TOWN & COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATIONS AREAS) ACT 1990

CHANGE OF USE FROM OFFICES TO 3 NO. FLATS AT THE GIG HOUSE, OXFORD STREET, MALMESBURY, WILTSHIRE, SN16 9AX

PLANNING STATEMENT
(Including Design and Heritage commentaries)

Prepared by

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Our Reference: SWLC.LPC5020

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1.0 INTRODUCTION AND BACKGROUND

1.1 LPC (Trull) Ltd are instructed by Mr Simon Le Maréchal to prepare a planning application for the change of use from offices to 3 No. flats at Gig House, Oxford Street, Malmesbury, Wiltshire. The existing building lies within the historic part of the town within the Conservation Area and a short distance to the east of the Abbey and historic grounds thereto. There are several Grade II listed buildings nearby, including the adjoining Latch Cottage to the east of Gig House and the Scheduled Monument that is Malmesbury Abbey to the north and to the west.

2.0 THE APPLICATION SITE

2.1 The Gig House represents a distinctive two and a half storey building located on the corner of Oxford Street and Hollaway Hill within the historic core of the town of Malmesbury. It has a twin gabled pitched roof facing the street with distinctive fenestration on its main façade including painted lattice windows and on the ground floor a bay window.





2.2 There is some fine detailing on the main façade including the arched brick window surrounds and reveals and a mixture of stone walling, materials which in parts comprises natural rubble stone whereas in other parts includes courses of brickwork. This adds to its distinctive character and with its location is likely to be regarded as a Non-Designated Heritage Asset.

2.3 In terms of dating the building's origins, it is not clear when it was erected as it is not a listed building. Historic ordnance survey maps are provided below and demonstrates that it predates these documents:



1889



1901



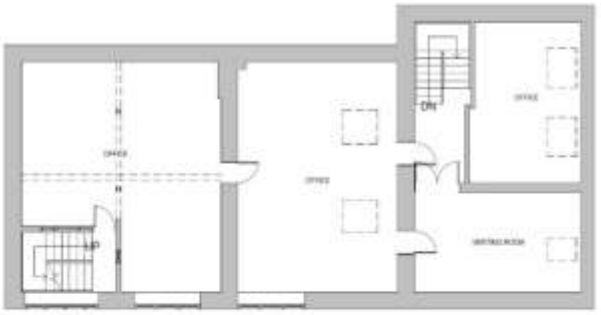
1924



1949

2.4 Analysis of the above maps appears to suggest that the existing building is an amalgamation of an earlier element comprising the northern sections with the lower height gable roof facing the street and a later (southern) addition with the higher pitched roof. There is also a distinction in the stonework on the front elevation which would appear to confirm this.

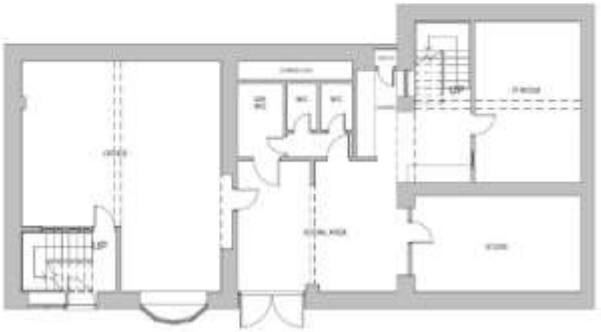
2.5 In terms of its use it is understood that the building has been tenanted over the years to a small number of businesses as offices within Class E of the Use Classes Order 1987 (as amended). Indeed, as confirmed by the excerpt from the existing floor plan provided below, the building has two separate entrances from the street, either side of the bay window. For the avoidance of doubt, the building remains in use and occupied as offices.



First Floor FFL



Second Floor FFL



Ground Floor FFL

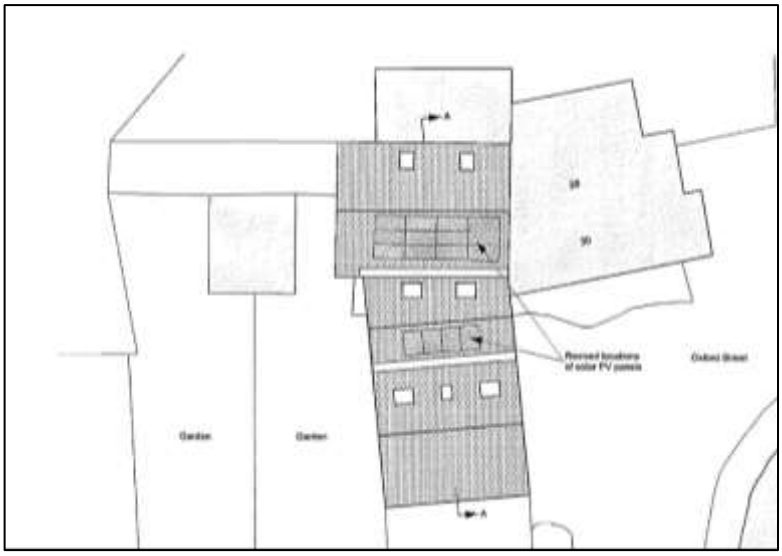
2.6 As mentioned, the site lies within the historic core of the town and within the Malmesbury Conservation Area. There are several Grade II listed buildings within the vicinity of The Gig House, these are listed below and shown on the map extract inserted thereafter. The map also shows in red the identified limits of the Malmesbury Abbey Scheduled Ancient Monument.

