

REPORT TO THE AREA PLANNING COMMITTEE

Date of Meeting	2nd February 2022
Application Number	PL/2021/05648
Site Address	144 High Street, Royal Wootton Bassett SN4 7AB
Proposal	Proposed Change of Use to Auction Rooms together with alterations to front elevation and first floor extension to provide Gallery and rooftop terrace.
Applicant	Steve Bucknell - RWB Auctions
Town/Parish Council	Royal Wootton Bassett
Division	Royal Wootton Bassett South and West
Grid Ref	406707 182515
Type of application	FULL
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application is submitted by a member of the Council and is the subject of objections from interested parties. Under the Council's published scheme of delegation applications must be reported to and determined by Committee in these circumstances.

1. Purpose of Report

To consider the proposals in the context of the development plan and the relevant provisions of national guidance and legislation with the recommendation that permission, subject to conditions, be granted.

2. Report Summary

6 representations of objection (multiple by the same person) and 8 representations of support from interested parties have been submitted.

The Town Council raises no objection.

Key issues raised include:-

Principle of Development
Impact to Heritage Assets
Residential Amenity
Highways Impact, Parking and Access

3. Site Description

The application site is located with the centre of Royal Wootton Bassett on the High Street and within the defined town centre. The building itself is comparatively modern and was

previously operated as a supermarket, most recently by the Co-op (Cooperative Group). The site lies within the RWB Conservation Area and there are multiple listed buildings adjacent and in the near vicinity. Other commercial uses are adjacent the site and there are residential properties adjacent and in the near vicinity also. The site features a car park to the rear and that lies adjacent to Station Road which leads to and from the High Street.

4. Planning History

N/03/02926/ADV Various Signs. Approved with Conditions

N/07/03128/FUL Installation of ATM Machine. Approved with Conditions

N/10/03428/ADV Display of 3No Externally Illuminated Fascia Signs and 1No Internally Illuminated Projecting Sign. Refused

N/10/02306/ADV Display of One Internally Illuminated Free Standing Double Sided Display Unit. Refused

N/13/01732/ADV Three Fascia Signs, One Projecting/Hanging Sign and Three Window Graphics. Approved with conditions

N/11/02971/FUL Installation of ATM Machine. Approved with conditions

N/13/01625/FUL Internal and External Alterations Including Removal of 1 Set of Entrance Doors and Installation of Replacement Air Conditioning Units. Approved With Conditions

N/13/01762/FUL Construction of Car Wash Facilities. Refused.

13/06958/FUL Construction of Car Wash Facilities (Resubmission of 13/01762/FUL) Refused

15/03568/FUL Erection of Restaurant and Takeaway. Withdrawn

19/09288/FUL Construction of residential block of flats providing 4 one bed and 2 two bed flats and associated change of use from carpark. Approved with Conditions

20/08410/FUL Construction of residential block of flats providing 4 one bed and 2 two bed flats and associated change of use from a carpark. Approved with Conditions

143 High Street

N/91/01752/FUL Change Of Use Of Part First Floor From Storage To Office Use. Approve

N/00/02394/COU Change Of Use Of First, Second And Third Floors To 5 No Flats (Residential). Approved with Conditions.

N/01/00418/COU Change Of Use Of First, Second And Third Floors To Five Flats (Amendment To Previous Approval 00.02394.COU). Approved with Conditions.

16/10108/FUL Change of use from professional services (Class A2) to a flexible retail (Class A1) or food and drink (Class A3) use. Approved with Conditions

Bassett Garage

PL/2021/03248 Redevelopment to provide 9 No New Flats. Undetermined.

5. The Proposal

The proposal is to change the use of the building to a mix of uses including auction rooms with a focus on art, ancillary exhibit spaces and a bistro/café facility. Further proposals involve the extension of the building to the rear and provision of a roof top terrace to facilitate events related to the auctions.

