

APPLICATION FOR FULL-PLANNING PERMISSION

CASE OFFICER REPORT

APPLICATION REFERENCE:	PL/2026/01034
APPLICATION TYPE:	Full planning permission
SITE ADDRESS:	Avonside Enterprise Park, New Broughton Road, Melksham, SN12 8AD
DEVELOPMENT DESCRIPTION:	Change of use of units on first floor of Block D from Use Class Sui Generis to Use Class C3 (4 residential dwellings)
RECOMMENDATION:	Planning permission granted

SITE DESCRIPTION/CONTEXT

The application site comprises the Avonside Enterprise Park which is a collection of buildings located on the northern bank of the River Avon. The “Avonside Chimney and distinctive roof-line” are Locally Valued Non-designated Heritage Assets based on the Joint Melksham Neighbourhood Plan 2. The site has a historic utilitarian character provided by the industrial buildings, modern non-descript additions including a single storey structure to the west of the site and the intervening spaces dominated by hard standing.

The local context is characterised by a range of building styles, the River Avon and the dominating road network from the A350 leading to the bridge over the River Avon and back again. Historic buildings include residential properties fronting the streets, but there are notable commercial provisions including car sales, supermarket, pubs, the redundant Avon Tires site and then Avonside Enterprise Park. Immediately adjacent to the site is the Grade II listed “Bridge Over River Avon” and to the north-east the Grade II listed “Gate Piers, Gates and Railings to the front of Avon House”.

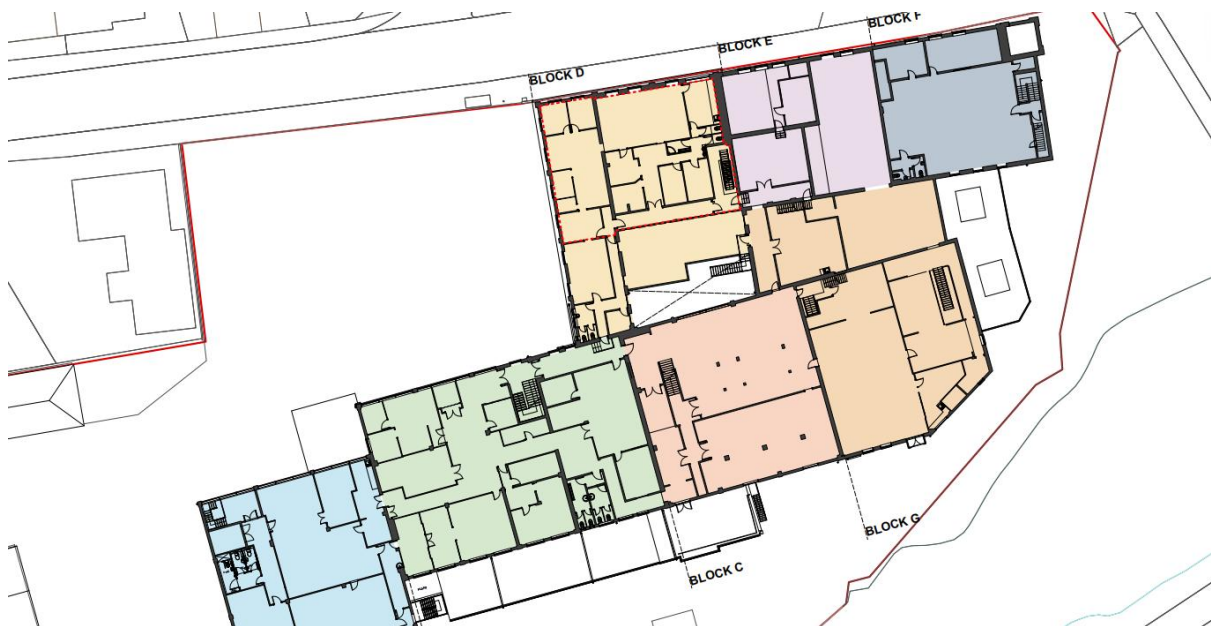


Figure 1: Existing first floor plan. Block D being the application site.

The site is designated as a Principal Employment Area but is located outside of the identified Town Centre. There are a variety of uses at the site of a commercial nature including Class E uses. The area impacted by this proposal has reportedly been vacant for 2 years having last been in a Sui Generis use as a Swinger's Club.

PROPOSAL

This is a full planning application related to the change of use of Sui Generis space on the first floor of Block D at the Avonside Enterprise Park. The application proposes the creation of 4 units in total through this process (Separately via a prior approval process it is proposed to change the use of 1st, 2nd and 3rd floors of Block C to create 15 apartments and 2nd floor of Block D to create 2 apartments).

Proposed accommodation schedule:

1-bedroom / 1-person (41.6m²) x1

1-bedroom / 2-person (50m²) x1

2-bedroom / 3-person (60m²) x2



Figure 2: Proposed first floor plan including demolition between Blocks C and D.

The application has been submitted concurrently with other applications to include prior notification for demolition, change of use of Class E space to create 17 apartments; full planning permission for associated operational development including demolition, making good and landscaping; and an advertisement consent application for a range of advertisements throughout the site.

