

Your Ref: **PP-08273514**
Our Ref: HPD/DSP/19/128
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Wiltshire Council
Development Management
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Dear Sir/Madam,

RE: 116 HIGH STREET, MARLBOROUGH, SN8 1LZ

On behalf of our client, Dentalcare Group Ltd., we are instructed to submit a Full Planning Application and Application for Listed Building Consent for the abovementioned premises for a change of use of the ground and basement floors from a members' club (Sui Generis) to a dental clinic and surgery (Use Class D1).

Accordingly, please find enclosed the following documents which comprise in addition to this letter, the application:

- Duly completed Planning Application Form;
- Completed Ownership Certificate B;
- Planning Statement prepared by Hybrid Planning & Development (this document);
- Location Plan at scale 1:1,250 with the site edged in red;
- Existing Plans (Dwg. no. 0528-GA-010);
- Proposed Plans (Dwg. no. 0528-GA-011); and
- Heritage, Design and Access Statement prepared by Hybrid Planning & Development.

The statutory application fee of £462.00 has been paid electronically by card following submission of this application via the Planning Portal.

The following sections of this letter outline the relevant planning history for the site, the proposed use and an assessment of the proposal against the relevant national and local planning policy.

SITE AND SURROUNDINGS

The application site is a three-storey building, comprising lower ground, ground, two upper floors and an attic. The building is located on the north-west side of High Street in Marlborough and is located within the Marlborough Conservation Area. A small lane on the south side of the building provides access to a small cul-de-sac at the rear of the site. The building is Grade II listed together with no. 114 and is adjoined by the Grade II listed Castle and Ball Hotel to the north. The list description for nos. 114-116 High Street states:

'Early C18. 3 storey and attic. Tile hung (shaped tiled) with wood angle rusticated bands, whole height above ground floor. Moulded and bracketed wood cornice. Old tile roof. 6 hipped dormer casements. 10 windows on 2nd floor. 4 angular bay windows and 2 single sash windows on 1st floor. All glazing altered. The 2 right hand bays larger than 2 left hand. On ground floor to left hand 3 C18 shop windows - 2 altered, but H Duck window, a projecting rectangular bay with curved ends has original glazing and shop door at left hand side. Yard entry to right hand of centre and plain C19 shop front at right hand. Tiled pent roof supported on cast iron columns across ground floor. Nos 112 to 116 (consec), Potters End, The Castle & Ball Hotel and Nos 117 to 124 (consec) form a group.'

The basement, ground and first floors are currently in use as a members' club (Sui Generis), with kitchen at basement level, servery/bar and function room at ground floor and snooker room at first floor level. The second and third floor/attic are in use as a separate residential flat. Much of the historic interior has been altered and/or lost over the years, whilst new window openings have been inserted into the south side elevation at ground and first floor levels.

The site is located within the designated Prime Shopping Area for Marlborough, which is a designated Market Town in accordance with Wiltshire Council's Core Strategy (2015). The site also falls within the Marlborough Air Quality Management Area (AQMA) and the North Wessex Downs AONB. The site is located within Flood Risk Zone 1 and is, therefore, at the lowest risk of flooding. The surrounding buildings comprise a mix of retail and commercial uses typical of a high street, including a variety of shops, restaurants, pubs and estate agents.

PLANNING HISTORY

From an inspection of the Council's on-line records, we are aware of the following planning history which relates specifically to the application site:

- LPA ref: 17/05878/FUL - Taking down and renewing tile hanging and windows to external side elevation in rendered finish with white UPVC double glazed windows. Awaiting decision.
- LPA ref: K/36052/L - Internal alterations. Refused 11 November 1998.
- LPA ref: K/82/0644/LB - Alterations and extensions. Approved 14 September 1982.
- LPA ref: K/82/0643 - Alterations and extensions. Approved 14 September 1982.
- LPA ref: K/75/0547 - Conversion of office and storage accommodation to living accommodation for steward. Approved 30 October 1975.

Notwithstanding the above, it is our understanding that the premises has operated as a members' club (Sui Generis) for at least the last 10 years. Accordingly, we are of the opinion that the basement, ground and first floors of the application site benefit from an established and lawful Sui Generis use and, therefore, Dentalcare Group Ltd. will require a change of use to Class D1 in order to occupy the premises.