There is some debate and lack of certainty as to the use class within which an Auction Room could be considered to fall. It could be the new use class E(c iii) *any other services which it is appropriate to provide in a commercial, business, or service locality*; with the new use class E covering Commercial, Business and Service. Or alternatively it would not be unreasonable to consider this a Sui Generis use i.e. a use of its own/apart given the mix of retail, business and service elements. This is reflected in past definitions albeit predating the advent of Use class E. Other applications for Auction Rooms in Wiltshire have been treated as Sui Generis and on balance it is considered reasonable to maintain this position. The Café/Bistro falls within the new Use Class – E(b)

6. Planning Policy

Wiltshire Core Strategy (2015)

Core Policy 1 (Settlement Strategy)

Core Policy 2 (Delivery Strategy)

Core Policy 19 (Royal Wootton Bassett and Cricklade Community Area),

Core Policy 36 (Economic Regeneration),

Core Policy 38 (Retail and Leisure)

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),

Core Policy 61 (Transport and development) and

Core Policy 64 (Demand management)

North Wiltshire Local Plan (2011)

Saved Policy R2 (Town Centre Secondary Frontage Areas)

NE18 (Noise and Pollution)

Royal Wootton Bassett Neighbourhood Plan (2018)

Policy 1 (Services and Facilities)

Policy 2 (Convenience and comparison retail)

Policy 7 (Design)

Policy 12 (Road safety, traffic and transport)

National Planning Policy Framework 2021:

Paragraphs 2, 3, 7, 8, 11, 12 (Sustainable Development, Paragraphs 38, 47 (Determining Applications), Paragraph 81 (Economy), Paragraph 86 (Vitality of town centres), Paragraph 127 and 130, (Well designed places), Paragraphs 190, 191, 192, 194, 195, 197, 199, 200, 201, 202 (Heritage)

The Planning (Listed Buildings and Conservation Areas) Act 1990 – Section 16, 66 and 72.

7. Consultations

Revised/Additional submissions were made and the following is a summary of the position following consideration of those details.

Public Protection – No objection subject to conditions.

Highways – No objections. No conditions or requirements recommended.

Conservation – Principle acceptable, harm identified in respect of the proposed works to the rear of the building. Harm identified less than substantial and at the lower end of the range.

Royal Wootton Bassett Town Council – Planning Committee raised No Objection.

8. Publicity

Revised/Additional submissions were made and published to the public record and have been available for an extended period. The following is a summary of the position following that publication.

8 representations of support have been received identifying benefits including job creation, increased footfall/expenditure, visual enhancement to the site and locality in the town. Previous uses of this property having repeatedly failed and the propose alternate use is acceptable/appropriate in this location.

6 representations of objection have been received. The majority of these are by the same individual or from legal representatives on their behalf. The Solicitors representing the neighbour objector in their submission refer to an intention to submit an injunction against the applicant.

Submissions made are detailed and lengthy and so are summarised below. Full copies of the submissions made are available for viewing on the Council's website and have been for an extended period. The following is therefore not intended to be a full detailed recitation of the submissions made. Throughout the submissions reference is made to 144 high street as the neighbouring property and the asserted harmful impacts identified upon said property. The application site is numbered 144 High Street, the neighbouring property which appears to be referenced is shown on baseline mapping as 145, 145A & Bassett Garage High Street. It is considered that the reference is to Bassett Garage given the content of the submissions.

- Auction House a good idea but further restaurant not required as limited demand/trade at this part of the high street and existing offer available.
- Revised/Additional Submissions do not address concerns regarding impacts to neighbouring amenities
- Fire Escape allows direct access to neighbouring property and has been used to gain access in the past
- Request that Committee members visit site and assess impact of first floor rear extension/events area on neighbourig properties and heritage value. Identifies debate of heritage value of neighbouring property.
- Harm to neighbouring residential amenity, loss of privacy and daylighting.
- Proposals conflict with the development plan, in particular WCS policies:

WCS CP65 due to inadequate parking and servicing provision;

WCS CP64 Inadequate provision for electrical charging and bicycle parking;

WCS CP61 – Range of uses proposed resulting in a range of parking demand requirements that are not fully assessed or provided for by the proposals and harm to access and parking for neighbouring businesses; harm to highways network resulting from the development not providing a suitable highways connection;

WCS CP60 – Development generates substantial vehicle movements, Transport assessment required, proposals do nothing to reduce vehicle movements as required by

the policy. Policy also requires sensitivity to heritage assets – stand-alone assessment by the Council’s conservation officer required.

WCS CP57 – proposals do not positively contribute to the character of the locality; does nothing to prevent crime, with the car park being likely to attract crime; conflicts with neighbouring uses by not preventing crime; and generates pollution.

WCS CP55 – Application submissions fail to assess impacts on air pollution and any requirements for mitigation.

