

AGENDA

Meeting: Western Area Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 7 August 2024

Time: 3.00 pm

Please direct any enquiries on this Agenda to Ellen Ghey of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email ellen.ghey@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

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Membership

Cllr Christopher Newbury (Chairman)

Cllr Bill Parks (Vice-Chairman)

Cllr Trevor Carbin

Cllr Ernie Clark

Cllr Andrew Davis

Cllr Stewart Palmen

Cllr Horace Prickett

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr David Vigar

Cllr Suzanne Wickham

Substitutes

Cllr Matthew Dean

Cllr Jon Hubbard

Cllr Tony Jackson

Cllr Mel Jacob

Cllr George Jeans

Cllr Gordon King

Cllr Mike Sankey

Cllr Graham Wright

Cllr Tamara Reay

Cllr Bridget Wayman

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 12*)

To approve and sign as a correct record the minutes of the meeting held on 3 July 2024.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10 minutes before the start of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered.

Members of the public and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the

meetings.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 31 July 2024** in order to be guaranteed of a written response. In order to receive a verbal response, questions must be submitted no later than 5pm on **Friday 2 August 2024**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 13 - 28*)

To receive details of completed and pending appeals and other updates as appropriate.

Planning Applications

To consider and determine the following planning applications:

7 **PL/2021/09909: Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET** (*Pages 29 - 76*)

Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works).

8 **PL/2023/04128: The Old Vicarage and Staverton House, 51a New Terrace, Staverton, BA14 6NX** (*Pages 77 - 158*)

Demolition of the existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space and together with the existing home would provide 52 bedrooms total and associated works (Resubmission of PL/2021/10237).

9 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

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Western Area Planning Committee

MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 3 JULY 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr Bill Parks (Vice-Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Horace Prickett, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr David Vigar and Cllr Suzanne Wickham

40 **Apologies**

An apology for absence was received from Cllr Stewart Palmen.

41 **Minutes of the Previous Meeting**

The minutes of the meeting held on 5 June 2024 were presented, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

42 **Declarations of Interest**

Cllr Pip Ridout declared a non-disclosable non-pecuniary interest in application PL/2023/02682 by virtue of previous interactions with interested parties. She confirmed she would voluntarily not participate or vote on the application.

Cllr Andrew declared a non-disclosable non-pecuniary interest in application PL/2023/02682 by virtue of having been lobbied about the application by the applicant. He confirmed he would participate and vote on the application.

43 **Chairman's Announcements**

There were no Chairman's Announcements.

44 **Public Participation**

The procedure for public speaking was noted.

45 **Planning Appeals and Updates**

The planning appeals update report was noted. Attention was drawn to application PI/2022/09147 where refusal for an agricultural workers dwelling was upheld by the Planning Inspectorate, though it was noted that had the appellant been able to evidence an essential need for such a dwelling in the Green Belt, that would constitute as very special circumstances.

It was then,

Resolved:

To note the planning appeals update report.

46

PL/2024/02246: Trowbridge Rugby Football Club, Paxcroft, Hilperton, BA14 6JB

Public Participation

Richard Cosker, agent, spoke in support of the application.

Kevin Davis, Trowbridge Rugby Football Club, spoke in support of the application.

Richard Culverhouse on behalf of Hilperton Parish Council spoke in objection to the application.

Jemma Foster, Senior Planning Officer, presented a report recommending permission be granted for the retrospective application to regularise the use of part of the rugby club car park for (a) The stationing of storage and collection lockers and (b) Heavy Goods Vehicle Driving Licence training area.

Key issues included the principal of the application, impact upon the character and appearance of the area, and on highways. No objections had been received by statutory or technical consultees.

Members of the Committee were given the opportunity to ask technical questions of the officer. Details were sought on the planning conditions requested by the Council's ecologist, noting in particular that the biodiversity action plan request was not included within the planning report on the basis of that condition not meeting the legal tests to which all planning conditions must satisfy.

Members of the public were then able to address the Committee with their views, as detailed above.

The Local Member, Cllr Ernie Clark, then noted the objections raised by the Parish Council, and the officers recommended conditions to mitigate the potential impacts of the application. He also drew the Committee's attention to the original permission for the site and the restricted use which was permitted.

Following moving a motion to refuse which was not seconded, Cllr Ernie Clark moved that the application be approved as set out in the officer's report. This was seconded by Cllr Trevor Carbin.

During debate there was discussion around the restricted hours of operation for the HGV training on the site, and noting the play park was located on the opposite side of the site.

At the conclusion of debate, it was,

Resolved:

To grant planning permission subject to the following conditions:

1. The development hereby permitted retrospectively is based on the following approved plans and documents:

BDS-02-24-03 (proposed block plan), BDS-02-24-04 (storage lockers) received by the Local Planning Authority on 29th February 2024
BDS-02-24-01 (location plan) received by the Local Planning Authority on 14th March 2024
Highways Note received by the Local Planning Authority on 10th April 2024

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

2. The use hereby approved shall enure solely for B&W Truck Training and B&W Recruitment being identified as Lorry Manoeuvring Training on Drawing Number BDS-02-24-03 and shall operate only between the hours of 09:00 to 16:00 on Mondays and between 08:00 and 12:00 Tuesday to Fridays. No equipment including trucks and trailers associated with this consented use shall be present on the site outside of these hours. The use shall not operate on weekends or Bank Holidays.

REASON: In the interests of the users of the Trowbridge Rugby Club car park

3. The ByBox Storage area identified on drawing number BDS-02-24-03 shall only be used for the stationing of storage lockers as shown on drawing number BDS-02-24-04 and for no other use within Use Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In the interest of parking, highway safety and neighbouring amenity

4. No external light fixtures or fittings shall be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved in writing by the Council. The submitted details must demonstrate how the proposed lighting would impact on bat habitat compared to the existing situation alongside measures to minimise light pollution. Any lighting shall then be carried out in accordance with the approved details.

REASON: to avoid illumination of habitat used by bats

47 **PL/2023/02682: 6 Ash Walk, Warminster, BA12 8PY**

Public Participation

Chris Beaver, agent, spoke in support of the application.

Kenny Green, as Planning Manager, and in the absence of the case officer, presented the report recommending that permission be refused for the

conversion and extension of a partially constructed single storey ancillary garden building to a 2-storey detached dwelling and associated works. The Committee's attention was also drawn to the site planning history which was set out in detail in the published report.

Key issues included the impact on the setting of nearby heritage assets and the impact the proposed development would have upon the character of the area and the appropriateness of the proposed amenity provision when tested against the framework, the WCS, the made Warminster Neighbourhood Plan and the recent adopted Wiltshire Design Guide.

The Committee were informed the applicant had commenced the erection of an outbuilding which was without a roof and that the applicant maintained it was permitted development, although officers were unable to verify if that was the case since the structure was within 2m of the boundary and was very close to the 2.5m maximum height threshold, and without having a roof, it was not possible to confirm matters. Notwithstanding the above, the Committee were advised to only consider the merits of what was proposed in the form of a 2-storey dwelling.

Members of the Committee were given the opportunity to ask technical questions of the officer. Details were sought on the immediate heritage asset setting effects mindful of the modern construction of the of the Imber Court residential retirement home (to the south of the application site (and within the Conservation Area), confirmation was also sought that there had been no statutory objections or third-party representations received.

The appointed planning agent representing the applicant, was then able to address the Committee with his views, as detailed above.

The Local Member, Cllr Andrew Davis, then provided his reasons for the committee call-in and provided his own observations on the application's key issues, and informed the Committee that he had only visited the site recently and after reading the published committee agenda and wished to hear from his fellow Members with the potential benefits of a Member site visit being one option.

A motion was then moved by Cllr Bill Parks, seconded by Cllr Ernie Clark, to refuse the application as recommended by officers. During debate the design of the proposed dwelling and the garden sizes for both the proposed new house and the host dwelling that would have its plot sub-divided were discussed, along with noting the reasons for dismissing the previous planning appeal by the Planning Inspectorate. Members also wished to understand what weight a self-build proposal should be afforded in the planning balance.

At the conclusion of debate, it was,

Resolved:

To refuse planning permission for the following reasons:

1. **The proposal would have a harmful effect on the character and appearance of the area and the setting of the nearby designated heritage assets, which would detract from the wider uniformity and arrangement of dwellings in the locality. The proposal would make the existing dwelling appear cramped on a much smaller plot, with the new dwelling being squeezed onto a plot that is substantially smaller than others in the locality, and would appear out of character with the existing built form, scale and plot size of the area. This would fail to preserve the setting of the designated conservation area and nearby Grade II listed buildings; and would result in less than substantial harm to the significance of the nearby designated heritage assets and, in the absence of substantive public benefits to outweigh this harm, the proposal is contrary to policies Core Policy 57 criteria iii and iv and Core Policy 58 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, and conflicts with paragraphs 203, 205-208 of the National Planning Policy Framework and Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
2. **In order to accommodate the proposed new dwelling, the existing plot of No.6 Ash Walk would be subdivided and significantly reduced in size, resulting in an inadequately sized residual rear garden area for the occupiers of 6 Ash Walk, which would result in a diminished amenity value. Furthermore, the rear outside amenity space that would serve the new dwelling (created through the subdivision of No.6) would be of an insufficient size when assessed against the requirements of Council's adopted Design Guide. The proposal is therefore in direct conflict with criterion vii of Core Policy 57 of the adopted Wiltshire Core Strategy, Policy L1 of the made Warminster Neighbourhood Plan, chapter 9.2 of the adopted Wiltshire Design Guide and paragraph 135f of the National Planning Policy Framework which requires a high standard of amenity for existing and future users.**

48 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 4.10 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line 01225 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Western Area Committee
7th August 2024**

Planning Appeals Received between 21/06/2024 and 26/07/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2023/10440	Greenhill Farm, Green Lane, Codford, Warminster, Wilts, BA12 0NY	Codford	Retrospective application for siting of 22 no. storage containers within the existing commercial site.	DEL	Written Representations	Refuse	02/07/2024	No
PL/2024/01084	14 Frome Road, Bradford On Avon, BA15 1LE	Bradford-on-Avon	Widen door opening within 1no internal masonry wall	DEL	Written Representations	Refuse	05/07/2024	No

Planning Appeals Decided between 21/06/2024 and 26/07/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/07850	2 Warminster Road, Monkton Combe, BA2 7HZ	Limpley Stoke	Proposed highway access from A36, drive, hardstanding and erection of double garage	DEL	Written Reps	Refuse	Dismissed	05/07/2024	None
PL/2023/01950	Land Opposite 16, St Thomas Passage, Trowbridge, BA14 8SE	Trowbridge	Two bungalows with 3no. off road parking spaces.	DEL	Written Reps	Refuse	Dismissed	08/07/2024	None
PL/2023/06416	The Old Vicarage, Dursley Road, Heywood, Westbury, BA13 4LG	Heywood	Demolition of dis-used Holy Trinity Church room, for proposed detached 3 bed dwelling with parking	DEL	Written Reps	Refuse	Dismissed	18/07/2024	None

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Appeal Decision

Site visit made on 29 May 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/Y3940/W/23/3324550

2 Warminster Road, Monkton Combe, Wiltshire BA2 7HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Shaun Hillier against the decision of Wiltshire Council.
 - The application Ref is PL/2022/07850.
 - The development proposed is a proposed highway access from A36, drive, hardstanding, and erection of double garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Topographical Survey¹ is submitted as part of the appeal. As interested parties have had the opportunity to comment on this as part of the appeal no injustice would occur should I determine the appeal on the basis of this additional information.

Main Issues

3. The main issues are therefore:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and the effect on the openness of the Green Belt;
 - the effect of the development on highway safety;
 - the effect of the development on ecology;
 - the effect of the development on land stability; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the West Wiltshire Green Belt. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban

¹ Drawing number WR_Topo.dwg dated July 2015

sprawl by keeping land permanently open. It states the construction of new buildings in the Green Belt should be regarded as inappropriate, other than for the exceptions set out at paragraph 154. These exceptions include c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building, and d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5. The appeal site comprises a detached 2 storey dwelling, which sits in a substantial plot. The land slopes away from the highway to the front of the site towards the rear boundary. The existing dwelling, which has been previously extended, has a volume of 876m³. There is no dispute between the parties that the proposed garage would form part of the main dwelling, either the existing or replacement, for the purpose of determining whether the appeal proposal would be inappropriate development.
6. The Council contends that the proposed garage, in addition to the previous extension to the existing dwelling, would result in a disproportionate addition to the original building and would therefore be inappropriate development. However, even if this were the case, the site benefits from an extant planning permission for the erection of a replacement dwelling², as shown on the submitted plans. The construction of the proposed driveway and parking/turning area could not be carried out in lieu of the demolition of the existing dwelling. The appeal proposal therefore clearly forms part of the scheme for the wider redevelopment of the site. While the garage could be constructed independently, albeit without a vehicular access, a planning condition could be imposed to prevent the commencement of building work in relation to the garage in isolation, in advance of the other parts of the scheme for the redevelopment of the site.
7. The replacement dwelling would have a volume of 957m³. It is not clear how the volume of 150m³ for the proposed garage, as suggested by the Council, was derived. The appellant's figure of 103m³, however, more closely reflects the measurements shown on the proposed plans. Using this figure, the replacement dwelling, including the proposed detached garage, would result in an overall increase in volume of 184m³ above the volume of the existing dwelling (876m³), which would equate to an increase of 21%.
8. The Framework does not provide a definition of what constitutes a materially larger replacement building. While a numerical calculation is not definitive in determining whether a replacement building would be materially larger, it provides an indication of the overall scale of development. The replacement dwelling would be of a similar scale to the existing, and the garage would be relatively modest in scale and visually subordinate to the host dwelling. Furthermore, by virtue of the height and siting of the garage, the appeal proposal would not result in a significantly more prominent development on the site, and the replacement dwelling and garage would not be disproportionate in size having regard to the overall size of the site.
9. Therefore, when assessed as part of the overall redevelopment of the site, comprising the replacement of the existing dwelling, the proposed garage, in combination with the new dwelling, would not be materially larger than the building they would replace. In this regard the proposal would therefore fall

² LPA Ref. PL/2021/09930

- within the exception d) of paragraph 154 of the Framework and would not constitute inappropriate development.
10. Paragraph 155 of the Framework sets out that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are developments such as engineering operations, which would include the proposed access and driveway.
 11. The laying of hardstanding for the access and driveway would introduce built form on part of the site, albeit at ground level, which is currently free from development. Furthermore, while vehicles using the access and driveway would be transient, the proposal would be likely to give rise to vehicles parked on the area of hardstanding to the foreground of the garage, which would contribute to a loss of openness of the Green Belt in spatial terms.
 12. The main part of the access driveway and hardstanding would be at a much lower ground level than the highway and within the existing garden to the property. In that context they would not be readily visible from the road. In addition, in longer distance views towards the site from the rear they would be viewed against the backdrop of the rising ground and the replacement dwelling and would therefore not be unduly conspicuous. The access itself, however, would most commonly be seen in public views from Warminster Road. Consequently, there would be harm to the openness of the Green Belt from a visual aspect.
 13. For the foregoing reasons the proposed engineering work would not preserve the openness of the Green Belt and would conflict with the purposes of including land within it, specifically to safeguard the countryside from encroachment. As such, this part of the scheme would constitute inappropriate development within the Green Belt. In accordance with paragraph 153 of the Framework, substantial weight is to be given to any harm to the Green Belt.

Highway safety

14. The appeal site is not served by a vehicular access, but rather a small area to the front boundary of the site alongside the carriageway is currently used for the parking of vehicles, where drivers pull off the A36 into an informal layby. The appellant's Technical Note³ (TN) sets out that this arrangement makes it difficult for vehicles to leave the layby to travel in the same direction from which they arrived, as this would involve manoeuvring in the busy carriageway. In addition, it indicates that, due to the limited space available, getting in and out of parked vehicles safely is difficult and parked vehicles may obstruct the adjacent footpath. Moreover, due to the limited parking capacity at the property, visitors, and delivery and refuse vehicles are often required to stop in the road or park on the edge of the carriageway.
15. The proposed new access would provide off road parking provision within the site for future residents of the replacement dwelling and visitors and would allow vehicles to enter and leave the site in a forward gear. It would also include the closure of the existing layby for residents' use, and its extension to enable a refuse vehicle to service the site without causing an obstruction to the traffic flow.

³ Technical Note by SYSTRA dated 4 April 2018

16. Manual for Streets (MfS) and Manual for Streets 2 (MfS2) set out nationally accepted standards for visibility. However, given the 40mph speed limit of the A36 the Design Manual for Roads and Bridges (DMRB) provides more appropriate visibility distances. The DMRB sets out a visibility splay requirement of 90m, if accompanied by acceptable speed surveys, or 120m otherwise. The TN sets out that, having regard to the 85th percentile speed of 37mph, a visibility splay of 90m is required. Drawing number 106247-01 'Visibility Splay (Maximum Achievable & Tangential)' indicates that the proposed new access from the A36 would achieve visibility splays of 81.2m to the south and 63.9m to the north. This is significantly less, particularly in a northerly direction, than the minimum required by the DMRB guidance. Therefore, the proposed access, despite serving a single dwelling, would not provide a safe and suitable access and would be harmful to highway safety.
17. My attention is drawn to Personal Injury Accident (PIA) data for the period from 1 May 2012 to 30 April 2017 which confirms that 5 incidents took place in the vicinity of the site, one of which was serious, and none of which related specifically to the layby. The TN suggests therefore that there are no inherent road safety issues that would be exacerbated by the proposal. However, for lower highway safety standards than normal to be accepted, it would be incumbent upon the appellant to demonstrate why the introduction of a new access, with reduced visibility, would not have any adverse effects on highway safety. A lack of accidents in relation to the operation of the existing highway would not be robust evidence of this.
18. The proposal would offer benefits in terms of the cessation of the use of the layby for residents parking. Nevertheless, given that the proposed access, by virtue of the shortfall in visibility, would itself not constitute a safe alternative, the proposal would not represent a benefit overall in highway safety terms to justify the proposal.
19. For the foregoing reasons I find that the proposal would be harmful to highway safety. Accordingly, it would fail to comply with Core Policy 57 of the Wiltshire Core Strategy adopted January 2015 (WCS) which seeks to ensure that new roads are designed to be safe, Core Policy 61, in so far as it requires development to be served by safe access to the highway network, and Core Policy 62 of the WCS which requires developments to provide appropriate mitigating measures to offset any adverse impacts on the transport network and that proposals for new development should not be accessed directly from the national primary route network outside built-up areas, unless an over-riding need can be demonstrated. It would also fail to reflect the aims of the Framework, including that safe and suitable access can be achieved; and that development should be refused on highways grounds if there would be an unacceptable impact on highway safety.

Ecology

20. The appeal site comprises a substantial verdant plot surrounded by open countryside and includes numerous mature shrubs, hedges, and trees. The appellant contends that, in light of the extant permission for a replacement dwelling, and the size of the area affected, which is part of the existing garden, and includes an area of hardstanding, and that no trees would be removed, an ecological assessment was not required as part of the planning application.

21. However, the part of the site on which the access drive would be constructed comprises a section of the steep vegetated bank and is close to mature trees. While opportunities to enhance biodiversity could be secure through a planning condition, without the information provided by a Preliminary Ecological Appraisal (PEA), I am unable to determine the full effects of the proposal on ecology, including protected species and habitats that may support them.
22. I note the appellant's willingness to accept a pre-commencement planning condition to undertake the necessary survey work. However, guidance⁴ is clear that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It also sets out that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. As such, given the characteristics of the site and in the absence of a PEA, I must take a precautionary approach.
23. I therefore find that the proposal would fail to accord with Core Policy 50 of the WCS which requires proposals to demonstrate how they protect features of nature conservation and incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats. It would also conflict with the Framework where it seeks to ensure development minimises impacts on biodiversity.

Land stability

24. The appeal site is at a significantly lower level than the adjacent highway. The land slopes steeply away from the front boundary of the site and continues to descend towards the rear boundary. In this context, excavation and construction work in relation to the formation of the proposed access in the steep bank to the front of the site, could give rise to potential land instability. Indeed, in its response to the planning application National Highways express concern that the development may compromise the stability and integrity of the A36, and that in such circumstances proposals are expected to be supported by a geotechnical risk assessment to demonstrate that the risk to National Highways assets can be managed in accordance with relevant guidance.
25. Accordingly, in the absence of any detailed information in that regard, such as a land stability assessment, it has not been demonstrated that the appeal scheme would not have an impact on land stability. The appellant suggests that this matter could be dealt with by condition, requiring further site investigation to be undertaken. However, I consider that it would be unreasonable to address this matter through the imposition of a planning condition as such investigations may confirm that the land is insufficiently stable to support the proposal.
26. I note the Council's concern in relation to the effect of any retaining structures which may be required, on the landscape and scenic beauty of the Cotswolds National Landscape. However, in the absence of any substantive evidence that any such structures would be required, I have based my assessment on the

⁴ Paragraph 99 of ODPM Circular 06/2005

information before me. If in the future it transpires that such structures are required, they would be considered on the merits of the scheme at that time.

27. Consequently, I therefore conclude that it has not been demonstrated that the proposed development could be carried out without an adverse effect on land stability. In that regard it would fail to accord with the aims of the Framework which require decisions to ensure a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability.

Other considerations

28. The appellant asserts that the proposal would be an improvement in relation to the use of the existing layby and would offer benefits in terms of highway safety through the provision of safe and convenient parking within the appeal site. However, I have found that, as the required visibility splays cannot be provided, the proposal would not allow safe egress from the new access. In light of this, I attribute any benefits in relation to highway safety little weight.

Green belt balance

29. The new access, driveway and parking area would be inappropriate development in the Green Belt which is harmful by definition and should not be approved except in very special circumstances. The Framework confirms that very special circumstances only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. It would also conflict with the purposes of including land within the Green Belt.
30. I have also found harm to ecology and land stability and that the proposal would fail to achieve a safe and suitable access. These matters carry further significant weight.
31. Set against these, material considerations put forward in support of the proposal do not clearly outweigh the totality of the harm the scheme would cause. Consequently, the very special circumstances necessary to justify inappropriate development in the Green Belt do not exist.

Other Matters

32. The site lies within the consultation zone for the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), however there is no substantive information before me regarding the qualifying features of the SAC, or the likely effects of the development. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects on the integrity of the SAC including through the undertaking of an Appropriate Assessment. Nevertheless, given my decision on the appeal overall, there would be no pathways to adverse effects on the SAC.

Conclusion

33. For the reasons set out above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

E Worley INSPECTOR



Appeal Decision

Site visit made on 12 June 2024

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Appeal Ref: APP/Y3940/W/23/3332246

Land opposite 16 St Thomas Passage, Trowbridge, Wiltshire BA14 8SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Terry Gillman of T J Gillman Property Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2023/01950.
 - The development proposed is two bungalows with 3no. off-road parking spaces.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the application a new version of the National Planning Policy Framework (the Framework) came into effect. During the appeal, the main parties have had the opportunity to provide further comments on the revised Framework and, where received, I have taken them into account in my decision. I am satisfied no party would be prejudiced by determining the appeal accordingly.
3. Additionally, the Council has commenced its consultation of the Local Plan Review Publication Plan¹, in accordance with Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The emerging Local Plan² is at an early stage which means the policies therein attract no weight in my decision. However, on the basis that it is supported by a policies map and proposed allocations towards meeting the Council's housing needs, the Framework requires the Council to identify a minimum of four years' worth of housing. I will return to this matter later.
4. I have removed details that aren't acts of development from the description in the banner head above.

Main Issues

5. The main issues are the effect of the proposed development on:
 - protected species, most notably badgers; and
 - the parking conditions in the area and, consequently, the safety of users of the surrounding highway network.

¹ Wiltshire Local Plan Pre-Submission Draft 2020-2038 (Regulation 19) dated September 2023

² Wiltshire Local Plan review

Reasons

Protected species

6. There is no dispute between the main parties that there is the presence of a protected species on and surrounding the site. Surveys undertaken in 2018 and 2021 before being updated in June 2023 during the determination of the planning application confirm the presence of badgers in the area, including active setts, foraging areas and frequently used routes.
7. The latest survey shows a reduced amount of activity when compared with previously observed presence on the site. However, it is not conclusive if this is as a direct result of the construction of the adjacent development or representative of typical fluctuating activity levels over time. Nonetheless, the latest survey confirms that one sett located close to the boundary of the site remains active and has unobstructed entrances. It is asserted that this sett does not extend under the wall on the site boundary, instead extending into the garden associated with the Vicarage, although the precise location of the sett and its tunnels and chambers is not mapped. As one of the proposed bungalows would be sited close to this site boundary, there is potential that construction works associated with the proposed development would have a detrimental effect on the sett and the badgers that use it.
8. The 2018 and 2021 surveys also identify that the site was being used for foraging as well as a route between the sett and other foraging areas in the nearby park. However, these activities were not present at the time of the most recent survey although, again, it has not been demonstrated that this is a permanent change.
9. Badgers and their setts (including the tunnels and chambers where they live) are protected by the Protection of Badgers Act 1992 (the Badgers Act) and the Wildlife and Countryside Act 1981 (the Wildlife Act) for their welfare and against illegal cruelty. Following the standing advice from Natural England (NE), developments should avoid effects on badgers, where possible. Where this is not possible, mitigation or compensation measures should be implemented.
10. As part of the appeal scheme, a badger gate is proposed in one of the site boundaries close to the previously mapped badger route. However, between the sett and this gate, the proposed dwellings would be located such that badgers would need to navigate around the built form. In the absence of a separate corridor similar to that located to the rear of the adjacent development, it can not be guaranteed that this route would be available in perpetuity.
11. The garden areas for the proposed development could provide suitable badger foraging but given the opportunity for this activity due to the existing overgrown condition of the site, I am not persuaded that foraging areas would be increased. Whilst the removal of the existing security fence to part of the site boundary may provide badgers significantly more scope to come and go from the site, there is no evidence before me confirming the presence of badgers beyond this boundary. Nor have areas which would be attractive for foraging been identified in this direction.

12. Based on the evidence before me, it has not been demonstrated that the construction or occupation of the proposed development can be achieved without causing an offence set out under Section 3 of the Badgers Act. This is the case even if the appellant's ecology specialist has said they have never seen a planning application refused on the grounds of badgers being present on a site.
13. I conclude that the proposed development has the potential to cause harm to protected species, most notably badgers, contrary to the requirements of the Badgers Act and the Wildlife Act, as supported by Circular 06/2005³, and Policy 50 of the Wiltshire Core Strategy (the Core Strategy). Policy 50, amongst other things, requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. It would also conflict with the Framework which aims to protect and enhance biodiversity by identifying the hierarchy of wildlife-rich habitats.

Parking conditions

14. The proposed development incorporates car parking on the appeal site. These correspond with the car parking spaces allocated to Plots 1, 2 and 3 of the adjacent development⁴, on the site of 16 St Thomas Passage (No.16). If the appeal is allowed, the Unilateral Undertaking (UU) submitted by the appellant would prevent the Owner of No.16 from constructing Plots 1, 2 and 3. Notwithstanding any restrictions about building over the foul sewers located close to these plots, without this agreement in place, there is the potential for both the adjacent development and the bungalows to be constructed, irrespective of whether No.16 has now been sold.
15. In this circumstance, the future occupiers of the approved Plots 1, 2 and 3 and/or the proposed bungalows would not be provided with dedicated parking spaces and they would need to park their vehicles elsewhere. However, there are limited on-street parking spaces, either restricted or unrestricted, on the surrounding road network. This could also encourage drivers, to minimise inconvenience to themselves, to park in obstructive, illegal or potentially hazardous locations to the detriment of the safety of pedestrians, cyclists and other drivers in the area. It also has the potential to cause conflict with the occupiers of the dwellings already constructed nearby.
16. Consequently, based on the evidence before me, the use of a planning obligation is necessary to make the proposed development acceptable. I also find that the UU as currently worded is directly related to the proposed development and reasonably related in scale and kind to it. The Council have also confirmed the acceptability of its contents.
17. The Framework requires a planning obligation, including a UU, to be effective by meeting three tests. This includes being legally sound. Whilst it has been signed and witnessed, the submitted UU has not been dated. Therefore, it is unclear if the UU is complete, can take effect or is capable of being enforced. Consequently, I afford the UU no weight in my decision.

³ Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

⁴ Council ref: PL/2021/09779 dated 8 March 2022

18. In the absence of a properly executed agreement, I conclude that the proposed development would harm the parking conditions in the area and, consequently, the safety of users of the surrounding highway network. As such, it would conflict with policies 61 and 64 of the Core Strategy which seeks to reduce the reliance on the use of private cars through the location of development, management of parking provision and the encouragement of sustainable transport options.

Other Matters

19. As the site is located within the Trowbridge Conservation Area (the TCA), I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
20. The significance of the TCA as a whole is principally derived from the historic role of the town centre with its various civic buildings, predominantly built with stone and brick. Built form is generally orientated towards the modestly sized streets which wind through the town, with archways or narrow mews streets providing access to a variety of courtyards and closely-knit buildings behind.
21. The appeal site is centrally located within the irregularly shaped block defined by St Thomas' Road, Union Street, Timbrell Street and York Buildings. St Thomas' Passage punches through this block from the St Thomas' Road/Union Street roundabout to Timbrell Street. It takes the form of a newly created mews street as part of the new development nearby before reducing in width to a walkway past the site and connecting to Timbrell Street via Arch Yard. The proposed development's orientation towards the built form around Arch Yard would reflect the close-knit pattern of buildings elsewhere in the TCA and, as a result, would preserve the character and appearance of the TCA.
22. My attention has been drawn to the Grade II Listed Verger's Cottage (19 York Buildings) adjacent to the site. Section 66(1) of the Act requires me to have special regard for the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses.
23. The cottage is located within the grounds of St Thomas' Church, adjacent to the entrance gates and orientated towards the grassed area to the front of the church. As a result, I consider the significance/special interest of the cottage and its setting to be, in part, derived from its physical and functional relationship with the church and the quality of its architectural details.
24. While the proposed development would introduce a built form close to the cottage, its lower height and more diminutive scale would demonstrate a degree of subservience to the listed building and its setting. Therefore, the proposed dwellings would preserve the significance/special interest of the setting of the cottage.
25. Whilst there is a risk that, following this decision, the appeal site becomes a waste ground and potentially a location for unnecessary dropped litter or fly tipping, this does not outweigh the conflict I have found above. In addition, these are matters which are of concern to other authorities and legislation. Moreover, the options for the site are not binary as indicated by the Council's view that the principle of residential dwellings on the site has already been established.

26. The behaviour of the Council during the determination of the planning application, including concerning the site visit, is not a matter of this decision.

Planning Balance

27. As identified above, the Council is required to identify a minimum of four years' worth of housing given the stage reached by the emerging Local Plan. The evidence before me indicates that the Housing Land Supply exceeds this provision. As a result, the Council meets the relevant housing needs requirement and the presumption in favour of sustainable development set out in paragraph 11dii of the Framework, or the 'tilted balance' does not apply.

Conclusion

28. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. Therefore, I conclude the appeal should be dismissed.

Juliet Rogers

INSPECTOR

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Appeal Decision

Site visit made on 16 July 2024

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 July 2024

Appeal Ref: APP/Y3940/W/24/3337656

The Old Vicarage, Dursley Road, Heywood, Wiltshire BA13 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Bola Adebajo against the decision of Wiltshire Council.
 - The application Ref is PL/2023/06416.
 - The development proposed is the demolition of dis-used Holy Trinity Church Room, for proposed detached 3 bed dwelling with parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates that the appeal is made against the Council's failure to determine the application within the prescribed period. However, the appeal was lodged after the planning application was refused by the Council on 23 January 2024. I have therefore determined the appeal on the basis that the Council refused planning permission for the development.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, with regard to accessibility to services, facilities, and public transport.

Reasons

Location

4. The appeal site comprises a vacant church room within the grounds of the Old Vicarage. It lies beyond a defined settlement boundary and is therefore in an area of open countryside for planning policy purposes.
5. Core Policy 1 of the Wiltshire Core Strategy adopted January 2015 (WCS) sets out the settlement strategy for the area and includes a hierarchy of settlements to which sustainable development will be directed. Core Policy 2 of the WCS states that, outside the defined limits of development, development will not be permitted unless for one of the circumstances set out in paragraph 4.25 of the WCS. The proposal does not fall within the exceptions listed. Core Policies 60 and 61 of the WCS require development to be located to reduce the need to travel, particularly by private car, and to encourage the use of sustainable transport alternatives.
6. Given the lack of services and facilities in Heywood, which are limited to the village Hall and green, future occupiers of the proposed dwelling would need to

travel to larger settlements further afield to access day to day facilities including schools, employment, and retail facilities.

7. The appellant indicates that the site is a mile from the market town of Westbury, where there are a range of services. There are also employment opportunities at Westbury Trading Estate, which is a similar distance from the site. The proposed development would be within a reasonable cycling distance of these locations. Nonetheless, due to the distance, combined with the lack of street lighting and absence of a pavement for a significant part of the routes, it would be unlikely that journeys between the site and these locations would be undertaken by foot, particularly in the dark or during inclement weather.
8. The appellant contends that the site would be suitably located to enable occupiers of the dwelling to use local public transport to access the trading estate or nearby settlements of Trowbridge or Westbury. However, I have not been provided with details of the frequency of bus services or the specific destinations they provide connections to. Consequently, based on the evidence before me, it is highly likely that a significant proportion of trips made by the future occupiers of the proposed dwelling, to access services and facilities in the wider area, would be made by the private car.
9. Even if the proposed dwelling was of a modern, sustainable construction, this would not overcome the harm I have identified in relation to the location of the development. Furthermore, it was evident at my site visit that the site is not particularly unsightly, therefore any perceived benefits with regards to the appearance of the land would be of very limited weight.
10. I therefore conclude that the proposal, for new residential development in an area of countryside beyond the development limits, would not be in a suitable location, having regard to accessibility to services, facilities, and public transport. In that regard it would fail to accord with Core Policies 1, 2, 60 and 61 of the WCS and the aims of the National Planning Policy Framework with regards to achieving sustainable development.