PLANNING HISTORY

Proposal / Summary
W/84/00551/FUL - Full planning permission Decision - Approve with Conditions Date: 5/6/1984 – Change of use to offices units 8, 9, 10 and 11
W/92/00168/FUL - Full planning permission Decision - Approve with Conditions Date: 14/4/1992 – Use as B1 Units
W/90/00984/FUL - Full planning permission Decision - Approve with Conditions Date: 25/9/1990 – Change of use to light industrial units Class B business
W/92/00169/FUL - Full planning permission Decision - Approve with Conditions Date: 14/4/1992 – Use as B8 Units
W/90/00985/FUL - Full planning permission Decision - Approve with Conditions Date: 25/9/1990 – Provision of warehousing/storage facilities as defined under class B8
W/84/00548/FUL - Full planning permission Decision - Approve with Conditions Date: 5/6/1984 – Change of use to light industrial (ground and first floor only) units 1, 3 and 8-15
W/84/00549/FUL - Full planning permission Decision - Approve with Conditions Date: 5/6/1984 – Change of use to warehousing (ground, first, second and third floors) units 1 and 3
W/84/01303/FUL - Full planning permission Decision - Approved Date: 20/11/1984 – Change of use to light industrial (remainder of Unit 1 ground and first floor only)
W/84/01304/FUL - Full planning permission Decision - Approved Date: 20/11/1984 – Change of use to warehousing remainder of unit 1 ground and first floors only
W/90/00986/FUL - Full planning permission Decision - Withdrawn Date: 12/9/1990 – Change of use to offices class A2 financial and professional services
W/84/00550/FUL - Full planning permission Decision - Approve with Conditions Date: 5/6/1984 – Change of use to general industrial units 12-15
W/84/00928/FUL - Full planning permission Decision - Approved Date: 28/8/1984 – Change of use to light industrial
W/11/01835/FUL - Full planning permission Decision - Approve with Conditions Date: 31/8/2011 – Change of use to carry out motorcycle MOT's and repairs
14/09336/FUL - Full planning permission Decision - Approve with Conditions Date: 19/1/2015 – Retrospective application for the change of use of Units F6 and F7 from pole dancing studio (D2 use) to facilitate an extension of the existing permitted use of unit F8 as Angels Swingers Club (Sui Generis Use). This application also proposes an increase
15/08670/FUL - Full planning permission Decision - Approve with Conditions Date: 29/10/2015 – Change of use from Lighting Store to Dance Studios
18/07750/FUL - Full planning permission Decision - Approve with Conditions Date: 9/10/2018 – Proposed Conversion of Shop into Laundrette
PL/2024/03366 - Prior Approval Part 3, Class MA: Commercial, business and service uses to dwellinghouses Decision - Prior Approval Not Required Date: 3/10/2024 – Prior Approval, Part 3, Class MA: Change of use of first floor office space to one self contained flat (No external changes to building)
W/00/01111/FUL - Full planning permission Decision - Approved Date: 7/8/2000 – Change of use from store room to Martial Arts centre
W/01/01979/FUL - Full planning permission Decision - Approve with Conditions Date: 7/1/2002 – On site canteen facility
W/04/01780/FUL - Full planning permission Decision - Approve with Conditions Date: 10/11/2004 – Change of use from B1 to A1 (Ground floor only)
W/07/03639/FUL - Full planning permission Decision - Approve with Conditions Date: 11/1/2008 – Change of use to gym/fitness centre
W/08/02280/FUL - Full planning permission Decision - Approve with Conditions Date: 2/9/2008 – Retrospective change of use of building to class D2 (leisure and assembly)

W/10/03524/FUL - Full planning permission Decision - Approve with Conditions Date: 30/12/2010 – Retrospective application for the change of use of Retail premises (A1 use) to a Gym(D2 use)
W/11/03275/FUL - Full planning permission Decision - Approve with Conditions Date: 7/3/2012 – Change of use to private members club
W/75/00443/HIS - Historic apps 1974 to 1983 Decision - Approve with Conditions Date: 23/6/1975 – Change of use - Dwelling to Offices
W/84/00747/FUL - Full planning permission Decision - Approved Date: 17/7/1984 – Change of use to health club
W/84/00979/FUL - Full planning permission Decision - Approved Date: 28/8/1984 – Change of use from office to residential (reversion to original use)
W/84/01169/FUL - Full planning permission Decision - Approve with Conditions Date: 23/10/1984 – Change of use to light industrial
W/85/00852/FUL - Full planning permission Decision - Approve with Conditions Date: 17/9/1985 – Change of use to light industrial of building fronting New Broughton Road
W/85/00853/FUL - Full planning permission Decision - Approve with Conditions Date: 17/9/1985 – Change of use to warehousing of building fronting New Broughton Road
W/85/00854/FUL - Full planning permission Decision - Approve with Conditions Date: 17/9/1985 – Change of use to offices (first floor only) of building fronting New Broughton Road
W/85/00954/FUL - Full planning permission Decision - Approve with Conditions Date: 17/9/1985 – Change of use from light industrial to leisure snooker club for private members
W/86/00628/FUL - Full planning permission Decision - Approved Date: 24/6/1986 – Change of use second floor of main building to office suite and ancillary flat and opening up blocked windows
W/86/01476/FUL - Full planning permission Decision - Approve with Conditions Date: 13/1/1987 – Change of use of ground floor from light industrial workshop to leisure and snooker hall
W/97/00969/OUT - Outline Planning Decision - Refused Date: 11/9/1997 – Rental flats development
W/97/01286/OUT - Outline Planning Decision - Approve with Conditions Date: 13/11/1997 – Rental flats development
W/99/00450/FUL - Full planning permission Decision - Refused Date: 21/7/1999 – Change of use of snooker room on first floor and whole of ground floor to licenced nightclub
W/99/01876/FUL - Full planning permission Decision - Approve with Conditions Date: 10/2/2000 – Convert single dwelling to two dwellings and extend to form four 1 bedroom flats
PL/2026/01033 - Site-wide installation of various signage for wayfinding and commercial purposes - Pending
PL/2026/01061 – Prior notification for CoU of units on the upper floors of Blocks C and D from Use Class E to Use Class C3 (17 dwellings) - Pending
PL/2026/01035 - External alterations, part demolition and landscaping - Pending
PL/2026/010326 - Demolition of Block G and an existing free-standing building known as Scouts Hut / Scotts Gym at Avonside Enterprise Park, Melksham – Prior Approval Not Required.

