.

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The Council has an adopted CIL regime, and it is material to note that this application proposal would generate CIL receipts that would contribute towards infrastructure improvements. In addition, given that Warminster has a made Neighbourhood Plan, Warminster Town Council would directly secure 25% of CIL receipts.

**Conclusion (The Planning Balance)** – Officers report that this development proposal accords with the relevant WCS Policies and the design is considered acceptable in terms of the Conservation Area, design, access, and the surrounding context. The proposed development would provide an additional 9 residential units and 2 shops in a wholly sustainable location that would not result in unacceptable harm to local amenity, and would deliver significant benefits by bringing a longstanding semi-derelict and dangerous listed building back into a functional and viable use. Planning permission is therefore recommended, subject to planning conditions.

**10. RECOMMENDATION:** It is recommended that authority be delegated to the Head of Development Management to GRANT planning permission, subject to conditions listed below and following the completion of a S106 legal agreement which would bind the developer and this permission to firstly secure and complete all the necessary repair works to bring the Grade II Listed building at No. 3 High Street back into a functional use prior to the first occupation of any of the approved dwellings.

**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. The development hereby permitted shall be carried out in accordance with the following approved plans:

1364/P/LOC received on 25 July 2017; 1364/P/01 P3 received on 25 July 2017; 1364/P/02 P2 received on 18 April 2017; 1364/P/03 P2 received on 18 April 2017; 1364/P/04 P2 received on 18 April 2017; 1364/P/05 P2 received on 18 April 2017; 1364/P/06 P3 received on 25 July 2017; 1364/P/07 P2 received on 18 April 2017; 1364/P/08 P2 received on 18 April 2017; 1364/P/09 P3 received on 25 July 2017

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

3. No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

In respect of the 3 residential units located to the rear of the site and behind the Chapel:-

Eaves and chimney details to include a section at a scale of 1:10, full detail of doors, lintels, cills and windows and brochure details for rainwater goods and roof lights (conservation style): A sample panel of the proposed brickwork and mortar colour (brickwork should be Flemish bond) and the proposed specification for the repair of the wall; and,

In respect of alterations and conversion of 3 High Street:-

Detailed drawings of the ground floor shop front at a scale of no less than 1:50;  
A repair schedule for all the existing windows with sash windows to be repaired or be replaced on a like-for-like basis;

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Details of conservation style roof lights, timber French doors and other new external doors and any canopies, natural slate roofing materials and new stone copings;  
Details of the design of the new stairs at ground to the first floor level; and  
A room by room survey of all surviving historic features (i.e. doors, skirtings, cornices etc.) and that such features identified are suitably reinstated; and,

In respect of the 2 residential units to be provided by the extension to the rear of No 3 High Street:-

A sample panel of the proposed Flemish bond brickwork and mortar colour;  
New window details at a scale of 1:5 including horizontal and vertical sections, and detailing windows with rubbed brick arches and Bath stone cills.

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

4. 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:

- all hard and soft surfacing materials including proposed planting;
- wildlife friendly proposals for the planting scheme
- finished levels
- the type and form of any protective fencing to safeguard boundary walls and retained trees
- any means of site/plot enclosure.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. 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 or the completion of the development whichever is the sooner. 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.

6. No development shall commence on site (including any works of demolition), until a Construction Management Plan (CMP) has been submitted to, and approved in writing by the Local Planning Authority, which shall include the following:

- a) the access and parking of vehicles of site operatives and visitors;
- b) the loading and unloading of plant and materials;
- c) the storage of plant and materials used in constructing the development;
- d) the measures to control the emission of noise, dust and dirt during construction; the hours of construction, including deliveries;
- e) No construction or demolition work taking place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

The approved CMP shall be complied with in full throughout the construction period.

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REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

7. No development shall commence on site until a scheme for the discharge of foul water from the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied unless and until the foul water drainage scheme has been implemented in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

8. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied unless and until the surface water drainage scheme has been implemented in accordance with the approved details.

REASON: To ensure that the development can be adequately drained.

9. No development shall commence on site until a scheme for protecting the future residents against noise from road traffic and noise from other sources such as plant for air conditioning units etc. has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented in full before the use commences and shall be maintained at all times thereafter.

Note: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB LAmax between the hours of 23:00 and 07:00.

REASON: In the interests of the amenity of future occupants.

10. No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: In the interests of neighbour amenity.

11. The A1 use hereby permitted shall only take place between the hours of 08:00 and 1800 Mondays to Saturdays and between 10:00 and 16:00 on Sundays and Bank or Public Holidays.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

12. No deliveries shall be made to or collections made from the retail development hereby approved except between the hours of 08:00 and 18:00 Monday to Saturday, with no deliveries or collections on Sundays or Public and Bank Holidays.