Other Matters

11. The proposed development is located within a consultation zone for Bechstein's bat associated with the Bath & Bradford on Avon Special Area of Conservation (SAC). Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would be likely to have significant effects on the integrity of the European Site. However, as I am dismissing the appeal, my decision would not result in any adverse impacts in that regard.
12. The absence of objection by consultees would itself not render the scheme acceptable. Moreover, the actions of the Council during the determination of the planning application is beyond the scope of this appeal.

Conclusion

13. For the foregoing reasons, having considered the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should be dismissed.

E Worley INSPECTOR

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	7 August 2024
Application Number	PL/2021/09909
Site Address	Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET
Proposal	Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works)
Applicant	Stone Circle Development Company Limited
Town/Parish Council	TROWBRIDGE TOWN COUNCIL
Electoral Division	Trowbridge Central – Cllr Stewart Palmen
Grid Ref	321032 197206
Type of application	Full Planning
Case Officer	Gen Collins



1. Purpose of Report

The purpose of the report is to update the Committee on changes that have occurred following publication of the revised NPPF in December 2023 (and related revised Planning Practice Guidance published in February 2024) that have a material impact on this planning application, and to consider the recommendation that the previous Committee endorsement to grant planning permission remains appropriate.

This is largely a procedural matter considering the changes to the NPPF and housing supply position. There have been no changes whatsoever to the plans and substance of the application compared to that previously presented and recommended for approval and which was endorsed for approval by the Committee in September 2022. The reason the application is still pending resolution is because the s.106 was not signed before the changes being made to the NPPF and PPG.

2. Background

On 28 September 2022, the Strategic Planning Committee resolved to grant planning permission for this application subject to the applicant first entering into a S106 legal agreement (and the committee report is attached in Annex 1); and since that committee meeting, the drafting of the legal agreement has advanced, although it has not been completed and so the planning permission has not been issued.

In resolving to approve the application subject to the legal agreement, the Committee took account of all matters relevant at the time. These included the development plan policies and national legislation/guidance.

In the broadest terms, planning law requires the local planning authority in dealing with a planning application to have regard to the development plan and all material considerations. Where the issuing of a decision is delayed between the point in time at which the authority resolves to make the decision and when the decision notice is actually issued, and if during this 'gap' the authority becomes aware of new, or changed, material considerations, then the relevant law requires the authority to have regard to these considerations before finally determining the application.

In December 2023 the government issued its revised National Planning Policy Framework (NPPF). This is a material consideration that must now be taken into account. The effects of the changes in relation to this planning application are set out below.

- The principle of development (and the weight to be afforded to Core Policies 1 and 2 of the Wiltshire Core Strategy);
- Related to the above, does the revised NPPF change the planning balance?
- Are there now any restrictive Wiltshire Core Strategy policies that have become more relevant?

3. Housing supply and delivery

The December 2023 NPPF contains two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

their adopted plan is less than five years old; and

that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply.*

The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.

Paragraph 226 referred to in paragraph 77 states the following –

226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

For the purposes of the revised NPPF, Wiltshire Council is a 'paragraph 77 authority'; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing.

4. Current housing land supply position and consequences for the 'planning balance'

The Council's most recent Housing Land Supply Statement (published June 2024; base date April 2023) sets out the number of years supply against local housing need as 4.2 years. These figures exceed the 4-year threshold now relevant to Wiltshire, and for the planning balance this means that it is now starting from a 'level' position rather than 'tilted'. In terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant.

Paragraph 11(c) requires "*approving development proposals that accord with an up-to-date development plan without delay*".

With a level balance, and with full/substantial weight now being given to the strategic housing delivery policies of the Wiltshire Core Strategy (WCS) (particularly Core Policies 1 and 2), it follows that planning applications which do not conflict with the policies should normally be granted.

In this case, the proposed development proposes the reuse of brownfield land for housing within a principal settlement and as such the principle of development is acceptable. The provision of 48 dwellings carries weight even in the context where the Council can demonstrate sufficient housing land supply when tested against the NPPF.

Of the 48 units, 14 would be affordable housing and this carries significant weight given that there remains a demonstrable need for more affordable housing locally.



Previously endorsed scheme at Ashton Street, Trowbridge

The proposed development would deliver an improvement visually in terms of improved landscaping and as argued previously, the proposal would make efficient and effective use of this brownfield site.

The end developer would be required to provide contributions to enhance education facilities and provide construction jobs which represents further positive outcomes.

The introduction of a swale and provision of a landscape and ecological management plan would improve drainage at the site and ensure the longevity of the biodiversity and enhance biodiversity.

The scheme would result in more private vehicles; however, the scheme includes appropriate on-site parking, and the proposal has attracted no highway objection or concerns in terms of highway safety. Developer contributions in the form of a Green Travel Plan, works to improve the existing bus stops, the provision of a new footpath and contributions to Traffic Regulation Orders would provide necessary mitigation.

The proposed development remains in accordance with the adopted WCS and NPPF and there are no policy conflicts. The scheme would deliver tangible benefits and officers continue to recommend the application for approval and the sealing of a s106 legal agreement and the previously committee endorsed planning conditions.

RECOMMENDATION:

That the Committee delegates authority to the Head of Development Management to grant planning permission subject to the conditions and informatives listed below following the completion of a s106 agreement to secure the matters also set out below –

S106 Heads of Terms

Affordable Housing: Core Policy 43 'Providing Affordable Housing' of the WCS requires 30% affordable housing in this location (i.e. 14 affordable homes). The Council's Housing Enabling team indicated that a tenure split of 60% affordable rented homes (8 homes) and 40% shared ownership homes (6 homes) will be required.

Public Open Space: Policy CP3 of the WCS and Saved policy LP4 'Providing Recreation facilities in New Developments' of the former West Wiltshire Local Plan requires developments to provide recreational open space. The POS team indicated that a development of 48 dwellings generates a requirement for 1359m² of casual open space, 56.64m² of play space and 1132m² for sports.

Open Space Management: The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP.

Highways: Policy CP3 Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)

Recycling and Waste Facilities: The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368.

Education Infrastructure: Policy CP3 and Saved policy S1 'Education' of the former West Wiltshire Local Plan outlines that where a proposal for residential development gives rise to the need for additional education provision, a planning obligation will be sought to meet that need. The scale of the obligation to be sought will relate to the scale of need arising from the proposed development. In this case the education requirements are:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

Conditions

1. 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. The development hereby permitted shall be carried out in accordance with the Plans list ref 21054 received on 12.09.22 as well as the following documents:

- FRA and Drainage Strategy: received 28 June 2022
- Arboricultural Method Statement
- Waste Minimisation Statement
- Proposed Access Arrangement Plan: Drg. SK01_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 1of2 Drg.SK03_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 2of2 Drg.SK03_RevA
- Travel Plan Report RevA
- Ecological Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ground Investigation Report
- Biodiversity Net-Gain Assessment

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

3. The development will be carried out in strict accordance with the following:
 - Ecological Assessment (Ethos Environmental Planning, September 2021)
 - Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021)
 - Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021)
 - Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

4. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance

REASON: To ensure the amenities and safety of future occupants of the development.

6. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: To ensure the amenities and safety of future occupants of the development.

7. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday

8. No development works shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

- The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction

phase of the development. It shall include details of the following:

- The movement of construction vehicles;
- The cutting or other processing of building materials on site;
- Wheel washing and vehicle wash down facilities;
- The transportation and storage of waste and building materials;
- The recycling of waste materials (if any);
- The loading and unloading of equipment and materials;
- The location and use of generators and temporary site accommodation;
- Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.

- There shall be no burning undertaken on site at any time. The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To safeguard the amenities of the area.

9. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

10. The development shall be undertaken in accordance with the details set out in the approved drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

11. The development shall be undertaken in accordance with the details set out in the approved Construction Environment Management Plan.

REASON: To ensure the amenities and safety of future occupants of the development.

12. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use and no dwelling hereby permitted shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the roads are laid out and constructed in a satisfactory manner.

13. No part of the development shall be first brought occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

14. No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

15. REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

16. No dwelling on the development hereby approved shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

17. No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

18. No unit shall be occupied until full details of the proposed new footpath and staggered barrier connecting to Lark Down as shown on approved site has been approved and implemented.

REASON: In the interests of pedestrian safety and reducing the amount of private car movements to and from the development.

19. The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

20. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

21. The development hereby approved shall not commence above ground slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the LPA , the details of which shall include:

- detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

22. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

23. No development shall commence on site above slab level until details and samples of the materials to be used for the external walls and roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

REASON: In the interests of visual amenity and the character and appearance of the area.

24. No development shall commence within the area indicated by application PL/2021/09909 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The evaluation is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The

REASON: To enable the recording of any matters of archaeological interest.

Costs of this work are to be borne by the applicant.

25. The development hereby approved shall be undertaken in strict accordance with the details as submitted and approved within the tree survey prepared by Sharples Tree Services dated November 2021.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

26. The development shall not be occupied until details of at least 24 swift/bird boxes/bricks have been submitted to and approved in writing by the LPA and installed to be retained for the lifetime of the development.

REASON: IN the interests of ensuring biodiversity at the site.

27. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

Planning Informatives

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy
2. INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.
3. INFORMATIVE: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
4. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.
5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996

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REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28 September 2022
Application Number	PL/2021/09909
Site Address	Ashton Street Centre, Ashton Street, Trowbridge, BA14 7ET
Proposal	Redevelopment of former day care centre (Class F.1) comprising: the erection of 48 No. dwellings and associated access and landscaping works)
Applicant	Stone Circle Development Company Limited
Town/Parish Council	TROWBRIDGE TOWN COUNCIL
Electoral Division	Trowbridge Central – Cllr Stewart Palmen
Grid Ref	321032 197206
Type of application	Full Planning
Case Officer	Gen Collins

Reason for the application being considered by Committee

The Scheme of Delegation requires this application to be decided by Planning Committee because the applicant (and landowner) Company, whilst a recognised separate legal entity, is affiliated with Wiltshire Council as the Council is the shareholder of the Company and there are outstanding objections to the proposal from local residents on the basis of concerns about Highways, parking, hedgerow retention and residential amenity.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on Heritage Matters
- Design/Visual Appearance
- Housing
- Landscape and Public Open Space

- Ecology
- Education
- Impact on the residential amenity
- Highways/parking issues
- Drainage
- S106/CIL
- Other Matters

Trowbridge Town Council raises no objection, although this is caveated. 12 third parties raise objections or make comments.

3. Site Description

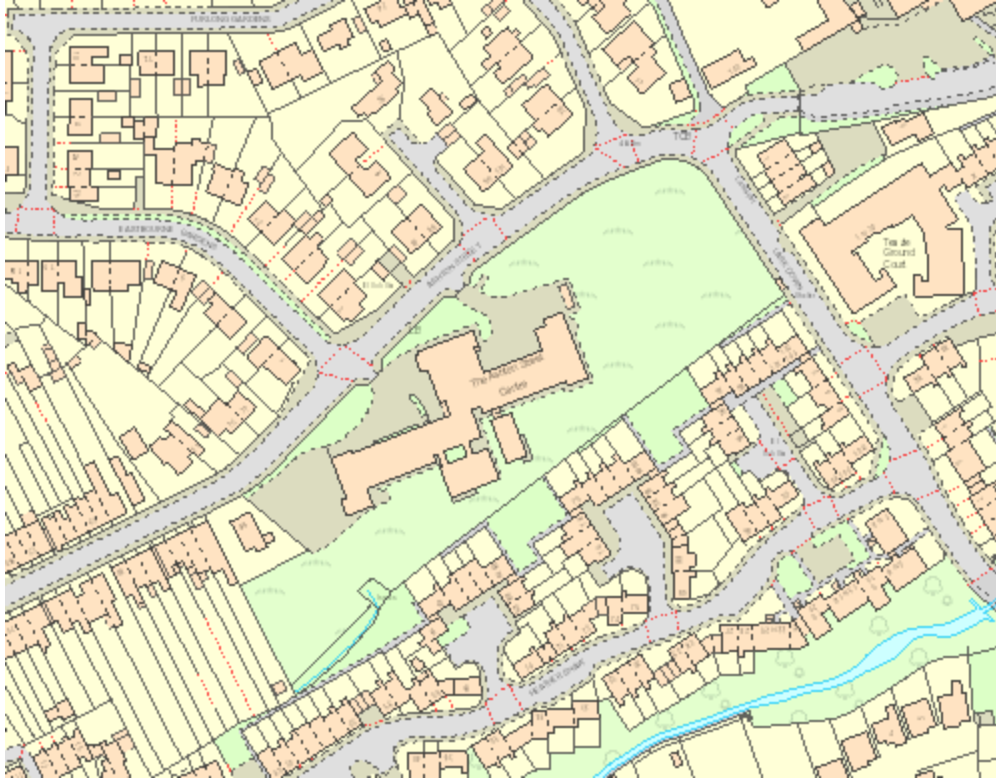
The application site comprises circa 1.1ha of brownfield land formerly known as the Ashton Day Care Centre complex, which is now demolished due to the relocation of the Centre. The site is located within Trowbridge Development limits approximately 1km from the town centre. It is located within the established Principal Settlement of Trowbridge, within the Trowbridge Community Area and has no obvious constraints or specific site designations. It is outside any Conservation Area and there are no heritage assets in close proximity. The topography of the site is generally flat, and it is located within Flood Zone1 indicating the lowest risk of flooding. It is located within the grey hatched area of the Trowbridge Bat Mitigation Strategy.

The boundaries of the Application Site are well defined. The northern boundary of the Application Site entrances are formed with a tarmac surface, a natural hedgerow, trees and brick walling, beyond which is existing residential housing (Ashton Street) subject to a speed limit of 30mph; beyond that is further housing known as Eastbourne Gardens and Furlong Gardens. The eastern boundary is formed by a natural hedge and residential gardens of Lark Down and Teazle Ground Court. The southern boundary is formed by a natural hedge and residential gardens of Heather Shaw. The western boundary is formed by further tree planting beyond which is a large, detached house known as No. 98 Ashton Street, and further existing housing along Ashton Street.

The general nature of the locality is medium density residential, and the grounds and adjacent properties contain a variety of maturing trees and shrubs.

The site area is brownfield with modern housing around the site creating a fully suburban character.

The site is shown below taken from the Development Management Portal map.



Below is an aerial photograph of the site with buildings removed extracted from the Planning Design and Access Statement submitted with the application.



4. Planning History

19/08205/DEM Proposed demolition of main building, garage, 2 x stores, pratten building and bin store Prior Approval Granted - 11 Sept 2019.

5. The Proposal

This application seeks full planning permission for the erection of 48 dwellings, with associated gardens, swale and car parking.



The proposed site with parking, amenity space and access

The site provides 30% affordable housing with 8 homes for affordable rent and 6 for shared ownership.

There are twelve different house types ranging from 1bed flats to 4 bed houses. The proposed housing mix is as follows:

<u>Private Housing Mix:</u>	
2B - 2 Bed House	- 11no
3B - 3 Bed House	- 11no
4B - 4 Bed House	- 4no
1BF - 1 Bed Flat	- 2no
2BF - 2 Bed Flat	- 6no
<u>Private Total - 34no</u>	
<u>Affordable Housing Mix:</u>	
2B*	- 2 Bed House - 3no (Shared Equity)
3B*	- 3 Bed House - 3no (Shared Equity)
1BF*	- 1 Bed Flat - 2no (Rent)
2BF*	- 2 Bed Flat - 6no (Rent)
<u>Affordable Total - 14no</u>	

Proposed Plans and Elevations are contained on the main file available to view.

6. Local Planning Policy

Wiltshire Core Strategy Policies:

- CP1: Settlement Strategy;
- CP2: Delivery Strategy;
- CP3: Infrastructure Requirements;
- CP29: Spatial Strategy for the Trowbridge Community Areas;
- CP30: Trowbridge Low Carbon Renewable Energy Network;
- CP41: Sustainable Construction and Low Carbon Energy;
- CP43: Providing Affordable Homes;
- CP45: Meeting Wiltshire’s Housing Needs;
- CP50: Biodiversity and Geodiversity;
- CP51: Landscape;
- CP52: Green Infrastructure;
- CP55: Air Quality
- CP56: Contaminated Land;
- CP57: Ensuring High Quality Design and Placeshaping;
- CP60: Sustainable Transport;
- CP61: Transport and Development;
- CP62: Development impacts on the Transport Network;
- CP64: Demand Management;
- CP67: Flood Risk

West Wiltshire Leisure and Recreation Development Plan Document (Adopted February 2009)

LP4: Providing Recreation Facilities in New Developments
 Waste Core Strategy and Saved Policies for the West Wiltshire District Local Plan (1st Alteration)

U1a Foul Water Disposal
U2 Surface Water Disposal

National Planning Policy Framework 2021 (The Framework) and Planning Practice Guidance (PPG)

Wiltshire Council's Local Transport Plan and Car Parking Strategy 2011- 2026

7. Summary of consultation responses

Trowbridge Town Council: No objection subject to no significant adverse impact on neighbour amenity and subject to the condition that the town council is offered first refusal to take over ownership and maintenance of the public green spaces (avoiding the use of a management arrangement).

The Town Council is disappointed to note that there is a lack of equipped play facilities in the immediate vicinity of the site and this would have been a suitable location for such facilities.

WC Assistant County Archaeologist: No objection subject to condition

WC Public Open Space: No objection.

POS On Site Requirements for this proposal are as follows -

- Casual OS - 1359.36 SQ.M
- Play - 56.64 SQ.M
- Sports - 1132.80 SQ.M

WC Ecology: No objection subject to conditions.

The Ecological Assessment (Ethos Environmental Planning, September 2021) report has mistakenly stated that the area is located 560m north-west and 350m south-east of the Mottisfont Bats SAC zone. The Mottisfont Bat Special Area of Conservation (SAC) is designated for the Annex II rare barbastelle bats and is located further away in the south of the county close to Salisbury.

Conditions:

- 1) The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

- 2) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

CIL - Developer contributions for strategic recreational pressure mitigation:

The site lies within the grey hatched zone, and this identifies the distance within which 75% of visitors to Green Lane Wood, Biss Wood, Picket and Clanger Woods are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone. Any new residential development located within the grey hatched Medium Risk Bat Sensitivity Zone will require an allocation from CIL to ensure mitigation measure can be created for the increase in recreational pressure. The contribution for such strategic recreational pressure mitigation will be made via CIL as follows:

- For residential development, calculated at £641 per dwelling. Developers will not pay this directly, but it will be calculated annually from the number of housing completions and taken from the CIL receipts.

WC Education: No objection

S106 contributions requirements from this application, as per our consultation response of 25/11/21:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

WC Affordable Housing: No objection

An on-site affordable housing provision of 30% will be sought in this location. As this site is proposing 48 new homes, the on-site affordable housing requirement will be for 14 affordable homes and it is noted that the applicant proposes 14 affordable homes, which is acceptable. From this a tenure split of 60% affordable rented homes and 40% shared ownership homes is required, which the applicant has proposed and is acceptable.

Therefore, 8 homes for affordable rent and 6 homes for shared ownership will be sought.

The affordable property type mix being proposed by the applicant does not meet our required affordable property type mix, which is as follows:

Affordable Rented (8 units) -

- 1 bed/2 person apartments = 2 units in a 'house-style'/maisonette arrangement
- 2 x 2 bed/4 person houses = 2 units 2 bed/3 person bungalow = 1 unit to be (this should be built to M4(2) Standard with a level access shower)*
- 3 bed/5 person houses = 2 units
- 4 bed/7 person house = 1 unit Shared Ownership (6 units)
- 2 bed/4 person houses = 4 units 3 bed/5 person houses = 2 units

Shared Ownership (6 units) –

- 2 bed/4 person houses = 4 units
- 3 bed/5 person houses = 2 units

Due to potential maintenance/management issues, flats over garages/courtyard entrances is not an affordable housing type we would be able to currently support.

In relation to the proposed 6 x 2 bed flats for affordable rent it is noted that these units are to be provided in a separate block to the open market flats, which is acceptable. However, these units are proposed to be delivered in a 3-storey block which does not have a lift. Wiltshire Council's Tenancy Services Team and the RP Partner's that form the Homes4Wiltshire Partnership struggle to allocate 2 bed flats above the ground floor due to the fact that households registered on the Council's housing register, for 2 bed homes, mainly contain dependent children.

- 2 bed flats above ground floor often do not contribute to sustainable communities as households wish to move on quickly to alternative accommodation leading to a high turn-over of stock. To increase tenancy and community sustainability, I would suggest that the 3 -storey block of 6 x 2 bed flats are considered for shared ownership as there is a demand from individuals/couples for this type and size of shared ownership home in this location. The 2 x 1 bed flats, 3 x 2 bed houses and 3 x 3 bed houses should all be considered for affordable rent.

Taking the above points into consideration and providing as affordable rented 2 x 1 bed/3 person flats, 3 x 2 bed/4 person houses and 3 x 3 bed/5 person houses (currently shown as 4 person houses on the Amended Plans) and the block of 6 x 2 bed/3 person flats as shared ownership, will mean that this scheme could work very well in meeting the housing demand of those households registered for affordable housing in Trowbridge.

The clustering of the affordable homes shown on the Affordable Tenure Plan is acceptable as is the proposed in-curtilage car parking for the affordable homes.

Adapted units will be required to be built to Building Regulations M4 Category 2:

- Accessible and adaptable dwellings standards with ground floor units to be wheelchair accessible and provided with level access showers (rather than bathrooms) suitable for wheelchair users and a ground floor bedroom with a ground floor level access shower in 3 and 3+ bed houses.
- Based on current demonstrable need we can advise at least 10% of these affordable homes i.e. at least 1 affordable rented unit is required to be built on a nil subsidy basis to meet the specific needs of vulnerable and older people or those with disabilities and this should be the 1 bed ground floor affordable rented maisonette. This should be built to M4(2) Standard with a level access shower and should be located on a suitable topography, taking into consideration the needs of future occupiers of this dwelling.

Any affordable housing units agreed should be provided at nil subsidy, transferred to a Registered Provider approved by Wiltshire Council or to Wiltshire Council and should remain as affordable housing in perpetuity.

The completed affordable homes will need to be nominated in line with the Council's current Allocation Policy and Procedures and secured by the appropriate mechanism/legal agreement.

WC Urban Design: No objection following revisions to the scheme.

Wiltshire Council Highways Officer: Confirmation that a staggered barrier will be provided on the footpath connection to Larkdown. The staggered barrier does not however seem to be shown on plan, but it has been confirmed that the site will be offered for adoption by this Highway Authority and so the barrier can form part of the S.38 highways adoption submission.

The adjustments to the RCV swept paths are appreciated and now show no overrun of the footway area.

The updated travel plan is accepted and the addition of the £300 green travel vouchers welcomed. These will be provided to the first occupants of each dwelling only. Reference of and inclusion of the Connecting Wiltshire resources are also appreciated.

The revised submission also includes the proposed S.106 Heads of Terms. The two suggested highway elements are accepted, but these should be accompanied by the TRO contribution (£6,000) for the amended waiting restrictions on Ashton Street.

Additional comments on each element below;

- Bus Stop Improvement Works – the bus stop on Larkdown is to be improved with a new shelter, raised kerb and bus clearway markings. The developer can undertake these works, which would require their inclusion in a S.278 Highways Agreement or alternatively, the developer could provide a £12,000 contribution to enable the Council to undertake the works. I am happy for this obligation to be open ended, with a decision made on the best way to implement these works between the developer and the Local Highway Authority at the appropriate time. If the developer is to undertake the works, these should be completed prior to first occupation of the site. If the developer is paying a contribution, the developer will be required to pay this upon commencement of development and the contribution could be repaid if unspent within 5 years of receipt.
- £6,000 TRO contribution – payable upon request by the Local Highway Authority. The payment of this will be dependent upon the access works, which are likely to require a S.278 Agreement.
- Green Travel Plan Vouchers provided to every dwelling to the value of £300. Vouchers only provided to the first occupants. The developer is responsible for providing these vouchers directly to the occupants and these should be included as part of the Travel Plan measures/ welcome packs.

No Highway objection is raised to the proposal, subject to the above S.106 obligations and below conditions and informative being attached to any permission granted;

- 1) No part of the development shall be first brought occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

- 2) No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

- 3) No dwelling on the development hereby approved shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 4) No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

- 5) INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.

WC Drainage: No objection subject to conditions as follows:

- No development can commence until the Drainage Strategy plan shows all FFLs above the cover levels.
- No development can commence until a construction management plan been provided showing how surface water will be managed during the construction phase

WC Public Protection: No objection subject to the following conditions:

- 1) No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition), until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.
 - Step (i) Site Characterisation: An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - A survey of the extent, nature and scale of contamination on site;
 - The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

- If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

- An assessment of the potential risks to

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwater and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

- Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

- Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

- Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary, a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

- Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works. The verification report should be submitted to and approved in writing of the Local Planning Authority.

- Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Air Quality

- No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

Construction Phase

- No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- There shall be no burning undertaken on site at any time
- In addition to the above no development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - i. The movement of construction vehicles;
 - ii. The cutting or other processing of building materials on site;
 - iii. Wheel washing and vehicle wash down facilities;
 - iv. The transportation and storage of waste and building materials;
 - v. The recycling of waste materials (if any)
 - vi. The loading and unloading of equipment and materials
 - vii. The location and use of generators and temporary site accommodation
 - viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts
- The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

WC Landscape: No comment

Wessex Water: No objection

The applicant has indicated within the submitted Drainage Strategy Drawing Ref: 21-006-003 Rev A dated August 2021 an intention to requisition a new 150mm dia foul sewer with a new connection to the existing 150 mm dia public foul sewer at MH ST86573926 located in the carriageway adjacent to 67 Heather Shaw, Wessex Water has no objections to this in principle, however, the applicant will need to complete a sewer requisition application which will require technical approval from our regional engineer.

The applicant has indicated an intention within the submitted Drainage Strategy Drawing Ref: 21 006-003 Rev A dated August 2021 to capture and attenuation surface water runoff on site with a discharge to the open watercourse located at the southern tip of the site.

Wiltshire Police: No objection following revisions to the scheme.

Natural England: No comment.

Salisbury and Wilton Swift: No objection subject to an appropriate number of swift boxes being installed.

8. Publicity

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the site.

As a result, fifteen representations have been received from 12 third parties commenting or objecting on the scheme on the following grounds:

- Highway Safety;
- Too many vehicles;
- Increased traffic;
- Parking;
- Loss of privacy to adjacent occupiers;
- Loss of light to adjacent properties;
- Loss of a view;
- Less housing and more green space required;
- Overdevelopment;
- Hedgerows need protecting;
- Playground required.

9. Planning Considerations

9.1 The principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS form the relevant development plan for the area.

The application site is located within the designated Principal Settlement of Trowbridge as defined in Core Policy 1 of the adopted WCS. Core Policy 2 sets out the delivery strategy for the Council and advises that within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the Principal Settlements.

In addition to the above, it is also necessary to be mindful that the Council cannot at the present time, demonstrate a 5-year housing land supply, and until this predicament is resolved, full weight cannot be afforded to the policies enshrined within the WCS (or the WWDP) that seek to restrict residential development.

This proposal is fully supported by officers for the efficient and effective re-use of land to provide 48 new dwellings including policy compliant 30% affordable housing and is supported by policy. Accordingly, the proposed development is acceptable in principle subject to the following technical considerations.

9.2 Impact on Heritage Assets

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "*designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance*". The Council's Core Strategy CP 57: Ensuring high quality design requires a high quality of design in all new developments, noting that this should respond to the value of the historic environment by relating positively to the "*existing pattern of development*".

The site is not located within any Conservation Area and is not in close to listed buildings (see extract plan below with listed buildings hatch in black and the Conservation edge hatched in grey):



Notwithstanding this, Trowbridge has a lengthy history dating back to the medieval era and beyond, and this is reflected in its archaeological potential.

The Assistant County Archaeologist has been consulted on the application and confirms that the site is located outside the medieval core of Trowbridge in an area known to be populated by small medieval settlements and former moated manors along with associated field systems and evidence of charcoal burning in areas of former woodland.

While much of this site has been heavily impacted by the construction of the day-care centre in the late 1960s, the north-east quarter and the area immediately to the south-west of the current building have survived as open spaces where the potential remains for as yet unrecorded archaeological features and/or deposits associated with this earlier medieval activity.

The Assistant County Archaeologist had requested that these green areas are to made the subject of a geophysical survey and trial trench evaluation with this work to be secured via a condition to be attached to any planning permission that may be issued. It is considered that this would meet the 6 tests for conditions and is recommended to be applied to any grant of planning permission.

The proposed development therefore complies with Core Policies 57 and 58 of the WCS and the advice contained within the Framework.

9.3 Density, Design Landscape and Visual Appearance

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The proposed development is supported by a Master Plan and Landscape and Ecological Management Plan.

The site is located in an area demonstrating a wide variety of architectural styles and materials. The site is relatively flat and rectilinear surrounded by dense residential housing.

The proposed new dwellings will be a mixture of 2, 2.5 and 3 storeys in height ranging from circa 8m to 10.2m to ridge height with a variety of depths and widths depending on the housetype. The proposed widths range from 5m in width for terraced properties to 15m in width for the block of flats comprising plots 35 – 46. The depths range from 7m on plots 1-4 to 12m deep for the block of flats. This height, bulk and scale is generally consistent with Ashton Street and the surrounding area and as such is considered appropriate to the locality. The proposed dwellings all meet and often exceed nationally prescribed space standards. The concept is based on a broad mix of house types but predominantly 3bed and 2bed, so would be responsive to local need. The inclusion of apartments is welcomed.

Hedges, stonewalls and timber fences are a feature of the area forming boundaries between the road and properties and as such the proposed development intends to include these materials for boundary treatments.

The proposed new dwellings will be designed to reflect appropriate vernacular within the local area where new housing has been constructed. In order to ensure that they complement the surroundings the following materials will be used: -

- Facing brickwork and vertical cedar boarding, with slate roof tiles,
- Render with render panel;
- Feature stone band, ashlar stone and chimneys;
- Anthracite grey UPVC windows;
- Anthracite grey UPVC French doors and Bi-fold doors;
- Velux rooflights;
- Timber entrance doors;
- Stainless steel recessed balconies (Flat Block only);

It is recommended that details of all proposed external materials are conditioned prior to development above ground slab level in the event that permission is granted.

The gross density is circa 39dph which is acceptable for central urban locations such as this and the proposed development is considered to represent an efficient and effective use of land. Whilst a landscaping scheme is contained within the submitted documents, it is considered that conditions requiring the implementation of the landscaping, together with compliance with the submitted LEMP and maintenance of the landscaping should be attached to the grant of any permission.

All ancillary outbuildings and external storage have been integrated into the overall design and layout solution as part of the landscaping proposals however it will still be necessary to secure a contribution towards waste and recycling facilities required by CP3 (Infrastructure requirements).

The layout is well-considered, with active frontage, good street enclosure, and legible access. Furthermore, it is considered that the contemporary style elevational designs are, in general, a distinctive and successful response to the predominant materials and variety of housing forms that positively characterise the local area, with well-proportioned fenestration in particular at ground floor level and simple but clean detailing.

There is a fair amount of open space on the site meeting requirements requested by the Public Open Space team. All dwellings save for the flats are provided with personal rear gardens and all of a size that reflects the ground floor footprint of the dwellings in line with Building for life guidance. Concern has been raised that there should be a play area proposed on site; however, it is considered that there is an adequate amount of play facilities within walking distance of the site that meet the required guidelines and as such a formal request for an onsite play area cannot be justified.

The proposed trees will comprise of a mixture of predominantly native species with some selectively chosen ornamental species to give seasonal variety. Planting tree species that also produce flowers and berries for birds and insects. A framework of shrubs and native trees is proposed to encourage the wildlife and habitat value of the site as well as its connectivity with the wider landscape and ecological network. Hedging to plot frontages will be used extensively, with additional planting. An Arboricultural Report prepared by Sharples Tree Services accompanies this Application as supporting documentation and should be conditioned as part of the approved plan pack in the event of a grant of permission.

Air source heat pumps will be included in all properties with electric car charging points available within the scheme's parking provision. Local sustainable materials will be employed, and energy

efficient white goods are proposed throughout. The proposed development meets requirements for sustainable construction in accordance with policy CP41.

In light of the above assessment it is considered that the proposed development complies with the objectives and criteria of the Core Policies 51 and 57 of the WCS. The development will result in a change to the character of the site to that of an urban development and this is considered appropriate for this location which employs careful high quality design and landscaping.

9.4 Impact on the Amenities of Neighbouring Residents

Core Policy 57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution.

The site is located within a residential area with residential properties in proximity to the established boundaries of the site. The application is supported by site sections and the proposed development has been designed to meet requirements of BRE Guidance in terms of relationship distances ensuring that all proposed dwellings are set a minimum of 21m away from neighbouring properties and in some cases 25m.

Notwithstanding this, prior to design discussions, internal separation distances vary with the majority remaining at 21m however plots 1 & 3, and 2&4 had rear façade projections which are only about 13m apart with bedroom windows facing each other and closely overlooking neighbour's gardens. This has been resolved by swapping the wide and narrow windows in the relevant bedroom, so that larger windows address the streets and the smaller windows the rear garden. This also improved the active frontage of the public realm. Some side facing windows at plots 5 and 16 have also been removed to ensure no intervisibility between habitable rooms or overlooking would occur.

The 3-storey flats have a ridge height of 10.2m. The distances between 77 / 79 Heather Shaw and the new flats are 21m (flat block gable) and 24m (flat block main face). The flats sit at a lower ground level within the site in relation to Ashton Street level and no intervisibility is considered to arise having regard to the drawing pack, specifically section drawing E-E.