RELEVANT LEGISLATION, POLICIES AND GUIDANCE

Development Plan:

The development plan for Wiltshire comprises the *Wiltshire Core Strategy (WCS)* (adopted January 2015) and any made neighbourhood plans, which remains the principal statutory

planning document guiding development across the county. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.

Though the development plan is considered as a whole, those parts deemed to be particularly relevant to this application are listed below:

The adopted *Wiltshire Core Strategy (WCS)*, with particular regard to:

- Core Policy 1 Settlement Strategy;
- Core Policy 2 Delivery Strategy;
- Core Policy 3 Infrastructure Requirements;
- Core Policy 15 Spatial Strategy Melksham Community Area
- Core Policy 35 Existing Employment Land
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 45 Meeting Wiltshire's Housing Needs;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 55 Air Quality;
- Core Policy 56 Contaminated Land;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport & Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 64 Demand Management
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;

The 'saved' policies of the adopted *West Wiltshire District Plan 1st Alteration (WWDP)*, with particular regard to:

- H16 Flat Conversions
- TC1 Upper Floor Uses in Town Centres
- U1a Foul Water Disposal

The made *Joint Melksham Neighbourhood Plan 2 (JMNP2)*, with particular regard to:

- Policy 5: Pre-application Community Engagement
- Policy 10: Employment Sites
- Policy 13: Biodiversity
- Policy 18: Landscape Character
- Policy 20: Locally Distinctive, High Quality Design
- Policy 21: Local Heritage
- Priority Statement 4: Progressing Town Centre Master Plan Area Regeneration

Statutory Legislation:

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

National Planning Policy:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide

Supplementary Planning Documents and other Guidance:

- Wiltshire Design Guide (adopted April 2024)
- Wiltshire Local Transport Plan 2011-2026, adopted 2015 - including the Car Parking Strategy and Cycling Strategy, adopted 2015
- Wiltshire Council's Waste Core Strategy, adopted July 2009
- Wiltshire Council's Waste Storage and Collection: Guidance for Developers Supplementary Planning Document, January 2017
- A Green & Blue Infrastructure Strategy for Wiltshire: Wiltshire's Natural Environment Plan 2022-2030
- Wiltshire Local Cycling and Walking Infrastructure Plan (LCWIP)
 - Active travel infrastructure design standards 2022
 - Active travel parking standards and design guide 2022
- LTN1/20 – Cycle Infrastructure Design (July 2020)
- Air Quality SPD (July 2023)
- Melksham Town Centre Masterplan – Final Report July 2023.

Draft Wiltshire Local Plan Policies

- Policy 1: Settlement Strategy
- Policy 2: Delivery Strategy
- Policy 3: Reserve sites and broad locations for growth
- Policy 4: Addressing climate change
- Policy 5: Securing infrastructure provision from new development
- Policies 6-20: Chippenham Area Strategy
- Policies 21- 43: Salisbury Area Strategy
- Policies 44- 51: Swindon Area Strategy
- Policies 52 – 63: Trowbridge Area Strategy
- Policies 64 – 75: Economic, tourism, retail and transport
- Policies 76 – 84: Social, housing, community, public open space and wellbeing
- Policies 85 – 101: Sustainability, ecology, water and landscape, heritage, air quality

The above are currently the strategic policies within the emerging Local Plan. The examination of the emerging Wiltshire Local Plan has been paused and the weight to be afforded to any part of the emerging plan can be no more than very limited. A decision on how to proceed will be made by the Council in May 2026.

ISSUES

The main issues that need to be addressed in this case include:

- Principle of development.
- Principle Employment Area

- Impact on on-going commercial activity
- Living conditions of future occupiers
- Land contamination
- Flood risks
- Accessibility and Highway Safety
- Design and heritage considerations
- Ecology and Biodiversity Net Gain
- Any other material considerations

CONSULTATION RESPONSES

WC Highways: No objection subject to condition to secure proposed details of access, turning and parking.

WC Conservation: No objection.

WC Public Protection: No comments received.

WC Ecology: No objection subject to conditions

WC Drainage: No objection subject to conditions

Environment Agency: No objection but would like the local planning authority to consider safe access and egress in any flood event and appropriate consultation with emergency planners and services is carried out.

Melksham Town Council: No objection.

“Melksham Town Council has considered the applications en-bloc. On the understanding that existing businesses would not be affected and would continue to trade, Melksham Town Council feel the proposals would be of benefit to the development of the area.”

“Additionally to previous comments these applications aligns with the Melksham Town Centre Masterplan which includes

- *Section 3.3 – “Walkable Neighbourhoods”*
- *Section 5 - “To make the town of Melksham and the parish of Melksham Without great places to live, to work, to play and to visit*
- *Section 5.1 - “A connected town centre and healthy, active community”*
- *Section 5.2 - “A vibrant and diverse town centre.”*

Melksham Without Parish Council: Comment.