REASON: In the interests of the amenity of future occupants and of neighbouring properties.

13. No loud speakers or amplification equipment shall be attached to ceilings or external walls in the A1 use premises.

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REASON: In the interests of the amenity of future occupants and of neighbouring properties.

14. The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwellings shall not be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

15. Prior to the first occupation of the dwellings hereby approved wildlife friendly measures in the form of house sparrow nest box under the eaves/soffits of new buildings on site and bat enhancements with crevice spaces to new buildings shall have been installed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of enhanced biodiversity.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

#### **INFORMATIVES TO APPLICANT:**

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](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy).

The applicant is advised that it is an offence to disturb nesting birds. Site clearance of vegetation should be undertaken outside the bird nesting season (March to the end of August) or immediately after an ecologist has confirmed the absence of active nests.

This decision should be read in conjunction with the listed building consent decision issued for application 17/04445/LBC and the conditions attached thereto.

The applicant is advised to contact Wessex Water with regard to new connections and in respect of any agreement that may be required with regard to the protection of existing infrastructure.

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## REPORT FOR WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	20 September 2017
<b>Application Number</b>	17/04445/LBC
<b>Site Address</b>	3 High Street, WARMINSTER BA12 9AG
<b>Proposal</b>	Refurbishment of existing frontage building to provide 2 shops with 4 flats above.
<b>Applicant</b>	Mr Huy Nguyen
<b>Town/Parish Council</b>	WARMINSTER
<b>Electoral Division</b>	WARMINSTER EAST - Councillor Andrew Davis
<b>Grid Ref</b>	387369 145088
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Andrew Davis for the consideration of the scale of development, the impact upon the surrounding area and the relationships with adjoining properties, as well as design impacts. Furthermore, the Warminster Town Council PAC requested that Cllr Davis call in the application.

### 1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to recommend that the application be approved subject to conditions. Following on from committee agenda item 7b, this report concentrated exclusively on the proposed works to the listed building at No.3 High Street to which listed building consent is required. Matters relating the ecology, highway safety and car parking, land drainage, impacts on neighbours amenity and trees are not relevant to this application. These details are fully appraised within the committee report item 7b.

### 2. Report Summary

This report assesses the proposal in terms of the impact on the Grade II Listed Building at No. 3 High Street Warminster.

Neighbourhood Responses: Several items of correspondence were received from the Feoffees (Trustees) of St Lawrence Chapel.

Warminster Town Council: The Town Council did not comment on this listed building consent application but did object to the associated planning application (reference 17/03839/FUL) for reasons summarised in section 5.

### 3. Site Description

The subject property at No. 3 High Street is a grade II listed building which is in a very poor state of repair and is described as 'derelict' by the applicant and is currently scaffolded without



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which the building would be at risk of collapse. On the following page, several site photos illustrate the perilous state of this protected building.