Concern has been raised by local residents that the height of some of the buildings would result in a loss of light to their properties and gardens. As such daylight assessment sections were requested and these have been provided relating to no's 79 and 97 Heather Shaw dwg ref 2830/173. An assessment has also been undertaken by the officer on the SunCalc application which provides an estimate of likely possible shadowing throughout the year and this together with the location of the tallest buildings, the path and orientation of the sun would indicate that no overshadowing or loss of light will occur to such an extent that it would result in significant loss of light to the habitable rooms of neighbouring properties. The majority of the shadow cast is likely to be on properties to the north of the site on Ashton Street and this would only be during the early morning and mid-afternoon temporarily during the winter months. This is not considered to result in a detriment to the amenities of these occupiers that would be sufficient to warrant refusal of the application.

Finally, public protection has been consulted on the application. They raise no objection but require that pre-commencement conditions are imposed to ensure that there is no contamination left on the site by the previous use given that the proposed new use as residential is considered

to be a more vulnerable use. They have also requested that a Construction Management Plan is submitted and approved prior to commencement of development to ensure that any waste is adequately dealt with and to ensure that the amenities of local residents are not significantly adversely affected during any construction period. These conditions are recommended to be attached in the event of any grant of planning permission.

The proposed development therefore complies with Core Policy 57 of the WCS and paragraph 130 f of the NPPF.

9.5 Impact on Highway and Pedestrian Safety

This section focuses on the impact of the proposed development on highway and pedestrian safety and the ability of the existing highway network to accommodate the vehicular and pedestrian movements associated with the development.

Core Policy 61 'Transport and New Development' of the WCS seeks to ensure that applications demonstrate that the scheme proposed has given consideration to the needs of all transport users and that the proposal is capable of being served by safe access to the highway network.

Core Policy 62 'Development Impacts on the Transport Network' then seeks to ensure that development provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The application is supported by a Transport Assessment and has been subject to a number of revisions following discussions with the Council's highways engineer.

Due to the former use of the site, the scale of the development proposed is not anticipated to create a significant amount of additional traffic movements than what the previous use of the site would have attracted if it was fully utilised to capacity and the principle for residential development is acceptable in Highway terms.

The two existing vehicular accesses from Ashton Street will be retained, widened and improved, with an overall carriageway width of 5.5m, with two 2m wide footways around the 6m radii. Visibility splays are improved to 2.4m x 43m, which is welcomed. Following concerns by residents requiring retention of the hedgerow it has been agreed to retain the hedgerow in its current location but trimmed and kept to a maximum height of 600mm to provide acceptable visibility splays. A condition requiring this is recommended.

The developer has agreed to pay associated costs (£6,000) of amending the existing waiting restrictions at these accesses to be secured by a legal agreement.

Internally, the road layout provides essentially a main loop road and two cul-de-sacs served from this loop. The cul de sacs are formed as shared surface style roads with a 4.8m carriageway, a 2m wide service strip and a 1m buffer strip. This layout is considered suitable and meets 20mph zone guidance. Details of these shared surfaces and the finish of the roads etc should be conditioned to ensure satisfactory design is achieved.

Swept Path analysis has been provided for a Refuse Collection Vehicle (RCV), which demonstrates that access can be gained throughout the site.

A new 2m wide pedestrian link is provided to Lark Down, which is welcomed. The implementation

of this should be secured by condition prior to occupation. The footpath connects at the point of the build out pedestrian crossing and will thus require a staggered barrier on the footpath, prior to back of the existing footway.

Cycle parking has been provided for each dwelling either within a garage or dedicated store, which is welcomed and meets policy requirements. Furthermore, a green travel plan has been submitted for the site, which is generally considered acceptable and again should be secured by legal agreement.

Related to the travel plan measures, a £10,000 contribution has been agreed to help fund improvements to 'Wayfinding' signage in Trowbridge, to help connect the site to the pedestrian and cycle networks. A further £12,000 has been agreed as a contribution towards the improvement of the Lark Down bus stop, which is welcomed and these contributions should be secured by legal agreement.

Following highway discussions and in response to an objection from Highways based on insufficient parking provision, car parking has been provided to almost meet Wiltshire's Minimum Residential Car Parking Standards, including appropriate visitor car parking spaces, which are well located. The proposal is now 4 parking spaces short of meeting the required policy amount and it is considered that such a shortfall, while it may put some pressure on parking spaces, would only cause minor harm and would not result in a severe impact on the highway network or significant detriment to the safety of highway users to justify a refusal on this basis. This is especially so given the site's relatively central and sustainable location which is served by bus stops outside the site, to which a contribution for improvement is proposed.

It is also noted that the pre-application response from the LPA did confirm an acceptance of a reduced car parking standard given the central and sustainable location together with improvements proposed to the existing bus stops, a number of cycle parking spaces, contributions towards traffic regulation orders and a new footpath improving the accessibility of the site for pedestrians. On balance therefore it is considered that the proposed development would not result in a significant detriment to the safety of highway users and the proposed development is acceptable in the round in terms of policies CP60, CP61, CP62 and CP64 together with the NPPF paragraphs 110, 111 and 112.

9.6 Ecology

The NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Furthermore, Core Policy 50 'Biodiversity & Geodiversity' of the WCS outlines that all development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term.

Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application is supported by an Ecological Assessment (Ethos Environmental Planning, September 2021), a Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) and a Biodiversity Net Gain Assessment (Ethos Environmental Planning,

September 2021) together with a Construction Environmental Management Plan (Ethos Environmental Planning, September 2021).

The proposed development lies in Trowbridge where development has the potential to affect the Bath and Bradford-on-Avon Bat SAC. The Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) (adopted in February 2020) was prepared to support the Wiltshire Housing Site allocations Plan (WHSAP). The SACs qualifying features are Bechstein's bat, Greater Horseshoe bat and Lesser Horseshoe bat. In particular, the woodlands to the east and south-east of Trowbridge are known to be important for a large and significant breeding population of Bechstein's.

The TBMS recognises the importance of both woodlands and their surrounding habitats through two buffer zones. The nearest woodland to the application site is Green Lane Wood (c. 1.2km south-east of the site).

This application is within the grey hatched zone which identifies the distance within which 75% of visitors to Green Lane Wood/Biss Wood (or Picket and Clanger Woods) are expected to come from and a package of mitigation measures is identified in the TBMS to accommodate the anticipated growth within this zone. Therefore, this application will be subject to Community Infrastructure Levy (CIL) developer contributions for strategic and recreational pressure.

Habitats recorded on site to be cleared included amenity grassland, shrub and a large area of hardstanding where buildings were demolished in 2018/2019. Boundary hedgerows likely to be used by bats will be protected and retained. Bat mitigation (two free-standing four chambered bat houses) secured under an EPS Mitigation Licence for buildings demolished in 2018/2019 will be retained in the southern part of the site within an area of mixed scrub and biodiversity area.

The site has limited potential to support amphibians and reptiles but has potential to support breeding birds, hedgehog and badger. A Construction Environmental Management Plan has been submitted and provides measures to protect boundary hedgerow and trees during the construction phase, and a precautionary methodology for clearance of habitats for breeding birds, hedgehog and badger.

Biodiversity net gain proposals are detailed to enhance the site for a range of species include the creation of two ponds, wildflower grassland, and a native hedgerow. Together with swift boxes and hedgehog fence panels enabling ecological enhancement across the site.

Accordingly, there is no objection subject to conditions being attached to the grant of any permission securing compliance with the documents provided and ensuring that no external lighting is installed without prior approval of the lux levels from the LPA.

As such the proposal meets requirements contained in CP50 of the WCS and the NPPF together with associated guidance.

9.7 Education

Policy CP3 and saved WWLP policy S1 requires that all new development will be required to provide for necessary onsite, and where appropriate, off-site infrastructure requirements. The education officer has assessed the proposal on the basis that policy compliant affordable housing will be provided and as such all one bed units have been excluded and a 30% affordable housing

discount applied to remaining 11 affordable units = 5. As such the education response has been provided on the basis of an assessment of 42 properties.

To summarise, the proposed development would give rise to the following pupil yield.

- Early Years: 6
- Primary: 13
- Secondary: 9

The School Development Officer has advised that all areas of provision are at capacity and as such the following contributions towards education provision would be required:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

All to be subject to indexation and secured by an S106 agreement to which standard terms will apply.

9.8 Recycling and waste facilities:

All new development will be required to provide for the necessary on-site infrastructure requirements arising from the proposal. In the event of competing demands for infrastructure provision, essential infrastructure will be afforded the highest priority. 'Waste management services such as recycling and collection facilities' are classed as 'essential infrastructure'.

Under policies CP3 and saved policy WCS6, the council requires s106 contributions towards the provision of waste and recycling containers for each residential unit at £91 per unit resulting a contribution requirement of £4,368.

It is recommended that this provision is secured through a legal agreement.

9.9 Drainage Matters

The Application Site, as noted above, is located within Flood Zone 1 and is therefore at low risk from flooding. The application is supported by a revised Flood Risk Assessment and Drainage Strategy following discussions with the Lead Local Flood Authority. This demonstrates that development of the site would not increase the risk of flooding on site or elsewhere.

Surface water is to be discharged by a positive means of drainage via storage and discharge to watercourse as part of development. The development would not impact existing drainage arrangements for the site however it provides an additional swale to ensure that surface water is adequately dealt with in the case of high rain fall.

Concern has been raised regarding the safety of this swale, however given the gentle incline and the likelihood that it would only have water within it in the worst cases of rainfall being dry most of the year it is considered that this swale in this location would not result in a danger to life.

9.10 s106 and CIL

The Council's adopted Wiltshire Community Infrastructure Levy (CIL) Charging Schedule applies to the proposed development. The site falls within Charging Zone 1 which sets a charge of £85 per square meter of residential floor space.

The application is also supported by suggested Heads of Terms for a S.106 agreement.

In summary, it is anticipated that the following planning obligations will be required:

- Affordable housing at 30% (14units) on a split between 60% affordable rent (8units) and 40% shared ownership (6units);
- Education contributions:
 - Early years places = £105,132
 - Primary school places = £225,096
 - Secondary school places = £206,460
- Transport contributions relating to Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)
- Open Space Management - The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP, will need to be secured as part of the section 106 agreement.
- Recycling and Waste Facilities - The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368. This will be secured via a section 106 agreement should planning permission be granted.

9.11 Planning Balance

The proposed development proposes the reuse of brownfield land for housing within a principal settlement. The provision of 48 dwellings carries significant weight given that the Council cannot as yet demonstrate a robust five year land supply. Of the 48 units, 14 will be affordable housing and this also carries significant weight given that there is a need for affordable housing in this location.

The proposed development would also provide an improvement to the location visually in terms of improved landscaping and demonstrates an efficient and effective use of land.

It would provide contributions to education facilities and provide construction jobs as well as inviting 48 new households who would spend money locally and likely contribute to the local employment pool. These benefits are afforded moderate weight.

The introduction of a swale and provisions of a landscape and ecological management plan that would improve drainage at the site and ensure the longevity of the biodiversity and may well

enhance the biodiversity. These benefits are afforded minor weight as they are on the whole proposed as embedded mitigation.

The provision of additional cars may put a slight squeeze on parking availability in the area to which slight harm is attributed, however the scheme has sought to increase on-site parking as much as possible and attracts no highway objection or concerns in terms of highway safety. Additional contributions in the form of a Green Travel Plan, works to improve the existing bus stops at the site, a new footpath and contributions to Traffic Regulation Orders in the locality are also considered benefits which attract moderate weight.

Accordingly on balance, the numerous benefits in favour of the scheme outweigh any harm identified and as such in accordance with paragraph 11 of the NPPF 2021 the proposed development benefits from a presumption in favour of it and it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION:

That the Committee delegates authority to the Head of Development Management to grant planning permission subject to the conditions and informatives listed below following the completion of a s106 agreement to secure the matters also set out below –

S106 Heads of Terms

Affordable Housing: Core Policy 43 'Providing Affordable Housing' of the WCS requires 30% affordable housing in this location (i.e. 14 affordable homes). The Council's Housing Enabling team indicated that a tenure split of 60% affordable rented homes (8 homes) and 40% shared ownership homes (6 homes) will be required.

Public Open Space: Policy CP3 of the WCS and Saved policy LP4 'Providing Recreation facilities in New Developments' of the former West Wiltshire Local Plan requires developments to provide recreational open space. The POS team indicated that a development of 48 dwellings generates a requirement for 1359m² of casual open space, 56.64m² of play space and 1132m² for sports.

Open Space Management: The required on-site POS provisions, along with the future management and maintenance of the Public Open Space, Surface Water Drainage scheme infrastructure, and structural landscaping and ecology buffer zones, as shown on LEMP.

Highways: Policy CP3 Green Travel Plan including £300 of travel vouchers) bus stop improvements (£12,000), the provision of a new footpath and TRO's (£6,000)

Recycling and Waste Facilities: The Council's Waste & Environment Service team indicated that the on-site infrastructure required by the proposal is the provision of waste and recycling containers for each residential unit. This contribution is directly related to the development as the cost is £91 per dwelling. The contribution based on the provision of 48 dwellings would be £4,368. This will be secured via a section 106 agreement should planning permission be granted.

Education Infrastructure: Policy CP3 and Saved policy S1 'Education' of the former West Wiltshire Local Plan outlines that where a proposal for residential development gives rise to the need for additional education provision, a planning obligation will be sought to meet that need. The scale of the obligation to be sought will relate to the scale of need arising from the proposed development. In this case the education requirements are:

- Early years places = £105,132
- Primary school places = £225,096
- Secondary school places = £206,460

Conditions

1. 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. The development hereby permitted shall be carried out in accordance with the Plans list ref 21054 received on 12.09.22 as well as the following documents:

- FRA and Drainage Strategy: received 28 June 2022
- Arboricultural Method Statement
- Waste Minimisation Statement
- Proposed Access Arrangement Plan: Drg. SK01_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 1of2 Drg.SK03_RevA
- Swept Path Analysis large 4 Axle Refuse Plan 2of2 Drg.SK03_RevA
- Travel Plan Report RevA
- Ecological Assessment
- Construction Environmental Management Plan
- Landscape and Ecological Management Plan
- Ground Investigation Report
- Biodiversity Net-Gain Assessment

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

3. The development will be carried out in strict accordance with the following:

- Ecological Assessment (Ethos Environmental Planning, September 2021)
- Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021)
- Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021)
- Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

4. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

5. No development shall commence on site (other than that required to be carried out as part of a scheme of remediation approved by the Local Planning Authority under this condition),

until steps (ii) to (iii) below have been fully complied with, (step (i) having already been carried out.) If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until step (iv) has been complied with in full in relation to that contamination.

Step (i) Site Characterisation:

An investigation and risk assessment must be completed to assess the nature and extent of any contamination (including asbestos) on the site, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

A survey of the extent, nature and scale of contamination on site;

The collection and interpretation of relevant information to form a conceptual model of the site, and a preliminary risk assessment of all the likely pollutant linkages;

If the preliminary risk assessment identifies any potentially significant pollutant linkages a ground investigation shall be carried out, to provide further information on the location, type and concentration of contaminants in the soil and groundwater and other characteristics that can influence the behaviour of the contaminants;

An assessment of the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwater and surface waters, ecological systems, archaeological sites and ancient monuments;

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance.

Step (ii) Submission of Remediation Scheme:

If any unacceptable risks are identified as a result of the investigation and assessment referred to in step (i) above, a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared. This should detail the works required to remove any unacceptable risks to human health, buildings and other property and the natural and historical environment, should be submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

Step (iii) Implementation of Approved Remediation Scheme:

The approved remediation scheme under step (ii) must be carried out in accordance with its requirements. The Local Planning Authority must be given at least two weeks written notification of commencement of the remediation scheme works.

Step (iv) Reporting of Unexpected Contamination:

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it should be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment should be undertaken in accordance with the requirements of step (i) above and where remediation is necessary,

a remediation scheme should be prepared in accordance with the requirements of step (ii) and submitted to and approved in writing by the Local Planning Authority.

Step (v) Verification of remedial works:

Following completion of measures identified in the approved remediation scheme a verification report must be produced. The report should demonstrate the effectiveness of the remedial works.

The verification report should be submitted to and approved in writing of the Local Planning Authority.

Step (vi) Long Term Monitoring and Maintenance:

If a monitoring and maintenance scheme is required as part of the approved remediation scheme, reports must be prepared and submitted to the Local Planning Authority for approval at the relevant stages in the development process as approved by the Local Planning Authority in the scheme approved pursuant to step (ii) above, until all the remediation objectives in that scheme have been achieved.

All works must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11" and other authoritative guidance

REASON: To ensure the amenities and safety of future occupants of the development.

6. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: To ensure the amenities and safety of future occupants of the development.

7. No construction work shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday
8. No development works shall commence until a Construction Method Statement has been submitted to and approved in writing by the LPA. The CMS shall include the following:

- The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:
 - The movement of construction vehicles;
 - The cutting or other processing of building materials on site;
 - Wheel washing and vehicle wash down facilities;
 - The transportation and storage of waste and building materials;
 - The recycling of waste materials (if any);
 - The loading and unloading of equipment and materials;
 - The location and use of generators and temporary site accommodation;
 - Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts.
 - There shall be no burning undertaken on site at any time.

The demolition and construction phases of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: To safeguard the amenities of the area.

9. The development shall be undertaken in accordance with the details set out in the approved submitted drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

10. The development shall be undertaken in accordance with the details set out in the approved drainage strategy prepared by Adama Consulting dated November 2021.

REASON: To ensure the approved development is adequately drained and to avoid flood risk.

11. The development shall be undertaken in accordance with the details set out in the approved Construction Environment Management Plan.

REASON: To ensure the amenities and safety of future occupants of the development.

12. No development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. The development shall not be first brought into use and no dwelling hereby permitted shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture have all been constructed and laid out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the roads are laid out and constructed in a satisfactory manner.

13. No part of the development shall be first brought occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety

14. No dwelling on the development hereby approved shall be occupied until enough space for the parking vehicles, together with a vehicular access thereto, has been provided in accordance with the approved plans. The said spaces shall not be used other than for the parking of vehicles or for the purpose of access.

REASON: To ensure that adequate provision is made for parking within the site in the interests of highway safety.

15. No dwelling on the development hereby approved shall be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

16. No unit shall be occupied until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied.

REASON: In the interests of reducing the amount of private car movements to and from the development.

17. No unit shall be occupied until full details of the proposed new footpath and staggered barrier connecting to Lark Down as shown on approved site has been approved and implemented.

REASON: In the interests of pedestrian safety and reducing the amount of private car movements to and from the development.

18. The development will be carried out in strict accordance with the following: Ecological Assessment (Ethos Environmental Planning, September 2021) Landscape and Ecology Management Plan (Ethos Environmental Planning, October 2021) Biodiversity Net Gain Assessment (Ethos Environmental Planning, September 2021) Construction Environmental Management Plan (Ethos Environmental Planning, September 2021)

REASON: For the avoidance of doubt and for the protection and mitigation of biodiversity

19. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

20. The development hereby approved shall not commence above ground slab level until a scheme of hard and soft landscaping has been submitted to and approved in writing by the LPA , the details of which shall include:

- a. detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- b. finished levels and contours;
- c. means of enclosure;
- d. car park layouts;
- e. other vehicle and pedestrian access and circulation areas;
- f. all hard and soft surfacing materials;

- g. minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- h. proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

21. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner;

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

22. No development shall commence on site above slab level until details and samples of the materials to be used for the external walls and roofs, windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details

REASON: In the interests of visual amenity and the character and appearance of the area.

23. No development shall commence within the area indicated by application PL/2021/09909 until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

The evaluation is to be carried out by qualified archaeologists following the standards and guidelines for such work as set out by the Chartered Institute for Archaeologists (CIfA). The

REASON: To enable the recording of any matters of archaeological interest.

Costs of this work are to be borne by the applicant.

24. The development hereby approved shall be undertaken in strict accordance with the details as submitted and approved within the tree survey prepared by Sharples Tree Services dated November 2021.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

25. The development shall not be occupied until details of at least 24 swift/bird boxes/bricks have been submitted to and approved in writing by the LPA and installed to be retained for the lifetime of the development.

REASON: IN the interests of ensuring biodiversity at the site.

26. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

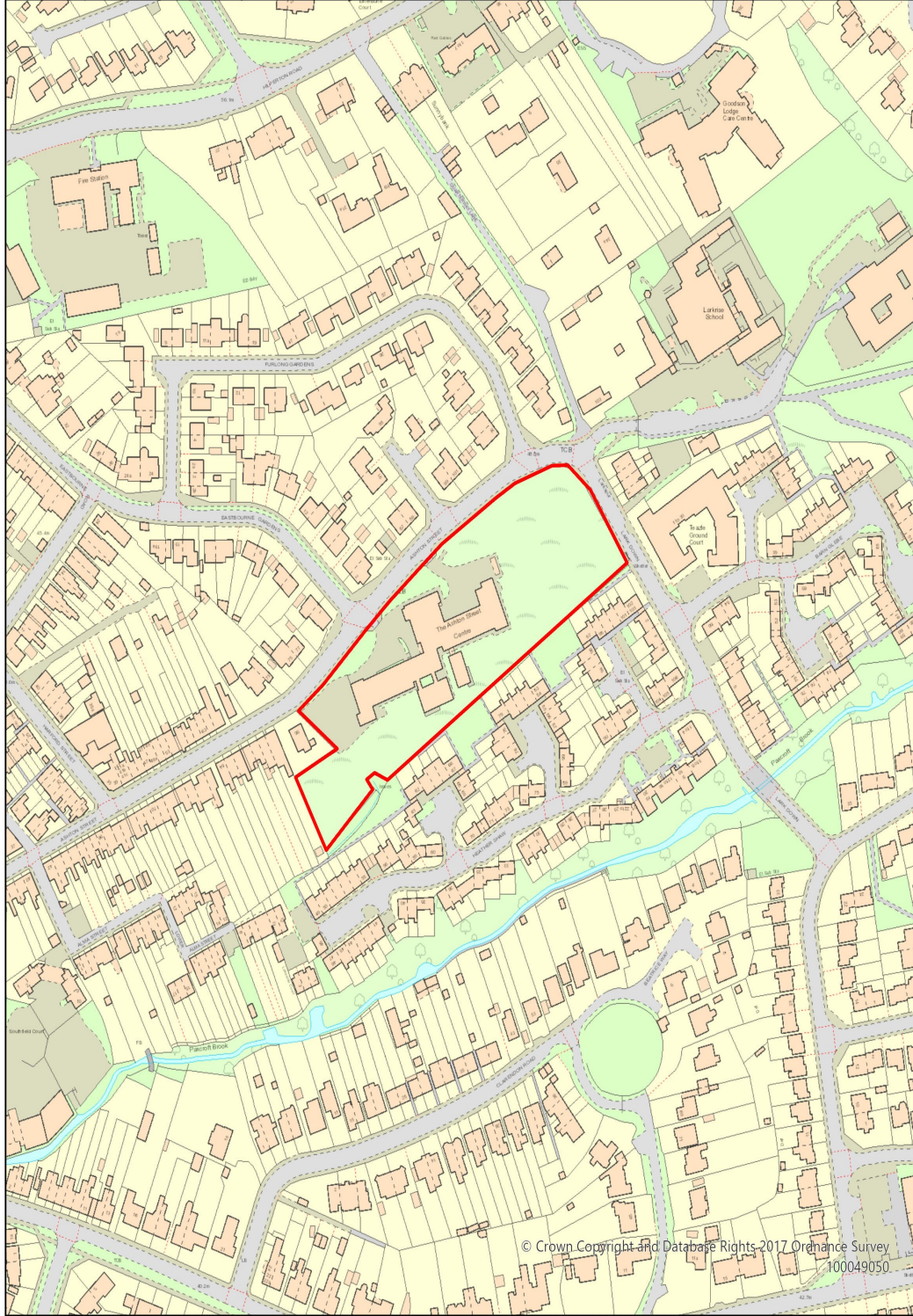
Informatives

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy
2. INFORMATIVE: The developer/applicant will be expected to enter into a S278/S38 Agreement with the Highway Authority before commencement of works hereby approved.
3. INFORMATIVE: The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
4. Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

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REPORT FOR WEST AREA PLANNING COMMITTEE

Date of Meeting	7 August 2024
Application Number	PL/2023/04128
Application type	FULL
Site Address	The Old Vicarage and Staverton House, 51a New Terrace, Staverton, BA14 6NX
Proposal	Demolition of the existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space and together with the existing home would provide 52 bedrooms total and associated works (Resubmission of PL/2021/10237)
Applicant	Mr. Ashley Jones
Town/Parish Council	Staverton Parish Council
Electoral Division	Holt – Cllr Trevor Carbin
Grid Ref	385853 - 160236
Case Officer	David Cox

Reason for the application being considered by Committee

Cllr Trevor Carbin called the above application into planning committee should officers be minded to approve the application to enable the elected members to consider the scale of the development, the visual impact on the surrounding area, design, highway impact and the relationship with adjoining properties. The call-in therefore permitted a delegated officer decision to refuse planning permission. However, officers are mindful that the last application came before this committee which resulted in a refusal and a dismissed appeal, and in cognisance of the site's planning history and through noting the applicants assertion that the care home could close in the event of the above proposal not securing planning permission, the Corporate Director for Place has directed officers to bring this application back to Committee regardless of the officer recommendation.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be refused.

2. Report Summary

The key determining planning issues are considered to be:

The principle of development, the scale and design of the proposal and its impact on the street scene, the impacts on neighbouring amenity, and upon non-designated heritage assets. The drainage, ecological and highway implications are also material to this application.

3. Site Description

The application site is approximately 0.38 hectares (or 0.93 acres) and measures approximately 36m wide by 97m deep. The site slopes approximately 2.16m from the main road (New Terrace) to the southwest (measured using the submitted site topography plan).

The Old Vicarage is a large Victorian two storey building built with stone under a slate roof, set back approximately 24 metres from the New Terrace highway as shown by the site location plan and Council mapping images below.



Site Location Plan/Existing Block Plan and Council Mapping image of the application site

The site has two existing vehicular accesses onto New Terrace which serve an area of hardstanding used as informal car parking area and also an internal access road. The submitted application form states that there are a total of 16 spaces within two car parks on the site.

The Old Vicarage became a care home around 1984 and was subsequently extended to the rear with a fairly large single storey extension, that due to the sloping ground is elevated above the internal access road which is on the eastern side of the property. The internal access road (which aligns adjacent to No 50b) leads to a small car park of 8 spaces in front of Staverton House – which is a detached 2 storey building at the southern end of the property which was granted planning permission in 2003 and in 2005.

As illustrated in the following insert, the surrounding area is principally residential, with many of the nearby properties having large residential curtilages.

It is also important to note that the internal road and parking area adjacent to No 50b are broadly at the same ground level as the house and garden.



March 2019 Google Street View Image of the site and both neighbouring properties on New Terrace Road

Staverton House is a care home that provides specialist dementia care home to the residents. The care home used to have 40 beds split across both the Old Vicarage and Staverton House properties (with 20 in each). However, in 2022 the Old Vicarage accommodation closed because it was no longer fit for purpose and being on multiple levels with no lift, and there being no reasonable prospect of installing one. Furthermore, the rooms were considered too small (to accommodate the essential modern equipment and furniture and provide acceptable space for residents and carers to move effectively around the rooms. In addition, the corridor circulation space was found to be very restrictive, which in combination, rendered any retrofit option to satisfy modern standards of care, as impractical.

The modern standards for room size seek a minimum of 16m² and to be of a standard shape – whereas many of the existing rooms were constrained with chimney stacks reducing the internal space that is available. The building is also physically separated from the rest of the care home (contained within Staverton House) which was not conducive to allowing residents to use the Old Vicarage in any capacity.

Staff wellbeing and care home efficiencies have been cited as additional reasons to redevelop the site and enhance the facilities within the care home.

Officers are appreciative that retaining care workers is an important aspect of providing a continued high quality care service, and given the limitations within the Old Vicarage, officers fully appreciate the applicant's proposals to improve the on-site accommodation.

The current care provider only uses Staverton House for residential care purposes and a viable future use of the Old Vicarage is being sought through this application.

The application site is not within a conservation area and the nearest listed building is approximately 215m away (being the grade II listed Kennet and Avon Canal Bridge).

Due to its architectural detailing and Victorian form and design, the Old Vicarage is considered to merit having non-designated heritage asset status for the purposes of assessing this application.

4. Planning History of Application Site

W/84/01256/FUL - Residential home for nine elderly persons – **Approved with conditions**

W/86/01380/FUL - *Extension to existing residential home for the elderly* – **Approved with conditions**

W/88/02085/FUL - *Erection of conservatory* – **Approved with conditions**

W/98/01660/FUL - *Extensions and alterations to form additional en-suite facilities and car parking* – **Approved with conditions**

W/03/02197/OUT - *New 16 Bed care home in grounds of The Old Vicarage* – **Approved with conditions**

W/05/01212/FUL - *Erection of new two storey care home* – **Approved with conditions**

W/11/00790/FUL - *A single storey link building between the rear extension to The Old Vicarage and Staverton House to provide internal access and a shared entrance from the car park* – **Approved with conditions**

Note: The above permission was never implemented on site. After reviewing the plans, the link would be akin to a two-storey extension and would have required an internal staircase and lift in order to effectively link Staverton House to the rear extension of the Old Vicarage.

PL/2021/10237 - *Demolition of existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space, & together with the existing home would provide 52 bedrooms in total* – **Refused by western area planning committee on 18 January 2023.**

The Committee report and subsequent appeal dismissed on 6 December 2023 are both appended to this committee report. Members are invited to also read paragraphs 9-13 of the appeal decision.

For completeness sake, Members refused the 2021 application for the following reason:

The proposed development by virtue of its bulk and design and relationship with the site's immediate neighbours, is considered unacceptable and in conflict with adopted Wiltshire Core Strategy Core Policy 57 and NPPF paragraph 130. The proposal would not result in a high quality of development or be complementary to the locality. The proposal would result in a material loss of amenity to neighbouring properties through overbearing and overlooking and the proposed demolition of the Old Vicarage building would result in the unacceptable loss of a non-designated heritage asset that contributes positively to the character of the village contrary to WCS Core Policy 57, 58 and NPPF paragraph 203.

It is important to appreciate that since the appeal was determined, the NPPF was revised in late December 2023 and after the appeal was determined, and readers should note that the NPPF paragraph numbering has consequently changed.

As set out in the appended appeal decision, and pursuant to the aforementioned 'loss of the non-designated heritage asset' as a part reason for refusing the previous application, the appointed planning inspector concluded the following:

"29. The Old Vicarage possesses some aesthetic merit due to its external stonework, including the carved hoodmoulds, porch and windows. However, it is not particularly original in its style and has been considerably altered internally in order to serve its modern use as a care home. Original

elements of the building, such as the main entrance, have been covered and have been replaced with modest additions to facilitate its use. On the ground floor, the sills of the former windows in the north and west elevations have been removed to create large doorway openings into the conservatory extensions. Where early floorboards were visible under the modern carpets, these have evidently been cut, presumably in order to install modern services. There are also signs of rot and instability.

30. Internally, some original features remain. These include moulded cornices with typical Victorian profiles, window shutters and a few early ceiling roses at ground-floor level. There is also evidence of some early joinery around the internal doorways and the staircase has 'simple turned balusters and robust but plainly carved newel posts and handrails'. Nevertheless, I consider that those features that do remain are not especially unusual or special for a property of this period.

31. In summary, the building, whilst attractive with some pleasing external and internal architectural features, is typical of its era. There is nothing inherently special about its design that sets it apart from other buildings of this period. It has been extended, unsympathetically in places, and interior features have been lost. It does not meet the criteria for statutory listing. Whilst the Council have not articulated the level of significance, the appellant considers that the building has a moderate level of significance. This has taken into account the modern accretions and alterations which are considered to detract from the architectural and historic interest of the asset.

32. In my view, taking account of the above, I consider it has a moderate level of significance...

Heritage Balance

35. The proposal would result in the total loss of a non-designated heritage asset of moderate significance. The loss of a building of moderate significance would result in a moderate level of harm. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset...

38. An analysis of the existing building has been submitted with the appeal⁷, which discusses the key reasons against the use of the existing Old Vicarage building as part of a refurbishment scheme. The appellant has considered the reuse of the existing vicarage building, showing an attempt to ensure all bedrooms include a full ensuite wet room as standard, and that every room has a minimum of 15m² of space for each resident to live in. However, due to the inadequate vertical circulation within the building and particularly the convoluted arrangement within the Old Vicarage, this idea has been dismissed due to the inability to effectively provide quality care within the building. The Council still consider that it has not been adequately demonstrated that the Old Vicarage, alongside 'an appropriate extension behind it linking with Staverton House' could not provide for non-care rooms or an alternative arrangement.

39. However, regardless of whether it would be viable or even feasible to convert the existing Old Vicarage building to provide for modern care needs, having carefully considered all of the evidence, I find that the benefits of the scheme, taken together, outweigh the harm arising from the total loss of a non-designated heritage asset of moderate significance. Hence, there would be no conflict with the relevant criterion of Core Policies 57 and 58 of the Core Strategy or the Framework. These policies, in combination, seek to ensure 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. Proposals should also ensure a high standard of design and enhance local distinctiveness by responding to the value of the historic environment."

The appeal was dismissed on the impact on No 6 Littlebrook (see paragraphs 9-13 of the attached appeal decision) whereby the appointed planning inspector found substantive harm arising from the appealed 3-storey building – with it being too large and too close to No 6. Additionally, even with the obscure glazing details, the appointed inspector was concerned about the perception of being overlooked. The Inspector concluded that, combined, the appealed development would adversely harm the living conditions of No 6 in respect of privacy and outlook - with appeal decision paragraph 11 clearly setting out the following conclusion (with officer emphasis added):

“I acknowledge that the 3-storey structure would be positioned further away from the boundary with No 6 than the existing single storey structure. However, the introduction of the substantial 3 storey building, by virtue of its size, massing and proximity, would have an unacceptable overbearing effect upon the outlook from the modest external amenity space to the side of No 6.”

And paragraph 12 went on to state that;

“...the windows that would look towards No 6 include angled modules, in order to restrict the potential for future residents of the proposal to overlook No 6. Whilst it is noted that the lower 1.6m of these windows would have opaque glass, the proximity of these windows, which would be at first and second floor level, would lead to the perception of being overlooked.”