“Melksham Without Parish Council request that regard is taken of Priority Statement 4 (Progressing Town Centre Master Plan Area Regeneration) in the Melksham Neighbourhood Plan 2 and the Melksham Town Centre Master Plan Report as they include the Avonside Enterprise Park.”

REPRESENTATIONS

In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended), the application was publicised by way of:

- A site notice displayed near the site; and
- An advertisement placed in the local press.

These methods were used to inform interested parties and provide a period of 21 days for comments to be submitted.

Below is a summary of the representations received during the consultation period. Only material planning considerations have been taken into account in the assessment of this application. Non-material issues, such as property values or private legal disputes, cannot be considered in the determination process.

No comments received.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

In accordance with this statutory requirement, this application has been assessed against the relevant policies of the Development Plan, including the Wiltshire Core Strategy (2015) and, where applicable, any made Neighbourhood Plans. Consideration has also been given to the policies of the National Planning Policy Framework (NPPF) as a material consideration in the assessment.

Principle of Development

Policy Context

Core Policy 1: Settlement Strategy of the WCS establishes a hierarchy of settlements to guide where development should be focused. The policy prioritises growth in:

- Principal Settlements (e.g., Salisbury, Chippenham, Trowbridge) – main focus for strategic growth.
- Market Towns – support local services and employment; suitable for sustainable development.
- Local Service Centres – smaller towns and villages with a range of services; limited development supported.
- Large and Small Villages – development should be limited and respond to local needs.
- Outside the defined settlements – development is strictly controlled and generally not supported unless exceptional circumstances apply.

Core Policy 2: Delivery Strategy of the WCS sets out how development will be distributed and delivered across Wiltshire. The policy emphasises:

- Sustainable patterns of growth, reducing the need to travel and supporting local services.
- Development should be plan-led, aligning with the settlement strategy and supported by infrastructure.
- Windfall development (not allocated in plans) must still comply with the principles of sustainable development.
- Development outside settlement boundaries is generally not permitted, unless it meets specific policy exceptions (as set out in paragraph 4.25 of the WCS).

Together, CP1 and CP2 ensure that new development is strategically located, sustainable, and supports the character and function of Wiltshire's communities.

Assessment

In principle this is considered to be a suitable location for housing development which confirms with the development plan. However, it is also necessary to have regard to the loss of the existing use at a Principal Employment Area and detailed considerations including compatibility of the mixed uses that would result within the wider site.

Conclusion

The proposal would accord with CP1 and CP2 of the development plan and is considered to be acceptable in principle.

Principal Employment Area

Policy Context

Core Policy 35 sets out that Wiltshire's Principal Employment Areas (as listed in the Area Strategies) should be retained for employment purposes within use classes B1, B2 and B8 to safeguard their contribution to the Wiltshire economy and the role and function of individual towns. It goes on to state that within the Market Towns and Principal Employment Areas proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must demonstrate that they meet, and will be assessed against criteria i)-vi).

Policy 10 of the JMNP2 sets out that on employment sites that except where sites are allocated for alternative uses by this Plan, development proposals should generate the same number, or more, permanent full time equivalent jobs as the existing or former use wherever this approach is practicable.

Paragraph 85 of the NPPF sets out that planning decisions should help create the conditions in which businesses can invest, expand and adapt.

Assessment

This is a proposal for change of use from Sui Generis to Class C3 residential. The last known use of the site is understood to be a 'Swinger's Club'. It has been reportedly vacant for 2 years. As such, CP35 is not strictly considered to be applicable here. Furthermore, it is noted that the policy predates the changes to the use class order and the introduction of Class MA permitted development rights that allowed for the change of use of employment type uses to residential subject to a 'light touch' prior notification process. In this context the policy is

considered to have reduced weight and its fundamental aim has been undermined by government changes since it was adopted.

Policy 10's supporting text acknowledges that the creation of use class E and MA has affected the delivery of Wiltshire Core Strategy Core Policy 35 and then goes on to refer to the emerging Local Plan Review policy approach. That approach can be afforded no more than very little weight given the recent Inspector's letter to Wiltshire Council on its Local Plan Review. The Inspectors have suggested that the Council withdraws its emerging plan.

The JMNP2 reiterates that Policy 10 is effectively advisory in stating that the policy advises that proposals should generate the same number, or more, permanent full time equivalent jobs as the existing or former use wherever this approach is practicable (emphases added). As such, flexibility in its application is necessary. The last known use of the site is not considered to be a high value use in employment terms, and the proposal impacts an upper floor of the site, retaining the vast majority (even taking this application cumulatively with the associated prior notification) of the floorspace in non-residential uses. The applicant has set out a clear case for diversify the uses on the site in order to try and generate greater levels of vitality and viability overall with a "drink, eat, work, play, live" destination being generated.

The applicant has set out that they have been engaging with stakeholders since 2022 and agree that the core of the site ought to remain commercial and employment, but diversification is effectively required in order to support a phased investment at the site. They state that *"The reality is that the large areas of the upper floors of the estate are currently under utilised and vacant. It has not been viable to bring these spaces back into active occupation despite active marketing and investment by Moonraker since August 2022. The upper floor spaces will continue to decline without a step change in investment and approach. In turn, this will undermine ongoing investment and planned activity across the wider estate. Ultimately, this position will limit the scope for investment and regeneration of the estate"*.