APPLICATION PROPOSALS

These applications have been submitted for the change of use of the basement and ground floor levels of no. 116 High Street in Marlborough from Sui Generis (Conservative Club) to Class D1 (Non-residential institution), along with associated internal alterations. The proposals seek to enable the part-use of the building as a dental clinic and surgery and comprises solely of internal alterations to this Grade II listed building. As such, no external alterations are proposed.

The reconfiguration of the internal layouts, primarily comprising minor demolition of internal walls and erection of new partitions, will enable the creation of a reception, 5 no. surgery rooms, a consultation room, decontamination room and associated staff facilities and storerooms. All of these rooms are standard components of dental clinics and surgeries, necessary for the operation of the business and the provision of services to patients, and are fully compatible with the diverse mix of surrounding high street uses. As a result of these works and the change of use, the applicant will be able to provide comprehensive dental services to local residents, workers and visitors to Marlborough Town Centre.

Opening hours sought are between 08:00 – 18:30 Monday to Friday, except Wednesdays where the hours will be between 08:00 – 20:00, and between 09:00 – 16:00 on Saturdays. The business will employ 10 members of staff on the premises, making a significant contribution towards local employment. Ample on-street for-pay car parking is conveniently located on the High Street directly in front of the site, whilst all pedestrian footpaths along the street are well-lit. Several bus stops are located within close proximity to the site, including less than 65m south on the High street (1-minute walk), serving local destinations.

PLANNING POLICY CONTEXT

Revised National Planning Policy Framework (NPPF)

The revised National Planning Policy Framework (NPPF) was published on 25 July 2018 and updated on 19 February 2019. It sets out the Government's planning policies for sustainable development and positive growth. The Framework prescribes a 'presumption in favour' of sustainable development (Paragraph 11) and supports proposals that are in accordance with the policies of an up-to-date development plan.

To achieve sustainable development, the following economic, social and environmental objectives need to be pursued in mutually supportive ways (Paragraph 8), and should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; however, they are not criteria against which every decision can or should be judged (Paragraph 9):

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.*
- b) **a social objective – to support strong, vibrant and healthy communities**, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health social and cultural well-being; and
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

Paragraph 85 goes on to emphasise that planning policies and decisions should support the role town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Specifically, policies should '*define a network and hierarchy of town centres and promote their long-term vitality and viability – **by allowing them to grow and diversify** in a way that can respond to rapid changes in the retail and leisure industries, **allows a suitable mix of uses** (including housing) and reflects their distinctive characters'* (Paragraph 85).

In order to provide the social, recreational and cultural facilities and services communities need, Paragraph 92 states that planning policies and decisions should:

- a) **plan positively for the provision and use of shared spaces, community facilities** (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) **and other local services to enhance the sustainability of communities and residential environments;**
- b) **take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;**
- c) *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) *ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*

- e) *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.*

Regarding proposals affecting heritage assets, Paragraph 189 states that the level of detail contained within statements of significance should be proportionate to the asset's importance, and no more than is sufficient to understand potential impacts of proposals on their significance. In determining applications affecting heritage assets, Paragraph 192 emphasises consideration of:

- a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

Where proposals 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 including, where appropriate, securing its optimum viable use (Paragraph 196).

Local Development Framework

Wiltshire Council's Local Development Framework, as it relates to the site, is comprised of the Wiltshire Core Strategy (2015) and the 'saved' policies of the Kennet Local Plan (2007) and Proposals Map. The following adopted and 'saved' policies are of particular relevance to the proposals.

Wiltshire Core Strategy

Core Policy 1 sets out a settlement strategy which identifies where sustainable development will take place to improve the lives of all who live and work in Wiltshire. Specifically, Market Towns such as Marlborough are identified as having the potential for significant development that will, inter alia, enhance local services and facilities and promote self containment and viable sustainable communities. Core Policy 2 reinforces the NPPF's 'presumption in favour of sustainable development' within the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Core Policy 36 promotes economic regeneration of brownfield sites in Principal Settlements, Market Towns and Local Service Centres where proposed uses help deliver settlement strategies and/or where they enhance the vitality and viability of town centres by introducing a range of active uses which complement the centre.

Core Policy 57 relates to high quality design and place shaping, and requires applications for new development to demonstrate how they will make a positive contribution to the character of Wiltshire. In doing so, proposals should be sympathetic to and conserve historic buildings and landscapes, make efficient use of land whilst taking account of the local context and characteristics of the site and should have regard to the compatibility of adjoining buildings and uses to include potential impacts on amenity.