The Inspector also concluded in paragraph 26 that;

“I consider that the proposals would not be significantly overshadowing to the neighbouring properties. Nevertheless, despite the lack of harm to the amount of light received by No 6, this does not overcome my concerns in regard to their outlook and privacy.”

The planning Inspector in early December 2023 concluded within paragraph 27 that the impacts on No 50b and 52 New Terrace and No 12 Smallbrook Gardens would not be substantively harmful to warrant a refusal of planning permission.

5. Proposal

This application retains most of the previous PL/2021/10237 proposals in that it seeks permission to demolish the Old Vicarage and its modern rear extension (the outline of which is illustrated by a red dotted line on the proposed site plan which is reproduced on the next page), and to erect a replacement building that would connect and integrate into Staverton House. The proposed building would be set back a further 9.5m from New Terrace Road to allow for an enlarged 20 space car park at the front (within the northern part of the site). The existing accesses would be turned into a specific one-way system with one site entrance and exit.

The proposed replacement building would have a three-storey form with a traditional pitched roof at the northern (and front) part of the site and would have a basement level (referred to as the lower ground floor level). Consequently, the applicants then describe the next floors as 'ground' and 'first' floor, to which Officers describe these floors in brackets as being (ground floor, first floor and second floor) and throughout this report, reference is made firstly to what the applicant calls each floor level which is immediately followed by a storey level in brackets reflecting what officers consider each floor level.

This would require partial site excavation (as illustrated by a red dotted line on the elevation plans which are reproduced on the following pages) and would also require the raising of the external ground level (at the entrance to the building) across the frontage of the site ranging from approximately 0.5m to 1.1m.

Behind the front section, and as the site levels fall, there would then be a three storey flat roofed section. The flat roof section is 9.8m high and would be approximately 0.6-1.3m above the ridge roof heights on Staverton House, which would connect directly into Staverton House at the 'lower ground floor' and 'ground floor' levels (effective ground and first floor levels). The reason why the external ground level at the front (i.e., the northern end) of the replacement building is proposed to be raised over the existing ground level is to ensure that the basement is then at the same floor level as the 'lower ground floor' level of the flat roofed section behind it (and also at the ground floor level of Staverton House). This would ensure there is good connectivity across the whole building.



Proposed Site Plan



Proposed Front Elevation Plan

The new building would have a total of 32 care rooms (plus a kitchen, laundry, visitor waiting, reception, office, staff room, as well as dining and lounge rooms), and thus would increase the overall number of care provision beds to 52. The applicants have stated that 52 beds are required in order to be viable. For the avoidance of any doubt however, no open book viability exercise has been submitted with the application to substantiate this assertion.

The applicant has sought to make a series of changes to the scheme to address the appeal dismissal grounds, which requires an entirely fresh assessment of all the material planning considerations for this application.

For the avoidance of any doubt on Friday 28 June, a late revision was received which was subject to a three-week public consultation (expiring on 19 July). The consultation advised that revised plans had been received (from the initial design proposal shown by the dashed green line on the various plans). These changes have been made to try and address the conclusions of the Planning Inspectorate and through officer negotiations.

The applicant asserts that this revised application has made the following changes to the scheme following the dismissed appeal in early December 2023:

- Enlarge the length of the front elevation of the main front section and the side elevation service entrance by approximately 600mm, which brings the built form closer to No 50b
- Moved the 3-storey central section approximately 1.3m (eastwards) closer to No 50b's and No 12 Smallbrook garden boundaries
- Reconfigure the existing layout of Staverton House. The existing lower ground floor (ground floor) has 10 bedrooms which would be increased to 12 bedrooms
- The ground floor (first floor) of Staverton House would retain 10 bedrooms but would be re-configured taking space from an existing lounge. Two new bedrooms would face towards Littlebrook using existing windows
- Reconfigure the layout and enlarge the footprint of the lower ground floor in both the main front section and central link section to accommodate 11 beds compared to 9 in the dismissed appeal scheme
- Reconfigure the ground floor (first floor) and decrease the footprint by approximately 22m², the removal of the 'angled modules' and all bedrooms on the western elevation facing No 6. Introducing two 'turret' design features and the provision of a new residents dining room which would have 4 small high level obscurely glazed windows. The number of bedrooms on this floor would be reduced from 9 to 6
- Reduce the footprint of the first floor (second floor) by approximately 53m² and move the edge of the flat roof 1.4-2m further away from No 6. Reduction in the number of bedrooms that have a potential to look westwards from 5 to 4
- Retain and reuse 7 window stone surrounds (an increase of 6 from the appeal decision).

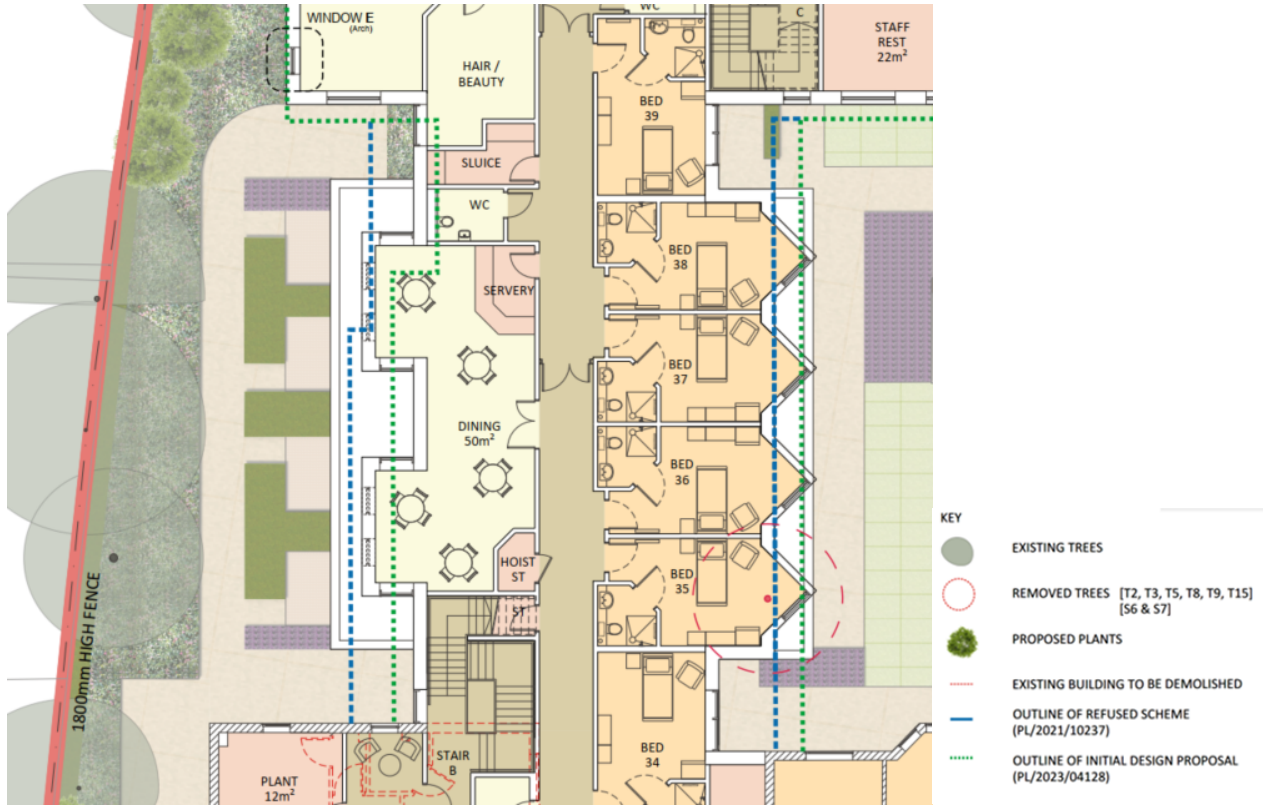
In the image below, the site plan includes a blue line reflecting the extent of the dismissed appeal scheme (where all three floor levels had the same footprint). The green line shows how this application was originally submitted, and the grey areas illustrate the three different footprints of each floor level in the revised proposal.

The lower ground floor (ground floor) has the largest footprint (which is larger than the appeal scheme), the ground floor (first floor) showing the two turrets on the western elevation and the angled modules on the eastern elevation and the first floor (second floor) shown as being approximately 18.1m from the side elevation of No 6 Littlebrook and 16.5m from the garden boundary with No 50b.

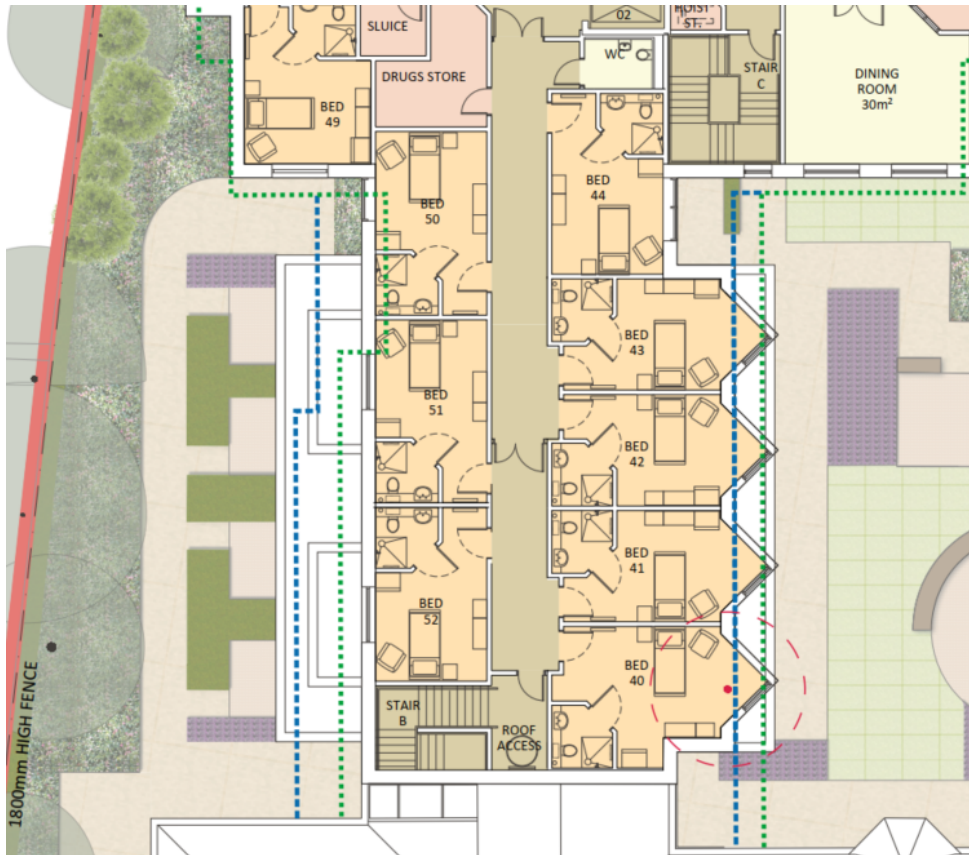


Enlarged section of the proposed site plan

The images of the floor plans and elevation plans on the following pages illustrate how the applicant has revised the design that 'steps' the mass of each floor of the building further away from the boundary in order to overcome the dismissal of the appeal and the scheme's relationship with No 6.



Extract of Proposed 'Ground' Floorplan (first floor)



Extract of Proposed 'First Floor' Plan (Second Floor)



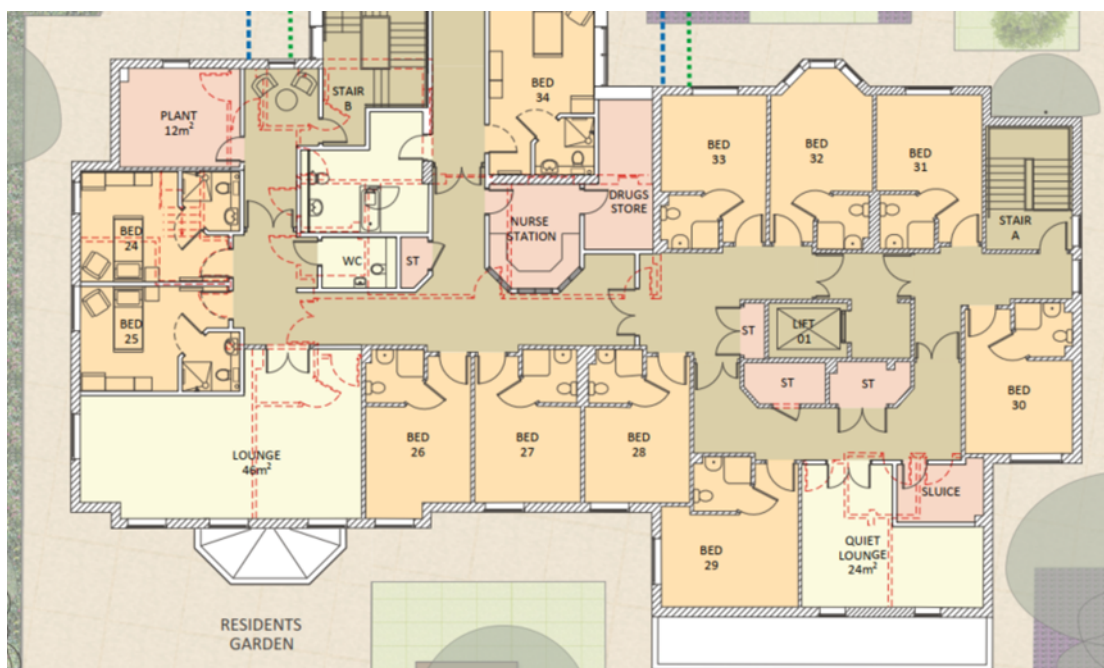
Western Elevation of the dismissed appeal scheme PL/2021/10237



Proposed Western Elevation



Comparison of rear south elevation between appeal scheme (left) and proposed scheme (right)



Proposed 'Ground Floor' (first floor of Staverton House) with red dash line showing existing layout – Bedrooms 24 and 25 are new

6. Planning Policy

National Context:

The National Planning Policy Framework 2023 (NPPF) and Planning Practice Guidance (PPG)

Local Context:

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP29 – Spatial Strategy Trowbridge; CP46 – Meeting the needs of Wiltshire's vulnerable and older people; CP57 – Ensuring High Quality Design and Place Shaping; CP58 – Ensuring the conservation of the Historic Environment; CP60 – Sustainable Transport; CP61 – Transport and New Development; CP64 – Demand Management.

Wiltshire Council Housing Land Supply Statement – Base date April 2023 published June 2024

Maximum Parking Standards of Local Transport Plan 2011-2026

Staverton does not currently have a made Neighbourhood Plan.

7. Consultations

Staverton Parish Council – Objects, arguing that the proposal is still too big.

Wiltshire Council Adult Services Officer – Supportive arguing that *“Wiltshire really requires the specialist support delivered by this provider, there is a shortage of this type of placement for our population, who end up having to be moved out of county for this type of care. This is very distressing for all concerned”*.

Wiltshire Council Ecology Officer – No objection subject to conditions *“The current application, with updated/revised plans, is very similar to that submitted under PL/2021/10237, to which the Ecology Team had no objection. An Appropriate Assessment (AA) under the Habitats Regulations has been carried out by Wiltshire Council LPA, as the responsible authority. A copy has been sent to Natural England for their agreement with the positive conclusion of the AA.*

Bath and Bradford on Avon Bats SAC HRA Appropriate Assessment

The Site is in a rural location within 4 km of a GHS bat 'core roost' located Gripwood as identified in the Bath and Bradford on Avon Bat SAC guidelines and therefore within a 'core area' where the landscape and roosts are likely to be of particular importance to foraging and commuting GHB for which the Bat SAC is designated.

The application site lies in the Trowbridge Bat Mitigation Strategy (TBMS) area in the grey hatched recreational zone. This is a replacement for an existing care home, and we note that residents living here are very unlikely to be visiting local woodlands in a recreational capacity therefore there is no mechanism for increased adverse effect. However, the development will involve loss or alterations to existing habitats within the site

The current condition of the European site is favourable. The SSSI components of the SAC comprise disused stone mines which are of key importance as a hibernation and swarming site for the above three bat species (greater horseshoe, lesser horseshoe and Bechstein's) because of the combination of temperature and humidity conditions, suitable access, lack of pollution and infilling, and lack of disturbance.

The SAC bat populations are also supported by habitats beyond the boundaries of the SAC. Such habitats include watercourses, treelines, hedgerows and open farmland which provide foraging habitat, flight corridors and summer roosting habitat.

Due to the Sites location within a 'core area' it is likely that any habitats and roosts affected will be of importance to SAC bats. No Annex II bat roosts were recorded as present within the site. The removal of existing habitat or vegetation likely to be of value to bats is not proposed and the site will achieve net gain of biodiversity.

The temporary/permanent loss of foraging habitat and flight corridors is unlikely.

The residual impact on bat flight/foraging/roosting activity from light spill is considered to be low and de-minimus.

The residual impact on bat flight/foraging/ roosting activity from disturbance is temporary and considered to be low.

As required by the Habitats Regulations an Appropriate Assessment has been completed by the Local Planning Authority with a favourable conclusion. The Appropriate Assessment was sent to Natural England on 16/08/2023.

Natural England – No objection subject to mitigation. *"Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.*

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Bath and Bradford on Avon Bat SAC. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, we have no objection to the proposals. All mitigation measures should be appropriately secured in any permission given".

Wiltshire Council Conservation Officer – Objects as follows:

The current application is another application for the site, to demolish the historic former vicarage and modern care home to the rear. The previous application, ref. PL/2021/10237, generated an objection to the proposals on heritage grounds, due to the loss of the Victorian vicarage on the site, a heritage asset.

The building is considered to be a heritage asset, and detailed comments from Conservation can be viewed on the previous application, that go into the history of the site and provide a more in-depth historic analysis of the building. As nothing on the application has significantly changed from a heritage viewpoint, i.e. the historic building is still proposed for demolition, there is an objection to the proposals due to the loss of the building.

The previous application was refused and dismissed at appeal, however, on the demolition of the vicarage, the Inspector commented that “I consider it has a moderate level of significance. Demolition of the building, as proposed, would result in its total loss. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a ‘balanced judgement’ having regard to the scale of any harm or loss and the significance of the heritage asset. I return to this matter in the heritage balance... The proposal would result in the total loss of a non-designated heritage asset of moderate significance. The loss of a building of moderate significance would result in a moderate level of harm. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a ‘balanced judgement’ having regard to the scale of any harm or loss and the significance of the heritage asset... regardless of whether it would be viable or even feasible to convert the existing Old Vicarage building to provide for modern care needs, having carefully considered all of the evidence, I find that the benefits of the scheme, taken together, outweigh the harm arising from the total loss of a non-designated heritage asset of moderate significance”.

[Note to Committee: The above position of the Conservation officer is consistent with the advice provided for the 2021 application, and whilst the conservation officer is fully aware of the 2023 appeal decision not finding substantive grounds to dismiss the recent appeal on ‘heritage matters’ the elected members should fully consider the assessment made by the appointed appeal inspector when reaching a decision].

Wiltshire Council Archaeology Officer – No objection. *This site was the subject of an archaeological watching brief in 2005 when the current care home was constructed. This monitoring recorded a number of shallow features dating from the Romano-British period. However, as much of the site was heavily impacted by the construction of the current building and as the proposed new structure will be located within its footprint, it is my opinion that the chances of groundworks exposing any archaeological features or deposits on this occasion is slim to non-existent. I would therefore not wish to raise any issues in this particular instance.*

Wiltshire Council Highways Officer – No objection. *The proposed development requires a provision of 23 car parking spaces this is calculated using the maximum parking requirement guidance as illustrated below for such a development; 1 per 4 beds + 1 per 2 member of staff.*

Extract from Appendix C Maximum Parking Standards of Local Transport Plan 2011-2026

Para: 3.7 of the submitted Transport Statement

Domestic staff generally work 08:00 to 14:00 whilst kitchen staff operate a two-shift system, 07:30 to 12:30 and 16:00 to 20:00. As would be expected the busiest period is during the day with up to

20 staff being present on site at any one time. Overnight it is expected that up to 7 staff will be on duty.

The care home has 52 bedrooms, and the busiest period of time would require 20 members of staff to be present on site; therefore equating to 23 car parking spaces.

I am aware that the Parking Standards is a guidance and maximum requirement, therefore taking this into consideration and the accompanying Travel Plan, I will accept the proposed 20 car parking spaces.

The previous planning application utilised the existing established accesses, and although one access would be favourable, on the basis that the existing accesses have been historically in use, it would not be a substantial reason to insist on one access.

On the basis that the accesses have clear signage of entrance/access as illustrated in the Transport Statement, I raise no highway objection to the proposed development.

Wiltshire Council Arboricultural Officer – No objection subject to conditions. There is no arboricultural objection to the development as the Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement, prepared by Arbtech and dated May 202e, demonstrate that the retained trees on site have been sufficiently considered and appropriate protection is proposed

Wiltshire Council Landscape Officer – No objection. The landscape plan is the same submitted for the previous scheme (PL/2021/10237) and I had no landscape objection to this when it was first presented. I would still ask that as part of any conditioning for the scheme no-dig construction details are requested for the front car park area as I had previously requested from earlier consultations from the previous scheme.

Wiltshire Council Drainage Officer – No objection. The applicant has resubmitted documents related to floor plans, elevations, and sight lines. However, they have not made any changes to the surface water drainage strategy. Therefore, the conditions raised in the previous drainage response are still applicable.

Wessex Water – No comments received but for PL/2021/10237 had no objection subject to conditions. Wessex Water will accommodate the proposed domestic foul flows in the public foul sewer. It is noted that the applicant is proposing to utilise the existing foul sewer connection.

Surface water runoff will need to be managed in accordance with the SuDs hierarchy and NPPF. Wessex Water will be looking for a full suite of SuDS components to be considered and included in the proposals for the capture, storage and discharge of surface water runoff.

The applicant would need to fully investigate all SuDS options within the hierarchy and provide evidence to Wessex Water that these are not viable before a connection to the existing public network will be considered.

There are public surface water sewers located on Cottles Barton and Warren Road to the south of the proposed development site, the potential for a sewer requisition to either of these surface water sewers also needs to be fully investigated by the applicant.

8. Publicity and subsequent representations

The application was publicly advertised through the display of a site notice at the site frontage as well as 33 individually posted neighbour notification letters to properties located along New Terrace, Warren Road, Littlebrook, Cottles Barton and Smallbrook Gardens.

The first consultation was sent out on 1 June 2023. This was followed by a re-consultation exercise on 28 June 2024 following the submission of revised plans.

In response to the public notification exercise, 64 letters have been received comprising 43 letters of objection, 20 letters of support (15 of which are from health care professionals or from existing and previous staff members) and one letter providing general neutral comments.

The objections and comments to the original consultation are summarised below:

- *Majority of comments for PL/2021/10237 still apply*
- *Reject the developers claim that 52 beds is the only viable/profitable model*
- *The application does little in terms of its scale and density to address the appeal decision and also relies on demolishing a building of local and historic importance*
- *The proposal only 'tinkers' with the design with no real alleviation of the original issues*
- *The proposal would still cause harm to neighbouring properties*
- *This would be over developing the plot*
- *The increase in beds would increase noise and disturbance in staff movements, deliveries and refuse collection, often at anti-social hours*
- *Increase in light pollution from the additional rooms with more security and ambient lighting*
- *Parking provision is too small*
- *Overlooking issues would be made worse by this design*
- *The proposal would block out morning/afternoon/evening light due to its 3-storey height*
- *The plans show a major change in ground levels, having a likely detrimental effect on neighbours boundary fence, subsidence and drainage problems*
- *Not in keeping with the adjacent building and the other large houses along New Terrace and Marsh Road*
- *The potential for a substantial increase in traffic due to staff shift changes and associated noise from the proposed development*
- *The existing building has security lights which are causing problems with our house at present. The new building will have more security lights, plus streetlights and due to its new increased height will lead to more problems from bright lights spilling through into house windows at night.*
- *Bin stores adjacent to our house back door, patio and boundary fence. This potentially will cause noise and smells at all hours of day and night*
- *Significant pollution from construction which in addition to increasing noise due to the Bath Bridge being closed to HGVs, is causing stress issues for residents*
- *Objection to the loss of the Old Vicarage which is a 'landmark' building identifiable to the village*
- *The replacement building is monolithic and will dominate New Terrace and surrounding streets*
- *Potential adverse harm to bats and habitat*
- *Anticipate overflow parking on neighbouring streets*
- *Lack of a pavement along the B3105*
- *Demolishing rather than converting will create far more carbon emissions*
- *Flood risk*
- *The concrete wall to separate the levels with the neighbours has been omitted by these plans. How are provisions for different ground levels going to be made?*
- *The choice of trees for the landscaping are inappropriate – some will grow far too large.*

The objections and comments to the revised plans are summarised below:

- Struggle to see differences from plans that have already been rejected*
- Still a large and cumbersome and ugly building within a restrictive footprint*
- If the central section was two storeys high this would probably be supported*
- The angled modules would look straight at us (No 12 Smallbrook gardens)*
- Concerns over bin storage location and if it can be moved*
- Drainage concerns*

The 19 letters of support can be summarised below:

- *This is a desperately needed resource*
- *Pleased this is keeping the original purpose of the care home and extend the on-site facility*
- *The plans are not over imposing (NB the given address is not from an adjacent dwelling)*
- *The opportunities that this proposed build will bring for future employees are endless.*
- *Dementia is a disease that appears to be ever expanding due to the longer lives that we all live. This a major opportunity for Trowbridge to have a specialised dementia home that matches the size of Trowbridge and the residents that live here.*
- *The existing Old Vicarage is not fit for purpose*
- *Some staff walk to work from the local area*

The general comments received are summarised below:

- *Swift bricks should be included to help meet net biodiversity gain*

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Any conflict identified with development plan policy must be attributed the appropriate weight in consideration of the planning balance.

9.1 Principle of the Development

9.1.1. Paragraph 6.53 of the adopted Wiltshire Core Strategy (WCS) recognises that “*Wiltshire has an aging population, more so than the national average, and this needs to be taken into account when planning for new housing. This strategy plans for the care of the elderly within their local communities, so people can continue to enjoy live in their own homes for as long as possible. If and when this is no longer possible, there is a need to ensure that there are alternative facilities where people can continue to enjoy living in their local area with the level of care they require provided.*”

9.1.2. WCS Core Policy 49 states that “*the provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required.....The provision of sufficient new accommodation for Wiltshire’s older people will be supported including residential homes.*”

9.1.3. The subject property for this application is an existing care home within the limits of development of Trowbridge, which is a Principal Settlement as set out by WCS Core Policy 1. Furthermore, the existing care home specialises in dementia care, which merits significant weighting in the planning balance. As set out by the Council’s Adult Services team, the demand for dementia beds will increase locally, especially given Wiltshire’s higher than national average aging population. Officers particularly note that “*by 2025 a significant percentage of older people who require a Council funded residential place will have dementia. Many will require higher levels*

of specialist care and support... [which is] currently the most difficult and expensive placement to find."

9.1.4. Whilst the Adult Services team has not provided the data on how many specialised dementia care homes there are in the local area and across Wiltshire, Staverton House does at least provide this specific care within Trowbridge, and the limitations which had led to the Old Vicarage property (and loss of 20 beds) is a material matter, in recognition that part of the existing facility is not considered fit for purpose, which forms part of the supportive representations the Council has received to this application from staff members. This proposal aims to replace the 20 'lost' beds and increase the overall number of beds from 40 (before the closure of the Old Vicarage) to 52.

9.1.5. As the Wiltshire Core Strategy encourages the provision of residential homes and that there is a clear ongoing demand for specialist dementia care, the principle of development is supported by officers - which merits being afforded significant weight in the planning balance.

9.2 Housing Land Supply and Delivery

9.2.1. Since refusing the previous application, the Council's 5-year housing land supply position has changed. At the time of determining application PL/2021/10237, the Council needed to demonstrate a 5-year supply of housing and could only demonstrate a 4.6-year supply. The subsequent appeal decision letter within paragraph 37 addressed this matter as follows:

"It is agreed that the Council is currently unable to demonstrate a 5 year housing land supply. The Council have confirmed that the proposed C2 accommodation can be included in the Council's Housing Land Supply. The proposal would result in a net gain of 12 rooms which, when applying the Wiltshire ratio to the C2 rooms, would equate to a gain of 7 dwellings to the housing shortfall. I attach significant weight to this benefit."

Both the principle of development and the qualifying 7-dwelling additional housing land supply 'contribution' were both given significant weight by the Inspector when dismissing the appeal.

9.2.2. A few weeks after the appeal decision was issued pursuant to the Council refused 2021 application, the Government revised the NPPF just a few days before Christmas in 2023 and the revisions contained two important new paragraphs concerning housing supply and delivery, namely:

"76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:

a) their adopted plan is less than five years old; and

b) that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed."

Paragraph 226 referred to in paragraph 77 states the following –

“226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.”

For the purposes of the revised NPPF, Wiltshire Council is a ‘paragraph 77 authority’; and, because Wiltshire Council has an emerging local plan that has now passed the Regulation 19 stage of the plan-making process – with both a policies map and proposed allocations towards meeting housing need – it is now only required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing.

9.2.3. In the Council’s most recent Housing Land Supply Statement (published June 2024), it sets out that the housing land supply when tested against local housing need, sits at 4.2 years, and thus exceeds the 4-year threshold, and this means that when housing land supply is a material planning consideration pursuant to NPPF para 11, this LPA adopts a ‘level’ position rather than ‘tilted’ balance. Wiltshire Council does not have a housing land supply deficiency, and officers argue that the ‘significant’ weight the December 2023 Inspector afforded to the net increase of 7 dwellings should be decreased to ‘moderate’ weight.

9.3. Impact on Neighbouring Amenity

9.3.1. The appended appeal decision sets out how the planning Inspector considered the impacts of the refused 2021 scheme on each of the immediate neighbours and concluded that the impacts to No’s 50b and 52 New Terrace and No.12 Smallbrook Gardens were all considered acceptable. Officers have considered this newly submitted scheme against each neighbour and again to which the following applies:

9.3.2. In relation to No 50b, paragraph 15 of the 2021 application appeal decision concluded that:

The proposed built form would bring the proposals closer to No 50b and at a greater scale...and would be approximately 1.1m higher than the existing Old Vicarage. However, the proposed building that would replace the Old Vicarage would be sited roughly in line with No 50b. The siting of the 3-storey central building would be positioned a sufficient distance from No 50b so as not to be materially harmful to the existing outlook and privacy enjoyed by No 50b. Therefore, it is considered that the living conditions of No 50b would not be materially harmed by the proposed buildings.

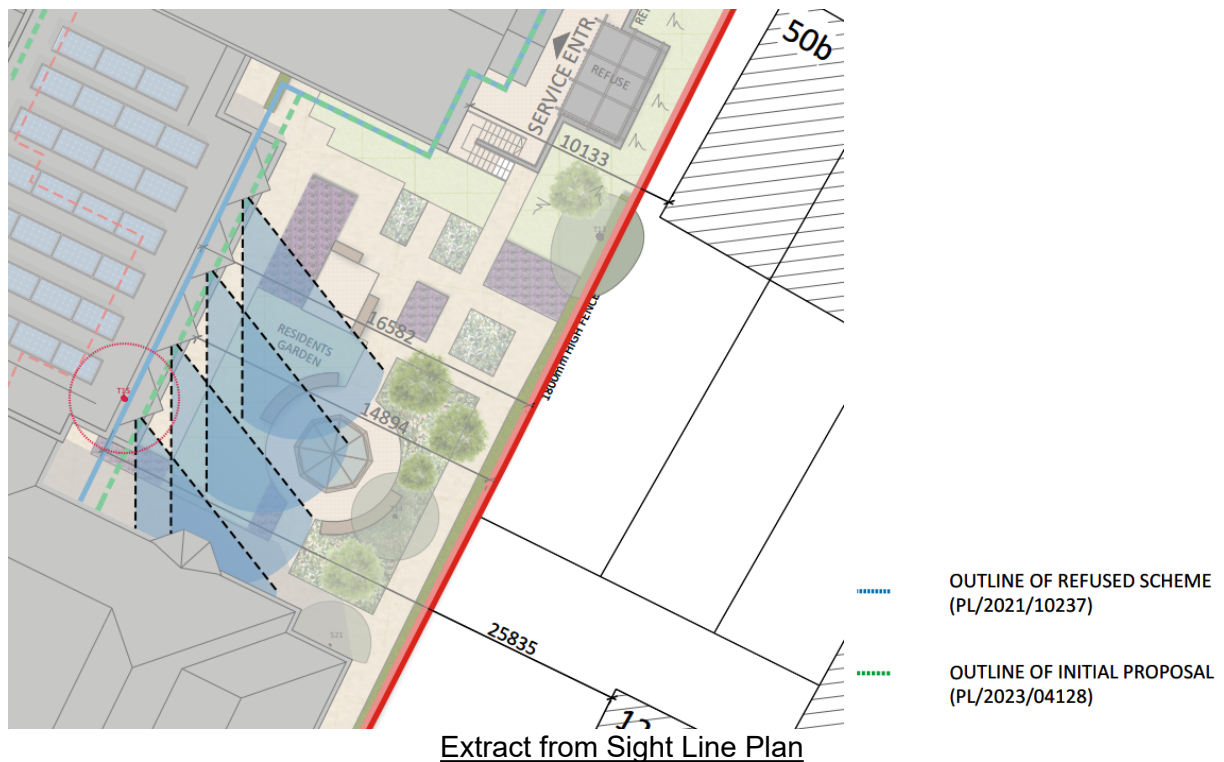
It is acknowledged that as part of this revised proposal, the applicant proposes to bring the built form of the main front section 0.6m closer to No.50b (and about 10.1m away) but would stay roughly in line with No 50b. The central section would also be brought approximately 1.3m closer to the rear garden boundary but would still be approximately 14.8m away. It is submitted that whilst these changes would have more of an impact on No 50b, the distances are still submitted to be sufficient as to not be materially harmful to the associated amenities and privacy for No.50b.