Whilst it is not necessarily demonstrated that the upper floors of the estate are no longer necessary or desired for employment purposes as a whole, it is recognized that this specific proposal is about the loss of a Swinger's Club to residential, rather than the loss of a high value employment opportunity or loss of traditional employment floorspace. The space has reportedly been vacant for 2 years. Each case should be assessed on its merits and whilst limited evidence has been provided in relation to marketing, on balance there is sufficient information to take a pragmatic view here.

Conclusion

Whilst the loss of full-time equivalent jobs from the change of use is disappointing, there is limited demonstrable conflict with the development plan given the existing lawful use is Sui Generis. That the premises have been vacant for 2 years is not evidenced but has been taken in good faith. Furthermore, the loss impacts a small proportion of the wider Principle Employment Area (even taken cumulatively) and would provide an opportunity for reimagining the site so as to create a more vibrant and viable level of activity with consequent investment. Assessing this case on its own merits the loss of a Sui Generis use could be considered to have a negative impact, but there is no clear conflict with CP35 and Policy 10. There is little interest or objection to the proposals.

Impact on on-going commercial activity

Policy Context

CP57 of the development plan sets out that proposed development, as part of good design, should have regard to the compatibility of adjoining buildings and uses.

Paragraph 187(e) of the National Planning Policy Framework (NPPF) requires that planning decisions contribute to and enhance the natural and local environment by ensuring that new and existing development does not contribute to, or is not exposed to, unacceptable levels of noise pollution. This includes preventing development from being put at risk or adversely affected by such impacts.

Assessment

It is clear from the planning history and a site inspection that a variety of uses have taken place at the site in the past 4 or more decades since the site was well used for dairy processing activity. Indeed, there is now an under occupation of the site. Uses on site now include a variety of activities but none that might be considered waste management, intensive B8 storage and distribution or heavy industry.

Moreover, the application has been submitted with a noise impact assessment that has indicated that the change of use to include residential uses at the site could be accommodated without detrimental impact to future occupiers subject to some building works to attenuate between uses. Subject to the detailed attenuation being secured it is considered that existing commercial uses can continue to operate at the site without fear that they will have a harmful impact on future residents.

Conclusion

In relation to compatibility with on-going commercial uses at the wider site, subject to mitigation identified in the submitted noise assessment the proposed residential use is considered to be compatible.

Living conditions of future occupiers

Policy Context

Core Policy 57 (Point vii) of the Wiltshire Core Strategy requires development to respect the amenity of existing occupants and ensure appropriate amenity levels for future residents.

The National Planning Policy Framework (NPPF), particularly Paragraph 135, reinforces the need for development to provide a high standard of amenity for both existing and future users.

These policies guide the assessment of amenity impacts, which will be considered in detail under the below headings.

Assessment

Noise –

No comments have been received from public protection officers and from the planning history it is clear that a wide range of activities have been accommodated at the wider site since the late twentieth century and the decline of the site as a dairy processing facility.

The application has been submitted with a Noise Report by ion acoustics which considers the impacts to the proposed residential development from the existing commercial activity and from the road noise on the A3102.

In terms of noise from the commercial units the report sets out that there is potential conflict between the unrestricted operation of commercial activity at the site such as gyms and music studios. However, “in most cases, measured noise levels from the commercial units were not particularly high and would be compatible with residential uses above”. Nonetheless, the applicant’s own consultants have advised them that sound insulation of the first floor over and above building regulations would be recommended, and design work is also required in relation to any commercial units with music and gyms. These measures are not detailed within the application however; it is considered that they may be controlled through a noise management plan that can be conditioned.

Turning to potential issues of noise from the proximity of the road fronting the site it is acknowledged that the proposals are located in a mixed area on the fringes of the town centre and immediately to the west of the site there are residential properties in a similar proximity to the road at Block D. Therefore, in principle there is no concern. However, the applicant’s own consultants make recommendations for action in respect of fenestration and mechanical ventilation details. Mechanical ventilation could be provided through mechanical ventilation heat recovery, which would also address matters of overheating. The applicant has located bedrooms away from noisier elevations where possible and indicate the use of openable windows to the rear only. 1 bedroom remains on the north side of the building and a further one on the return still near the road noise. Alternative options are also explained in addition to mechanical ventilation. In light of the conclusions above it is considered that a conditional approach that allows for flexibility on the final details is appropriate here.

Internal and External Space Standards

The proposed units broadly comply with the Technical Housing Standards – nationally described space standard with a nominal shortfall of 1m² for the 2-bed, 3-person units; and noting that the studio demonstrates potential 2-person occupancy through the plan showing a double bed. If asked to address this the applicant would likely just draw a replacement single bed and in real terms future occupiers will provide the furniture they can/want. The deficiencies here weigh against the proposals but have limited weight given the degree of shortfall and the need to support an efficient use of land. Furthermore, this is a proposal for conversion and a level of pragmatism needs to be had.

Sunlight and Daylight

The proposed development is considered to represent an efficient use of brownfield land and it has to be acknowledged that this is a form of development that the government generally seeks to support as redevelopment of a brownfield site.

The application has been submitted with an Internal Daylight and Sunlight report by dpr which is based on operational development occurring in order to facilitate the change of use. The operational development includes a notable level of demolition (which has approval but is yet to be carried out) and also some modifications to the location of fenestration (7 windows to the south elevation serving all the bedrooms to unit 1.07 and providing all natural light to unit

1.06). It is also noted that the document relates to other development beyond the scope of this proposal including the change of use of Class E to create 17 more flats.