- Latch Cottage
- Garden Walls And Gates Attached To South East Corner And Extending South Of Abbey House, Market Cross
- Numbers 20a And 20-26 And Attached Walls Extending Along North Side Of Passage To North West, 20a,20-26, Oxford Street
- 19 and 19a Oxford Street
- 21 Oxford Street
- 23 and 25 Hollaway Hill



3.0 RELEVANT PLANNING HISTORY

3.1 Research into the planning records for this property show there is no recent history other than that planning permission was granted in 2011 under reference N/11/00767/FUL for Photovoltaic Solar Panels on Roof. These are shown on the plan excerpt provided below:



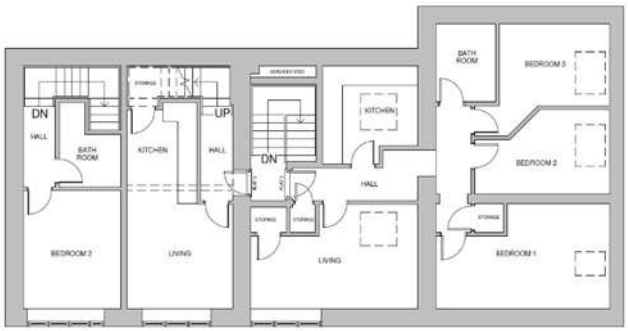
4.0 THE PROPOSAL

4.1 This application seeks planning permission for the change of use of The Gig House from its existing use as offices to form 3 No. flats.

4.2 On the ground floor, the existing entrance doors from the street, to the right of the bay window, will provide the main entrance and lobby to the apartment building. To the right of this entrance, the insertion of new stud partition walls will create a Bin Storage Area and Bicycle Store which will involve the removal of a small section of internal walling to form new double doors. There will also be a large communal area on the ground floor for either a gymnasium or a communal home working area. On the left hand side of the entrance lobby area there will be a doorway to Flat 1, leading to one bedroom on the ground floor with a kitchen, a living room and access to a private stairway leading to the second bedroom for this Flat on the first floor and bathroom.

4.3 Flats 2 and 3 will be accessed from the first floor, with Flat 2 comprising a kitchen, a hall and a living room on the first floor with its bedroom and bathroom on the second floor. Flat 3 will be entirely on this first floor comprising a spacious Kitchin and living room with access through to the three bedrooms. All habitable rooms are generously proportioned and well appointed, as well as being in excess of national habitable space standards. As the existing building currently as no outdoor space this will not be provided, sufficient storage space is provided. The development will be car free. However, as this is a town centre location access to both outdoor space and parking is available. The existing solar panels will be retained and used as part of the electricity supply.

4.4 Excerpts from the proposed floor plans and showing the individual layouts are provided below, and on the following page, together with a list of the application plans.



First Floor FFL
1 : 100



Second Floor FFL
1 : 100



Ground Floor FFL

List of Plans

- Drawing No. LPC Site Location Plan
- Drawing No. LPC5020 SKD 1 001 B Sketch Design Plans GF, FF, SF
- Drawing No. LPC 5060 EX 001 A Existing Plans GF, FF, SF
- Drawing No. LPC5020 EX00 2 A Existing Elevations

4.0 PLANNING POLICY CONTEXT

4.1 The Planning and Compulsory Purchase Act 2004 requires that all planning decisions are made in accordance with the Development Plan, unless other material considerations indicate otherwise. The relevant Development Plan policies in that regard are listed below.