#### 4. Planning History

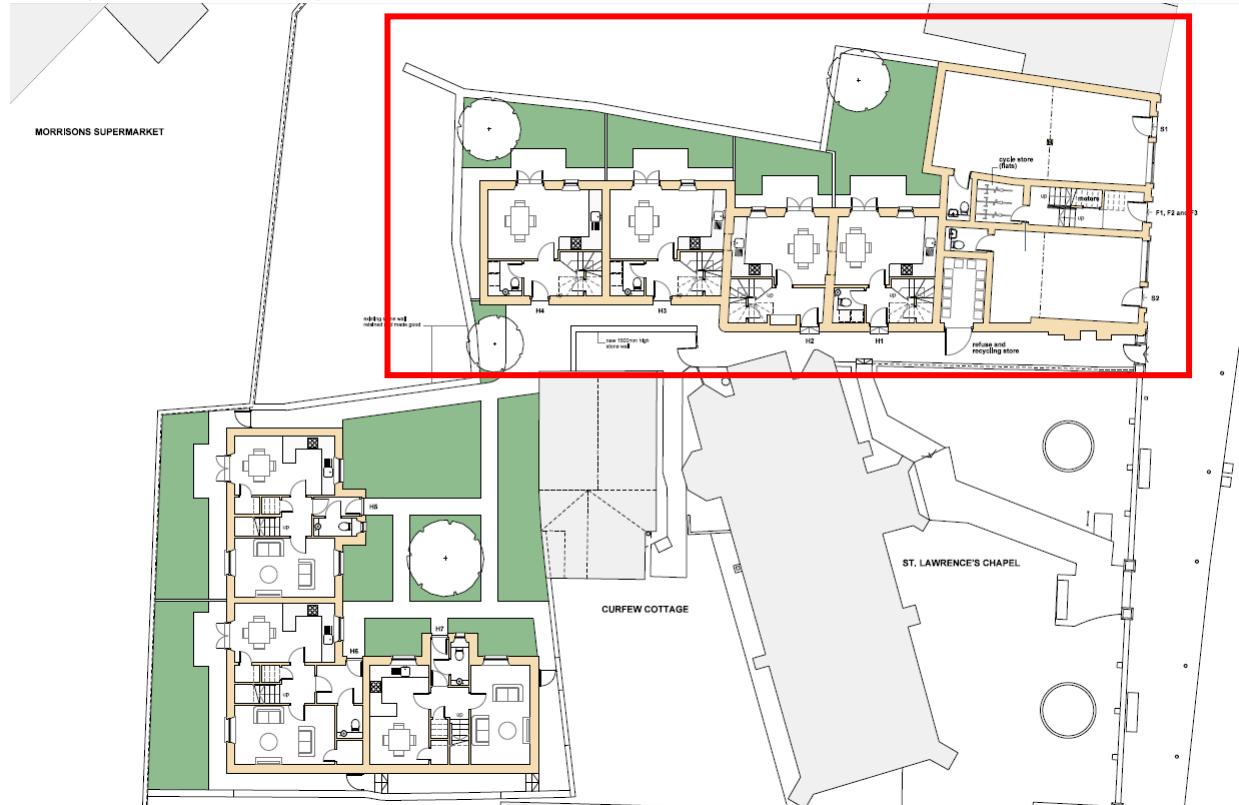
There have been a number of applications in the last decade relating to attempts to refurbish the building at No. 3 High Street. However, no refurbishment works have been implemented. The most recent relevant planning applications relating to the site are:- W/12/02179/FUL and W/12/01745/LBC: which comprised the refurbishment of existing building to provide 2 shops at ground floor level and 5 flats to the upper (first and second) floors - which was approved with conditions

#### 5. The Proposal

The proposal is for the restoration of the listed building at No.3 High Street frontage listed internally and externally to preserve its visual role in the High Street and Chapel setting within the Conservation Area and bring it back into a viable and secure future use. Within the existing building, the ground floor would be re-developed to provide two retail units with a new central access directly off the High Street for the upper levels of new residential accommodation (4 flats) in refurbished and converted spaces. The layout has been designed to make use of the original walls and floors where this is possible. The application proposal also comprises erecting a 2 storey extension to the rear of No.3 to accommodate 2 houses

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which would be designed to follow the pattern of the existing rear wing and replace earlier works, now demolished, in the same location.



The application is supported by the following documents:

- A Design and Access Statement
- A Heritage Statement and an Assessment of Significance
- Structural Inspection Report

Note: Please read this report in conjunction with the supplement published on 16 October 2017; the supplementary paper amends some of the information in this report.

- A Financial Statement

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## **6. Planning Policy**

Wiltshire Core Strategy Core Policy 58: Ensuring the Conservation of the Historic Environment.

The 2016 'made' Warminster Neighbourhood Plan is also a material consideration and forms part of the development plan and must be appraised as part of determining planning applications, especially Policy E5 – 'Surrounding Environment' – which requires that new developments should respect local character.

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations.

## **7. Summary of Consultation Responses**

Warminster Town Council – No comments were provided with regard to this LBC application, however, the Town Council object to the associated planning application (ref: 17/03839/FUL) citing concerns about the need for development to be done sensitively, taking in all the surrounding area. Refusal of planning permission is recommended by the Town Council on the grounds of gross overdevelopment and the setting of the site in a conservation area.

Conservation Officer – No objection. The building is in a very poor condition and clearly earns the 'building at risk' label. The retention and conversion of the existing building, albeit with considerable rebuilding, would be costly and deliver little in the way of profit to act as an incentive. The previous owner did not implement the 2012 consented scheme which is summarised within section 4 of this report and financial viability has been mooted as being part of the reason, which is not disputed. Whilst the proposed new building to the rear is not "enabling development" as envisaged by development policies in the WCS, the proposed new building element of the project would nevertheless 'enable' the restoration of the Grade II listed building as part of a viable scheme.

The proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for this long-neglected building. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jeweller's shop. Additional conservation based commentary is provided within section 9 of this report.

## **8. Publicity**

Following the display of a site notice and individual neighbour notifications, the Feoffees (Trustees) of St Lawrence Chapel were the sole respondents and raised the following objections/queries which relate to LBC considerations.