9.3.3. In paragraph 17 of the appeal decision letter, the appointed planning Inspector recognised that the siting and slightly elevated position of the service area and bin store was “not ideal” but

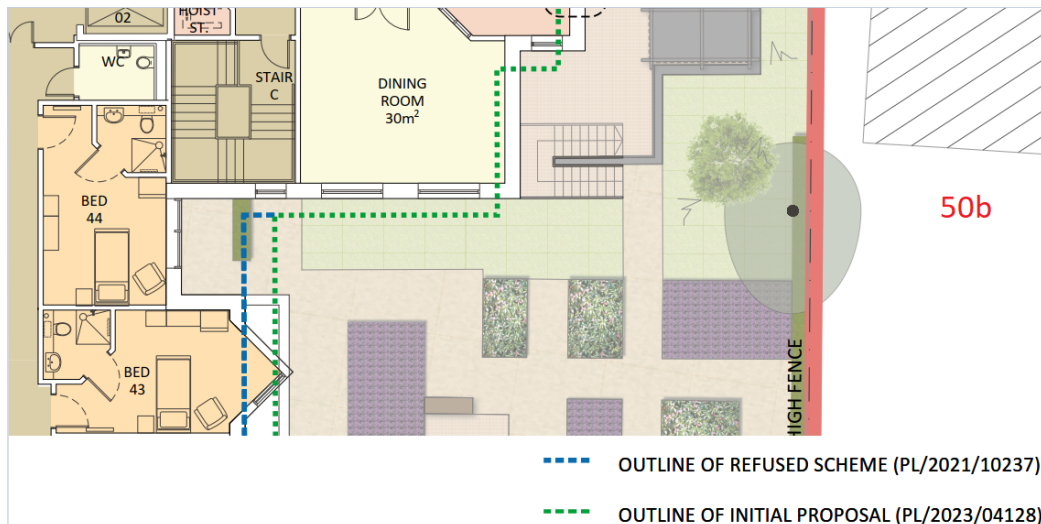
concluded that any harm by way of noise, smell or overlooking would not be materially harmful and would be positioned adjacent to the blank gable end of No 50b rather than being adjacent to their rear garden. The proposed bin store within this revised submission, would occupy broadly the same position as that of the appealed development.

9.3.4. For the avoidance of any doubt, when this application was submitted, the applicants had removed the 'angled modules' on the eastern elevation meaning that all of the bedroom windows with clear glazing on both ground and first floor windows (the first and second floor) would face No 50b and partly No 12's rear gardens (and at a closer distance than the appealed development as illustrated on the plan insertion on the following page that includes a green line compared to blue dash line). Following Officer negotiation, the angled modules were re-introduced to this live application proposal so that the direct line of sight from those windows face primarily onto Staverton House and not onto No 50b or No 12 (which was found to be acceptable as part of the appeal).

9.3.5. Officers retain the view that any overlooking from the eastern elevation windows would not be materially harmful due to the separation distances and the use of 'angled modules'. Reducing the gap by 1.3m to the boundary would not cause this relationship to be materially harmful to either No 50b or No 12.



9.3.6. Members are invited to note that proposed 'bed 44' located on the first floor (second floor) not having an 'angled module' window but would be approximately 18.3m from the boundary with No 50b. As can be seen in the image below, this would be approximately 1.7m further away from No 50b than in the appeal scheme (illustrated by a blue dotted line). Members are also advised to have reference to paragraph 9.4.13. of the appended January 2023 Committee report where the equivalent to 'bed 44' was 'bed 46', which also did not have an angled module window and would have had approximately 16.6m gap to the boundary with No 50b, and was considered acceptable by officers previously (and by the appointed appeal Inspector). Officers submit that the proposed gap of 18.3m would be sufficient as to not cause adverse neighbouring harm. The proposed soft landscaping would provide some screening from the steps leading up to the service area.



Extract from First Floor Plan (second floor)

9.3.7. Moving the central section eastwards also brings it closer to the boundary with No 12 Smallbrook Gardens, and officers note that the appeal inspector within paragraphs 23 and 24 reached the view that:

“Due to its position directly adjacent to the boundary with No 12, Staverton House is highly prominent in the outlook from No 12, both from the rear window of No 12 and from the rear garden... Whilst I acknowledge that the proposal, in particular the 3 storey central element, would be more visible and prominent in the outlook from the first floor bedroom window and rear garden of No 12, given the distance from the boundary with No 12, it is not considered that the bulk and design of the proposal would be materially harmful to the outlook currently enjoyed by No 12. The distance from the boundary with No 12’s garden would also ensure that any windows along the eastern elevation of the 3-storey central building would not result in a material loss of privacy due to overlooking to No 12.”

The distance from the central section to the boundary with No 12 would be approximately 14.9m and 25.8m to the rear elevation itself, which officers consider remains sufficient to ensure that the bulk and design of the proposal would not be materially harmful to No 12.

9.3.8. In dismissing the appeal, the Inspector concluded that the harm to No 6 Littlebrook would conflict against the development plan as a whole in respect of privacy and outlook, attaching significant weight to the harm that would *“significantly and demonstrably outweighed the benefits”*.

9.3.9. Paragraphs 11 and 12 of the decision letter set out the harm which led to the appeal being dismissed (with added officer emphasis).

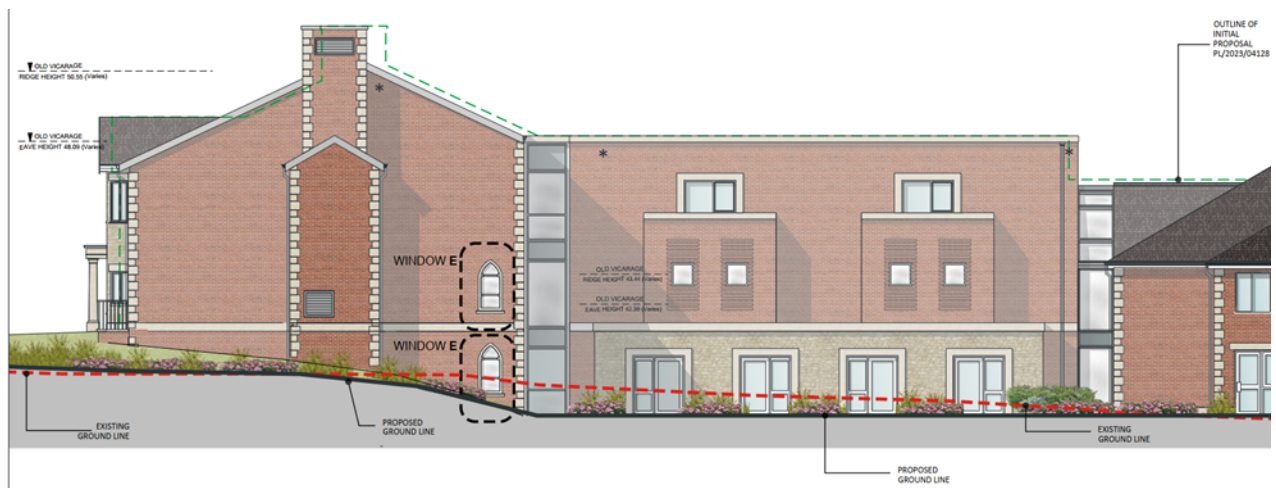
“...The 3-storey structure would be positioned further away from the boundary with No 6 than the existing single storey structure. However, the introduction of the substantial 3 storey building, by virtue of its size, massing and proximity, would have an unacceptable overbearing effect upon the outlook from the modest external amenity space to the side of No 6. The presence of the trees along the boundary would do little to alleviate this harm, given the scale of the proposal. This harm would particularly be felt in the winter months when the trees are not in leaf.

I note the windows that would look towards No 6 include angled modules, in order to restrict the potential for future residents of the proposal to overlook No 6. Whilst it is noted that the lower 1.6m of these windows would have opaque glass, the proximity of these windows, which would be at first and second floor level, would lead to the perception of being overlooked.”

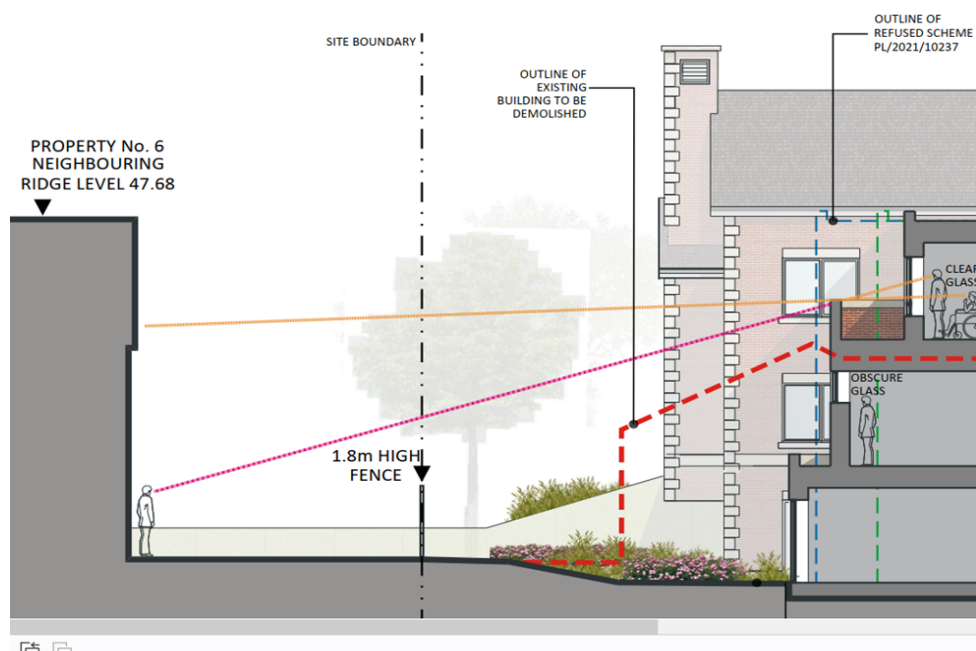
9.3.10. In planning terminology, the use of the word '*substantial*' merits significant weighting. Whilst officers fully appreciate the efforts made by the applicants to address the reasons the appeal in early December 2023 was dismissed, the size and massing of the 3-storey building (both the main and central link sections) and its affect to No.6 remain matters of significant concern.

9.3.11. The three-storey 19.7m long central link would be 9.8m high and whilst the flat roof edge has been moved back 1.4-2m, it would be positioned close to the shared boundary some 10.3-11m away (compared to being within 9m in the appeal), and officers are not satisfied this revision would manifestly address the reasons for dismissing the appeal.

9.3.12. Additionally, the two turrets at ground floor level (first floor level) would have a combined length of 9m on the 19.7m long elevation, thereby retaining approximately 46% of the bulk and mass of the first floor that would only be set back approximately 0.25m when compared against the appealed scheme (illustrated by a blue dash line) as shown on the cross-section plan on the next page. It is therefore submitted that despite the attempts to reduce the massing, officers submit that the proposal would result in a harmful impact to No 6 in relation to overbearing.



Proposed Western Elevation



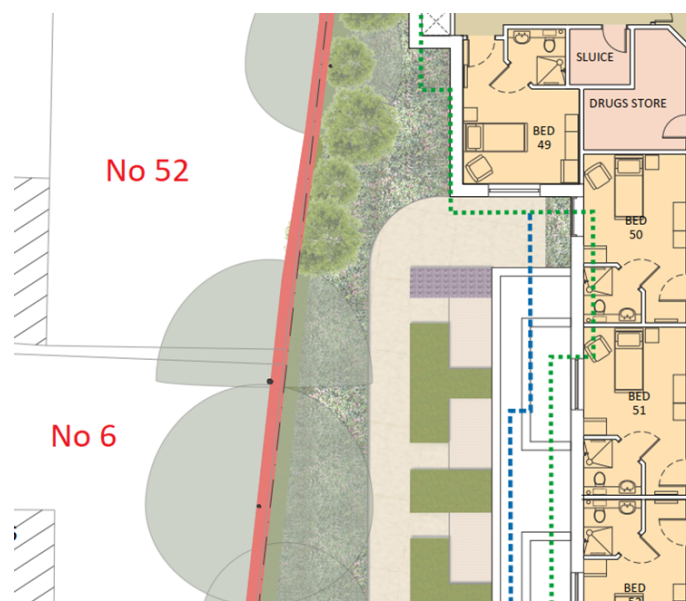
Cross Section Plan between central link and No 6 Littlebrook

9.3.13. Officers appreciate that the applicant has addressed some of the appeal dismissal grounds as set out within paragraph 12 of the appeal decision, through revisions made to the design and internal layout, removing bedrooms from the ground floor (first floor) and introducing the two 'turrets' which would then accommodate a dining room- all of which would significantly reduce the number and size of the windows that could 'lead to the perception of being overlooked'.

9.3.14. The 4 square windows would measure 0.7m x 0.7m, and as can be seen on the cross-section plan above, they would be high level (obscure) windows with a cill height 1.6m above floor level. In contrast to the appealed scheme people movement would be largely hidden behind a brick wall rather than a 1.6m high length of obscure glass. Therefore, occupants in No 6 would not see 'shadowy movements' or feel that someone is still looking down at them. Any movement would then be hidden behind a high level small obscure glazed window.

9.3.15. On the first floor (second floor) there would be two bedrooms (No's 51 and 52) which would have clear glazing but through the building design, would be restricted into terms of outlook as shown by the orange and pink line of sights on the cross-section plan above. It is submitted that these design change sufficiently addresses the Inspectors concerns about the perception of being overlooked from bedrooms.

9.3.16. However, throughout the assessment of this application, officers have sought to negotiate improvements for bedrooms 49 and 50 and the imposition of obscure glazing as previously proposed by condition 19 for application PL/2021/10237. In the suite of revised plans, the applicants chose to submit details that these windows would have clear glazing, which is disappointing. The 2021 application Inspector was very clear in arguing within paragraph 12 that it was a combination of all the windows on the western elevation, and not just those within the angled modules (and obscure glazing) that would cause harmful overlooking for the occupiers of No 6. Whilst Officers would concede that even with obscure glazing, the perception of overlooking might still apply (to No 6 from bedrooms 49 and 50), the application proposal would be more acceptable with the obscure glazing detail over clear glazing. Officers duly acknowledge that the view from proposed bedroom 49 would be akin to the angles of the acceptable sight lines from the angled modules on the western elevation but submit that the distance to No 6 would only be approximately 10.8m and therefore, is an area of significant concern from such an elevated position. The application as a whole has not addressed the reasons for the dismissed appeal when it comes to the impacts upon No 6 and, officers put this forward as a reason for refusal.



Extract from the proposed first floor (second floor) floor plan

9.3.17. The impacts to No 52 New Terrace have been carefully assessed afresh and are considered to be acceptable. As set out in paragraph 19 of the appeal decision:

“No 52 is currently subject to overlooking from the existing first and second floor windows of the Old Vicarage along its western elevation.”



View from No 52's garden to the Old Vicarage

9.3.18. As shown in the proposed western elevation plan and floor plan (reproduced on previous pages), the proposal includes a window serving bedroom 50 on the first floor (second floor) but also from an activities room and a hair and beauty room on the ground floor (first floor) looking over the rear end of No 52's garden. The 4 existing windows on the Old Vicarage overlook the central part of No 52's garden. It is considered that whilst the proposed windows would overlook No 52, it would represent a slight betterment over the existing situation by reducing the number of overlooking windows from 4 to 3 and moving them away from overlooking the central part of the garden.

9.3.19. Notwithstanding the plan details, the applicant has confirmed in writing that they would accept a planning condition to have obscure glazing for bedrooms 49 and 50 should Members decide to overturn the officer refusal recommendation. In the event of any appeal, it is also a condition that officers would seek an Inspector to consider.

9.3.20. This revised application proposal would also introduce two new bedrooms within Staverton House itself, to which Members are advised would not need planning permission. The rooms would use existing windows that look out onto the communal public open space between No 6 and No 7 Littlebrook, and no harm would be caused.

9.3.21. Officers duly acknowledge the attempts made by the applicant to try and address the appeal dismissal reasons, but as set out above, the bulk, size and relationship of the proposed 3-storey development would have substantive harmful impacts on the occupiers of No. 6 Littlebrook and for these reasons, officers are unable to support the application when tested against the WCS (CP57) and the Framework.

9.4. Impact on the non-designated heritage assets

9.4.1. The Old Vicarage is a former Victorian vicarage, was constructed between 1860 and 1886 to serve the vicar of St Paul's Church in Staverton. As such it is considered to be a non-designated heritage asset. Consequently, paragraph 209 of the NPPF applies, which states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

9.4.2. Paragraphs 29 and 31 of the appeal decision letter for the 20-21 refusal application stated:

“The Old Vicarage possesses some aesthetic merit due to its external stonework, including the carved hoodmoulds, porch and windows. However, it is not particularly original in its style and has been considerably altered internally in order to serve its modern use as a care home. Original elements of the building, such as the main entrance, have been covered and have been replaced with modest additions to facilitate its use...In summary, the building, whilst attractive with some pleasing external and internal architectural features, is typical of its era. There is nothing inherently special about its design that sets it apart from other buildings of this period. It has been extended, unsympathetically in places, and interior features have been lost. It does not meet the criteria for statutory listing. Whilst the Council have not articulated the level of significance, the appellant considers that the building has a moderate level of significance.”

In paragraph 36 the appointed inspector observed that

“I also note the content of the ‘Planning Need Assessment’ prepared by Carterwood, in regard to the need for care facilities in Wiltshire. This found that ‘even on the basis of minimum market standard care beds, shortfalls are expected to increase to 421 and 1,854 in the market catchment and local authority area, respectively, by 2036...reflecting the sustained and escalating nature of need’. I therefore attach significant weight to the provision of the care home facilities that the proposal would deliver.

And within paragraph 39, the inspector concluded;

“However, regardless of whether it would be viable or even feasible to convert the existing Old Vicarage building to provide for modern care needs, having carefully considered all of the evidence, I find that the benefits of the scheme, taken together, outweigh the harm arising from the total loss of a non-designated heritage asset of moderate significance. Hence, there would be no conflict with the relevant criterion of Core Policies 57 and 58 of the Core Strategy or the Framework.

9.4.3. Officers duly acknowledge that the lack of a 5-year housing land supply was part of the Inspectors ‘balanced judgement’ as required by the NPPF at the time, and was given significant weight. Officers argue that this weight should now be reduced to ‘moderate’ weight given that the Council can demonstrate a 4.2-year supply when tested against a 4-year housing need but submit that significant weight should still be afforded to the deliver of specialised dementia care home provision and that this continues to outweigh the harm that would be caused through the total loss of the non-designated heritage asset.

9.4.4. The Council’s Conservation Officer maintains an objection to the loss of the heritage asset but that the ‘balanced judgement’ test of paragraph 209 of the NPPF is for the decision maker. The Inspector only regarded the Old Vicarage to be of ‘moderate’ significance and it is submitted that despite the benefits being reduced slightly due to the new housing land supply requirement, the provision of dementia care home capacity would outweigh the harm that would occur through the loss of the Old Vicarage.

9.4.5. Furthermore, this proposal now includes re-using 7 original stone window surrounds compared to just one that formed part of the appealed scheme. Additionally, the stone of the Old Vicarage is proposed to be re-used for the proposed new front elevation, which would mean more historic fabric would be retained, and as officers, no heritage harm is highlighted when balanced by the outweighing benefits of the scheme.

9.5. Design and Impact on the street scene

9.5.1. The Old Vicarage is essentially a large square building with 5 long ridge lines and has a series of dormer windows, projecting gables and central chimneys. Officers acknowledge that the proposed replacement building does not have the same footprint, dimensions and general Victorian design of the Old Vicarage but it is submitted that the proposed design does not deviate excessively with its rectangular (front section) shape and also has two storey bay windows and reclaimed stone and reclaimed windows.

9.5.2. The proposed front elevation would also be quite long, measuring nearly 26m wide (and much wider than the c13m of the Old Vicarage) but it is submitted that on a plot that's approximately 36m wide and that the building would be approximately 30m from the road, it would not look unduly constrained, tight or out of character with the rest of the street scene.

9.5.3. The proposal still seeks to re-use the Old Vicarage's existing stone and recreation of the stone window casements to replicate some of the existing vernacular of the original building and to help break up the elevation and use of the red bricks. The two proposed bay windows are also considered respectful of the Victorian design of the Old Vicarage, and these would further help break up the 26m elevation.

9.5.4. Whilst officers fully accept that the flat roof section could be considered as being stark and bulky, it has to be taken into account that it would only be seen in general public context of being hidden behind the new front section and attached to Staverton House. Furthermore, as the flat roof of the central section would be less than a metre higher than the ridge at Staverton House (and be physically attached to a two-storey subservient section), it is not considered to have an overbearing or adverse massing impact on Staverton House.

9.5.5. In refusing application PL/2021/10237 the Committee concluded that "*The proposal would not result in a high quality of development or be complementary to the locality*". The appeal Inspector confirmed within paragraph 6 of the appeal decision letter that the main issues of the appeal were the effect on living conditions of neighbours and the effect on the non-designated heritage asset. The impact on the street scene was also not even mentioned as a material matter at appeal (paragraphs 33-34) and officers consider it would be unreasonable behaviour and potentially expose the Council to a costs claim, to raise include refusal reasons that would conflict with the recent appeal decision.

9.5.6. It is fully understood that effective and efficient care home design requires straight line corridors and connectivity across the building, which is realised within the proposals. This in turn limits the opportunity to mimic or replicate the dimensions and layout appearance of the Old Vicarage (whilst also trying to take into account of the car parking needs and internal road circulation). Development management officers continue to hold the view that the development would not have a harmful impact on the street scene when tested against the WCS and the Framework.

9.6. Ecology Impacts

9.6.1. The Council's ecologist has confirmed that "*the application site is in a rural location within 4 km of a Greater Horse Shoe bat 'core roost' located Gripwood as identified in the Bath and Bradford on Avon Bat SAC guidelines and therefore within a 'core area' where the landscape and roosts are likely to be of particular importance to foraging and commuting GHB for which the Bat SAC is designated.*

The application site lies in the Trowbridge Bat Mitigation Strategy (TBMS) area in the grey hatched recreational zone. This is a replacement for an existing care home, and we note that residents living here are very unlikely to be visiting local woodlands in a recreational capacity therefore there

is no mechanism for increased adverse effect. However, the development will involve loss or alterations to existing habitats within the site.

In light of the judgement in Case C 323/17 CJEU “people over wind” the Council has determined that the application should be subject to an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.”

9.6.2. The Council’s ecologist has carried out an appropriate assessment and has concluded favourably that the application can be supported, which has been agreed by Natural England.

9.6.3. Should Members be minded to support the application, the Councils ecologist recommends planning conditions to ensure the mitigation set out in the Bat Mitigation and Enhancements Plan are delivered i.e., the safeguarding of brown long eared and common pipistrelle bats through the provision of bat access tiles and bat boxes on existing trees and to ensure a biodiversity net gain on the site. One representation letter commented that the proposed trees would grow too large, and that no native species are proposed. The applicants have however agreed to a planning condition to secure an appropriate native tree planting scheme to support small and medium and bat friendly species. This would help with the scheme delivering biodiversity net gain. Furthermore, and to further safeguard bat habitat, an external lighting planning condition would also be considered necessary (as well as securing integral swift bricks).

9.6.4. For the avoidance of any doubt, the application was submitted before the date to which new application must demonstrate a 10% bio-diversity net gain. Therefore, it only has to provide a net gain, that the Councils ecology team are satisfied the proposal would achieve.

9.7. Drainage Impacts

9.7.1. The Council’s Drainage team have no objection but continue to request two conditions (see conditions 8 and 17) of the appended Committee report for application PL/2021/10237, and no drairage related concerns were raised by the appeal inspector in early December 2023.

9.8. Parking and Highway Safety matters

9.8.1. As part of the application form completion, the applicant has confirmed that their projected staff numbers would be 65 (split between full and part time roles) as per application PL/2021/10237.

9.8.2. It is expected that care staff would work across three shift patterns of 8am to 2pm, 2pm to 8pm and 8pm to 8am. Kitchen staff would generally work across two shifts 07.30am to 12.30pm and 4pm to 8pm. Therefore, the staff requirements for parking would be spread over the whole day but the busiest period would be during the day, where the Transport Statement states that up to 20 staff would be present at any one time.

9.8.3. The Council’s parking standards adopts a maximum figure to which the Council’s Highways Officer equates a requirement of 24 spaces (although this would be higher if more than 20 staff are present at any one time). Nonetheless, an under provision is supported for this proposal and location, in order to encourage staff to find other means of transport aided by the green travel plan (which has also been submitted in support of the application).

9.8.4. Officers can also confirm a staff room and changing room (with showering facilities) would be provided. However, no cycling provisions appears to have been included in the proposed site plan despite the travel plan stating 3 cycle stands should be provided. Therefore, should members resolve to endorse the approval of this application, a further planning condition would be required.

Conclusion

Officers duly acknowledge that the application site is constrained by its surroundings with some neighbouring residential properties in very close proximity. Due regard has been afforded to the delivery of enhanced dementia care at this existing facility and to maximise the number of beds on a viable basis, but at the same time, officers are also very appreciative of the site circumstances and potential effects the development proposal would have on neighbouring properties.

The PL/2021/10237 appeal dismissal is a material consideration, and officers are concerned that the substantial 3 storey building would lead to adverse harm to the privacy and outlook of No 6 Littlebrook.

Officers acknowledge the attempts by the applicant to try to reduce the harm but, substantive concerns remain. The proposal remains a substantial three storey building where the first floor (second floor) has only been moved further away from No 6 by approximately 2m. The massing impact has also only been partially improved as the first floor 'turrets' retain approximately 46% of the elevational bulk and mass of this floor of the appealed scheme.

Officers submit that this revised proposal has mostly overcome the perception of being overlooked by bedroom windows on the ground and the first and second floors with the design and reconfiguration changes however, it has retained clear glazing for bedrooms 49 and 50 that due to their elevation and close proximity to the boundary with No 6, would cause direct and harmful overlooking of their amenity. Notwithstanding this, and contrary to the details included within the submitted plans, the applicant has confirmed a willingness to accept a planning condition requiring these windows to be obscure glazed.

Whilst the proposal is an overall improvement when compared to the appealed scheme, when tested against the appeal dismissed grounds, the harmful impacts identified by the planning inspector pursuant to No 6 Littlebrook would remain.

The changes in the footprint and the re-positioning of the building closer to No 50b and No 12 Smallbrook Gardens would not cause adverse harm.

The proposal would result in the demolition of a non-designated heritage asset to accommodate and erect a larger building on a larger footprint, and in terms of the site parameters, officers are satisfied the new building would not constitute as overdevelopment of the site, and consistent with the conclusions reached by the December 2023 planning inspector, the harm created by the proposed loss of the non-designated heritage asset, would be outweighed through the delivery of a new purpose built, care home extension.

However, the substantive harm the development would have on the occupiers of No.6 Littlebrook are grounds for refusal.

RECOMMENDATION – Refusal for the following grounds

The proposed development by virtue of its 3-storey structure and resultant size, massing and proximity to the boundary with No 6 Littlebrook would have an unacceptable overbearing effect upon the outlook from the modest external amenity space to the side of the aforesaid neighbouring property.

Furthermore, the use of clear glazing in bedrooms 49 and 50 due to their elevated position in close proximity to the boundary with No 6 Littlebrook would cause direct overlooking of their amenity spaces causing harm to their privacy.

The proposal is therefore in conflict with adopted Wiltshire Core Strategy Core Policy 57 and NPPF paragraphs 131 and 135.

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	18 January 2023
Application Reference	PL/2021/10237
Site Address	The Old Vicarage and Staverton House, 51a New Terrace, Staverton, BA14 6NX
Proposal	Demolition of existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space, & together with the existing home would provide 52 bedrooms in total.
Applicant	Mr. Ashley Jones
Town / Parish Council	Hilperton Parish Council
Electoral Division	Holt – Cllr Trevor Carbin
Grid Ref	385853 - 160236
Type of Application	Full Planning Application
Case Officer	David Cox

Reason for the application being considered by Committee

This application has been called into Committee at the request of Cllr Trevor Carbin should officers be minded to approve the application to enable the elected members to consider the following:

- The scale of the development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design
- Environmental and Highway impact

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions.

2. Report Summary

The key determining planning issues are considered to be:

The principle of development, the scale and design of the proposal and its impact on the street scene, the impacts on neighbouring amenity, and upon non-designated heritage assets. The drainage, ecological and highway implications are also material to this application.

3. Site Description

The application site is approximately 0.38 hectares (or 0.93 acres) and measures approximately 36m wide by 97m deep. The site slopes down approximately 2.16m from the main road (New Terrace) to the southwest (measured using the submitted site topography plan). The Old Vicarage is a large Victorian two storey building built with stone under a slate roof, set back approximately 24 metres from New Terrace highway as shown by the site location plan and Council mapping images on the next page. The site also has two existing vehicular accesses onto New Terrace which serve an area of hardstanding used as informal car parking area and also an internal access road. The application form states that there are a total of 16 spaces in two car parks within the site.

The Old Vicarage became a care home in circa 1984 and was extended on the rear elevation with a fairly large single storey extension, that due to the sloping ground is elevated above the internal access road which is on the eastern side of the property. The internal access road (which aligns adjacent to No 50b) leads to a small car park of 8 spaces in front of Staverton House – which is a detached 2 storey building at the southern end of the property which was granted planning permission in 2003 and in 2005.

As illustrated in the following inserts, the surrounding area is principally residential, with many of the nearby properties having large residential curtilages. It is also important to note that the internal road and parking area adjacent to No 50b are broadly at the same ground level as the house and garden.



Site Location Plan/Existing Block Plan and Council Mapping image of the application site



March 2019 Google Street View Image of the site and both neighbouring properties on New Terrace Road

Staverton House is a care home that provides specialist dementia care home to the residents. The care home used to have 40 beds split across both the Old Vicarage and Staverton House properties (with 20 in each). However, last year the Old Vicarage accommodation closed down because it was no longer fit for purpose.

Officers have been advised that the (Old Vicarage) building was closed due to it being on multiple levels with no lift, and there being no reasonable prospect of installing one. Furthermore, the rooms were considered too small (to accommodate the essential modern equipment and furniture and provide acceptable space for residents and carers to move effectively around the rooms. In addition, the corridor circulation space was

found to be restricted, which in combination, renders any retrofit option to satisfy modern standards of care, as impractical.

The modern standards for room size seek a minimum of 16m² and to be of a standard shape – whereas many of the existing rooms are constrained with chimney stacks reducing the internal space that is available. The building is also physically separated from the rest of the care home (contained within Staverton House) which is not conducive to allowing residents to use the Old Vicarage in any capacity. Staff wellbeing and care home efficiencies have also been cited as additional reasons to redevelop the site and enhance the facilities within the care home.

Officers are also appreciative that retaining care workers is an important aspect of providing a continued high quality care service, and given the limitations within the Old Vicarage, there is a need to improve the on-site accommodation.

The current care provider only uses Staverton House for residential care purposes and a viable future use of the Old Vicarage is being sought through this application.

The application site is not within a conservation area and the nearest listed building is approximately 215m away (the grade II listed Kennet and Avon Canal Bridge).

Due to its architectural detailing and Victorian form and design, the Old Vicarage is considered to merit having non-designated heritage asset status for the purposes of assessing this application.

4. Planning History

*W/84/01256/FUL - Residential home for nine elderly persons – **Approved with conditions***

*W/86/01380/FUL - Extension to existing residential home for the elderly – **Approved with conditions***

*W/88/02085/FUL - Erection of conservatory – **Approved with conditions***

*W/98/01660/FUL - Extensions and alterations to form additional en-suite facilities and car parking – **Approved with conditions***

*W/03/02197/OUT - New 16 Bed care home in grounds of The Old Vicarage – **Approved with conditions***

*W/05/01212/FUL - Erection of new two storey care home – **Approved with conditions***

*W/11/00790/FUL - A single storey link building between the rear extension to The Old Vicarage and Staverton House to provide internal access and a shared entrance from the car park – **Approved with conditions***

Note: The above permission was never implemented on site. After reviewing the plans, the link would be akin to a two-storey extension and would have required an internal staircase and lift in order to effectively link Staverton House to the rear extension of the Old Vicarage.

5. The Proposal

This application seeks permission to demolish the Old Vicarage and its rear extension (the outline of which is illustrated by a red dotted line on the site plan which is reproduced on the next page), and to erect a replacement building that would connect and integrate into Staverton House. The proposed building would be set back a further 9.5m from New Terrace Road to allow for an enlarged 20 space car park at the front (within the northern part of the site). The existing accesses would be turned into a specific one-way system with one site entrance and exit.

The proposed replacement building would have a three-storey form with a traditional pitched roof at the northern (and front) part of the site, and would have a basement level (referred to as the lower ground floor level). This would require partial site excavation (as illustrated by a red dotted line on the elevation plans which are reproduced on the following pages), and would also require the raising of the external ground level (at the entrance to the building) across the frontage of the site ranging from approximately 0.5m to 1.1m.

Behind the front section, and as the site levels fall, there would then be a three storey, 9.6m tall flat roofed section (where the roof height would be approximately 0.9m above the ridge roof height on Staverton House), which would connect directly into Staverton House at the 'lower ground floor' and 'ground floor' levels. The reason why the external ground level at the front (i.e., the northern end) of the replacement building is proposed to be raised over the existing ground level is to ensure that the basement is then at the same floor level as the 'lower ground floor' level of the flat roofed section behind it (and also at the ground floor level of Staverton House). This would ensure there is good connectivity across the whole building.

The new building would have a total of 32 care rooms (plus a kitchen, laundry, visitor waiting, reception, office, staff room, as well as dining and lounge rooms), and thus would increase the overall number of care provision beds to 52.