Nonetheless, the report sets out that in housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. It is viewed as less important in bedrooms and in kitchens. This is a reasonable approach, and the report is afforded some weight in assessing whether the provision of adequate natural light in all habitable rooms of the dwellinghouses is being achieved.

It is noted that 100% of the proposal would have suitable access to natural daylight. Noting this, whilst a number of rooms would have deficiency in relation to natural sunlight this is not a significant concern and should be balanced against the fact that this is a change of use of an existing built form, would represent a suitable density in this location and the tests applied are guidance and not a requirement. Furthermore, the less positive results principally impact bedrooms.



Figure 3: Extract from the submitted daylight and sunlight report illustrating the area of concern in relation to access to natural sunlight.

Subject to the other works including demolition occurring it is considered that the proposals would be acceptable in design and light terms. A condition is considered reasonable and necessary though to ensure that the operational development is delivered prior to first occupation of any of the residential units.

Privacy

The proposal would have no issues of overlooking or intervisibility on the north and west elevations. To the south elevation the proposal would be only 10 metres from Block C (contributing to the lack of natural sunlight). Block C at upper floor levels is proposed to be converted to residential use in a parallel prior notification application. As such, it is likely that the proposal would result in intervisibility between habitable rooms from a distance of as little as 10 meters. Whilst this would not be suitable in a greenfield suburban development, within the context of this brownfield edge of centre location that does not pose any significant concerns.

Conclusion

In conclusion the proposal would, have some limited conflict with CP57 in terms of issues of privacy, access to natural sunlight and also noise. Whilst this can be mitigated to an extent the issues cannot be completely resolved within the constraints of this being a brownfield site and a building conversion. Indeed, within this context a lower level of amenity is considered reasonable and it is also considered that future occupiers would be aware of the limitations of their accommodation prior to taking occupancy.

Environmental considerations including contamination

Policy Context

Core Policies 55 and 56 of the Wiltshire Core Strategy require:

- Development proposals to avoid unacceptable environmental impacts.
- To provide appropriate mitigation where risks are identified.

Paragraph 196 of the National Planning Policy Framework (NPPF) sets out the expectations for planning decisions in relation to land quality and safety. It states that:

- a) Sites must be suitable for their proposed use, taking into account ground conditions and any risks arising from land instability or contamination. This includes risks from natural hazards or former activities such as mining, and any proposed mitigation measures, including land remediation and its potential environmental impacts.
- b) Following any necessary remediation, land should not be capable of being determined as contaminated under Part IIA of the Environmental Protection Act 1990.
- c) Adequate site investigation information, prepared by a competent person, must be available to inform the assessment of these risks.

In the context of this proposal, the Local Planning Authority must be satisfied that the site is not subject to contamination or instability that would render it unsuitable for the proposed use, and that any necessary investigations or mitigation measures have been appropriately considered.

Assessment

No comments have been received from public protection officers and from the planning history it is clear that a wide range of activities have been accommodated at the wider site since the late twentieth century and the decline of the site as a dairy processing facility. The Environment Agency have raised no objections and they have coverage of pollution matters including contaminated land.

The application has been submitted with a desk-based contaminated risk assessment by tec. This sets out that *“should any new structures, areas of soft landscaping/gardens and/or significant ground works be proposed as part of the development works, additional assessment would be required to fully investigate the potential Significant Pollutant Linkages identified in order to fully define the geoenvironmental issues associated with the site in relation to the proposed development.”*

This proposal is change of use only and it impacts the upper floor of the built environment only. No operational development is proposed here. In light of this and based on the

recommendations within the applicant's submission it is not considered necessary to seek further information within the limited scope of this application, rather it is a matter for the parallel application that deals with proposed operational development at the site.

Briefly, given that the proposal relates to 4 residential units created by a change of use of the upper floor then air quality is not a significant concern.

Conclusion

Based on the information available, given that the proposal impacts the upper floors of the building only, and that it has most recently been in use as a swinger's club it is not considered that any further information on contaminated is required. This is a view supported by the no objection response from the Environment Agency.

Flood risks

Policy Context

Core Policy 67 of the Wiltshire Core Strategy and NPPF paragraphs 170–182 require:

- Avoidance of increased flood risk.
- Use of appropriate mitigation measures.
- Application of the sequential and exception tests for developments in Flood Zones 2 or 3.

The NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided by steering development towards areas with the lowest risk, whether that risk is current or future. Where development is necessary in areas at risk, it must be demonstrated that the development can be made safe for its lifetime without increasing flood risk elsewhere.

Assessment

The proposed development relates only to the change of use of the first floor of a site that is known to have elevated flood risks being adjacent to the River Avon. The application has been submitted with a site-specific flood risk assessment which identifies the risks.

Given that the proposals relate to the upper floors of the site, even though this would introduce a more vulnerable use the proposals do not pose any significant concerns given it's a brownfield site. The development would be safe for its lifetime without increasing flood risk elsewhere.

Safe access and egress in the event of a flood event has been considered noting that it is a matter that is raised by the Environment Agency. The applicant has stated that appropriate mitigation and design measures will be incorporated to manage residual risk. In the circumstances this might most appropriately include future residents signing up to flood warnings from the Environment Agency. This can be secured through a condition to require a Flood Warning and Evacuation Plan. On balance, given this is a planning application impacting upper floors only this is considered reasonable in the circumstances of this particular application.

Conclusion

The Environment Agency raise no objection to the proposals and any residual concerns regarding the safe access and egress in any flood event can be mitigated through appropriate use of conditions.