Core Policy 58 seeks to ensure the protection, conservation and, where possible, enhancement of the historic environment. The potential contribution of these assets towards wider social, cultural, economic and environmental benefits shall also be utilised where this can be sensitively and appropriately achieved.

Regarding sustainable transport, Core Policy 60 states that the Council will use its planning powers to help reduce the need to travel, particularly by private car, and to encourage sustainable, safe and efficient movement throughout Wiltshire. Amongst other practices, this may be achieved by planning development in accessible locations. Core Policy 61 reinforces this by stating that new development should be located and designed to reduce the need to travel by private car and to encourage the use of sustainable transport alternatives. Regarding parking standards, Core Policy 64 seeks to efficiently and effectively manage car parking to include the use of maximum car parking standards for private non-residential uses. These standards are to be reduced to reflect local circumstances and accessibility.

Kennet Local Plan

'Saved' Policy ED18 relates to the designated Prime Shopping Areas within Devizes and Marlborough. In such areas, planning permission will not be granted for the change of use of ground floor premises to uses other than Class A1 uses, unless:

- a) *the development makes a positive contribution to the vitality and viability of the centre; or*
- b) *the development is necessary to secure the future of a Listed Building at Risk or other building important to the street scene; or*
- c) *the development would make a positive contribution to the character of the Conservation Area by the replacement of unsympathetic or out of scale buildings.*

PLANNING POLICY ASSESSMENT

In accordance with Paragraph 11 of the NPPF (2019) and the presumption in favour of sustainable development, the Council is required to approve development proposals that accord with the development plan without delay. The proposal represents an entirely deliverable, sustainable and suitable development that will utilise an existing building within the Marlborough town centre to provide an essential local service for residents, workers and visitors alike.

The following sections set out in detail how the application proposals accord with the relevant national and local planning policies.

Principle of Development

Comprising solely of internal alterations and a change of use, the proposals seek to effectively maximise and re-use this sustainable town centre building through the provision of a Class D1 dental clinic and surgery at basement and ground floor levels. In doing so, the proposals would further diversify the range of uses and services within Marlborough Market Town, whilst retaining a separate members' club use at first floor level, thereby contributing towards the continued vitality and viability of the town centre in accordance with Wiltshire Core Strategy (2015) Policy 36. The proposals would provide an essential health service to the local community, as promoted by NPPF (2019) Paragraph 92, which is entirely appropriate for this town centre location.

Whilst 'saved' Policy ED18 seeks to protect ground floor uses within Prime Shopping Areas for Class A1 uses, it is important to note that this building has no history of Class A1 use, having been in use as a members' club (Sui Generis) for many years. The proposals would, therefore, not result in the loss of any protected Class A1 uses within the Prime Shopping Area. Furthermore, Policy ED18 allows for exceptions where developments make a positive contribution to the vitality and viability of the centre. In this case, the introduction of a dental clinic and surgery in this location would secure a long-term use of this prominent town centre site, whilst diversifying the range of uses and services on offer within the Prime Shopping Area. The proposals would create 10 no. new full-time jobs, the employees of which are likely to frequent the surrounding shops and businesses along the High Street. It is, therefore, clear

that this complementary local service would significantly contribute towards sustaining the vitality and viability of the Marlborough Town Centre, in accordance with Policy ED18.

Finally, it is noted that the Council has previously accepted the principle of introducing a non-Class A1 uses within the Prime Shopping Area of Marlborough Town Centre, for instance as part of planning permission LPA ref. 16/08404/FUL. Within their report, the Case Officer noted that Policy ED18 was inconsistent with the NPPF due to its negative wording and lack of flexibility, going '*against the general thrust of the NPPF's positive and proactive approach to sustainable development*'. Accordingly, the officer decided not to attribute full weight to Policy ED18 in determining the application. It is, therefore, considered that the same approach should apply to the consideration of the current application.

The maximisation of land and re-use of existing buildings goes to the heart of the 'presumption in favour of sustainable development' espoused by the NPPF and Core Policies 1 and 2 of Wiltshire's Core Strategy. Overall, the proposals provide a viable alternative use for this High Street site, one which contributes towards the provision of local health services and employment whilst improving the attractiveness, vitality and viability of the Town Centre.

Design and Heritage

Much of the historic significance of this Grade II listed building relates to its architectural design and external appearance, including the patterned tile hung façade and traditional arrangement of hipped dormer casements and bay windows. Nos. 114-116 are also unique along the High Street for their combination of three burgage plots, forming one impressive façade. Group value is also retained along with no. 112, Potters End, The Castle & Ball Hotel and nos. 117 to 124 (consec.). Internally, much of the original historic fabric has been altered or removed, leaving little of heritage value remaining. It can, therefore, be determined that the special architectural and historic significance of this building relates solely to its external appearance and group value, rather than its internal fabric or layouts.