- Harm to neighbouring amenity through loss of daylighting/right to light. Notice served of intent to submit an injunction against the applicant in accord with the judgement of *Beaumont Business Centres Ltd v Floral Properties Ltd* [2020] EWHC 550 (Ch).
- Conflict with the NPPF in respect of impacts to climate/climate change objectives from pollution resulting from increased traffic. Harm to neighbouring amenity; failure to improve the character and appearance of the area. Conflict with para 182 requesting that development proposals integrate with existing businesses. Harm to heritage assets.
- Harm to Highway Safety and highways conditions through traffic congestion. Inadequate supporting information assessing impact of development in highways / traffic generation terms.
- Application fails to assess and consider the impact of noise and vibration from vehicles access the site on heritage asset and any need for mitigation.
- Disputed rights of access.

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. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015), the ‘saved’ policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006); the Wiltshire Housing Sites Allocation Plan (WHSAP) (Feb 2020); and the Royal Wootton Bassett Neighbourhood Plan (MNP) (‘made’ April 2018).

Principle of development

The site is located within the secondary frontage area for Royal Wotton Bassett Town Centre as defined by the North Wiltshire Local Plan saved by the WCS. Saved Policy R2 of the North Wiltshire Local Plan is therefore relevant. It states that:

Proposals for shops, financial and professional services, food premises, leisure facilities and night clubs (Use Class A, D1 and D2) will be permitted within the defined town centre secondary frontage areas of Chippenham, Calne, Wootton Bassett, Corsham, Malmesbury and Cricklade, subject to all the following criteria:

- i) They do not individually or cumulatively undermine the vitality or viability of the town centre.*
- ii) The proposal is consistent with the scale and function of the town centre.*

Consideration is given to ensuring that proposals do not eliminate separate access arrangements to the upper floors, which could be used for residential, community or employment uses.

It should be noted that the Use Classes Order was amended 2020. The proposed restaurant/bistro/café is now designated as a Class E (b) and the auction rooms as set out above considered to be Sui Generis.

Notwithstanding the above, given that the proposal seeks permission for a mix of uses, the proposal falls within the category of uses which are acceptable in this location in accordance with the provisions of Saved Policy R2. The proposal is relatively limited in scale and makes use of an existing building. The supporting statements indicate that the building has been vacant for at least 12 months, with previous occupant serving notice of intent to break the lease in 2020. An offer was made to remain in operation and occupy on reduced terms but this was declined. The site has been subject of multiple operators for the approved use over an extended period and all have vacated. In the last 2 years Aldi has also opened a store in the town providing alternate convenience retail offer and there are other operators in the town, including within the high street itself. Taking into account the commercial nature of the operations and the change to the use classes order, alongside the extended unsuccessful efforts to operate a supermarket in this location, and other material considerations, it is not considered that the proposal for a bistro/café conflicts with the first criterion of Policy R2.

Similarly given the commercial nature of the proposals and the reuse of a vacant property, the permitted use of which has not succeeded over an extended period, it is considered that no significant conflict with Policy R2 ii) arises with respect to the Auction Rooms.

The submitted plans indicate that the proposal would make use of and maintain access to the first floor and as such no significant conflict with Policy R2 iii) is considered to arise in this respect.

For the above reasons the proposal is considered to comply with Saved Policy R2 of the North Wiltshire Local Plan; and the relevant policies of the WCS CP1 CP2 CP19. In terms of broader development plan policies, it is noted that the supporting text for Policies 1 and 2 of the Neighbourhood Plan sets out a desire to reduce the number of vacant units and support ground floor units remaining in use Classes A and D in order to support the vibrancy of the Town Centre. As outlined above, the current proposals would provide a mix of commercial operations within Use Class E and Sui Generis uses and would therefore help to achieve the aspirations of the neighbourhood plan.

As such the principle of development is supported.

Impact on Heritage Assets

The site is located within the Royal Wootton Bassett Conservation Area and it is adjacent to a Grade II listed property at 45 High Street. Multiple other listed buildings are located in the immediate and near vicinity. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should be given to the desirability of preserving a listed building or its setting (s. 16 and 66) and the character or appearance of the conservation area (s.72). This duty is reflected in the National Planning Policy Framework which requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by the proposal (paragraph 195). Local authorities are also required to assess whether there is substantial harm, less than substantial harm or no harm to the heritage asset (Paragraphs 199 and 200).