Wiltshire Core Strategy Policies:

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP13 – Spatial Strategy for the Malmesbury Community Area

- CP35 – Existing Employment Sites
- CP45 – Meeting Wiltshire's Housing Needs
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and Development
- CP62 – Development Impacts on the Transport Network
- CP63 – Transport Strategies

Malmesbury Neighbourhood Plan (Made February 2015)

- Policy 1 – Sustainable development in the right places
- Policy 2 – A housing mix to suit the ages and needs of the local people
- Policy 3 – Housing
- Policy 4 – Housing
- Policy 5 – Housing
- Policy 13 – Neighbourhood Plan Design Guide

Supplementary Planning Guidance

- Malmesbury Conservation Area Management Plan (2010)

4.2 Documents that do not have the weight of the Development Plan, but which are material consideration to which differing weight is attached include:

- National Planning Policy Framework (NPPF) – Significant weight is attached to this document,
- National Planning Practice guidance (NPPG);

4.3 In light of the above the application proposal is believed to raise the following key issues.

- Principle of development
- Heritage considerations
- Energy efficiency
- Transportation and parking

5.0 MAIN PLANNING CONSIDERATIONS

Principle of the development

5.1 In terms of the principle of residential development in this location, Core Policy 1 of the Core Strategy sets out that Malmesbury is defined as a 'Market Town' within Wiltshire which is defined as a settlement that has the ability to support sustainable patterns of living in Wiltshire. Core Policy 2 sets out that within the defined limits of development there is a presumption in favour of sustainable development. The location of dwellings in this area is therefore considered appropriate in principle.

5.2 Whilst Core Policy 35 seeks to protect premises currently used, or last used for B1, B2 and B8 purposes, Clause iv of this policy allows for their change of use where the site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area. Additionally, Clause v states that changes of use can occur where there is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered.

5.3 In response to these policy requirements, the photographs below show the internal layout of the existing office premises. These represent cramped and over-intensive conditions that are ill equipped for modern business purposes. A case in point is the obvious lack of social distancing (required as part of the recent COVID-19 pandemic) and any further recurrence of that would obviously be an impossibility. These are therefore not equipped for modern and health and safety requirements, and accord with clauses iv and v of Core Policy 35 resulting in an inappropriate continuation of the existing office use, which would be detrimental to the amenities of staff resulting in unacceptable working conditions.





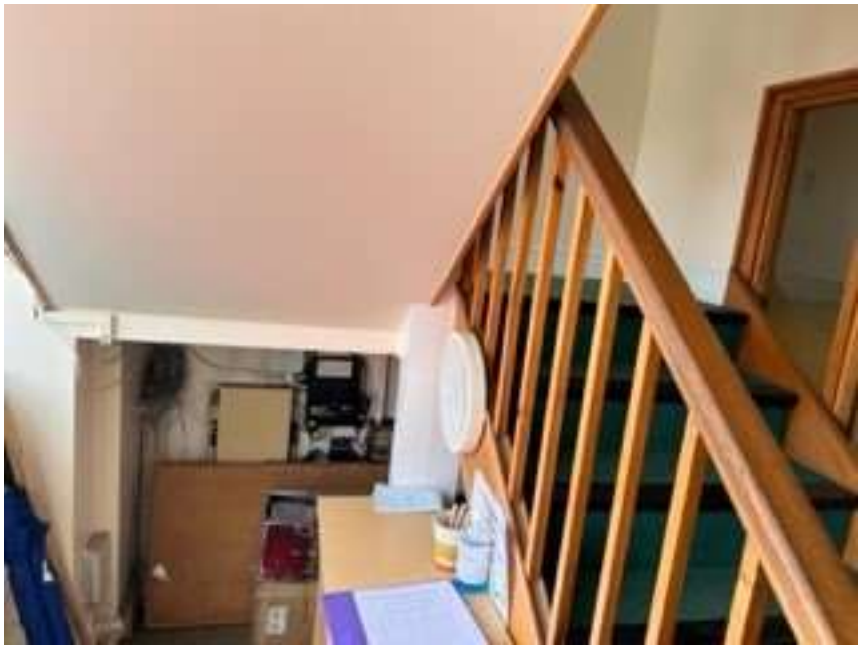




























5.4 At the same time, Section 7 of the National Planning Policy Framework recognises that residential development often plays an important role in ensuring the vitality of centres and encourages development on appropriate sites. In this instance, although the proposals result in the change of use from

offices to residential, the proposal incorporate a communal 'home working' area which will retain the flexibility for the increasing trend of working from home. Furthermore, paragraph 123 of the NPPF is engaged, which encourages local planning authorities to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand. Indeed, it can be argued that there is a 'clear parting of the ways' with Core Policy 35 seeking to unnecessary protect existing B class uses, whilst the new NPPF is seeking to be more flexible and proactive, responding to changing economic circumstances. Incidentally, Policy 35 is also out of date in one other important respect in that it has now been overtaken by the Town and Country Planning (Use Classes) Order 1997 (as amended) which has introduced the new Class E (Commercial Business and Service) which has replaced Class B1. Indeed, any B1 uses can now change to any other use within Class E without planning permission rending Policy 35 somewhat redundant.