Accessibility and Highway Safety

Policy Context

Relevant policies include Core Policies 60–64 of the Wiltshire Core Strategy, supported by the Wiltshire Local Transport Plan, Car Parking Strategy, and Cycling Strategy. The Local Cycling and Walking Infrastructure Plan (LCWIP) and LTN 1/20 (DfT) provide further design guidance for active travel infrastructure.

Paragraph 115 of the National Planning Policy Framework (NPPF) emphasises the importance of promoting sustainable transport modes, ensuring safe and suitable access for all users, and designing development in accordance with national guidance. It also requires that any significant impacts on the transport network—whether in terms of capacity, congestion, or highway safety—can be mitigated in a cost-effective manner.

Paragraph 116 of the NPPF further clarifies that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network, following mitigation, would be severe.

Assessment

The proposals seek the change of use of limited areas of the first floor in Block C to create 4 residential units, consisting of 2 one-bedroom and two 2-bedroom units. Highway officers advise that the wider site has allocated a total of 25 car parking spaces for residential use and in the context of this submission, this is sufficient to meet Wiltshire's Car Parking Standards, including when taking account for the proposed 17 units under application PL/2026/1061.

It must also be considered that this is a brownfield site with well-established access, parking, and turning. Whilst there are parallel proposals to amend this (which are subject to separate assessment) even if those did not occur there is no reason to consider that the change of use would result in a highway safety issue and certainly not a severe impact. The fallback of the site being brought back into use would also have highway implications comparable to the proposed use. Additionally, it is also noted that this is a highly accessible site with convenient walking and cycling options, bus stops immediately outside the site and a train station within a relatively short walk.

Therefore, given the extant and historical use of the site; the technical expert highway advice being that there are no concerns in terms of highway safety or highway capacity impacts from the proposed development then this is not a matter of significant concern. Highway officers raise no objection subject to condition to require the wider changes to access and parking to be provided prior to occupation. However, whilst it is most likely that those changes would occur, even if they did not, there remain ample facilities for access, parking and turning anyway. As such, conditions are not considered necessary.

Conclusion

The proposal would not result in a highway safety impact and represents an accessible site where future residents would be able to make use of alternative modes of travel other than

private vehicles. This aligns with current policy which seeks to support modal shift in development.

Design and heritage considerations

Policy Context

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that designated and non-designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance and encourages proposals which improve the condition of heritage assets at risk.

The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments. The policy requires applicants to "demonstrate how the proposal will make a positive contribution to the character of Wiltshire through (amongst other things) responding to the value of the natural and historic environment and being sympathetic to and conserving historic buildings and landscapes. Development is required to respond positively to the existing in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.

Policy 20 of the JMNP2 sets out that development proposals should contribute positively to the conservation, enhancement and extension of the quality and local distinctiveness of the neighbourhood area. Policy 21 goes on to establish that for other assets of local heritage importance development proposals should demonstrate that appropriate consideration has been given to the significance of the asset, its most important and distinctive features, elements of its setting and surrounds that contribute to its significance and the contribution the asset makes to the local area.

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 (Planning Permission) requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy for planning. Chapter 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. In particular:

Paragraph 208 requires LPAs should "avoid or minimise any conflict" between the heritage asset's conservation (which includes achieving its optimum viable use) and any aspect of a proposal.

Paragraph 210 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable new uses and of new development making a positive contribution to local character and distinctiveness.

Paragraphs 212 requires “great weight” to be given to an asset’s conservation “irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 213 advises that harm to the significance of a designated heritage asset should require “clear and convincing justification”.

Paragraphs 213-215(214-216) require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved.

Paragraph 220 advises that not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm or less than substantial harm as appropriate.

The Planning Practice Guidance provides guidance on interpreting the NPPF.

Assessment

Taking the change of use in isolation, this poses no concern in terms of the character and appearance of the wider area that is some distance from any designated conservation area. Furthermore, there are intervening buildings between the area to which the change of use relates and the listed bridge to the east. As such there would be no impact from the change of use on any designated heritage assets.

The change of use does require operational development in order to occur and this is considered more fully in the parallel planning application that addresses this. It is also noted that the demolition has been approved via a prior notification process. In short, the demolition and operational development required to make the change of use occur poses no concern to the key features of the former dairy processing building – namely its industrial roof form and chimney.

Conclusion

The proposed change of use would not cause any harm to the character and appearance of the area noting that the site’s built form is identified as a non-designated heritage asset in the JMNP2. Furthermore, it would not cause harm to the setting of designated heritage assets including the town bridge to the east.

Ecology and Biodiversity Net Gain

Policy Context

Core Policy 50 of the Wiltshire Core Strategy requires development to:

- Avoid harm to ecological assets.
- Support habitat restoration and connectivity.
- Integrate biodiversity into site design.

Assessment

The application has been submitted with an ecological impact assessment, and the proposal has been subject to consultation with the council’s ecologist. They raise no objection subject to conditions.

The site does not fall within any protected sites or consultation zones. It is, however, approximately 35m northwest of the Bristol Avon/River Avon, which comprises a Priority Habitat and County Wildlife Site. This river ultimately connects to the extent of the River Avon that is statutorily designated as a Special Area of Conservation (SAC).