The initial 2021 submission raised a number of officer concerns regarding the accuracy of the site plan (which did not accurately represent Staverton House) and the accuracy of the proposed site levels and corresponding elevation plans. Officers were also concerned about design aspects and the neighbouring impacts through overlooking to the east and west. This led to a number of negotiated changes to the proposal, which were subject to fresh public consultations.

Understanding the existing and proposed site levels and those of the immediate neighbouring properties is critical to assessing this application to appreciate the immediate surroundings and to inform any decision with respect to neighbouring impacts, and officers consider it essential that before members meet to determine this application, a pre-committee member site visit is arranged and completed. The applicants have submitted an existing site topography plan (which includes neighbours boundary ground levels and eaves and ridge heights, which have helped inform the elevation plans.

On the front elevation, the site levels (and existing Old Vicarage roof heights) were not shown accurately on the original (now superseded) plans. Additionally, it was originally proposed to have red bricks (to match those on Staverton House) with reconstituted stone quoins and stone detailing around the windows.

In the revised plans, the existing natural stone on the Old Vicarage is to be salvaged and re-used. Additionally, an original stone surrounds and window from the Old Vicarage would also be salvaged and incorporated in the middle section of the first floor as shown below.

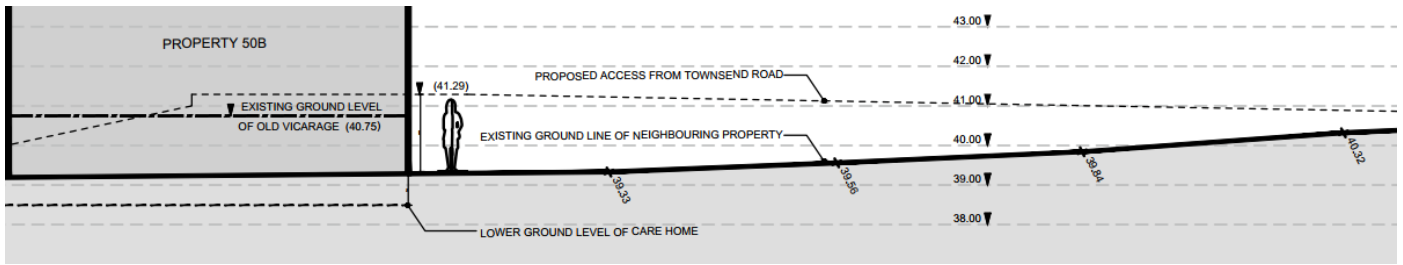


Superseded 'Elevation B' New Terrace Road Elevation



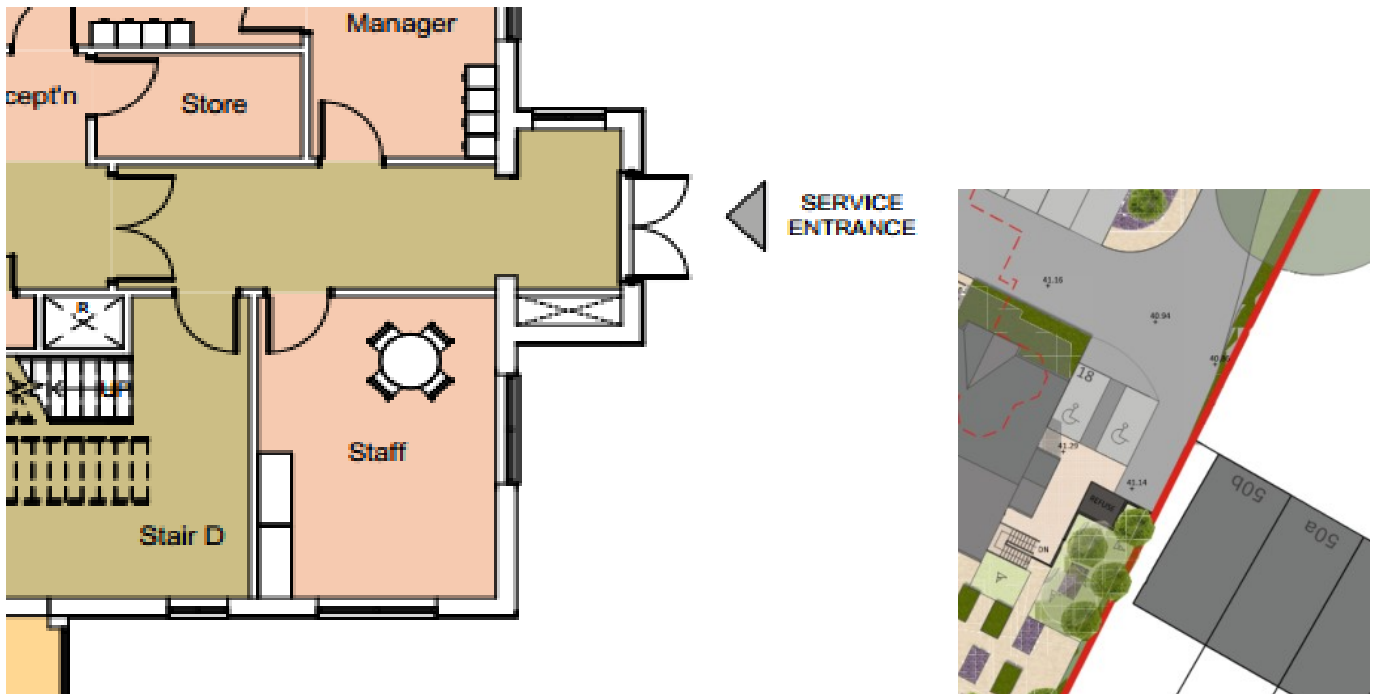
Revised Proposed 'Elevation B' New Terrace Road Elevation

The proposed raising of the external ground level is also evident in this elevation (with the existing ground level shown as the red dotted line – along a certain cross section point). Officers fully note that on the eastern (left) side the proposed ground height adjacent to No 50b is proposed to be raised with a c1.9m high retained wall. However, it is understood that the retained wall would only abut its internal access road and therefore would only be on the actual boundary with No 50b for approximately 10 metres, which would then splay away from the boundary. The height of the retained wall would also then fall as the landform slopes down to the main road.



Extract from a detailed cross section plan

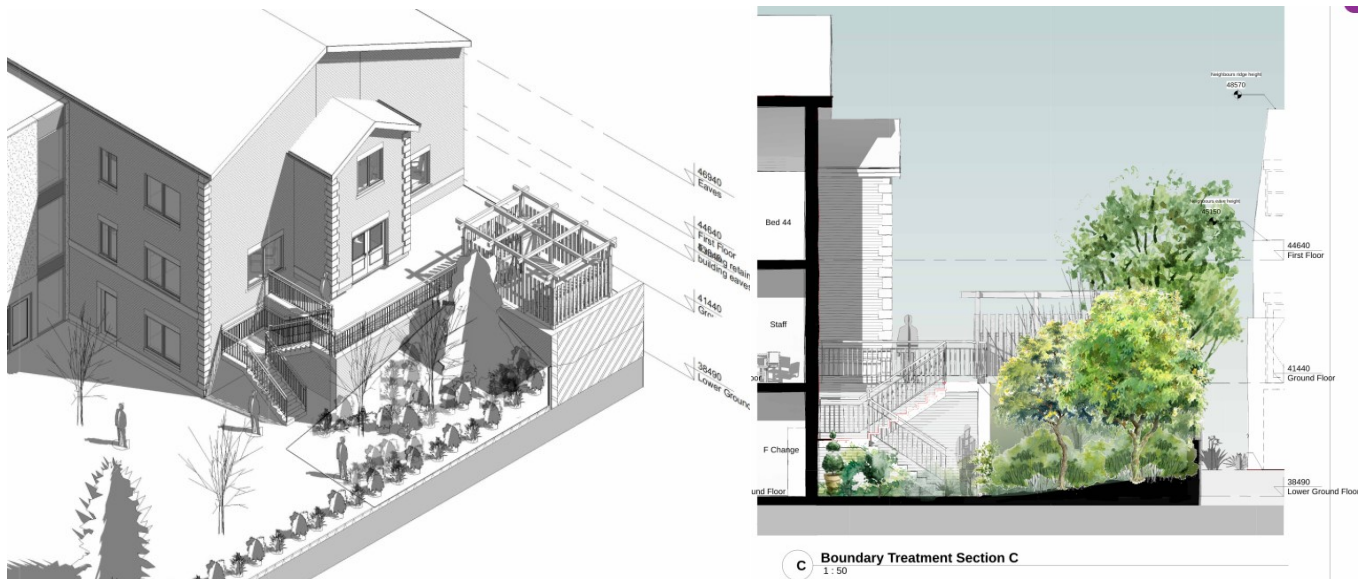
The proposed new external floor level would then continue across the side elevation of No 50b, which would lead to the service entrance at the side of the building which would also accommodate the bin store.



Snip of part of proposed 'Ground Floor' plan and site plan

In one previous set of revised plans, the service yard and bin store would have been flush with the rear wall of No 50b, which officers sought negotiated revisions to cut out a section to move the bins further away. Additionally, the proposed staff room being positioned adjacent to the service yard, this outdoor space could well be a place for staff to congregate. Therefore, increasing the distance from No 50b and introducing a landscaped area was considered essential.

Revisions were made and are illustrated in a snip image of the isometric plan and boundary treatment plan below.



Isometric Plan and Boundary Treatment Plan Section C – adjacent to No 50b

Moving onto the proposed 3-storey central linking section, the revised plans have changed the pitched roof into a flat roof with a stone parapet (as can be seen from reviewing the following inserts).

For the avoidance of any doubt, this was not an officer request and was a design choice made by the applicant responding to 3rd party representations, to try and reduce the bulk and mass of the proposal, and address overshadowing and overbearing impact concerns on neighbouring properties.

It should also be noted that the fenestration design has also been significantly changed. Officers were very concerned about the original proposals for the first and second floors of the central link in terms of overlooking potential on both sides, with the initial solution of having obscure glazing on the lower half of the windows with clear glazing above. In the revised plans, (whilst partial obscure glazing is still proposed on the western elevation) each room on the eastern and western elevations would now only have one (two panel) window and 'visual cones' have been introduced, which help to break up the elevation of the central section but also ensure that the windows now face in certain directions. This particular design option is discussed in detail within the officer appraisal section of this report.



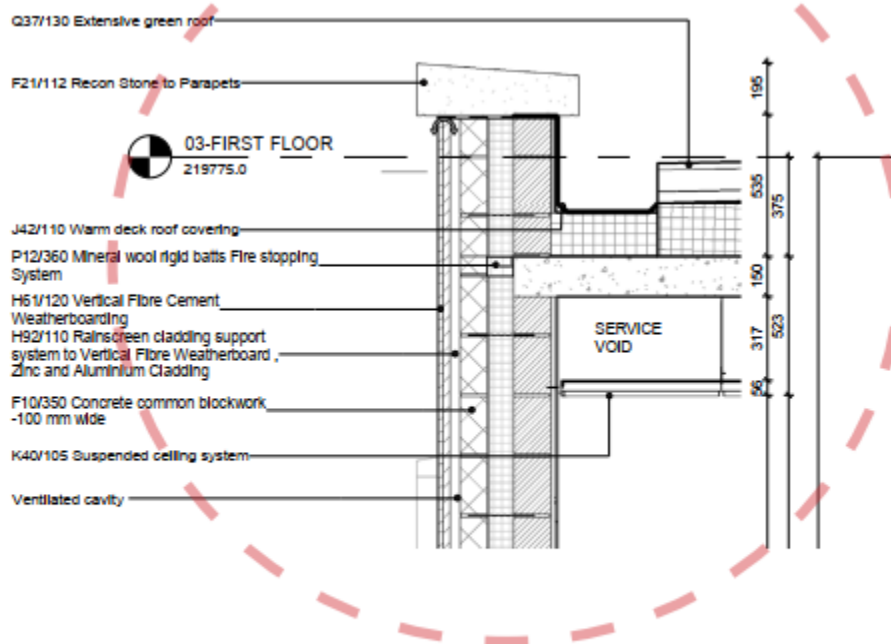
Superseded Eastern 'Elevation A' with existing Staverton House on the left and replacement building to the right facing New Terrace Road. Outline of existing Old Vicarage building shown as dotted line



Revised Proposed 'Elevation A' – The blue line shows the height of the previously proposed pitched roof. Dotted line shows the existing ground level of the boundary with No 50b



Combined photos of existing 'Elevation A' taken from garden of No 50b



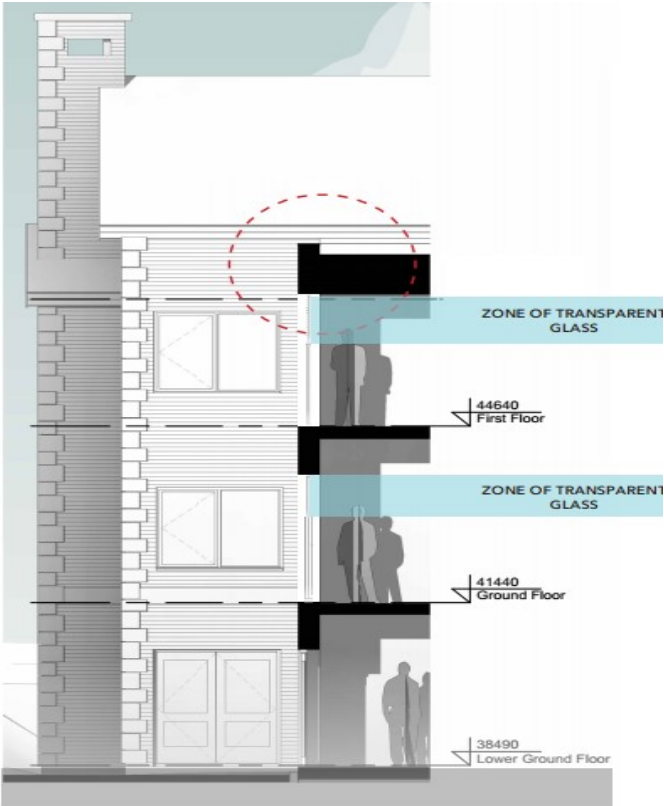
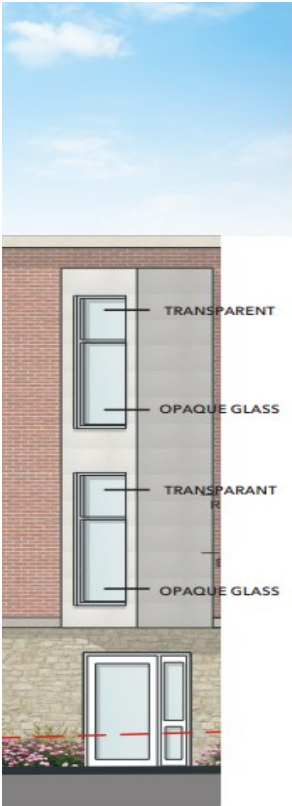
Link section detail ~ parapet detail

Cross section plan of the proposed parapet detailing on the flat roof section

On the western side, there would also be some external ground works within the site and abutting the neighbour at No 52, (and according to the existing topographical survey and provided spot heights on the proposed site plan) raising the height by approximately 200mm immediately alongside its side elevation. Furthermore, the difference in height would be defined by a sloping bank (see elevation B on previous pages) and rather than having a retaining wall which would be provided along part of No 50b's boundary. Additionally, as can be seen from the Elevation C plan (reproduced below), the proposed external ground level would not be raised higher than the existing ground level other than the front part of the site with the proposed car park, with the central section being in fact lower. This means that the ground would slope down from No 52's boundary towards the 'ground level' of the 'lower ground floor' of the central section.



Proposed Elevation C – the western boundary of the site



Link section detail

Link Section Detail – Obscure glazing

On Friday 2 December 2022, a late revision was received which was subject to a two-week public consultation (expiring 16 December). The consultation advised that the application description had changed as the total of beds to be provided had been reducing from 55 to 52. Furthermore, a change in window design for bedrooms 30, 32, 34, 36, 39, 41, 43 and 45 on the western elevation has been made. Whilst the vertically aligned windows would remain 2.3m high, the first 1.6m of the window glazing would have opaque glass, leaving c750mm of clear glazing above. These changes have been made to try and address some neighbour objections regarding overlooking.

There are 42 existing staff on site and the applicants have subsequently confirmed that the proposal would have 65 staff (with a mixture of full and part time) upon completion (which is in accordance with the transport statement). The applicants have confirmed that the submissions set out within the originally submitted application form stating that there would be 65 full time and 43 part time staff (full time equivalent of 108) was incorrect.

To support the application, the applicant has submitted a Landscaping Strategy, a Transport Statement, a Travel Plan, a Drainage Strategy and Protected Species Reports.

6. Planning Policy

National Context:

The National Planning Policy Framework 2021 (NPPF) and Planning Practice Guidance (PPG)

Local Context:

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP29 – Spatial Strategy Trowbridge; CP46 – Meeting the needs of Wiltshire’s vulnerable and older people; CP57 – Ensuring High Quality Design and Place Shaping; CP58 – Ensuring the conservation of the Historic Environment; CP60 – Sustainable Transport; CP61 – Transport and New Development; CP64 – Demand Management.

Maximum Parking Standards of Local Transport Plan 2011-2026

Staverton does not currently have a made Neighbourhood Plan.

7. Consultations

Staverton Parish Council – Objection:

The impact on locals from increased traffic from visitors, staff, services and also from construction/demolition, too few parking spaces, and concern that too few people will use bus and rail public transport. It is felt that the front elevation is too intrusive, and the building will be huge with a 2 m tall fencing around the perimeter to accommodate the additional beds in the application.

Wiltshire Council Adult Services Officer – Supportive.

The Council currently contracts for bed-based care in the general care market via the Wiltshire Care Home Alliance. This will continue to be the route by which majority of care placements are made, however there will be extra demand, particularly for people living with dementia.

Despite an overall reduction in the number of residential placements nationally and in Wiltshire, it is forecast that the demand for residential beds for people living with dementia and behaviours that challenge will increase.

By 2025 a significant percentage of older people who require a council funded residential place will have dementia. Many will require higher levels of specialist care and support. This type of placement is currently the most difficult and expensive placement to find.

POPPI forecasts have been used to provide indicative figures for the volume of LA funded older adults that are likely to reside in residential care homes in Wiltshire up to 2040.

The MEAN average number of Wiltshire residents aged 65+ living within a residential care home for the period 1 January 2021 – 30 September 2021 is **814** (local authority funded placements)

POPPI forecasts that Wiltshire will experience the following increases in people living in care homes over the course of 20 years.

2020 - 2025	2025 - 2030	2030 - 2035	2035-2040
15.86% Increase	15.46% Increase	18.25% increase	9.32% increase

If we apply the same forecasted increases to the MEAN average of Wiltshire residents aged 65+ living within a residential care home (**814**), then the average number of people forecasted to reside in residential care homes (at any one time) is:

2025	2030	2035	2040
943	1,089	1,288	1,408

The number of people potentially needing care and support is due to significantly increase over the next few years. Wiltshire’s population of older people is due to rise by approximately 31% from 2014 to 2025.

- Dementia Prevalence (2014 Dementia UK report)

A significant increase in the number of people with dementia is also anticipated.

At the current estimated rate of prevalence, there will be 850,000 people with dementia in the UK in 2015.

The number of people with dementia in the UK is forecast to increase to over 1 million by 2021 and over 2 million by 2051.

The total population prevalence of dementia among over 65s is 7.1% (based on 2013 population data).

This equals one in every 79 (1.3%) of the entire UK population, and 1 in every 14 of the population aged 65 years and over.

The risk of developing dementia increases exponentially with age. As population ageing continues to accelerate in the UK and worldwide, the number of people living with dementia is set to rise sharply in the decades to come (Livingston et al. 2017).

To plan effectively for their care and support, it is important to understand the level of care likely to be required to meet future care needs and the associated care costs.

The likelihood of living in a care home increases with severity of dementia, which means that in future a higher proportion of people with dementia will live in care homes rather than receive care in the community. Given the higher average social care cost and lower cost of unpaid care in care homes, the change in care patterns will result in a faster increase in social care than unpaid care costs.

The following statistics show England as a whole, however if the % is applied to Wiltshire, who’s aging population is increasing, the future costs and resources associated with the care and support, based on our current spend can be estimated.

Table 1: Projected number of older people in England with dementia 2019–2040

	2019	2020	2025	2030	2040	% change
Mild	107,100	108,300	118,900	136,100	166,700	56%
Moderate	206,300	198,900	210,100	235,600	276,100	34%
Severe	434,600	461,900	569,400	674,400	909,600	109%
Total	748,000	769,200	898,500	1,046,100	1,352,400	81%

Table 2: Projected costs of dementia for older people in England (£million), 2019–2040

	2019	2020	2025	2030	2040	% change
Healthcare	4,100	4,300	5,300	6,700	10,600	156%
Social Care	13,500	14,500	18,600	24,000	39,200	191%
Unpaid Care	11,700	12,200	15,300	19,400	30,100	157%
Other	150	210	260	340	540	254%
Total	29,500	31,200	39,500	50,500	80,400	173%

Table 3. Projected number of older people in Wiltshire aged 65 and over with dementia (persons)

	2019	2020	2025	2030	% Growth
Wiltshire	7,630	7,900	9,540	11,420	49.6%

NB: current diagnosis rate in Wiltshire is < 66%, (National Target) therefore we expect that as diagnosis rates improves the number of actual recorded diagnosis in Wiltshire will increase. These figures do not include under 65 (early onset) which will also place increase budget and service provision pressure.

Data Source: Projections of older people with dementia and costs of dementia care in the United Kingdom, 2019–2040. Care Policy and Evaluation Centre, London School of Economics and Political Science (funded by Alzheimer’s Society).

- Carterwood Data – Search Area Around Staverton.

Key Market Indicators	Postcode	BA14 6NX
Search details	Address	Staverton, Trowbridge
	Care homes at this location	Staverton House, 51a Staverton (Equality Care Ltd) The Old Vicarage, 51 Staverton CLOSED (Equality Care Ltd)
Bed requirement (wetroom beds)	Existing (wetroom beds)	434
	Existing + beds granted permission	434
	Existing + all planned beds	230
Bed requirement (en-suite)	Existing (en-suite)	331
	Existing + beds granted permission	331
	Existing (all elderly)	229

Bed requirement (all elderly beds)	Existing (all elderly) + beds granted permission	229
Demand & demographics	Total population (people)	97409
	Demand for care home beds (market size)	760
	Age profile: 85+ years (%)	3.1
House prices	Catchment area (£)	304313
	Postcode sector (£)	381678
	Postcode district (£)	264414
Average private fees	N/OP (£)	1297
	N/DE (£)	1272
	PC/OP (£)	1168
	PC/DE (£)	1219
Approximated social grade	AB (%)	23.9
	C1 (%)	29.6
	C2 (%)	21.8
	DE (%)	24.7
Staffing market size	RN market size	747
	CA market size	4065
RN staffing nationality	Domestic (%)	87.6
	EU (%)	6.1
	Rest of world (%)	6.3
Supply quality	En-suite (%)	80.8
	Wetroom (%)	61.4
	Dedicated dementia beds (%)	29.4
Supply quantity	All elderly beds	531
	En-suites (bedrooms)	429
	Wetrooms (bedrooms)	326
	Dedicated dementia (beds)	156

Wiltshire Council Ecology Officer – **No objection subject to conditions**

Bath and Bradford on Avon Bats SAC HRA Appropriate Assessment

The application has potential to result in significant adverse impact either alone or in combination with other projects on the statutorily designated Bath and Bradford on Avon Bats SAC. As required by the Habitats Regulations an Appropriate Assessment has been completed by the Local Planning Authority with a favourable conclusion. The Appropriate Assessment was sent to Natural England on 03/11/2022 and the application must not be determined until they have agreed with the LPAs conclusion.

Natural England – **No comments received and have to date failed to respond to the Council's favourable HRA AA conclusion consultation.**

Wiltshire Council Landscape Officer – **No objection subject to conditions**

Wiltshire Council Conservation Officer – **Objection:**

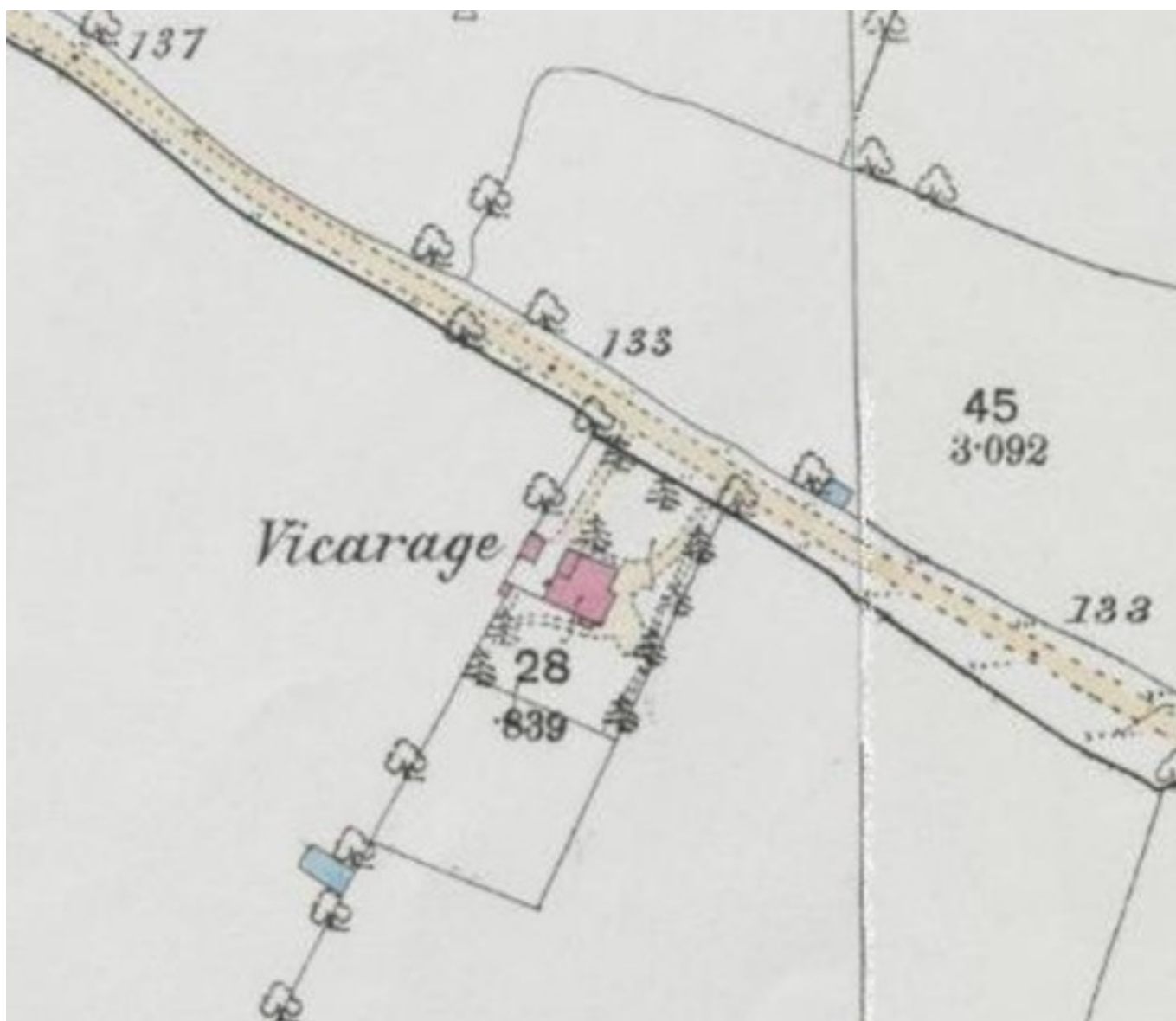
To the original proposal:

This is a non-designated heritage asset due to its age, design and appearance, and use of materials. It is a good example of a Victorian vicarage and is still legible as such despite the existing extensions. The building is prominent in the street scene and contributes to the local sense of place.

The building is an important part of the history of Staverton, being a good example of a formal Victorian building, its Gothic architectural style contributing to its significance as a non-designated heritage asset despite the later additions to the rear. This part of Staverton was not developed in the mid-19th century and this Vicarage was the first building in the area, as confirmed by the historic OS maps:

The Vicarage was the home of the vicar of St Paul's, the grade II listed Parish Church that was rebuilt on the site of the original chapel, in 1826. Originally the incumbents lived in Trowbridge, until the Vicarage was built between 1860-88 (Source: Wiltshire Victoria County History).

The Vicarage represents an important part of the small village's history, as it is a high status, formal dwelling for the small village, being the ecclesiastical seat for the Parish Church. Despite the development of the site to the rear, and the historic development along this main road from the post-2nd WW, the building positively contributes to the local area, its history and forms an important part of this semi-rural street scene.



OS 1st edition 1844-88

Comment made to the revised plans:

Amended plans have been received, which show very few changes to the main proposal, and nothing significant to overcome the original concerns over the demolition and loss of the non-designated heritage asset: therefore, an objection to the demolition of the heritage asset is maintained from a conservation viewpoint and I refer to my previous comments.

Whilst it is my remit to assess the impact on the historic environment, the overall impact and planning balance is for the case officer to assess and therefore NPPF paragraph 203, which states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

If the application is to be approved, NPPF paragraph 205 should be implemented, which puts the onus on the developers to record the heritage asset: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Wiltshire Council Highways Officer – No objection

The proposed development requires a provision of 24 car parking spaces which has been calculated using the maximum parking requirement guidance of 1 space per 4 beds + 1 space per 2 members of staff (as set out within Appendix C Maximum Parking Standards of Local Transport Plan 2011-2026 Para: 3.7 of the submitted Transport Statement).

Domestic staff generally work 08:00 to 14:00 whilst kitchen staff operate a two-shift system, 07:30 to 12:30 and 16:00 to 20:00. As would be expected the busiest period is during the day with up to 20 staff being present on site at any one time. Overnight it is expected that up to 7 staff would be on duty.

The care home has [planning consent for 40 bedrooms and the busiest period of time would require 20 members of staff to be present on site: thus equating to 24 car parking space requirement.

I am aware that the maximum parking standards as referenced above, is guidance and that paragraph 111 of the NPPF has primacy with regard to highway matters, therefore taking this into consideration and the accompanying Travel Plan, the on-site provision of 20 car parking spaces is supported.

Wiltshire Council Archaeology Officer – No objection

This site was the subject of an archaeological watching brief in 2005 when the current care home was constructed. This monitoring recorded a number of shallow features dating from the Romano-British period.

However, as much of the site was heavily impacted by the construction of the current building and as the proposed new structure will be located within its footprint, it is my opinion that the chances of groundworks exposing any archaeological features or deposits on this occasion is slim to non-existent.

Wiltshire Council Drainage Officer – No objection subject to conditions

The application has been supported with a Sustainable Drainage Assessment. The applicant has also provided evidence of infiltration rate tests undertaken in March 2022; these show that infiltration is not viable at this site, as well as observing groundwater seepage at 1.6m below ground level.

The applicant's proposal to connect to the surface water sewer network would comply with the drainage hierarchy as outlined in the Sewerage Sector Guidance. The applicant has provided calculations showing how the greenfield/ brownfield runoff rates have been calculated and has demonstrated that these comply with Wiltshire Council guidance by proposing to limit discharge for all rainfall events up to the 1 in 100-year plus 40% climate change allowance, to the greenfield QBAR rate of 1.9l/s.

The applicant has also provided calculations showing the required attenuation for the 1 in 100-year event plus 40% climate change allowance. The proposed storage tank has been designed to cater for this event.

Wessex Water – No objection

Wessex Water will accommodate the proposed domestic foul flows in the public foul sewer. It is noted that the applicant is proposing to utilise the existing foul sewer connection.

Surface water runoff will need to be managed in accordance with the SuDS hierarchy and NPPF. Wessex Water will be looking for a full suite of SuDS components to be considered and included in the proposals for the capture, storage and discharge of surface water runoff.

The applicant would need to fully investigate all SuDS options within the hierarchy and provide evidence to Wessex Water that these are not viable before a connection to the existing public network will be considered.

There are public surface water sewers located on Cottles Barton and Warren Road to the south of the proposed development site, the potential for a sewer requisition to either of these surface water sewers also needs to be fully investigated by the applicant.