- The applicant's reference to discussions held between the applicant and Feoffees are not accurate. Permission would be required to use the access.
- The indicated dimensions of the proposed buildings to the rear are queried.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. The Council has a statutory duty to protect the historic environment. This is the primary consideration when determining this application. Section 16(2) of the Planning (Listed building and Conservation area) Act 1990 states that the Local Planning Authority has a duty to pay special attention to the desirability of preserving the building or its setting or any

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features of special architectural or historic interest which it possesses when determining an application for listed building consent.

Furthermore, Core Policy 58 of the Wiltshire Core Strategy aims to ensure that Wiltshire's important monuments, sites and landscapes and areas of historic and built heritage significance are protected and enhanced in order that they continue to make an important contribution to Wiltshire's environment and quality of life. Whilst noting the call-in reason and the representation received from the Feoffees, the relevant determining issue for this report to consider is the impact the development proposal would have on the fabric, character and appearance of the listed building. The other issues raised are addressed separately by the corresponding committee report item 7b which relates to the accompanying planning application.

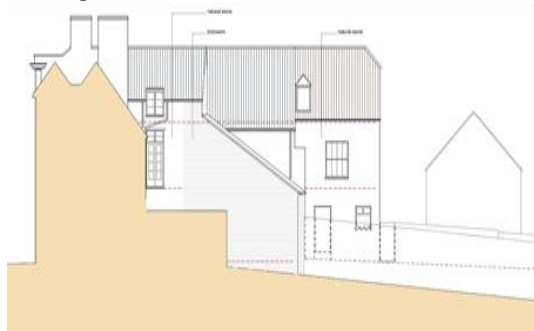
**9.1 The Impact on the fabric, character and appearance of Listed Building** – The existing building sits between St Lawrence Chapel and the Grade II Listed buildings at No. 5-17 High Street, which are all within the Warminster Town Centre Conservation Area. The proposed development would structurally correct and repair the front elevation which without the significant amount of scaffolding would be at serious risk of collapse. As illustrated below, the proposal seeks to restore and preserve the essential character of the building and in turn, would enhance the character and appearance of the Conservation Area and neighbouring settings of listed buildings. The insert plan below illustrates the existing scaffolded and proposed High Street frontage.



With regard to the heritage considerations, a Design and Access Statement, a Heritage Statement and an Assessment of Significance on the existing building and proposed development to the rear, as well as a Structural Inspection Report on the building were all submitted in support of the application and these have been carefully appraised. The following extracts of the submitted plans show the existing and proposed elevations to the refurbished and extended Listed Building element:

The following extracts illustrate the existing and proposed elevations:

**Existing West Elevation and Section**



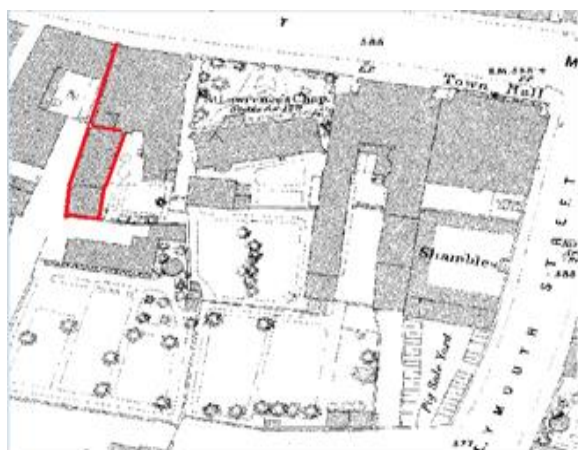
**Proposed West Elevation Plan**





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The building would be extended with the addition of the double storey element extending off the existing southern rear elevation. Historic maps show a previous range of buildings attached to the rear of the original building as illustrated in the reproduced historic mapping inserts below. The range of buildings at the rear of No. 3 were demolished at some point after 1952 as they don't appear on the 1952-1992 epoch mapping database available to officers. The parcel of land to the immediate rear of No. 3 High Street is now used as a parking area to the rear of no 5 High Street. Along the eastern and southern part to the rear of No. 3, another range of buildings have since been demolished. An existing lean-to extension would be demolished and replaced by the proposed double storey rear extension.