As discussed in the accompanying Heritage, Design and Access Statement, full consideration has been given to minimising impacts to this Grade II listed building and the surrounding heritage assets in developing the proposals. To ensure the conservation of the special architectural and historic interest of the building, no external alterations are proposed. Furthermore, internal alterations are limited to minor demolition of internal walls, closing-off of one of the staircases to the basement and the removal of the modern bar/servery at ground floor level. New partitions are to be inserted at ground floor level to form the necessary consultation, decontamination and surgical rooms. Overall, the works relate to previously altered interior areas and will preserve the historic external appearance of the building.

Should the applicant require any signage or adverts, separate applications for advertisement and listed building consent shall be submitted and any impacts as a result may be considered at that time.

Given the above, the proposals both protect and conserve the important architectural and historic interest of this Grade II Listed building, as well as the character and appearance of the surrounding Marlborough Conservation Area. The proposals will have no impact on the landscape character or scenic qualities of the surrounding North Wessex Downs AONB. Accordingly, the proposals will cause less than substantial harm to this Grade II listed building, whilst having no impact on surrounding heritage assets, wholly in compliance with the NPPF and Wiltshire Core Policies 57 and 58.

Neighbouring Amenity

Located within a Prime Shopping Area and the Marlborough Town Centre, the surrounding area comprises a mix of primarily retail and commercial uses, including the adjacent Castle & Ball hotel and pub and the estate agents at no. 114 High Street. Because of its High Street location, increased levels of pedestrian and other activity are expected for the area surrounding the application site.

The proposed dental surgery and clinic is considered to be an entirely appropriate and complementary use for its High Street location. Although there is a flat on the upper levels and residential dwellings in the rear cul-de-sac, it is not considered that the change of use would result in significant impacts to residential amenity. Taking into account the high level of activity in this commercial area, noise levels

from the dental use are unlikely to significantly harm nearby residents. Furthermore, many of the employees and visitors to the site are likely to arrive by foot or via public transport, thereby limiting additional noise and air pollution from travel by car.

In the interest of health and safety, provision shall be made for separate storage of chemical and hazardous waste produced from the operation and measures shall be incorporated to ensure proper handling and disposal thereof.

Overall, impacts to neighbouring amenity as a result of the proposals are unlikely to be significantly greater than the previous A2 use of the site. Given the above, it is considered that the proposals fully comply with Core Policy 57.

Highways and Parking

Due to the constraints of the site, no external car parking is proposed as part of the development. Wiltshire's Car Parking Strategy (2011) sets out maximum standards for car parking for development proposals, specifically setting an expectation of 5 no. car parking spaces per consulting room for Class D1 clinics, health centres and surgeries. Although the proposals fall short of this provision, it is important to note that these are maximum standards which should be applied flexibly in light of site-specific constraints and surrounding contexts. In this case, the site is in a highly accessible town centre location, where employees and patients are likely to visit the site on foot or via alternative sustainable transport options. Furthermore, ample on-street car parking is provided within the immediate vicinity of the site.

Given the above, it is considered that a departure from the Council's adopted maximum car parking standards would be acceptable in this location. The proposals are unlikely to significantly increase traffic or car parking issues within the area, and are considered to fully comply with Core Policies 60, 61 and 64.

CONCLUSION

In light of the above, the proposals present an entirely deliverable, sustainable and suitable development that will contribute towards Marlborough Town Centre's offer of local health services. The proposals will maximise the use of this historic building, whilst contributing toward the vitality and viability of the Prime Shopping Area with no detrimental impacts on neighbouring residents or the local area. The proposals will preserve the special architectural and historic interest of this Grade II listed building whilst having no impact on the surrounding Marlborough Conservation Area.

The proposal is wholly compliant with the revised NPPF (2019), the Wiltshire Core Strategy (2015), the 'saved' policies of the Kennet Local Plan (2007) and the Council's adopted supplementary planning guidance. As such, we conclude that the proposed change of use is entirely appropriate in planning policy and listed building terms.

We trust that you have sufficient information to determine the applications, but should you have any questions or queries in the meantime or require any further information, please do not hesitate to contact me.

Yours faithfully,



Aaron Henecke MSc
PLANNER