There is no conservation area appraisal currently published for the Royal Wootton Bassett Conservation Area. However, the significance of the conservation area is likely to arise primarily from its aesthetic (fortuitous) and historical (illustrative) values and by virtue of its designation, it is significant in heritage terms. The adjacent listed building has been the

subject of extensive alteration, particularly to the façade, over time but is still considered to retain historical (illustrative) value.

The application is supported by a Heritage Impact Assessment and the application has also been the subject of revision/additional submissions.

The Council's Senior Conservation Officer has been consulted in respect of both the original and revised/additional submissions and assessment and advice has been provided in respect of the totality of these submissions. The Conservation Officer supports the proposals as they are perceived from the high street, so including the works to the front elevation, identifying that they will help integrate the building into the character and appearance of the high street and thereby the conservation area. However, harm is identified in respect of the impact of the rear first floor extension and works for the provision of the roof terrace. The proposed additional structures are considered to add to the bulk and mass of the existing large scale discordant flat roofed structure making it more prominent and dominant in localised views. The harm identified is to the character and appearance of the Conservation Area though and no harm to the setting of adjacent listed buildings is identified. The Conservation Officer specifies that the harm is considered to be less than substantial and at the lower end of the range.

The wording of both policies WCS CP57 (i & iii) and CP58 and the supporting text to the CP58 is quite clear that if harm is identified, no matter what the level, it is in conflict with the plan. However, failure of the proposed development to comply with CP57 & CP58 is not necessarily fatal to the acceptability of the scheme. 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 NPPF is a material planning consideration of substantial weight and paragraphs 197, 199, 202 are relevant to the determination of the application. Paragraph 202 provides: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

In this case there are significant public benefits associated with the development. The proposal would provide economic benefits through the provision of jobs during the construction and operational phases; bring a vacant building in the town's high street back into active use supporting the vitality and viability of the town centre; and the proposals include enhancement to the front elevation of the building which will support improved integration with the character and appearance of the high street and the conservation area.

These are public benefits of the scheme to which substantial weight should be afforded and it is considered that these benefits clearly and demonstrably outweigh the less than substantial harm that is identified as arising from the development. Given this conclusion, in the context of the paragraph 202 balancing exercise, it is considered that the proposals are not in conflict with the NPPF and this is a material consideration of sufficient weight to indicate that in this instance a decision otherwise than in accord with the development plan is justified and planning permission can be granted.

Residential Amenity/Neighbouring Amenity

It is the case that there are residential properties in the adjoining building 143 High Street, with other residential properties opposite the site across Station Road. The adjacent property at 145, 145 A, Basset Garage appears from submission, site inspection and site history review to be largely in commercial use. Potentially there may be residential accommodation

established at first floor level in 145/145A. As noted above there is an application as yet undetermined at Bassett Garage for residential development which could potentially be granted permission.

Given these circumstances and the nature of the development proposed and application submissions the proposals have the potential to affect neighbouring amenity and/or existing residential amenity in a number of ways. The proposed roof top terrace at first floor level is to be used for external events supporting the auction room use and so could potentially result in overlooking/loss of privacy and noise disturbance from the gatherings and the activities taking place. It is noted in the submissions that no noise generating items will be displayed at events but it is unclear how this would be controlled or enforced. In any event the events themselves if well attended have the potential to generate noise and disturbance.

As noted in representations made there is potential for the built development element of the first floor extension and roof top terrace to impact neighbouring amenity and residential amenity through loss of daylighting and overbearing impact.

Additionally, there is the potential for required mechanical plant to serve the bistro/café use and the use itself to result in noise and odour disturbance to neighbouring properties.

Representations submitted raise concerns in respect of the existing and proposed fire escape arrangements at the rear side of the property allowing access to the neighbouring site and this raises concern for neighbours as to fear of crime and noise and general disturbance.

The application is not supported by noise or odour impact assessments. The plans submitted including revised/additional plans do not specify or include details in respect of the proposed mechanical plant. It is however material to note that the existing retail supermarket does already include substantial mechanical plant at the rear elevation. This is proposed for removal. Nearby uses in the vicinity similarly include such mechanical ventilation plant to varying degrees.