1868-1899 historic map of No. 3 High Street



1924-1952 historic map



Existing (above left) and Proposed (above right) plans of South elevation and sections (Main Building)

The Conservation officer has carefully appraised this application in terms of considering the effects it would have on the listed building and conservation area heritage assets and advises that: The application is supported by An Assessment of Significance which draws on the previous historical report by Compass Archaeology (submitted in respect of the previous application)...which identifies that the significance of the [host] building is:

- Its historic value as a timber framed house for a prominent local;
- The variety of traditional materials and detailing;
- The rear wings reflecting the historic burgage pattern of development;
- Its relationship with the Chapel of St Lawrence.



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As noted in the report, the work of the mid-19th Century (converting a house into shop) and again in the mid-20th century, has compromised the interest of the interior such that the interior is now of 'low interest' – a statement, officers fully concur with.

The application for the conversion of the existing building comprises:

- retaining and repairing the frontage (but reconfiguring the ground floor shop front elevation);
- converting the ground floor into two separate shops;
- installing a staircase at ground floor in the centre of the building to create a separate hallway and means of entrance to access the 3 residential units on the first and second floor;
- converting the first floor to two flats and the second to one flat – all accessed via the central staircase;
- converting the existing rear element into two x 2 bed units over 3 floors (ground to second floor level); and,
- extending the rear extension to the west to create two further houses (each 1 bedroom over two floors).

In terms of the proposed works on the character and interest of the building, the works to the frontage would repair the main elevation (upper levels) and reinstate a traditional shop frontage with a central doorway, which would be much more in keeping with the historic character of the building than the recent past configuration. The installation of a staircase would reinstate the arrangement that formerly existed.

Officers conclude that the proposal represents a reasonable and proportionate amount of new development in order to secure a viable future for the long-neglected building at No. 3 High Street. The proposals, if consented, would deliver considerable enhancements to the street scene and improve the setting of the neighbouring chapel and the jewellers shop.



It must be recognised that No.3 High Street is in very poor condition and has scaffolding in place to prevent the collapse of the building (as certified by Building Control). The submitted proposals would see the building retained, repaired and reinstated (in terms of the ground floor). The rear extension is considered an appropriate and sympathetic addition which would reflect the historic character and previous 19<sup>th</sup> Century development of the building and the site and would be in keeping with the character of the listed building. The proposals would enhance the significance of the listed building and accord with paragraph 131 of the NPPF and Section 66 of the Planning (Listed Building and Conservation Area) Act 1990. The proposals, by virtue of the repair and reinstatement of the principal elevation would enhance the setting of the adjacent Chapel of St Lawrence and would consequently be in accordance with paragraph 137 of the NPPF and the relevant development plan policies.

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Should members be minded to support this application, the Councils conservation officer recommends planning conditions in relation to detailing on the refurbished frontage, an internal survey of retrievable fabric and additional details.

In view of the officer considerations above it is considered that the application can be supported on heritage grounds.

**11. Conclusion (The Planning Balance)** - The proposal accords with relevant National and WCS Policies in relation to the preservation and enhancement of Listed Buildings.

## **12. RECOMMENDATION:**

It is recommended that listed building consent is granted, subject to the following conditions.

### **Conditions:**

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

**REASON:** To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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:

1364/P/LOC received on 25 July 2017; 1364/P/01 P3 received on 25 July 2017; 1364/P/02 P2 received on 18 April 2017; 1364/P/03 P2 received on 18 April 2017; 1364/P/04 P2 received on 18 April 2017; 1364/P/05 P2 received on 18 April 2017; 1364/P/06 P3 received on 25 July 2017; 1364/P/07 P2 received on 18 April 2017; 1364/P/08 P2 received on 18 April 2017; 1364/P/09 P3 received on 25 July 2017

[insofar as they relate to the Listed Building No.3 High Street Warminster].

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

3. No development shall commence on site until the following details have been submitted to and agreed in writing by the Local Planning Authority:

### In respect of alterations and conversion of 3 High Street:-

Detailed drawings of the ground floor shop front at a scale of no less than 1:50;

A repair schedule for all the existing windows with sash windows to be repaired or be replaced on a like-for-like basis;

Details of conservation style roof lights, timber French doors and other new external doors and any canopies, natural slate roofing materials and new stone copings;

Details of the design of the new stairs at ground to the first floor level; and

A room by room survey of all surviving historic features (i.e. doors, skirtings, cornices etc.) and that such features identified are suitably reinstated; and,

### In respect of the 2 residential units to be provided by the extension to the rear of No 3 High Street:-

A sample panel of the proposed Flemish bond brickwork and mortar colour;

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New window details at a scale of 1:5 including horizontal and vertical sections, and detailing windows with rubbed brick arches and Bath stone cills.

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

**Planning informative:**

1. This decision should be read in conjunction with the planning application decision issued for application 17/03839/FUL and the conditions attached thereto.