

Application Number	17/04772/FUL
Site Address	The John Bull, Westfield Road, Trowbridge, Wiltshire, BA14 9JL
Proposal	Change of Use from Public House with Flat Above (use class A4) to Retail Unit with Flat Above (use class A1) with Associated Building Works and Erection of 5 Dwellings
Grid Ref	384130 157094
Type of application	Full Planning

1. Report Summary

The main issues are considered to be:

- Principle of development
- Impact on residential amenity
- Impact on the character and appearance of the area
- Transport and parking

2. Site Description

The application site consists of the former John Bull Public House and its grounds. The site is surrounded on three sides by residential properties with the front of the site facing Westfield Road.

3. Relevant Planning History

W/81/00995/HIS - New functions room and kitchen – Approved

93/01172/FUL - Erection of skittle alley external alterations and extension to car park - Approved

W/96/00480/FUL – Garden Implement Store - Approved

W/97/01523/FUL – Toilet Block – Approved

17/10433/ADV - 1 x externally illuminated fascia sign, 2 x PETG's (digitally printed images on Perspex panels within aluminium Frames), 4 x internally mounted window graphics and 2 x poster frames – Pending determination

4. The Proposal

This application seeks detailed planning permission to convert the existing Public House with a flat above (A4 use) to a Retail Unit with Flat above (A1 use) with associated building works parking and access, and the erection of 5 dwellings to the rear of the existing building with associated parking, access and amenity space.

5. Planning Policy

The Wiltshire Core Strategy (WCS) was adopted on 20th January 2015 and therefore holds full weight in planning terms. The following Core Policies (CP) are relevant when assessing this proposal:

CP1 (Settlement strategy), CP2 (Delivery strategy), CP3 (Infrastructure requirements), CP29 (Trowbridge Area Strategy), CP38 (Retail and Leisure) CP41 (Sustainable construction and low carbon energy), CP43 (Providing affordable homes), CP45 (Meeting Wiltshire's housing needs), CP50 (Biodiversity and geodiversity), CP51 (Landscape), CP52 (Green Infrastructure), CP55 (Air Quality), CP56 (Contaminated Land), CP57 (Ensuring high quality design and place shaping), CP60 (Sustainable Transport), CP61 (Transport and Development), CP62 (Development impacts on the transport network), CP64 (Demand Management), CP67 (Flood Risk)

Wiltshire Waste Core Strategy - WCS6 (Waste Audit)

When adopting the WCS, some policies continue in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) were saved including U1a – Foul Water Disposal and I3 – Access for Everyone

The following are also material to the assessment of this application:

- National Planning Policy Framework 2012 (NPPF)
- Wiltshire Car Parking Strategy March 2015
- Wiltshire Council Waste Collection Guidance for New Development
- Wiltshire CIL Charging Schedule May 2015
- Wiltshire Planning Obligations SPD May 2015

6. Summary of Consultation Responses

Trowbridge Town Council – No objection

Wiltshire Council Highways Officer – No objection subject to conditions

Wiltshire Council Public Protection Team – No objection subject to conditions

Wiltshire Council Drainage Officer – No objection subject to conditions

Wessex Water – No objection subject to informatives

7. Publicity

The application was advertised by site notice and individually posted neighbour notification letters. Following this notification exercise, 5 representations were received from local residents objecting on the following summarised grounds:

There is no need for a further retail units as the area is currently well served

There is need for affordable housing

A proposal for a new green space would be more appropriate

The loss of green space should be resisted

There is no variation in house style

Over looking to rear and loss of privacy concerns

Noise and disturbance and overshadowing

No mention is made to energy efficiency

The scheme should aspire to higher standards

Parking spaces for staff and use of lorry bay

Timing of deliveries, trading hours and construction impact concerns

Maintenance of the shared hedge concern and ownership of fence

Increased traffic concerns

There are parking problems when in use as pub

What is the planned signage?

8. 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.