The revised/additional plans as submitted do include proposals for use of privacy screening in the rear rooftop terrace and fire escape and this, alongside proposed conditions on times of use, is considered to adequately address potential impacts for loss of privacy resulting from overlooking; subject to use of condition to secure full details in this regard. Given the scale and position of the proposed site screening / extension to the rear elevations and works to form the rear roof top terrace and their relationship to neighbouring properties, with the extension off set from the adjacent properties and at a significantly lower height than the existing property at 143, it is not considered that significant additional impact arises in respect of loss of daylighting or overshadowing effect over and above the permitted situation such that significant harm would arise to amenities/residential amenity.

The Council's Public Protection Officers have reviewed the scheme proposals and raise no objection subject to use of a suite of conditions that seek to address concerns regarding the various sources of potential noise impacts. In recommending use of condition in this instance Officers have considered the existing position regarding noise generation and noise sources at the site and in adjacent properties. With respect to the use of the roof top terrace and requirements for submission of noise and odour assessments alongside restrictions on hours/days of operation the conditions are considered entirely necessary and reasonable. Should operation of the site in future prove that the conditions are onerous and unwarranted they can be varied by further application. Conditions cannot however be imposed retrospectively should harm be found to arise. A precautionary approach is also necessary given the pending submission of impact assessments.

With respect to the operation of the uses proposed within the building it is considered that the conditions are not entirely consistent with those in other town centre properties and similar uses; and given consented use of the site and adjoining properties not entirely necessary. As such variation to the operational times of use are proposed and are considered reasonable. Again, there is also scope to vary such conditions via application at a later date should this be necessary and appropriate.

Regarding the fire exit the position and objections of neighbours are not entirely clear. Site Inspection indicates that the existing fire escape stairway is within the application site boundary and does not enter the neighbouring property. The submitted revised/additional plans do not indicate proposals to erect or alter the fire escape stairway such that it would provide access/egress within the neighbouring site/outside the red line boundary for the application site. As such it is not considered that significant harm arises in this respect.

On this basis it is not considered that conflict with the relevant policies of the plan, in particular WCS CP57, or the provision of the framework, arises such that consent ought to be refused on this basis.

Highways Impact, Parking and Access

The application proposes a change of use from a retail supermarket to a mix of auction rooms, including exhibition areas, and a bistro / café, with space for events related to the auction house activity to take place on the proposed rear rooftop terrace.

As is set out above in the summary of representations section significant concerns have been raised by interested parties with respect to highways, access and parking matters. The full submissions in this respect are available in the public domain. However, many of the concerns raised stem from an assumption that substantial volumes of traffic will be generated by the use proposed. Leading from this position concern is raised that the impact of development in this specific respect has not been assessed fully by the applicant and there is policy conflict as a consequence. Further concerns are raised in respect of the proposed access and parking arrangements potentially leading to highways congestion and on street parking.

Additionally, representations are made as to rights of access, impaired rights of access and air pollution. These particular matters are addressed below.

With respect to vehicle movements, parking and highways impacts and in terms of supporting information requirements there are key material considerations and circumstances that must be taken into account in this respect. Firstly, the consented use is for a retail superstore and this generates significant volumes of vehicular traffic both by customers and with respect to operational servicing. A wide range of vehicle types are therefore permitted to access the site including HGVs. This type of use is one that generates substantial volumes of vehicular traffic movement given the need to deliver and takeaway substantial purchased convenience goods.

Secondly the site is located in a town centre. This is a sustainable location for the types of uses now proposed and indeed a wide range of other types of land use. The town centre is substantial being at the heart of a historic market town. This Town Centre is served by significant levels of public transport services and there is extensive potential for multi-purpose journeys and for combined travel/shared transport by multiple persons. There is significant park provided along the length of the high street also.

The Council's Highways Officers have been consulted in respect of the application proposals, supporting submissions and representations received. Officers make clear that no

objection is raised, and the location is considered appropriate for the proposed use offering potential for access by a range of modes of transport and sustainable transport movement. Furthermore, that this is considered to reduce the need for on site parking. It is important to note that officers make no recommendation for use of conditions and do not require any additional information submissions. This advice is considered to be reflective and cognisant of the material circumstances and considerations referenced above.

It is not considered that the development and uses proposed will generate significant additional vehicular movements and demand over and above the consented use and such that transport assessment is required in this respect. Such a requirement is considered disproportionate given the material circumstances and considerations relevant here and as such it is not considered that there is conflict with the relevant policies of the plan in this regard.