8. Publicity

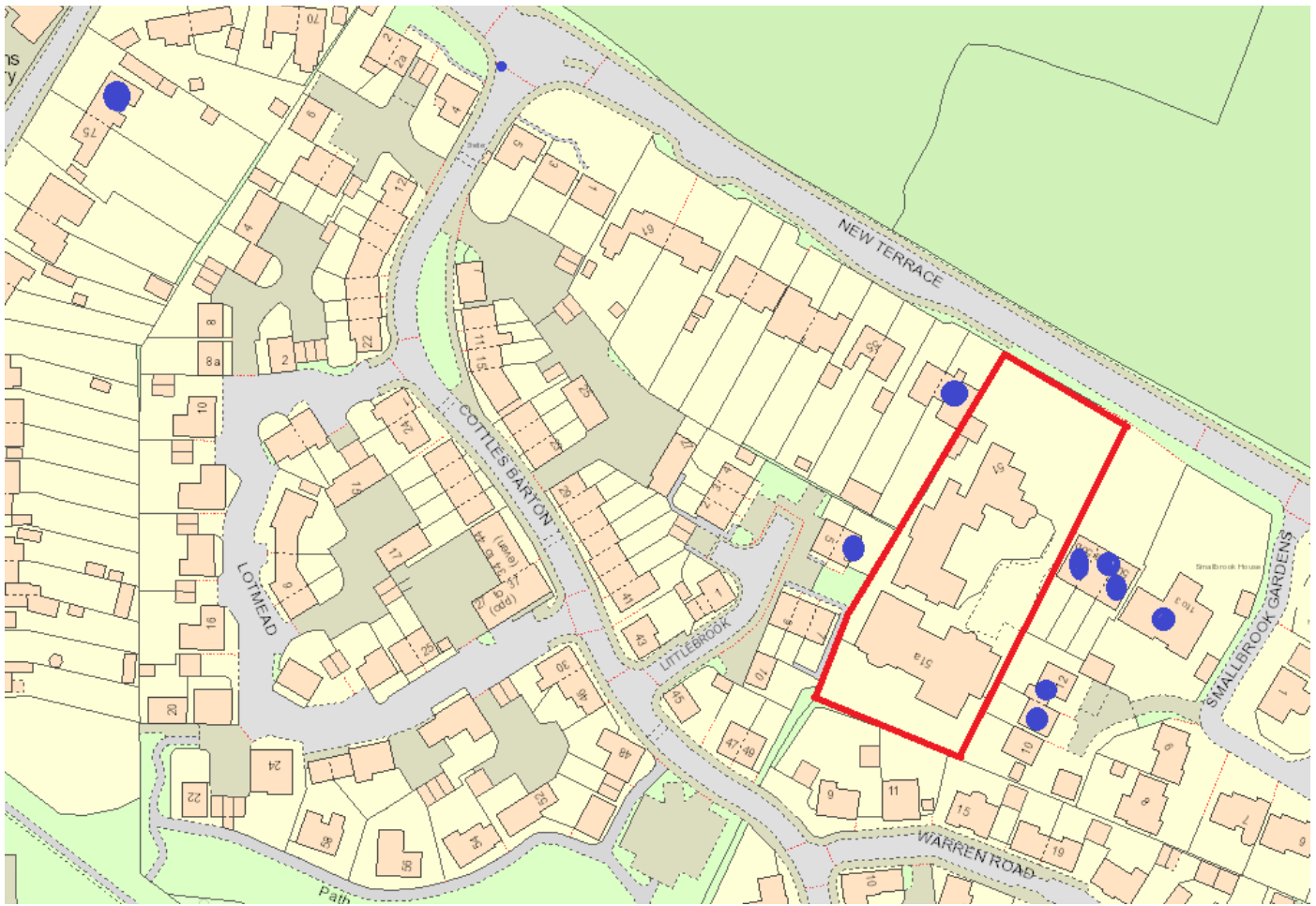
The application was publicly advertised through the display of a site notice at the site frontage as well as 26 individually posted neighbour notification letters to properties located along New Terrace, Warren Road, Littlebrook, Cottles Barton and Smallbrook Gardens.

The first consultation was sent out on 11 November 2021. This was followed by a re-consultation exercise in early May 2022 following the submission of revised plans. A further set of revised plans were re-consulted upon on 14 October 2022.

Most recently in early December 2022, a final public consultation exercise was undertaken bringing notice of the revised description and plan changes.

In response to the public notification exercise, 46 letters have been received comprising 38 letters of objection, 6 letters of support (4 of which from existing staff members) and two letters providing general neutral comments.

Of the 38 letters of objection received, they have come from 14 addresses – the locations of 9 have been represented on the image below.



The objections and comments to the original consultation are summarised below:

- *Significant overlooking from new windows*
- *The proposal would block out morning/afternoon/evening light due to its 3-storey height*
- *The plans show a major change in ground levels, having a likely detrimental effect on neighbours boundary fence, subsidence and drainage problems*
- *Not in keeping with the adjacent building and the other large houses along New Terrace and Marsh Road*
- *The potential for a substantial increase in traffic due to staff shift changes and associated noise from the proposed development*
- *The existing building has security lights which are causing problems with our house at present. The new building will have more security lights, plus streetlights and due to its new increased height will lead to more problems from bright lights spilling through into house windows at night.*
- *Bin stores adjacent to our house back door, patio and boundary fence. This potentially will cause noise and smells at all hours of day and night*
- *Significant pollution from construction*
- *Objection to the loss of the Old Vicarage which is a 'landmark' building identifiable to the village*
- *The replacement building is monolithic and will dominate New Terrace and surrounding streets*
- *Potential adverse harm to bats and habitat*
- *Anticipate overflow parking on neighbouring streets*
- *An overdevelopment of the site and out of scale*
- *Lack of a pavement along the B3105*
- *Demolishing rather than converting will create far more carbon emissions*
- *Flood risk*

The objections and comments to the revised plans are summarised below:

- *Appreciate the efforts made to meet some of the previous objections to the height but the best way forward is still a two-storey extension.*
- *Object to the proposed trees being planted on the southern elevation. The chosen species can grow too tall and wide*
- *Concern over construction traffic*
- *Significant loss of natural light (made worse by a 4m high fence) at No 52 New Terrace*
- *The central section would still be a monolithic and ugly solution that resembles a 1960's office block. The building would still tower over us (12 Smallbrook Gardens)*
- *The triangle shaped windows now appear to be floor to ceiling in height larger than original proposal and from the sight lines plan, the windows are now directly angled towards our house (No 12 Smallbrook Gardens)*
- *My property would be overlooked by a 3-storey building which is already overlooked by the ground floor.*
- *Where has the obscure glazing gone?*
- *Looking at the plans showing the proposed elevations A and B. They suggest land being dug out and built up so that the site becomes two levels. A retaining wall of 1.2m is suggested with a fence on top between the development and the terrace at number 50. The plans don't seem to be that accurate. The proposed ground line looks to be substantially more than the 1.2 metres retaining wall. The built-up part looks more like 2m in depth. So, with a 2-metre fence, there would be a 4-metre barrier between the development and the terraced houses.*
- *The East and North Elevations shown on drawing A-840 now show a new retaining wall of 1.0m to 1.5m high adjacent to our property, to take account of the increased ground levels within the Old Vicarage development with a fence shown on top of this new wall. In our back garden the new Old Vicarage development garden is shown about a 1m below the level of our garden ground level. The existing wooden fence between 50B New Terrace and the Old Vicarage development was built by our builders and is constructed on our land, inside the boundary and not on the Old Vicarage land. At no point has permission has been asked for the change this fence. How can the Old Vicarage development construct this wall?*
- *There is not enough staff car parking*
- *Would like to reiterate all previous objections*

The five letters of support can be summarised below:

- *This is a desperately needed resource*
- *Pleased this is keeping the original purpose of the care home and extend the on-site facility*
- *The plans are not over imposing (NB the given address is not from an adjacent dwelling)*
- *The opportunities that this proposed build will bring for future employees are endless.*
- *Dementia is a disease that appears to be ever expanding due to the longer lives that we all live. This a major opportunity for Trowbridge to have a specialised dementia home that matches the size of Trowbridge and the residents that live here.*
- *The existing Old Vicarage is not fit for purpose*

The general comments received are summarised below:

- *Swift bricks should be included to help meet net biodiversity gain*
- *The proposal should co-operate some of the old bricks around the frontage to keep parts of the Victorian building*

On Monday 2 December 2022, the most recent consultation exercise resulted in a further 9 letters of objection raising nothing materially different to the previous lodged concerns as summarised above. The consultation did however result in a representation from Staverton Parish Council which outlined the following:

Committee members should visit the site themselves to understand the site levels and the impacts that there will be on neighbours.

For the record, officers fully concur with the above submission and the Chairman of the Area Planning Committee will be invited to agree to the scheduling of an officer led pre committee member site visit.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of Development –

9.1.1. Paragraph 6.53 of the adopted Wiltshire Core Strategy (WCS) recognises that *“Wiltshire has an aging population, more so than the national average, and this needs to be taken into account when planning for new housing. This strategy plans for the care of the elderly within their local communities, so people can continue to enjoy lie in their own homes for as long as possible. If and when this is no longer possible, there is a need to ensure that there are alternative facilities where people can continue to enjoy living in their local area with the level of care they require provided.”*

9.1.2. WCS Core Policy 49 states that *“the provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required.....The provision of sufficient new accommodation for Wiltshire’s older people will be supported including residential homes.”*

9.1.3. The subject property for this application is an existing care home within the limits of development of Trowbridge, which is a Principal Settlement as set out by WCS Core Policy 1. Furthermore, the existing care home specialises in dementia care, that merits substantive weighting in the planning balance. As set out by the Council’s Adult Services Officer the demand for dementia beds will increase locally, especially given Wiltshire’s higher than national average aging population. Officers particularly note that *“by 2025 a significant percentage of older people who require a Council funded residential place will have dementia. Many will require higher levels of specialist care and support... [which is] currently the most difficult and expensive placement to find.”*

9.1.4. Whilst the Adult Services Officer did not provide the data on how many specialised dementia care homes there are in the local area and across Wiltshire, Staverton House does at least provide this specific care within the principal settlement area of Trowbridge, and the limitations which had led to the Old Vicarage property (and loss of 20 beds) being closed merits material weight, in recognition that part of the existing facility is not considered fit for purpose, which forms part of the supportive representations made by staff members. This proposal aims to replace the 20 ‘lost’ beds and increase the overall number of beds from 40 (before the closure of the Old Vicarage) to 52.

9.1.5. A number of representation letters have stated that the proposal should only be two storey and not three storeys. This option was put to the applicants, but it was discounted as it would result in the loss of 9 bedrooms. Officers advise that the application should be judged on its own merits.

9.1.6. As the Wiltshire Core Strategy encourages the provision of residential homes and that there is a clear ongoing demand for specialist dementia care, the principle of development is therefore supported and merits significant weight in the planning balance.

9.2 Design and Impacts on the street scene

9.2.1. The Old Vicarage is essentially a large square building with 5 long ridge lines and has a series of dormer windows, projecting gables and central chimneys. Officers acknowledge that the proposed replacement building does not have the same footprint, dimensions and general Victorian design of the Old

Vicarage but it is submitted that the proposed design does not deviate excessively with its rectangular (front section) shape and also has two storey bay windows and reclaimed stone and reclaimed windows. It is submitted that the proposal still represents a high standard of design. Furthermore, it is submitted that effective and efficient care home design requires straight line corridors and connectivity across the building, which is realised in the proposal. This in turn limits the opportunity to mimic or replicate the dimensions and layout appearance of the Old Vicarage (whilst also trying to take into account car parking and internal road circulation).

9.2.2. The proposed front elevation would also be quite long, measuring nearly 25m wide (and much wider than the c13m of the Old Vicarage) but it is submitted that on a plot that's approximately 36m wide and that the building would be approximately 30m from the road, it would not look unduly constrained, tight or out of character with the rest of the street scene.

9.2.3. Officers have secured revisions to secure the re-use of the existing stone and recreation of the stone window casements to replicate some of the existing vernacular of the original building and to help break up the elevation and use of the red bricks. The two proposed bay windows are also considered respectful of the Victorian design of the Old Vicarage, and these would further help break up the 25m elevation.

9.2.4. On the latest set of revised plans, the ridge of the existing Old Vicarage has now been accurately shown on the plans (noting here that the superseded plans illustrated it to be much higher than it is). It is submitted that it can now be used as a comparison as to how the replacement building would look within the street scene. The proposed ridge of the replacement building (which scales at approximately 9m high) would actually be slightly lower than the existing ridge of the Old Vicarage. Officers submit that whilst the frontage of the building would be wider, this would be mitigated by the ridge being lower than the existing and would appropriately assimilate into the street scene.

9.2.5. Officers did not specifically seek the removal of the roof from the central section, although note that this reduces the bulk and mass and would help reduce the potential impact on neighbouring amenity in terms of the stated overbearing concerns.

9.2.6. Officers asked the applicant to redesign the eastern and western (side) elevations and to break up the facades as much as possible by use of materials or other design features. This led to the revised plans with the proposed provision of the (triangular shaped) 'visual cones' that would project out from the main face of the elevation and be rendered. The provision of reconstituted stone parapets would add some interesting design treatment, albeit at a relatively high level.

9.2.7. Whilst officers fully accept that the flat roof section could be considered as being stark and bulky, it has to be taken into account that it would only be seen in general public context of being hidden behind the new front section and attached to Staverton House. Furthermore, as the flat roof of the central section would be less than a metre higher than the ridge at Staverton House (and physically attached by a two-storey subservient section), it is not considered to have an overbearing or adverse massing impact on Staverton House.

9.2.8. In addition to the above, in order for the basement to be at the same level as the ground floor of Staverton House, the ground upon which the central flat roof section would be constructed, would be slightly below the ground garden levels of No 50b and No 52 New Terrace and No 6 Littlebrook. This would help reduce the visual impact of the proposed development, which latter revisions resulted in the removal of the pitched roof.

9.2.9. Therefore, it is submitted that the proposed design of the proposal and the impacts on the street scene are acceptable.

9.3 Overdevelopment Concerns

9.3.1. The red dotted outline in the snip image below outlines the existing footprint of the Old Vicarage as compared to the proposed replacement building. Officers calculate that the increase in the ground floor

footprint would be approximately 85m² (with the old Vicarage having approximately 540m² footprint and the proposed replacement building being approximately 625m²). The overall application site is approximately 3800m², which means that the proposal (in footprint terms) would represent approximately 16% of the overall plot, which is not considered excessive officers by officers, and given that the front elevation of the replacement building would be set back a further 9.5m from the main road than the current arrangement, this increase would not be materially noticeable.

9.3.2. Adequate provision would be made for 20 car parking spaces with enhanced garden and external circulation spaces around the buildings for the residents to use.



Closer view of the proposed site plan

9.3.3. The proposal would result in a material increase in terms of the proposed additional storey (from a two-storey property to a three storeys central link structure (with a basement)). However, it is important to note that from viewing the site from New Terrace, there would not be a material increase in overall height over the Old Vicarage’s existing roof and the road facing replacement building would not be materially higher than the adjacent terraced row of three dwellings (No 50, 50a and 50b) to the east as previously seen on the ‘Elevation B’ plan. The central link section at three-storeys would bring about the most change within the site and for neighbours, which officers are satisfied is policy compliant in design terms.

9.4 Impact on neighbouring amenity

9.4.1. The impact on neighbouring amenity has to be carefully considered given the proposed changes to the site levels, the size and bulk of the proposed replacement building and the introduction of first and second floor windows between the Old Vicarage and Staverton House.

9.4.2. Objections have been received from No 50b, which shares approximately half of the eastern boundary with the application site. On its front garden boundary with the application site, which is slightly below the existing internal access road, it is proposed to have a 1.96m high retaining wall which would slope down to the existing level of the access onto New Terrace Road. However, the retaining wall should only follow the proposed line of the access road meaning it should splay away from the boundary, allowing the existing trees to be retained. The revised Elevation B plan has also removed reference as to how the retained wall would then be enclosed (previously stating a fence would then be installed) although it is still shown on the proposed landscaping plan. For the avoidance of any doubt, a 1.9m high retaining wall with a further fence would be not only overbearing on No 50b but also potentially harmful to the street scene. Therefore, the applicants have agreed to a specific pre-commencement condition that requires the details (as to any enclosure on top of the retaining wall) to be submitted (and for it to be a low-level open metal railing enclosure). It is submitted that with a metal railing on top of the 1.9m high retaining wall, this would allow for daylight to permeate through and not have an overbearing impact.

9.4.3. Officers also fully acknowledge that the proposal would elevate the internal access over No 50b's front garden and also have the service yard adjacent to the dwelling itself. The proposed one-way system should help ensure that cars only pass once upon their visit to the care home and the proposed landscaping scheme should help mitigate against direct views of the passing vehicles. Additionally, the access road should also only be elevated from the service yard area and for approximately 20m as it would then slope down to the existing road level at the northern end of the site.

9.4.4. Officers are also mindful that the existing front garden is defined by a low boundary wall to which passing traffic and pedestrians on the footpath on the other side of the road are able to view into the garden. Furthermore, the front garden is in full view of the other occupants in the terrace as their front doors and parking spaces are located in the same area. Officers submit that the front garden does not have the same amenity value importance as the rear garden space, given that at the front, it does not have the same level of privacy or security.

9.4.5. Whilst the proposal would cause some harm to the front garden of No 50b, through potential noise, overlooking and car fumes, given the above circumstances it is not considered that the impacts would be sufficient to warrant the refusal of the application.



Google street view image of No 50 b's front garden and the Old Vicarage behind and part of Elevation B

9.4.6. The retaining wall for the service yard would continue across approximately half of No 50b's side elevation and would be elevated approximately 1.9m above the garden of No 50b. It is important to note that No 50b does not have any windows on its side elevation and would not therefore, be overlooked from the service yard.

9.4.7. The proposed service yard would then have a staircase leading to the lower level resident's garden which would be approximately 5m from the boundary with No 50b and have landscaping added in the gap to prevent any adverse overlooking and to mitigate against any adverse overbearing impact. It is submitted that whilst even with the revisions to reduce the size of the service area, it would still have some overbearing (and overlooking impact) on No 50b's rear garden. However, with careful use of mature evergreen trees like

'photinia red robins' (which can be secured by condition) it is submitted that this impact can be mitigated to an acceptable degree.

9.4.8. It is submitted that the bin store would also not result in adverse smells or visual impact on No 50b.



Snips of the site plan and Cross section boundary plan on the service yard and bin store



View from application site to No 50b and from No 50b to the Old Vicarage

9.4.9. There would also be the impact of the new building on No 50b's rear garden amenity areas to consider in terms of potential overbearing and overlooking, particularly from the flat roofed central section. As detailed above the proposed ridge of the front section of the building would be slightly lower than the existing ridge of the Old Vicarage. The flat roofed section would then step down connecting with the eaves and then would be elevated approximately 900mm above the highest ridge of Staverton House.

9.4.10. As can be seen in the images on the next page there is a fair separation of the existing buildings with No 50b. The existing gap from the conservatory of the Old Vicarage to No 50b boundary is approximately 13.5m and 25m from the single storey section. In the proposal, the front section of the building would be brought within approximately 9.6m and the central flat roof section 16.4m of the boundary. Therefore it is acknowledged that the proposal would be getting bigger and closer to No 50b.



Cropped photos from No 50's garden and first floor balcony towards the eastern elevation of the application site

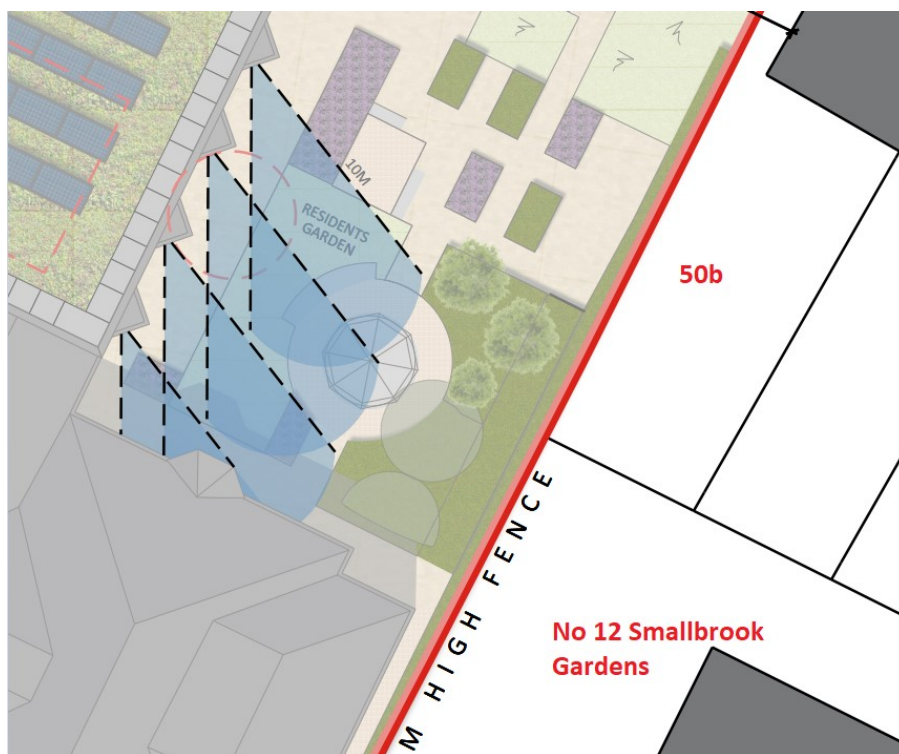
9.4.11. The most significant increase in bulk and mass on No 50b would result from the proposed front section of the building which would come within 9.6m of the boundary. However, the rear wall of the replacement building would only be set back slightly from No 50b's rear wall, meaning that the majority of

the bulk and mass would relate to the side elevation of No 50b rather than over the rear garden (or rear balcony). The central section would then be further away at 16.4m allowing for a decent gap to the boundary. In the photograph image on the previous page one can reasonably visualise the potential impact it would have. Given that the height of the central section would be 900mm above the ridge of Staverton House, the proposal would be more visually prominent than the existing built form, but Officers submit that whilst there would be some resultant harm, it would not be at a level to warrant the refusal of the application.

9.4.12. With regard to potential overlooking from the first and second floors towards No 50b and No 12 Smallbrook Gardens, officers are satisfied that no adverse harm would be caused. With the introduction of the 'visual cones' into the central section 4 of the 5 rooms on each floor for the eastern elevation rooms (which are 2.3m high x 0.75m wide) would be angled 45 degrees off the main wall, which means they face in a south-south-east direction, predominately at Staverton House itself. This can be seen in the snip image below.

9.4.13. In order to look at No 50b would require occupants to look at an obscure angle and at a distance of nearly 16 metres. A general rule of thumb, which is universally used within the planning profession, including the Planning Inspectorate, is that there should be 21 metres between habitable windows and 10.5m from habitable first floor windows and neighbours garden boundaries. Whilst it is acknowledged that the second-floor windows would be higher (and require a greater distance) it is considered that 16m and the obscure angle will be sufficient in which to maintain privacy in relation to WCS Core Policy 57 (vii). It is also considered that this distance would be sufficient for rooms 37 and 46 which would look directly at No 50b and its first-floor balcony (as they do not have the 'visual cone').

9.4.14. In relation to the outlook towards No 12 Smallbrook gardens, it would only be rooms 33, 35, 42 and 44 which would have any direct line of sight into its rear garden. However, at a distance of 18m to the boundary, it is also considered that this is sufficient in which to protect their private amenity. This is why revisions (to include obscure glazing) have not been sought on this elevation unlike on the western elevation.



9.4.15. In regard to potential overshadowing of eastern properties adjacent to the application site, No 50b and No 12 Smallbrook Gardens would continue to receive direct sunlight and natural daylight levels currently enjoyed during the morning and early afternoon hours. There would be little impact during the winter months as the sun already sets to the west down and behind Staverton House. Using the website www.suncalc.org

the level of ground shadow can be calculated. It would only be from late April, when the sun starts to set sufficiently to the west past Staverton House for the proposed central section to start to cause overshadowing itself on No 50b (the black line) in the late afternoon – circa 5.45pm.



Snip from SunCalc.org website

9.4.16. Overshadowing from approximately 6pm over No 50b’s rear garden would then continue throughout the summer until the beginning of September when the sun would be setting behind Staverton House again.

9.4.17. Officers duly acknowledge that the proposal would result in some direct overshadowing of No 50b (and No 12 Smallbrook during the summer months as the sun sets) but officers submit that the harm would be limited to the late evenings. With the proposed gaps, (and the removal of the roof over the central section) sufficient natural daylight would also still reach all neighbouring properties on the eastern side of the application site.

9.4.18. The potential impact on properties on the western side also need careful consideration, most notably with regard to No 52 New Terrace and No 6 Littlebrook.

9.4.19. No 52 is located much closer to the New Terrace Road and is positioned approximately only 14m away, meaning the dwelling would be immediately adjacent to the car park rather than the replacement building. Therefore, any potential overbearing impact of the proposal would not be immediately experienced by the dwelling itself but rather by its 30m deep garden.

9.4.20. The built form of the front section would also be getting closer to the boundary with No 52 than the existing Old Vicarage by approximately 3.6m. It also has to be acknowledged that the ground level is also being raised near and down No 52’s boundary but it is understood to only be approximately 200mm adjacent to No 52 itself, and with a slope to the boundary rather than a retaining wall as proposed at No 50b. Furthermore, it is understood from the existing topographical survey and the proposed site plan that the external ground levels only have to rise from approximately the tree to the proposed building itself in order to get the basement (lower ground floor) at the same height as the ground floor of Staverton House.

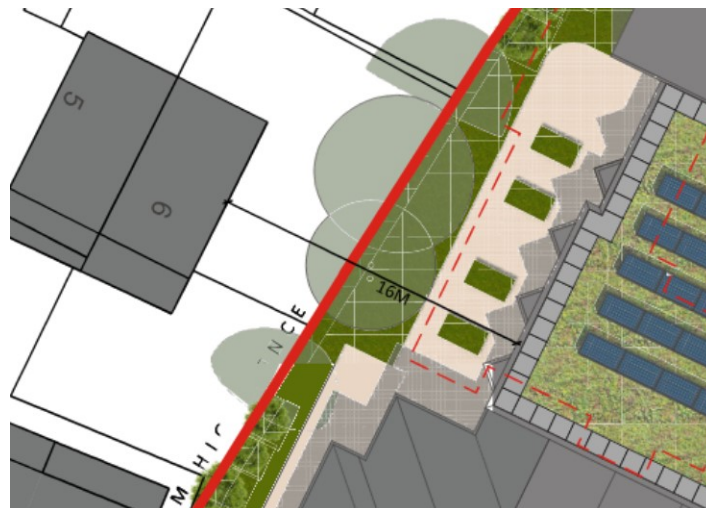


Google Street view image of the Old Vicarage and No 52 New Terrace

9.4.21. It is acknowledged that the built form would be closer to No 52, but as the Elevation C plan demonstrates the building would be similar in scale and height to the existing Old Vicarage and that any additional harm would not warrant the refusal of the application.

9.4.22. Furthermore, No.52 would not readily experience the flat roofed central section at it would start near the rear end of the garden and as the elevation plans show, the central section is at the same height as the eaves of both the replacement building (and the Old Vicarage).

9.4.23. No 6 Littlebrook enjoys both a rear and side garden with the application site and would directly face the 3-storey central section. The distance between the central section and No 6 itself would be approximately 16m and between 7-8m from the boundary itself. Whilst Officers duly acknowledge that an approximate 9m tall building would be built alongside the majority of its boundary, it would at least be approximately 4m further away from the boundary than the existing single storey section.



9.4.24. Additionally, with the applicant's design change by removing the roof from the central section, it is submitted that this would significantly help reduce the massing and the potential overbearing impact on No 6 Littlebrook more than any other adjacent property.

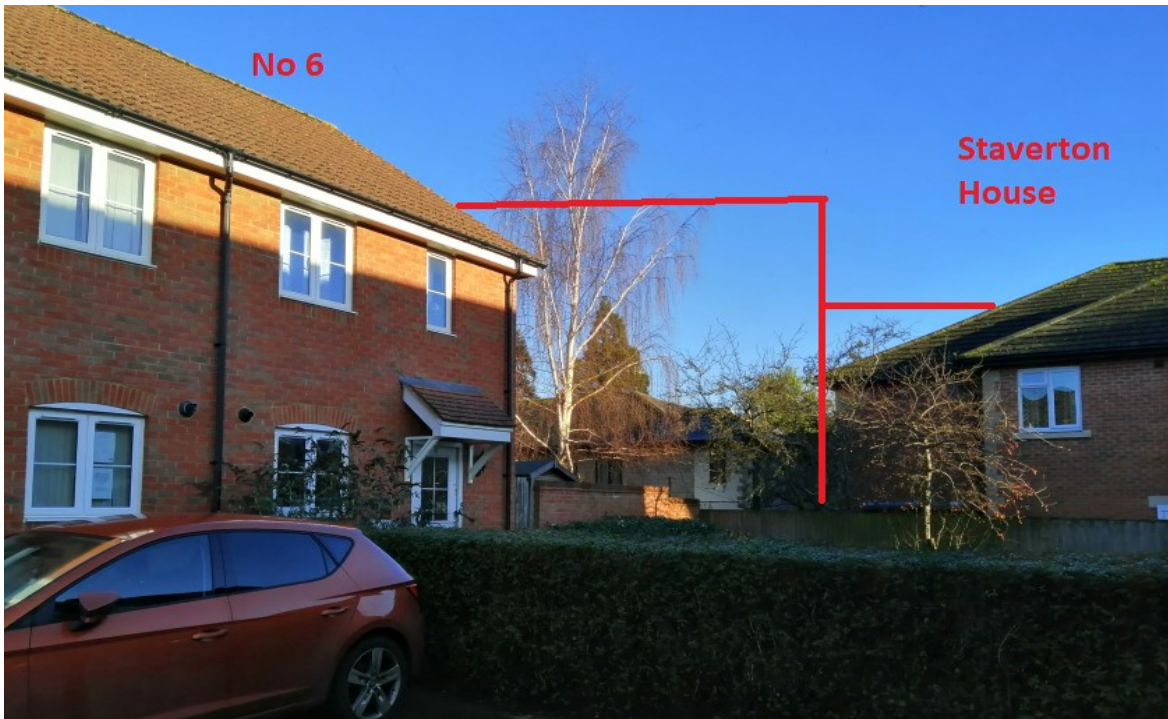


Photo of No 6 (left), Staverton House (right), existing single storey section (centre) with Officer drawn approximate outline of proposed 3 storey central section

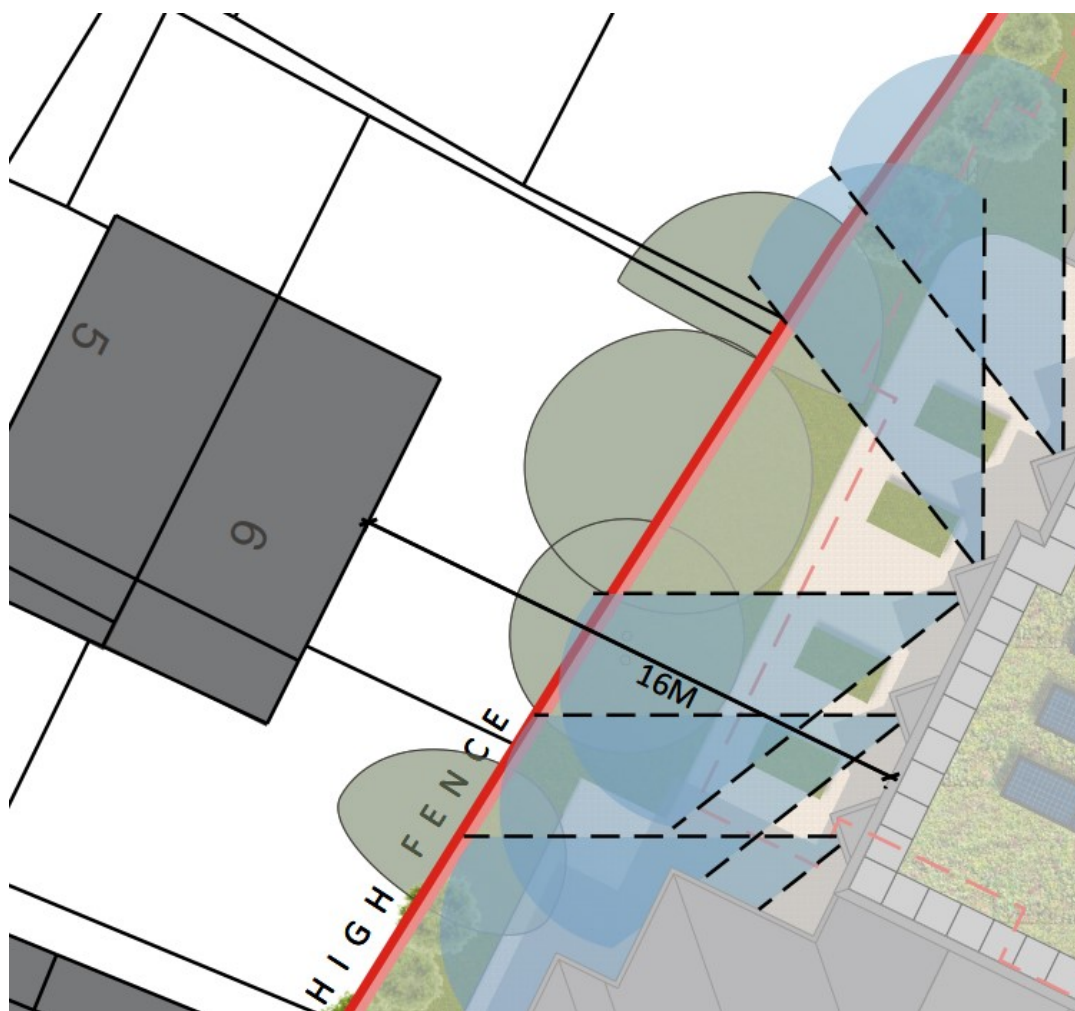


Photo of No 6's side garden adjacent to the proposed central section

9.4.25. Officers fully accept that there would be some massing and overbearing impact on No 6 but submit that it would not warrant the refusal of the application. No 6 has had trees in its garden that aerial photographs have shown to grow quite large, shading the garden. Should the occupant keep that tree, in summer months the tree would largely screen the central section from view.

9.4.26. In regard to overlooking, Officers have sought the final revised plans to windows in the 'visual cones' for bedrooms 30, 32, 34, 36, 38, 39, 41, 43, 45 and 47 (on both first and second floors) would have been within 9-10m of the boundaries (and much closer than the relationship on the eastern side). The 2.3m high windows would have allowed for clear views into No 52's and No 6's rear and side gardens causing a detrimental level of overlooking.

9.4.27. In the revised plans, the windows have re-introduced obscure glazing on the lower 1.6m half of the window. This means that occupants within the room would likely have to stand at the window itself and then actively engage in looking down into the neighbouring gardens in order to be able to adversely overlook. It is submitted that when within the room itself, particularly from the bed, the only clear views afforded would be horizontally outwards and towards the sky. For the most part the staff would be predominately focused on the patients rather than looking outwards towards neighbouring amenity. Therefore, with these revisions, secured by conditions, it is submitted that the potential harm from overlooking has been satisfactorily mitigated.



9.4.28 In contrast to the potential overshadowing of the properties to the east, the proposal would cause overshadowing impacts on the western properties in the morning. It is duly acknowledged that the central section will result in the side garden of No 6 being cast in full shadow virtually all year round during morning

hours, including in June when the sun is at its highest. However, from 12pm when the sun also passes Staverton House, direct sunlight would be received and enjoyed by No 6 for the times when the sun reaches through the existing gaps of other surrounding buildings. Officers duly acknowledge this harm but consider that it would not warrant the refusal of the application.