Principle of the development - The application proposal comprises two elements which have different policy considerations comprising the following:

1. the change of use of the Public House; and
2. the residential development to the rear

It is acknowledged that when this application was received in mid May 2017, the proposed change of use from a Public House to a Retail Unit was permitted development. However as of 23 May following the enactment of the Neighbourhood Planning Bill and under The Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2017, these permitted development rights were withdrawn by Central Government.

The NPPF at para 70 encourages plan makers to guard against the loss of valued services and facilities. Wiltshire Core Strategy does not have any specific policies which seek to retain Public Houses in Principle Settlements. Core Policy 49 affords protection to rural facilities so the policy is not applicable in this particular case.

Within paragraph 5.1 of the applicants planning statement it is claimed that *“the change of use to retail will provide more employment opportunities than the public house and is considered to be an alternative form of community use. Indeed, Wiltshire Council state on their website that an asset of community value could include ‘...any economic use (e.g. a business such as a shop)’.* It therefore follows that a local convenience store, such as that now proposed, is an alternative community use, particularly as the public house is now vacant”.

It is however noted that the completed and submitted application form fails to confirm the employment projections although it is broadly accepted that the retail use would potentially lead to additional employment opportunities compared to the public house use.

The proposed use for retail is supported in principle by WCS Core Policies 1 and 2. Core Policy 38 advises that new retail floorspace outside the commercial centres exceeding 200sqm should be subject to an impact assessment. As set out within the applicants planning statement under paragraph 5.3: *“The WCS sets a significantly lower threshold to deal with cumulative impacts [compared to the NPPF] and states that: “There is currently a national requirement that proposals for retail and leisure development with over 2,500 sqm gross floorspace, which are not in the town centre and not in accordance with an up to date development plan, should be accompanied by an assessment of impacts on centres. However, evidence has identified that a succession of planning applications, each individually lower than the gross threshold set nationally, could have a cumulative adverse impact on town centres. Core Policy 38 therefore requires that all proposals for edge-of-centre or out-of-centre retail or leisure development in excess of 200 sqm metres gross floorspace, which are not within a town centre are accompanied by an impact assessment. The impact*

assessment required will be proportionate to the scale of the proposed development”.

Within paragraph 5.4 the applicant sets out the reasoning as to why no impact assessment has been produced to support the proposed retail use. The statement argues: *“Primarily, the requirement for an impact assessment for a scheme of this size and type is considered onerous given that the scheme only exceeds the 200m² gross floorspace threshold by 34m² (as shown on the submitted plans). One must also note that not only has the floorspace been reduced from that of the public house (via the demolition of part of the skittle alley) but it also includes a generous storage area and staff canteen and rest facilities. Although these facilities must be incorporated into the gross floorspace figure, these facts again highlight the small-scale retail unit that is being proposed and the level of ‘pure’ retail space that is actually intended. Indeed, the modest floorspace of 234m² proposed here is in stark contrast to the large supermarkets and superstores within Trowbridge town centre:*

- Tesco (Extra), County Way, 6,910sq.m. sales
- Sainsbury's, British Row, 3,674sq.m.
- Asda, The Shires Shopping Centre, 2,330sq.m.
- Iceland, The Shires Shopping Centre, 750sq.m. approx

Officers concur with the explanation listed above and recognise that a proportionate assessment is necessary and that as argued within paragraph 5.5 of the submission, *“It is clear from the scale of the largest town centre retail units that the local convenience store proposed here is extremely modest in comparison. The retail unit is not therefore intended either on its own, or cumulatively, to compete against these large-scale town centre supermarkets and superstores or other town centre A1 uses. By virtue of its size and location, it is clear that the A1 unit is intended to serve the local community as a convenience store. The proposed A1 unit would not therefore harm the retail character, attractiveness, vitality and viability of the centre of Trowbridge. Overall, it is not considered that a retail use of such a limited size and intensity will result in a change of character to the area or result in an adverse impact upon the Town Centre and the scheme is therefore considered acceptable in principle”.*

The internal floor area marginally exceeds this threshold and given the proposal is a change of use from an existing public house and a proportionate study of surrounding retail offer has been provided in the planning statement it is considered that a sequential test would not be necessary in the specific circumstances of this case. There are therefore no in principle objections to the provision of a small retail unit reusing the public house floorspace as part of the submission.