As is set out further below the parking arrangements and site layout at ground floor level are subject of limited proposals for alteration reflecting the existing use and layout of the rear part of the site as a car park and servicing area with access. As such it is not considered that the proposals will result in or attract crime or anti-social behaviour over and above the existing approved position. The fact that the site is currently vacant and will be brought into active use is considered to reduce the risks arising from the current position. It should also be noted that the proposals include controlled access to the site and so do provide for some mitigation of the potential for crime and anti-social behaviour.

Given the position set out above it is not considered that the proposals result in conflict with the relevant policies of the plan or provisions of the framework such that consent ought to be refused on this basis.

Other matters

Air Quality & Vibration

As set out above it is not considered that the proposals will result in significant volumes of additional traffic movement over and above the consented situation. There is scope for combined journeys and sustainable transport movement given the town centre location. The proposals include the provision of electric vehicle charging points and this is an enhancement over the existing position. The site is already serviced and accessed by HGVs in respect of the existing consented use and it is not considered that the proposed alternate use will generate the same or additional requirements such that specific assessment is required. The Council's Public Protection, Highways and Conservation Officers have been consulted in respect of the proposals and none raise objection in these respects and do not seek further information or proposals for mitigation, either via use of planning obligation and / or conditions. Public Protection officers do seek odour impact assessment with respect to required ventilation extract and mechanical plant and propose use of condition in this regard. As such it is not considered that air quality or vibration will be significantly worsened over and above the consented situation such that conflict with the policies of the plan or provisions of the framework arise in this regard and consent ought to be refused on this basis.

Rights of Access

The position of interested parties in this regard is not entirely clear but the concern appears to be that the proposed development will restrict rights of access to neighbouring properties and/or utilise land not within the complete control of the applicant. Whilst to a large degree a civil matter between the parties it should be noted that no details or evidential submissions have been made to address these matters and confirm that land indicated within the red line

boundary either is not within the control of the applicant and/or provides for rights of access that would be restricted. The applicant themselves confirms that the land is within their control. The proposed site layout plan to the rear of the property still includes parking similar to the existing layout and the building itself is not proposed for extension at ground floor level with site boundaries to the rear and adjoining the neighbouring properties remaining as currently located. In effect the current layout at the rear ground floor level is not significantly changed and existing site area of the property is not indicated to be extended on the submitted details. It is therefore unclear how physical means of access to the neighbouring property are impaired. If there remains any dispute as to ownership and / or rights of access it is clear that interested parties are aware of the respective proposals and this application itself. Acceptable means of access are provided for the development and development proposed does not extend the site area onto adjacent means of site access and this is therefore considered to be a civil matter. As such no conflict with the relevant policies of the plan or provisions of the framework is considered to arise.

Conditions

At the time of writing the applicant has not confirmed agreement to use of precommencement conditions. The request has been made in accord with relevant regulations however and the conditions are considered to meet all the national test on the use of conditions and therefore defensible if subject of challenge.

10. Conclusion

The proposal would achieve the reuse and occupation of a substantial and significant vacant unit with a mix of uses that are considered appropriate to and acceptable within this town centre location. This will contribute to the vitality and viability of the town centre and will help to achieve the aspirations of the Neighbourhood Plan in this respect. The proposal is considered acceptable in principle given its broad compliance with current planning policy.

The external alterations proposed to the front elevation would be in-keeping with the character and appearance of the locality and they would not cause any harm to designated heritage assets. Indeed it is officer's opinion that an enhancement over the existing situation would be secured. Whilst development to the rear including extension and works to create a roof top terrace will have a harmful impact to heritage assets – the conservation area - this is less than substantial and at the lower end of the scale. The harm identified and related policy conflict is considered to be clearly and demonstrably outweighed by the benefits of development.

Whilst the concerns raised regarding neighbour amenities are appreciated, the Agent has provided revised proposals that address some of the concerns, including overlooking and loss of privacy. Public Protection officers recommend use of conditions to secure additional information in respect of noise and odour and to control the extent of the activities/uses taking place and in this way it is considered that potential noise and odour disturbance to neighbouring amenities are addressed. Given the scale and position of the proposed extension and the privacy screening and the relationship of both to neighbouring properties it is not considered that significant harm to amenity through loss of daylighting and overshadowing arises. It is not considered that the proposals in respect of the fire safety access result in harm to or loss of amenity or security concerns.