5.5 Equally, it is acknowledged that the Council cannot currently demonstrate a five-year housing land supply and as such less weight can be attributed to those policies which are most important for determining the application and the tilted balance is engaged (Sub text 8 of the NPPF informs that for applications involving the provision of housing, out of date policies include situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites). In these circumstances, it is considered reasonable to assess this application for housing in the context of the presumption in favour of sustainable development and the benefits of the current development compared with any demonstrable adverse impacts and the significance of these impacts.

5.6 The Gig House is bordered by existing residential properties on both sides, with dwellings lining both sides of Oxford Street. It relates well to the surrounding services and facilities within the town and is a short walking

distance from the main High Street containing the majority of the town's shops and other facilities. Paragraph 5.73 of the Core Strategy states that in Malmesbury town it is important that some housing development occurs to meet local housing need and to support the employment, service, and retail role that Malmesbury provides. At the same time, paragraph A.7.5 of the Malmesbury Neighbourhood Plan states that new housing will be located in places well integrated with the rest of the town, to support better the range of community facilities and services. There will be a better mix of housing sizes and types and particular provision for the housing needs of the elderly.

5.7 Therefore, given the above findings in relation to the NPPF paragraph 11 and Core Policies 1, 2 and 13, it is considered that this represents a highly sustainable location for the proposed 3 No. flats and the principle of the application is established on policy grounds.

Heritage considerations

5.8 Turning now to the effect on nearby heritage assets, Core Policy 58: Ensuring the Conservation of the Historic Environment is relevant which states that development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance. The policy goes on to say that distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced.

5.9 In this case, there are no outward alterations to the appearance of the Gig House. Whilst there are some internal alterations, including the installation of stud partition walls and the removal of a small section of an internal partition wall on the ground floor for access to the cycle store, these are relatively minor alterations to a building which has already been subdivided over the years into separate offices. These internal works would also not constitute 'development' under the definition of Section 55 of the Town and Country

Planning Act either and it is therefore not considered that such operations would offend Core Policy 58 in the final analysis.

5.10 Whilst of course the building lies within close proximity of other Grade II listed buildings, it is considered that these will not be affected. It is common for large town houses or office buildings close to town centres to be converted to flats and such a use does not outwardly differ much in appearance from its original use, or from those of other buildings in the street. Accordingly, it is considered that there will be very little visible change in this case. Indeed, it can be argued that residential represents a better and more viable long term use for the building going forward. Similarly, there are considered to be no concerns with regard to the effect on the Malmesbury Conservation Area, as the principal Heritage asset affected, and the proposals are not contrary to the adopted Conservation Area Management Plan.

Energy efficiency

5.11 Regarding energy efficiency, the conversion scheme will conform to the current Building Regulations U rating for flats in all respects. Furthermore, the development will continue to utilise the existing solar panels on the roof. An area on the ground floor has been dedicated as an electronic plant room for battery storage to improve their effectiveness.

Transportation and parking

5.12 It should be noted that with regards to parking, this will be a 'car free' development. Whilst it is acknowledged that whilst this does not meet the Council's car parking standards set out in the Wiltshire Local Transport Plan 2011 – 2026 (Car parking Strategy) Appendix C of 1 space per unit, these are stated as 'Maximum' standards. Additionally, of course, as a building already in office use, there is already a parking requirement within these standards of 1 space per 30 sqm which is not met and is akin therefore to the proposed new chapter of use and has been accommodated without conflict with the safe and convenient flow of traffic locally. Therefore, taking these factors into account, it would be considered unreasonable to require on-site parking to be provided.

5.13 Indeed, given the site's sustainable location there would be no need to own a car, with all services and public transport connections required on a day-to-day basis within easy walking distance. Furthermore, the local terrain is flat to encourage walking and cycling with a dedicated internal bicycle storage area provided. Should visitors or taxis wish to access the building, there is a pull-in area at the front of the building for such short term eventualities, or the large short-stay car park from Cross Hayes Lane to the south. Finally, Oxford Street has double yellow restrictions which would deter any parking nearer to the building in any event.

6.0 CONCLUSION

6.1 The proposed development comprises the change of use from offices to 3 No. flats at Gig House, Oxford Street, Malmesbury, Wiltshire. This Planning Statement together with the full set of drawings, and related comments confirms that the proposal is wholly compliant with adopted policies in the Development Plan as well as the NPPF.

6.2 The proposed development offers the opportunity to convert an existing building which has been subdivided into offices into 3 No. bespoke flats and with communal space for a gymnasium or home working areas. The energy efficiency of the building will be upgraded to the latest U values and will increase battery storage for the existing solar panels.

6.3 There would be no adverse impact on the surrounding Conservation Area or nearby Grade II listed buildings. In terms of the building itself, all alterations and adaptations will be internal only and will therefore not require planning permission in their own right.

6.4 For these reasons the proposal is considered entirely acceptable and should be granted planning permission.