In terms of the residential proposal, the site lies within the identified limits of development for Trowbridge where further residential development is considered acceptable in line with Core Policy 1 and 2.

In principle both elements are considered to be acceptable and compliant with the broad aspirations and objectives of the Core Strategy and NPPF.

Impact on residential amenity - Core Policy 57 advises that development should have regard to the compatibility of adjoining buildings and uses, the impact on

amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration and pollution (e.g. Light intrusion, noise, smoke, fumes, effluent, waste or litter).

The proposed retail use is considered to be a compatible use in relation to the surrounding and neighbouring residential properties. Officers accept that it would have the potential to give rise to noise and disturbance through deliveries, noise from plant, vehicular movements and hours of opening. The scheme has been amended to address officer raised concerns in relation to the proximity of the service yard to neighbouring properties and conditions are also proposed to minimise disturbance, such as restricting the timing of deliveries, the hours of opening, silent tarmac on the route of delivery trolleys and noise restrictions.

The hours of operation have been considered in light of nearby retail premises and the existing permitted operating hours of the public house and the hours of 7am to 11pm Monday to Saturday and 7am to 10 on Sundays and Bank holidays put forward by the applicant are considered to be acceptable and the Council's public protection team agree.

Overall it is considered that the proposed change of use from a public house to a retail use would not have an unacceptable impact on residential amenity and the development as revised would be in accordance with Core Policy 57.

It is considered that the residential development in the former beer garden is situated to provide adequate separation distance to existing residential properties avoiding unacceptable loss of privacy, overshadowing etc. There is no direct window to window overlooking to the properties to the rear as the proposed houses would be sited at an angle to the existing houses and in acknowledgement of this a separation distance of 19m between the nearest neighbouring windows is considered acceptable. The scheme would introduce a road along the side of the neighbouring property at 1 Glebe Road. A proportion of this area was formerly car parking for the public houses but it would be extended further along the boundary to serve the proposed houses to the rear. Whilst this could result in a degree of disturbance it is considered that it would not result in an unacceptable loss of amenity to justify a refusal recommendation.

Overall it is considered that the proposed development would not have an unacceptable impact on residential amenity in accordance with Core Policy 57.

Impact on the character and appearance of the area - It is considered that the proposed change of use would not have an adverse impact on the character and appearance of the area with the majority of alteration occurring to the rear of the property. The front of the site would remain open although there would be some loss of landscaping to provide for the delivery bay and car parking. It is considered that these changes would not have an unacceptable adverse impact on the character and appearance of the area.

There are a mix of housing types in the local area including detached, semi-detached and terraced houses, bungalows and three storey flats. The predominant building material is brick with some examples of render.

The proposed residential element of the application constitutes 'backland' development in the former beer garden of the public house. Whilst it is recognised that the proposal would not follow the existing pattern of development, it is considered that it will make efficient use of what is a brownfield site. The proposed housing would sit comfortably within the plot and it is considered that it would not have an unacceptable impact on the street scene or the character and appearance of the area.

The proportions of the houses would be in keeping with development locally but the proposed materials shown on the plans marked as being render and cladding, are not typical locally. However, the agent has agreed that the render could be replaced by brick and materials are subject to a condition.

Further information is required on relation to landscaping to ensure a satisfactory landscape setting for the scheme. Details of the fence enclosing the service yard are also required.

Overall it is considered that the proposed development would not detract from the character and appearance of the area and would be in accordance with Core Policy 57.

9. S106 contributions The development is below the threshold for seeking section 106 contributions and affordable housing contributions.

10. Conclusion (The Planning Balance)

The proposed change of use from Public House to Retail is considered to be acceptable and would not give rise to unacceptable levels of noise and disturbance for existing and future residential occupiers. The proposed housing is located in a sustainable location within the limits of development and would provide much needed housing. The proposal would have an acceptable impact on residential amenity and a limited impact on the character and appearance of the area. Therefore it is considered that the proposal is acceptable as a whole and that permission should be granted.

RECOMMENDATION Approve with conditions