Given the form, scale and nature of the development proposed and the relevant material circumstances and considerations including the consented use and the town centre location it is not considered that significant additional impact or harm over and above the existing situation in respect of highways, parking, traffic generation, access, air pollution, vibration or crime and anti social behaviour arises. Similarly given the relevant material circumstances

and consideration it is not considered that additional information is required in these respects. The information submitted and development proposed does not indicate or confirm that the proposals result in harm to and loss of a means of access to the neighbouring properties.

In summary the development is acceptable in principle and the limited impacts of development are outweighed by the benefits of development and in many respects can be adequately and appropriately mitigated by use of conditions. Where additional information is required this can be secured by use of conditions.

Therefore, on balance it is considered that the benefits associated with the proposal would outweigh the harms. As such, it is recommended that planning permission is granted.

RECOMMENDATION

Approve subject to Conditions

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.

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

Location Plan P-0026-100b
Existing Elevations P-0026-103A
Existing Site Plan P-0026-101A
Existing Floor Plans P-0026-102A
Design and Access Statement
All Received 28.05.2021

Proposed Elevations 0026-115 REV C
Proposed Floor Plans 0026-111 REV B
Proposed Site Plan 0026-110 REV B
All Received 27.10.2021

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

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) wheel washing facilities;
- e) measures to control the emission of dust and dirt during construction;
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- g) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction

period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and dangers to highway safety, during the construction phase.

No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated on the approved plans, Design and Access Statement and application form.

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

The use of the roof top terrace hereby permitted shall not be first brought into use until full details of the proposed privacy screening to the rear roof top terrace have been submitted to the Local Planning Authority, approved in writing and erected in accordance with the approved details. The erected screening shall be retained in situ as approved as long as the use of the roof top terrace continues.

REASON: In the interests of visual amenity and the character and appearance of the area and ensuring high design and place shaping such that appropriate levels of amenity are achievable.

The site shall be used for an Auction House including ancillary spaces (sui generis use) and Bistro/Café E (b) for no other purpose (including any other purpose in Class (Sui generis) or (E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

No part of the development hereby permitted shall be brought into use until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

No part of the development shall be brought into use until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

No part of the development shall be brought into use until the Electric Vehicle Charging Facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

No development shall commence on site until a scheme of works for the control and dispersal of atmospheric emissions, in particular odours, and including full details of required ventilation and extraction mechanical plant has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full before the development is first brought into use and shall be maintained in effective working condition at all times thereafter.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Notes: In discharging this condition the applicant should ensure that the ventilation system discharges vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves.

In discharging this condition the applicant should consult EMAQ ref "Control of odour and noise from commercial kitchen exhaust systems" (Gibson, 2018)

Prior to commencement an assessment of the acoustic impact arising from the operation of mechanical ventilation shall be undertaken in accordance with BS 4142: 2019. The assessment shall be submitted to the Local Planning Authority together with a scheme of attenuation measures to demonstrate the rated level of noise shall be: -5dB below background and is protective of local amenity.

Background levels are to be taken as a 15 minute LA90 at the boundary of the nearest residential noise-sensitive receptors.

The scheme shall be submitted to and approved in writing by the Local Planning Authority. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the noise criteria and additional steps required to achieve compliance shall be taken, as necessary. The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

Notes: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a thorough background noise survey and noise assessment in accordance with:

BS4142:2019 (or any subsequent version) and demonstrate that the rated noise level is at least 5dB below the background noise level.

The Roof Terrace use hereby permitted shall only take place between the hours of 08:00 and 18:00 in the evening from Mondays to Fridays and between 09:00 and 17:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

There shall be no customers/members of the public on the Auction Rooms and inside spaces (excluding the café/bistro) outside the hours of 08:00 - 20:00 Monday - Saturday and 10:00 - 18:00 Sunday and Bank Holiday. With respect to the café/bistro customers/members of the public will be on site outside of the hours 08:00 – 23:00 Monday to Saturday and 10:00 – 22:00 Sundays and Bank Holidays.

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

No deliveries shall be made to or collections made from the development hereby approved except between the hours of:

08:00... and ..19:00... Monday to Saturday

REASON: Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

INFORMATIVES TO APPLICANT:

CIL 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/communityinfrastructuralevy.

WP6 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

WP13 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

WP18 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

Background Documents Used in the Preparation of this Report:

Application Documents
Site History Files
Development Plan
NPPF