Planning Registration Team
Wiltshire Council

Our reference: 20039.ta/cb

26th June 2023

Dear Sir or Madam

S.73 Minor Material Amendment Application: 32 Fore Street Trowbridge BA14 8EW
Proposal: Amendment to plan list condition 2 of planning permission 20/11327/FUL to enable the re-siting of the northern balustrade and reduction north facing building line with associated changes to floor plans, external terraces and elevations

1.0 Introduction

PlanningSphere act for Jamsons Geotechnics Ltd who are project managing this proposal. The freehold owners of the application site are DA Phillips & Co Limited and Nicholas Mark Walsh and Sally Anne Walsh.

The application site has an extant planning permission for the conversion of the upper floors and erection of a second storey infill extension to form 8 No. apartments and associated works under reference 20/11327/FUL. Following a process of due diligence undertaken in respect rights to light the applicant proposes to set back the upper floors of the extant permission on its northern boundary in order to ensure that the proposal will not have any adverse impact on the property rights of adjacent property at Narrow Wine Street.

The application for this S.73 application comprises the following:

- Application fee: £298.00 (inc. service fee of £64.00)
- Planning Cover letter: PlanningSphere
- Annotated Photograph Sheet (Appendix A): PlanningSphere
- Site Location Plan: AB Architectural Design
- Application Drawing Pack (6 No. Drawings): AB Architectural Design
- Design and Access Statement: AB Architectural Design
- Right of Light Report: MES Building Solutions

2.0 Site description

The application site comprises No.32 Fore Street, Trowbridge as outlined in the site location plan. The application building is not listed. The building is arranged over 3-storeys and was substantially remodelled in the mid/late C20. The extant permission is for the conversion of the 2 upper floors to 8 No. apartments.

3.0 Planning History

The table below sets out the recent relevant planning history relating to the application building:

Reference	Description	Decision
20/11327/FUL	Conversion of upper floors and erection of second storey infill extension to form eight apartments and associated works.	Approved 13.05.2021
20/08272/CLP	Certificate of lawfulness for use of second floor as 2 no. residential flats with the remainder of property remaining in retail use.	Approved 16.11.2020

No material start has been made to planning permission 20/11327/FUL.

4.0 Summary of Proposals

Extant planning permission 20/11327/FUL relates part conversion of the ground, first second floors and erection of a second-floor infill extension to create 8 No. units. External alterations to the elevations are also proposed. These works, in addition to the two residential units (Plots A & B) which can be implemented under permitted development, as confirmed under lawful development certificate 20/08272/CLP, will create an upper floor scheme of 10 No. residential units whilst retaining the majority of ground floor in retail (Class E) use.

As noted above, the revised proposal moves the external balustrade and upper floor footprints further away from the north facing boundary to Narrow Wine Street to align with the recommendations of the enclosed Right to Light Report that was commissioned by the applicant.

This has resulted in a relatively minor reduction to the internal floor area of a number of permitted units whilst increasing the size of the external terrace areas. All units will however exceed National Described Space Standards (NDSS). The revised proposed accommodation is set out in the table below:

Unit No.	Beds	Person	Type	External	(GIA) m^2
Unit 1	1	2	Flat	12.5 sqm terrace	50
Unit 2	2	3-4	Duplex	17 sqm shared terrace	97
Unit 3	2	3-4	Duplex	12.5 sqm terrace	88.5
Unit 4	2	3-4	Duplex	12.5 sqm terrace	79
Unit 5	1	2	Duplex	8.6 sqm terrace	60
Unit 6	1	2	Flat	98 sqm shared terrace	50
Unit 7	1	1	Studio Flat	98 sqm shared terrace	37.5
Unit 8	1	1	Flat	11.5 sqm terrace	40
Total					**502**

The proposal also introduces a new door to Narrow Wine Street at ground floor level. This will give additional flexibility to allow the potential for the ground floor to be partitioned into smaller units in compliance with Fire Regulations. This in turn will maximise the prospects for bringing the commercial ground floor back into beneficial use.

5.0 Planning Policy Context

(i) Statutory Development Plan

Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. For the purposes of this application the Development Plan for the site comprises: the Wiltshire Core Strategy (2015); and the Wiltshire Housing Site Allocation (2020).

(ii) Wiltshire Core Strategy (2015)

The Wiltshire Core Strategy was adopted in January 2015 and covers the period up until 2026. The following Core Strategy Policies are relevant to the proposals:

- Core Policy 1 - Settlement strategy
- Core Policy 2 – Delivery Strategy

- Core Policy 29 – Spatial Strategy: Trowbridge Community Area
- Core Policy 45 – Meeting Wiltshire's Housing Needs
- Core Policy 57 – Ensuring high quality design and place shaping
- Core Policy 58 – Ensuring the Conservation of the Historic Environment
- Core Policy 61 – Transport and Development

(iii) Wiltshire Housing Site Allocations Plan (2020)

No WHSAP policies are applicable to this application.

(iv) National Planning Policy Framework (NPPF)

National planning policy is set out in the NPPF (July 2021) and web-based guidance in the NPPG (from 2014). A summary of the applicable NPPF policies is set out below:

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 5: Delivering a sufficient supply of homes
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 16: Conserving and enhancing the historic environment

(v) National Planning Practice Guidance (NPPG)

National Planning Policy Guidance (NPPG) in the form of web-based information was published on 6th March 2014. The relevant guidance linked to the NPPF policy referred to above has been reviewed.

(vi) National Design Guide (MHCLG October 2019)

The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

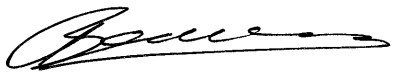
6.0 Conclusion

The proposals have been amended following property rights due diligence undertaken by the applicant. The essential form and quantum of the extant scheme is retained. The introduction of the additional door at ground floor level will provide more flexibility for subdivision of the ground floor commercial area to maximise the prospects for bring this part of the building back into beneficial use.

The Council is respectfully requested to issue a s.73 decision notice making the following changes to the plans list condition: as set out in the table below:

Extant Planning Permission Plan List	Proposed Plan List Changes
Site Location Plan: AL(1)01 Rev B	AL(1)01 Rev D
Existing and Proposed Site Plans: AL(1)02 Rev D	AL(1)02 Rev G
Existing Floor Plan: AL(1)03 Rev B	AL(1)03 Rev D
Proposed Floor Plans: AL(1)04 Rev G	AL(1)04 Rev L
Existing Elevations (NB. omitted from approved plan list)	AL(1)05 Rev B
Proposed Elevations: AL(1)06 Rev J	AL(1)06 Rev P
Section and Elevations: AL(1)07 Rev D	AL(1)07 Rev K

Yours faithfully



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