The development area is separated from the river by continuous buildings to the east and south, as well as a car parking area and brick wall. Nonetheless, as recommended by the ecology report, precautionary measures during construction will be appropriate to ensure this habitat is not adversely affected. A Construction Method Statement should be secured via condition, and this (or similar) will also likely be required for other relevant proposals in the wider site. However, this is considered to be most appropriate in relation to the operational development rather than the change of use subject to this specific proposal.

Block D was found to have negligible suitability for use by roosting bats, with no suitable features noted. As such, no further bat surveys are required.

The site is in an urban location and already subject to light spill. The site comprises hardstanding in its entirety and, therefore, is unlikely to be of any significant value to foraging bats. However, as it is adjacent to a river corridor, bats likely use the connecting habitats for foraging and commuting. Species recorded using this corridor (during emergence surveys of building/s in the wider site) include pipistrelles, brown long-eared bats, noctules, but also rarer species (and Annex II species) such as greater and lesser horseshoes. It will therefore be appropriate to ensure any new lighting – of the wider site – is wildlife-sensitive. However, this is considered to be most appropriate in relation to the operational development rather than the change of use subject to this specific proposal.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 193d). It is understood that the majority of works will be internal with the redline boundary comprising the existing building only, though new openings will be required (to accommodate new windows). If possible, the installation of swift bricks or bat bricks would be welcomed, but it is not necessary.

In terms of Biodiversity Net Gain this is a proposal for change of use only and associated development required to make it happen would be *de minimus*.

Conclusion

The technical expert ecological advice has been considered with care, but given that this is a planning application for change of use of the first floor of Block D only the conditions are not considered to be reasonable or necessary in relation to this element of the wider development proposals.

Any other material considerations

Brownfield development

Paragraph 125c sets out that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. This is a

brownfield site and it is clear that this is a factor that ought to be afforded substantial weight in favour of granting planning approval.

Efficient Use of Land

Paragraph 125d sets out that planning decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained. The proposal would make an efficient use of land and reflect a higher density of development compared to most greenfield developments. This weighs positively in favour of granting approval noting that the area impacted has been vacant for 2 years since the previous swinger's club stopped using the site.

5 year land supply position

The Council currently does not have a 5 year housing land supply. The proposal would provide 4 additional units and in this context that is a factor that weighs positively in favour of granting approval in any planning balance, even when it is being proposed within a policy compliant location.

Pre-commencement Condition Agreement

This recommendation includes pre-commencement planning condition(s) relating to noise. In accordance with Section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority formally notified the applicant/agent of the proposed condition(s) and sought their agreement. Written confirmation of agreement was received from the applicant's agent on 24 April 2026.

PLANNING BALANCE AND CONCLUSION

At the heart of the NPPF there is a presumption in favour of sustainable development requiring local planning authorities to approve development proposals that accord with an up-to-date development plan without delay; and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless (taken from paragraph 11d of the NPPF):

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

The principle of development is considered acceptable when assessed against the settlement strategy of the Wiltshire Core Strategy and the emerging Local Plan.

The proposal is broadly compliant with relevant local and national planning policies in respect of the above considerations, subject to the recommended conditions and any necessary mitigation measures.

The development would deliver clear benefits, including provision of additional housing in any area lacking 5 year housing land supply, delivering an efficient use of land, securing the optimum use of a non-designated heritage asset and providing betterment of a site that is in

need of investment such as to contribute more positively to the vibrancy and vitality of this fringe of town centre location, which weigh positively in the overall planning balance.

No material considerations have been identified that would significantly and demonstrably outweigh these benefits or indicate that permission should be refused, having regard to the assessment above and the representations received.

Accordingly, the proposal is considered acceptable in planning terms and in accordance with the development plan, the National Planning Policy Framework, and all other relevant material considerations.

RECOMMENDATION:

That Planning Permission be GRANTED, subject to conditions:

1.

3-year implementation

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2.

Approved plans:

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Site Location Change of Use – 1275_PL_S-001, Rev P1

BLOCKS A-G Proposed Ground Floor Plan – 1275_PL_GA-00 (A-G) Rev P1

BLOCKS A-G Proposed First Floor Plan – 1275_PL_GA-01 (A-G) Rev P3

Proposed Site Plan – 1275_PL_GA-00, Rev P1

Unit Types – 1B/2P Change of Use – 1275_PL_UT-03, Rev P1

Unit Types – 2B/3P Change of Use – 1275_PL_UT-04, Rev P1

Unit Types – Studio Change of Use – 1275_PL_UT-Studio, Rev P1

REASON: For the avoidance of doubt and in the interests of proper planning.

3.

Flood Warning and Evacuation Plan:

Prior to first occupation of the development a Flood Warning and Evacuation Plan shall be submitted to and approved in writing by the local planning authority. The development shall subsequently be implemented in accordance with the approved details.

REASON: In the interests of managing flood risks.

4.

Noise Management Plan:

No development shall commence until a Noise Management Plan has been submitted to and approved in writing addressing the matters raised within the Noise Report for Planning (Acoustic Report A2327 R01 dated November 2025). This shall address matters of noise from commercial units and road noise. The development shall be implemented in accordance with the approved details.

REASON: In the interests of providing suitable living conditions within the development.

5.

Grampian Condition to require implementation of other operational development:

Prior to the first occupation of the development the operational development (including demolition) required to bring the proposed units into alignment with the conditions evaluated in the Internal Daylight & Sunlight Report dated 4 June 2025 by dpr shall have been carried out. This shall include demolition, making good of surfaces, and installation of fenestration.

REASON: In the interests of providing suitable living conditions within the development.

BATS INFORMATIVE:

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.