Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Full Planning Permission

Application Reference Number: PL/2023/07029

Decision Date: 23 May 2024

Applicant:	Noble D Ltd 39 Liskeard Way, Freshbrook, Swindon, SN5 8NL
Particulars of Development:	Change of use from guest house (C1) to 3no. 8 bedroom Houses in Multiple Occupation (HMO) (sui generis) and alterations including demolition of single storey lean to extension, removal of flue, new timber doors to rear, extension of fire escape platform, removal of signage, new cycle stores, new vent, secondary glazing to front windows and internal alterations to wall and doors.
At:	THE PINES HOTEL, 81-82 MARSHFIELD ROAD, CHIPPENHAM, SN15 1JR

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), this planning application has been processed in a proactive way. However, due to technical objections or the proposal's failure to comply with the development plan and/or the NPPF as a matter of principle, the local planning authority has had no alternative other than to refuse planning permission.

In pursuance of their powers under the above Act, the Council hereby REFUSE TO GRANT PERMISSION for the development referred to in the above application and plans submitted by you, for the following reason(s):

1. Core Policy 40 of the Wiltshire Core Strategy requires clear demonstration that existing tourist accommodation is no longer needed in either its current use or in any other form of tourism, leisure, arts, entertainment or cultural use. The application fails to demonstrate that this requirement has been met, placing it in conflict with this policy and paragraph 128b of the NPPF.

2. The application fails to provide sufficient details in respect of internal alterations, materials and external works, making it impossible for the Council to fully gauge the impacts on the fabric and significance of the listed building.

   The intensity of the proposed use would result in general harm to local character, above the existing use. This would be felt through additional footfall, activity and the potential for large groups of occupants congregating in limited external amenity spaces. Bins would not be adequately stored, leading to a likelihood that they would be kept on the site's frontage. This would lead to harm to the street scene; the setting of the listed building at the application site; the setting of neighbouring listed buildings; and the character and appearance of the conservation area.

The identified harm is not outweighed by any public benefits. The proposal is therefore contrary to Core Policies 57 (i, iii and iv) and 58 of the Wiltshire Core Strategy; Policy TC4 of the emerging Chippenham Neighbourhood Plan; and paragraphs 135 (a-c), 139, 203, 205 and 208 of the NPPF.

3. Two of the three HMOs would provide substandard kitchen floorspace, while one of the HMOs would have no laundry facilities.

   Rooms 1 and 2 of the HMO to be created within the non-historic, modern extension to the rear would be susceptible to general disturbance from noise and in-looking through their sole windows. The window serving room 5 of this same HMO would be level with the external staircase. The occupiers of these rooms would likely feel under pressure to keep their windows shut and curtains drawn, which would result in a poor, dark, living environment for future occupants.

   All of the HMOs would have very limited external amenity space, either confined to a small courtyard area, or a small, seated area next to the carpark and adjacent to bins. The former would be cast in shade for most of the day by surrounding buildings, while the latter would be very cramped. Neither would have a pleasant outlook. No soft landscaping would be available onsite, with the nearest available public open space at John Coles Park not within convenient reach.

   The proposal therefore fails to provide appropriate standards of amenity for future occupiers, contrary to Core Policy 57(vii) of the Wiltshire Core Strategy; and paragraph 135f of the NPPF.

4. The site is constrained by flood zones 2 and 3, as well as surface water flooding and high groundwater. The application has not been supported by a site-specific flood risk assessment, as required under paragraph 174 of the NPPF.

5. The site would provide insufficient carparking, loading and servicing areas to serve the proposed development, and there are existing pressures for on-street parking in the local area. The lack of adequate provision would be likely to interfere with the free flow of traffic on the adjacent highway, prejudicing the safety of road users.

   The proposal is therefore in conflict with Core Policies 61 and 64 of the Wiltshire Core Strategy; and paragraphs 114, 115 and 116 of the NPPF.

6. The application is not supported by sufficient detail in respect of the storage or collection of waste. The rear of the site would be inaccessible to a refuse lorry, and it is unclear whether the only potentially accessible area labelled ’81 Bin Shed’ would be large enough to accommodate enough bins. Even then, waste collection from this position would be time consuming and would cause disruption to the main road. The distance from the proposed rear storage area to the site frontage would be substantial and up a slope, making it too onerous to expect occupants to wheel them into position. Bins would likely be stored on the site frontage, which would be highly inappropriate in terms of local character and heritage.

   The proposals therefore fail to adequately demonstrate sufficient waste storage and collection, contrary to Core Policy 57(vii) of the Wiltshire Core Strategy and sections 5.4 and 5.6.6 of the Waste Storage and Collection SPD.

Parvis Khansari **- Corporate Director, Place**

NOTES

1. **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to refuse permission, they may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - Appeal a planning decision: Overview - GOV.UK (www.gov.uk)).