9.4.29. The impact on No 52 would be different, however. As the building is further to the north it would gain some additional direct morning sunlight and daylight as the replacement building is moved to the south approximately 9m. However, Officers then appreciate that with the additional height, bulk, mass and the moving of the footprint closer to No 52 would also cause more overshadowing of first the middle and rear part of the garden in the morning and then of the rear elevation of the house over that what would have occurred with the Old Vicarage.

9.4.30. However, once 12pm arrives, the sun would have moved round and allowing No 52 the same amount of light as it currently receives from 12pm. It is therefore considered that this provides sufficient direct sunlight and natural daylight and that the amount of actual overshadowing would not be sufficient in which to warrant the refusal of the application.

9.4.31. In the neighbour representations, objections were made about the site causing additional general noise. It is submitted that the car park is not substantially increasing its spaces and that care homes tend to be fairly quiet places. Increasing the number of beds to 52 from the previous 40 is not considered to be harmful to neighbouring amenity through noise.

9.5 Impact on non-designated heritage assets

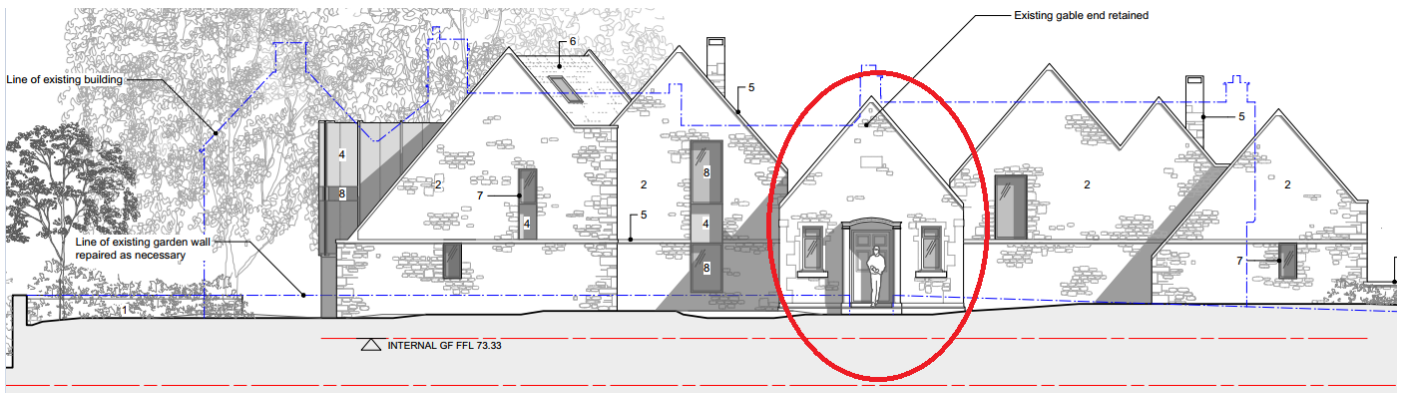
9.5.1. Following the case officer's first site visit and inspection of the subject property it was concluded that the Old Vicarage merited being considered as a non-designated heritage asset. Consequently, paragraph 203 of the NPPF applies, which states that;

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”

9.5.2. It has been submitted that the existing Old Vicarage is not suitable for modern care needs, which recently resulted in the closure of twenty bedrooms. In recognition that there is a growing demand for dementia care accommodation, planning judgement is required to weigh up the benefits of providing new enhanced care accommodation against the demolition of the existing building.

9.5.3. In recognition of the non-designated heritage asset status, the case officer negotiated with the applicant's design team and agent to find ways of retaining and incorporating as much of the vernacular of the existing building in the replacement building design, and especially the front northern elevation. Through negotiation, revised plans were lodged (and consulted upon) securing the reuse of the existing stone for part of the replacement front elevation as well as having a stone window which would reintroduce some of the architectural fabric in the replacement building.

9.5.4. Officers sought other revisions including the possibility of trying to retain an elevation (similar to the scheme Members approved for application 17/00738/FUL, *Park Cottage, at 20-21 Lower South Wraxall* at the 26 July 2017 Western Area Planning Committee within the new development, but this was rejected as an option as it would not allow the car park to be increased in size and no effective way could be found to utilise the building to satisfy modern standards and be financially viable.



Snip image of approved elevation of 17/00738/FUL – Red circle shows retained historic section of building

9.5.5. Officers conclude that whilst the loss of the existing vacant Old Vicarage property is not ideal, planning judgement is required to weigh up the benefits of providing more bedrooms and on-site dementia care.

9.5.6. Paragraph 204 of the NPPF states that “*Local Planning Authorities should not permit the loss of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.*” In this particular case, the applicants have put forward a case for the demolition of the Old Vicarage and officers have secured revisions to ensure that the new frontage of the replacement building makes use of the existing building fabric, and the new design reintroduces some of the interesting vernacular. It is clear that the existing building must be demolished to accommodate the new building and given the costs associated to demolition works, and site enabling, it is not considered likely that the applicants would not implement the new replacement building following the removal of the Old Vicarage. It is not considered necessary to burden the applicant in this case with a legal agreement to secure the new development, but this is a matter members may wish to discuss.

9.5.7. Officers are satisfied that the proposal would not result in harm to the setting or historic significance of the Kennet and Avon Canal Bridge, which is a Grade II listed building located some 215m away and is not readily visible from the site.

9.6 Drainage Impacts

9.6.1. No objection has been received from the Council’s Drainage team who also recommend a series of conditions.

9.7 Ecology Impacts

9.7.1. The Council’s Ecologist has confirmed that “*the application site is in a rural location within 4 km of a Greater Horse Shoe bat ‘core roost’ located Gripwood as identified in the Bath and Bradford on Avon Bat SAC guidelines and therefore within a ‘core area’ where the landscape and roosts are likely to be of particular importance to foraging and commuting GHB for which the Bat SAC is designated.*”

The application site lies in the Trowbridge Bat Mitigation Strategy (TBMS) area in the grey hatched recreational zone. This is a replacement for an existing care home, and we note that residents living here are very unlikely to be visiting local woodlands in a recreational capacity therefore there is no mechanism for increased adverse effect. However, the development will involve loss or alterations to existing habitats within the site.

In light of the judgement in Case C 323/17 CJEU “people over wind” the Council has determined that the application should be subject to an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.”

9.7.2. The Council's ecologist has carried out the appropriate assessment and has concluded favourably that the application can be supported. The Council still awaits Natural England's response to the HRA Appropriate Assessment consultation which was due back on 5 December. If a response is received ahead of the January meeting, it will be reported verbally.

9.7.3. The Council's ecologist recommends conditions to ensure the mitigation set out in the Bat Mitigation and Enhancements Plan are delivered i.e., the safeguarding of brown long eared and common pipistrelle bats through the provision of bat access tiles and bat boxes on existing trees and to ensure a biodiversity net gain on the site. One representation letter commented that the proposed trees would grow too large, and that no native species are proposed. The applicants have however agreed to a planning condition to secure an appropriate native tree planting scheme to support small and medium and bat friendly species. This would help with the scheme delivering biodiversity net gain. Furthermore, and to further safeguard bat habitat, an external lighting planning condition is considered necessary.

9.7.4. Officers have also secured the provision of 6 'swift bricks' within the development.

9.8 Parking and Highway Safety Matters

9.8.1. The applicants have submitted a Transport Statement which references 65 members of staff split between full and part time roles. The applicants have subsequently confirmed this is the correct number of staff and that the application form submission (65 full time and 43 part time staff - full time equivalent of 108) is incorrect.

9.8.2. It is expected that care staff would work in three shift patterns of 8am to 2pm, 2pm to 8pm and 8pm to 8am. Kitchen staff would generally work in two shifts 07.30am to 12.30pm and 4pm to 8pm. Therefore, the staff requirements for parking would be spread over the whole day but the busiest period would be during the day, where the Transport Statement states that up to 20 staff would be present at any one time.

9.8.3. However, the Council's parking standards adopts a maximum figure (and not a minimum) to which the Council's Highways Officer equates a requirement of 24 spaces (although this would be higher if more than 20 staff are present at any one time). Nonetheless, an under provision is supported in order to encourage staff to find other means of transport aided by the green travel plan (which has also been submitted in support of the application).

9.8.4. Officers can also confirm a staff room and changing room (with showering facilities) would be provided. However, no cycling provisions appears to have been included in the proposed site plan despite the travel plan stating 3 cycle stands should be provided. Therefore, this should be secured by condition.

10. Conclusion

Officers duly acknowledge that the application site is constrained by its surroundings with some neighbouring residential properties in close proximity. Due regard has been afforded to the delivery of enhanced dementia care at this existing facility and to maximise the number of beds on a viable basis, but at the same time be appreciative of the site circumstances and neighbouring properties.

The proposal would result in the demolition of a non-designated heritage asset to accommodate a erect a larger building on a larger footprint, but in terms of the site parameters, officers are satisfied the new building would not constitute as overdevelopment of the site.

Officers fully accept that some harm would be caused through the loss of the non-designated heritage asset, and in this regard planning judgement is required to weigh up the social benefits of delivering enhanced specialised dementia care on an existing care home site. The proposal would also result in some overbearing and overshadowing harm to the immediate neighbouring properties, but the impacts have been considered as being within acceptable parameters and would not justify a refusal that could be successfully defended at appeal. Officers have secured numerous revisions throughout the planning determination process, and it is

argued that these would mitigate some of the concerns raised by third parties. The application is supported by officers subject to conditions.

11. Recommendation – Approve subject to conditions.

Note: Should Natural England fail to respond to the Habitats Regulation Appropriate Assessment consultation and comment on the favourable conclusions reached by the Council’s ecologist, officers invite the Committee (should the above recommendation be endorsed) to agree to delegate to officers to continue with the consultation liaison with Natural England to finalise the ecology assessment and thereafter, to issue a decision notice.

Planning Conditions:

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

Existing Location Plan (A-840 100 Rev A); Existing Site Plan (A-840 101 Rev A); Existing retained building elevations (A-840 104 Rev A); Existing retained building floor plans (A-840 103 Rev A); Tree Plan (A-840_210370-P-10) and Sustainable Drainage Assessment (16176/01/HOP/RPT/01, October 2021, HOP)– all received 29 October 2021

Travel Plan (2109-01/TP/01 - dated October 2021) – received 6 December 2021

Technical Note 001 – Drainage Strategy (CTP-11-0246, March 2022, Cotswold Transport Planning) – received 24 March 2022

Existing Topographical Survey Plan (8006-1); Existing Retained Floorplan (Staverton House A-840 - 103 - Rev A) – received 24 May 2022

Swift Brick Details – received 19 May 2022

Proposed Lower Ground floor (A-840 107 Rev D); Proposed Ground Floor Plan (A-840 108 Rev E); Proposed First Floor Plan (A-840 109 Rev F); Proposed Bin Store Drawing (A-840 114 Rev A); Boundary Treatment modelling (A-840 301 Rev B); Boundary Treatment modelling- East (A-840 300 Rev C); Boundary Sections (A-840 210 Rev C); Additional long section (A-840 203 Rev B) and Existing Site Photos (A-840 105 Rev A) – all received 14 October 2022

Bio-diversity Net Gain Assessment (Focus Environmental Consultants ref 2500 – dated October 2022) and Detailed Landscape Proposals Drawing Number TDA.20644.01(B) (TDA, October 2022) – both received 19 October 2022

Proposed Roof Plan (A-840-110 Rev B); Protected Species Report for Bats and Nesting Birds (Cotswold Ecology, October 2022); Biodiversity Metric 3.1 – all received 29 October 2022

Bat Mitigation and Enhancements Plan (Focus Environmental Consultants, October 2022) - Received 31 October 2022

Proposed Site Plan with Sight Lines (A-840 113 Rev E) and Existing Site Levels Plan with Proposed Cross Section Plan (A-840 552 – Rev D) – both received 28 November 2022

Proposed Elevations A and B (A-840 111 Rev G); Proposed Elevations C and D (A-840 112 Rev F) and Proposed Materials Pallet (A-840 202 Rev F) -all received 29 November 2022

REASON: For the avoidance of doubt and in the interests of proper planning and for the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

3. The development hereby approved shall be used as a residential dementia care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. No development shall commence on site (including any demolition or site enabling works), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials (new and salvaged) used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

5. No development shall commence on site (including any demolition) until a Heritage Report including a photographic record of each external elevation and visible parts of the roofs and internal rooms with original architectural detailing as well as providing some commentary on the significance of the building fabric to be lost and reused (in part) in a manner proportionate to its importance and impacts. All of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of preserving an historic record of the building.

NOTE: As per paragraph 205 of the NPPF, the Council shall publish the report as a means of keeping it publicly accessible.

6. All the stone on the existing building and historic part of the Old Vicarage, including the stone window casements, shall be carefully dismantled and stored in a dry and secure place and be re-used to complete the front elevation (elevation B) of the new development hereby approved. The stone materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of reusing some of the most significant historic fabric of the non-designated heritage asset within the new building.

7. No development shall commence beyond slab level until full details and samples of the bricks, stone quoins, stone parapet, grey roof tiles, rendering details and the laying and setting of the exterior stonework have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out fully in accordance with the approved details.

REASON: The application contains insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences beyond slab level, in the interests of visual amenity and the character and appearance of the area.

8. No development above slab level shall commence on site until the applicant provides a CCTV survey confirming any existing connections to the sewer network, along with a capacity and condition assessment for the surface water network which has been agreed in writing by Wessex Water – full details (including calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the discharge receptor. The current strategy indicates that an attenuation tank will be used which does not necessarily mean adequate treatment will be provided) of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of surface water management on the site

9. No development above slab level shall commence on site until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

REASON: In the interests of surface water management on the site

10. No development shall commence beyond slab level until the proposed landscaping scheme has been updated and submitted to and approved in writing by the Local Planning Authority, with the revised scheme including the following;

- Full details of all retained trees, together with measures for their protection in the course of development including no dig details around all retained trees;

- To provide an updated planting specification of native species, as well as the supply and planting sizes and densities;
- All means of enclosure within the site including updated details and elevation plans of the full length of the retaining wall alongside (and adjacent) to No 50b's boundary and the means of enclosure of the access road on top of the retaining wall.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

NOTE: The enclosure on top to the retaining wall should be an open metal railing, no more than 1.2m in height measured from the remodelled ground level.

11. All the approved soft landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

12. No external light fixture or fitting shall be installed within the application site unless and until full lighting details including how they would be fixed to any structure, the direction of illumination and LUX levels along with light pollution limitation measures have been submitted to and approved by the Local Planning Authority in writing. The submitted details must also demonstrate how any proposed external lighting shall be mitigated to avoid harming bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

13. The development hereby approved shall not be brought into use until full details of the six swift bricks (and their precise locations) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the swift bricks shall be installed in accordance with the approved details and elevation plans and be maintained as such for the lifetime of the development.

REASON: In the interests of protected species.

14. The development hereby approved shall not be brought into use until the ecological mitigation works have been completed including the provision of two bat boxes, and the creation of a dedicated bat loft.

REASON: In the interests of protected species.

NOTE: The above condition requires to be discharged prior to the development being brought into use which would require the applicant/developer to submit evidence of the actual installations.

15. The development hereby approved shall not be brought into use until the Travel Plan (reference 2109-01/TP/01 - dated October 2021) has been fully implemented. The results of its implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

16. No part of the development shall be brought into use until details of secure covered cycle parking and changing and shower facilities has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall be provided on site prior to the development being brought into use.

REASON: In pursuit of sustainable transport objectives.

17. The development hereby approved shall not be brought into use until the foul and surface water drainage connections have been made and are operational.

REASON: To define the terms of the permission and to ensure the site is served by approved drainage connections

18. None of the internal rooms numbered 30, 32, 34, 36, 39, 41, 43 and 45 on the western elevation (elevation C) shall be occupied until the obscure glazing installation has been completed in full and in accordance with the details shown on plan A-840 202 Rev F (the proposed material palette). The obscure part of the windows for rooms numbered 30, 32, 34, 36, 39, 41, 43 and 45 shall also be glazed with obscure glass only (to an obscurity level no less than level 5) and shall be permanently fixed shut units restricting the opening of the window prior to the first occupation of the development hereby permitted. Thereafter, the obscure glazing arrangement shall be maintained for the lifetime of the development.

REASON: In the interests of protecting neighbouring amenity

NOTE: The top part of the window (1.6m above internal ground level) can have clear 'transparent' glass and can be opened at the high level.

19. Rooms 38 and 47 on the western elevation (elevation C) of the development hereby approved shall not be occupied until revised plans have been submitted to and approved in writing by the Local Planning Authority, to incorporate the same obscure glazing details as secured by condition 18. The development shall then be carried out in full accordance with the approved plans and maintained as such in perpetuity.

REASON: In the interests of protecting neighbouring amenity

Informative to Applicants:

1. The roof space of The Old Vicarage is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Details of a dedicated roof void roost area suitable to brown long-eared bats will be required unless it can be demonstrated that the bats are not flying within the roof void.

2. The application states that the owner of the property will be responsible for undertaking the maintenance of the surface water mitigations, however, the owner may not necessarily have the knowledge or equipment required to undertake this; adoption should therefore be agreed, or a suitably qualified management company hired.

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The Planning Inspectorate

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Your Ref: PL/2021/10237
Our Ref: APP/Y3940/W/23/3321615

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

06 December 2023

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by Fidelia Care Ltd
Site Address: 51A Staverton House, Staverton , Trowbridge, Wiltshire, BA14 6NX

I enclose a copy of our Inspector's decision on the above appeal(s), together with a copy of the decision on an application for an award of costs.

If you wish to learn more about how an appeal decision or related cost decision may be challenged, or to give feedback or raise complaint about the way we handled the appeal(s), you may wish to visit our "Feedback & Complaints" webpage at <https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure>.

If you do not have internet access you may write to the Customer Quality Unit at the address above. Alternatively, if you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

The Planning Inspectorate is not the administering body for High Court challenges and cannot change or revoke the outcome of an appeal decision. If you feel there are grounds for challenging the decision you may consider obtaining legal advice as only the High Court can quash the decision. If you would like more information on the strictly enforced deadlines and grounds for challenge, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Guidance on Awards of costs, including how the amount of costs can be settled, can be located following the Planning Practice Guidance.

<http://planningguidance.communities.gov.uk/blog/guidance/appeals/how-to-make-an-application-for-an-award-of-costs/>

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service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Tina Gozra

Tina Gozra

<https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>



Appeal Decision

Site visit made on 2 November 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th December 2023

Appeal Ref: APP/Y3940/W/23/3321615

The Old Vicarage and Staverton House, 51A New Terrace, Staverton BA14 6NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ashley Jones of Fidelia Care Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2021/10237, dated 26 October 2021, was refused by notice dated 19 January 2023.
 - The development proposed is Demolition of existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space, & together with the existing home would provide 52 bedrooms in total.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Ashley Jones of Fidelia Care Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The address in the banner heading above has been taken from the Council's decision notice and the appellant's statement of case for clarity purposes.
4. I note that a revised application has been submitted to the Council¹. Whilst I note that this application has been through the required public consultation procedure, interested parties will be expecting my decision to be based on the plans before the Council at the time the decision was made on the appeal proposal. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought².
5. Both parties have provided me with an electronic link to watch the relevant Development Control Committee meeting at which the appeal application was discussed. I have not watched this as I cannot be sure that all relevant interested parties have access to the facilities to watch it. It also does not bear directly on the planning merits of the case and therefore does not materially affect my judgement of the appeal.

¹ Planning Application Reference PL/2023/04128

² Annex M of the Procedural Guide Appeals

Main Issues

6. The main issues in this case are:

- the effect of the proposal on the living conditions of the existing occupants of 6 Littlebrook, 50b and 52 New Terrace, and 12 Smallbrook Gardens, with respect to privacy and outlook; and
- the effect of the proposal on the Old Vicarage, a non-designated heritage.

Reasons

Living conditions

7. The Old Vicarage and Staverton House is an existing care home facility. The Old Vicarage, a 2 storey building with a lower ground floor due to the changes in the site levels, has provided extra care facilities since 1984. Staverton House, a 2 storey building situated to the south of the site, was constructed to provide additional bedrooms³. A single storey structure runs off the rear of the Old Vicarage towards Staverton House, albeit it does not physically link the 2 buildings. The Old Vicarage and single storey structure have been vacant since November 2021, due to the buildings no longer being fit for purpose.
8. The appeal site is situated in a predominantly residential area and consequently forms a close relationship with the neighbouring residential properties. The proposal involves the erection of a 2-3 storey building, replacing the Old Vicarage towards the north of the site and the introduction of a 3 storey, flat roofed central building, linking the new building to the north to Staverton house to the south.

6 Littlebrook

9. No 6 Littlebrook is a modest semi-detached property, situated adjacent to the southern half of the western boundary. Its main external amenity space is its side garden which lies immediately adjacent to the shared boundary with the appeal site. The single storey structure attached to the Old Vicarage is visible from No 6's side garden albeit its impact is relieved by its low height. There are a handful of trees in No 6's garden along the shared boundary, although I noted that the canopies are sparse in places, and the single storey building and associated windows still visible. Staverton House is also an imposing building when viewed from No 6's garden, though its impact is mitigated by its siting.
10. The proposed site plan⁴ annotates the distances between the new 3 storey central structure and the side elevation of No 6. This is calculated to be 16m. I note that the Council has calculated the 3 storey structure to be 9.6m high and that it would be 'within 9 metres' of the boundary with No 6. The appellant has not disputed these measurements or distances.
11. I acknowledge that the 3 storey structure would be positioned further away from the boundary with No 6 than the existing single storey structure. However, the introduction of the substantial 3 storey building, by virtue of its size, massing and proximity, would have an unacceptable overbearing effect upon the outlook from the modest external amenity space to the side of No 6.

³ Council application Refs - W/03/02197/OUT & W/05/01212/FUL)

⁴ Proposed site plan with sight lines - drawing ref: A-840 113 E

The presence of the trees along the boundary would do little to alleviate this harm, given the scale of the proposal. This harm would particularly be felt in the winter months when the trees are not in leaf.

12. I note the windows that would look towards No 6 include angled modules, in order to restrict the potential for future residents of the proposal to overlook No 6. Whilst it is noted that the lower 1.6m of these windows would have opaque glass, the proximity of these windows, which would be at first and second floor level, would lead to the perception of being overlooked.
13. Therefore, for the above reasons, the proposal would harm the living conditions of the existing occupants of No 6, in respect of privacy and outlook.

50b New Terrace

14. No 50b New Terrace is an end of terrace, of a group of 3 properties, situated to the east of the appeal site. At present, the vehicular access to the parking area associated with the care home runs to the west of the shared boundary with No 50b, with the parking area situated along the boundary with No 50b's rear garden. There are no windows in the gable end of 50b.
15. The proposed built form would bring the proposals closer to No 50b and at a greater scale. I also note that it would be approximately 1.1m higher than the existing Old Vicarage. However, the proposed building that would replace the Old Vicarage would be sited roughly in line with No 50b. The siting of the 3 storey central building would be positioned a sufficient distance from No 50b so as not to be materially harmful to the existing outlook and privacy enjoyed by No 50b. Therefore, it is considered that the living conditions of No 50b would not be materially harmed by the proposed buildings.
16. The front garden of No 50b is an open, landscaped area to the side of the access drive serving Nos 50, 50a and 50b New Terrace. It is their rear garden which offers greater privacy as external amenity space. The internal access for the proposal would run alongside the shared boundary with No 50b's front garden and would be slightly elevated. It is considered that the internal access would create some noise, overlooking and car fumes close to the boundary with No 50b. However, the access to the rear parking area of Staverton House is already alongside the boundary with No 50b. Furthermore, the proposal would move the parking associated with Staverton House to the front of the site, which currently lies to the west of No 50b's rear garden. On balance, whilst the proposal would elevate the access track slightly, it is not considered to be materially harmful given the status of the area to the front of No 50b's house, and the existing parking and access arrangements of Staverton House.
17. Whilst the siting of the service area and refuse storage close to the boundary with No 50b, again in a slightly elevated position, is not ideal, it is not considered that any harm by way of noise, smell or overlooking would be significant enough to be materially harmful. They would be positioned adjacent to the blank gable end of No 50b, rather than being adjacent to their rear garden. I also note the suggestion for a landscaping condition to secure some mature evergreen trees around the refuse storage area. It is considered that this would ensure that the privacy of No 50b, in regard to mitigating any overlooking to their rear garden, would not be harmed.

18. Therefore, the proposal would not harm the living conditions of the existing occupants of No 50b, in respect of privacy and outlook.

52 New Terrace

19. No 52 New Terrace is one half of a pair of semi-detached properties situated adjacent to the northern half of the western boundary. It has a long rear garden. No 52 is currently subject to overlooking from the existing first and second floor windows of the Old Vicarage along its western elevation. The siting of the existing Old Vicarage building, as well as the single storey link building, are also prominent in the outlook from No 52's rear garden.
20. Taking in to account the existing situation, the scale and bulk of the proposal would allow the outlook enjoyed by No 52 to not be materially harmed. The new building to the front of the site, whilst it would be positioned closer to the shared boundary with No 52 and would be wider and longer than the existing building, would be further to the south than the existing Old Vicarage. The impact of the new central link building would be largely screened by the new building at the front. It is also positioned close to the bottom of No 52's rear garden. The proposal would therefore not result in a significantly overbearing structure and the outlook enjoyed by No 52 would not be harmed.
21. The positioning of the windows in the new central link building would overlook the southern part of No 52's rear garden. However, the use of opaque glass in the bottom half, as well as their distance from No 52 and their angled view, would ensure that the degree of overlooking that would result would not be materially harmful.
22. Therefore, the proposal would not harm the living conditions of the existing occupants of No 52, in respect of privacy and outlook.

12 Smallbrook Gardens

23. No 12 Smallbrook Gardens is situated to the east of Staverton House, towards the south of the appeal site. Due to its position directly adjacent to the boundary with No 12, Staverton House is highly prominent in the outlook from No 12, both from the rear window of No 12 and from the rear garden. I also note there are 2 existing first floor windows of Staverton House which directly overlook No 12.
24. Whilst I acknowledge that the proposal, in particular the 3 storey central element, would be more visible and prominent in the outlook from the first floor bedroom window and rear garden of No 12, given the distance from the boundary with No 12, it is not considered that the bulk and design of the proposal would be materially harmful to the outlook currently enjoyed by No 12. The distance from the boundary with No 12's garden would also ensure that any windows along the eastern elevation of the 3 storey central building would not result in a material loss of privacy due to overlooking to No 12.
25. Therefore, for the above reasons, the proposal would not harm the living conditions of the existing occupants of No 12, in respect of privacy and outlook.

Other Matters in regard to Living Conditions

26. Whilst it did not form part of the reason for refusal, in its Statement of Case the Council has stated that the proposal would cause overshadowing of No 6

and No 52's gardens in morning hours for long periods of the year. In response to this, the appellants have provided a shadow desk based analysis conducted at 9:05 am on July 21, 2023. This demonstrates that there would be minimal variation in the shadows cast on the neighbouring properties to the west when comparing the existing built form on site and the proposed development. Therefore, the amount of light received by the properties to the west would be similar to that which they enjoy currently. Consequently, based on the evidence before me, I consider that the proposals would not be significantly overshadowing to the neighbouring properties. Nevertheless, despite the lack of harm to the amount of light received by No 6, this does not overcome my concerns in regard to their outlook and privacy.

27. For the reasons given above, whilst I have found that the proposals would not be harmful to the outlook or privacy enjoyed by 50b and 52 New Terrace and 12 Smallbrook Gardens, the proposal would harm the living conditions of the occupants of 6 Littlebrook, in respect of privacy and outlook. It would be contrary to Policy 57 of the Wiltshire Core Strategy (adopted 2015) (Core Strategy), which states that proposals should make a positive contribution to the character of Wiltshire through having regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants. It would also be contrary to paragraph 130 (f) of the National Planning Policy Framework 2023 (the Framework), which states that development should have a high standard of amenity for existing users, which the proposal would fail to achieve.

Non-Designated Heritage Asset

28. The Old Vicarage, a former Victorian vicarage, was constructed between 1860 and 1886 to serve the vicar of St Paul's Church in Staverton. The 1886–87 map included in the appellants 'Built Heritage Assessment'⁵ shows that the vicarage was sited in an isolated location, surrounded by agricultural land. Over time, extensive residential development has occurred in the immediate vicinity of the former vicarage, including that of New Terrace, Smallbrook Gardens and Littlebrook. The vicarage, which subsequently became known as the 'Old Vicarage', was converted to a care home in approximately 1984. Various extensions and alterations were added to facilitate this new use. The significance of the building for the purposes of this appeal is its architectural and historic interest as a former vicarage.
29. The Old Vicarage possesses some aesthetic merit due to its external stonework, including the carved hoodmoulds, porch and windows. However, it is not particularly original in its style and has been considerably altered internally in order to serve its modern use as a care home. Original elements of the building, such as the main entrance, have been covered and have been replaced with modest additions to facilitate its use. On the ground floor, the sills of the former windows in the north and west elevations have been removed to create large doorway openings into the conservatory extensions. Where early floorboards were visible under the modern carpets, these have evidently been cut, presumably in order to install modern services. There are also signs of rot and instability.
30. Internally, some original features remain. These include moulded cornices with typical Victorian profiles, window shutters and a few early ceiling roses at

⁵ Prepared by Pegasus Group, dated 07/03/2023, Pegasus Ref P23-0380

ground-floor level. There is also evidence of some early joinery around the internal doorways and the staircase has 'simple turned balusters and robust but plainly carved newel posts and handrails'. Nevertheless, I consider that those features that do remain are not especially unusual or special for a property of this period.

31. In summary, the building, whilst attractive with some pleasing external and internal architectural features, is typical of its era. There is nothing inherently special about its design that sets it apart from other buildings of this period. It has been extended, unsympathetically in places, and interior features have been lost. It does not meet the criteria for statutory listing. Whilst the Council have not articulated the level of significance, the appellant considers that the building has a moderate level of significance. This has taken into account the modern accretions and alterations which are considered to detract from the architectural and historic interest of the asset.
32. In my view, taking account of the above, I consider it has a moderate level of significance. Demolition of the building, as proposed, would result in its total loss. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset. I return to this matter in the heritage balance.

Other Matters

33. The appeal site is within 4 km of a Greater Horse Shoe bat 'core roost', as identified in the Bath and Bradford on Avon Bat Special Area of Conservation (SAC). The Council's Ecologist state that the proposal 'has potential to result in significant adverse impact either alone or in combination with other projects on the statutorily designated Bath and Bradford on Avon Bats SAC'. Had I been minded to allow the appeal, I would have sought more information on this matter. However, given my conclusion on the main issues, it is not necessary for me to do so as I do not need to carry out an Appropriate Assessment as required under The Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations).
34. I note that the proposal was submitted following pre-application advice from the Council. This did not raise any concerns regarding the loss of The Old Vicarage, nor was the building considered at the time to be of heritage value and a non-designated heritage asset. I also note the Conservation Officer did not comment at the pre-application stage. Nevertheless, at appeal the proposal is considered afresh, and any omission to address or raise a matter as part of any pre-application advice does not warrant allowing the appeal.

Heritage Balance

35. The proposal would result in the total loss of a non-designated heritage asset of moderate significance. The loss of a building of moderate significance would result in a moderate level of harm. Paragraph 203 of the Framework, in respect of non-designated heritage assets, requires decision makers to make a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset.
36. The proposal would provide enhanced dementia care at an existing facility and would maximise the number of beds on a viable basis. This is in recognition

that there is a growing demand for dementia care accommodation. It is noted that the Cabinet member for Adult Services recognised the value of the site in providing care that is needed within Wiltshire. They also stated that the need for such forms of care is due to the aging population in the UK, and in particular in Wiltshire. I also note the content of the 'Planning Need Assessment'⁶ prepared by Carterwood, in regard to the need for care facilities in Wiltshire. This found that 'even on the basis of minimum market standard care beds, shortfalls are expected to increase to 421 and 1,854 in the market catchment and local authority area, respectively, by 2036.....reflecting the sustained and escalating nature of need'. I therefore attach significant weight to the provision of the care home facilities that the proposal would deliver.

37. It is agreed that the Council is currently unable to demonstrate a 5 year housing land supply. The Council have confirmed that the proposed C2 accommodation can be included in the Council's Housing Land Supply. The proposal would result in a net gain of 12 rooms which, when applying the Wiltshire ratio to the C2 rooms, would equate to a gain of 7 dwellings to the housing shortfall. I attach significant weight to this benefit.
38. An analysis of the existing building has been submitted with the appeal⁷, which discusses the key reasons against the use of the existing Old Vicarage building as part of a refurbishment scheme. The appellant has considered the reuse of the existing vicarage building, showing an attempt to ensure all bedrooms include a full ensuite wet room as standard, and that every room has a minimum of 15m² of space for each resident to live in. However, due to the inadequate vertical circulation within the building and particularly the convoluted arrangement within the Old Vicarage, this idea has been dismissed due to the inability to effectively provide quality care within the building. The Council still consider that it has not been adequately demonstrated that the Old Vicarage, alongside 'an appropriate extension behind it linking with Staverton House' could not provide for non-care rooms or an alternative arrangement.
39. However, regardless of whether it would be viable or even feasible to convert the existing Old Vicarage building to provide for modern care needs, having carefully considered all of the evidence, I find that the benefits of the scheme, taken together, outweigh the harm arising from the total loss of a non-designated heritage asset of moderate significance. Hence, there would be no conflict with the relevant criterion of Core Policies 57 and 58 of the Core Strategy or the Framework. These policies, in combination, seek to ensure 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. Proposals should also ensure a high standard of design and enhance local distinctiveness by responding to the value of the historic environment.

Planning Balance and Conclusion

40. Although acceptable in some regards, I have identified that there would be conflict with the development plan as a whole, as the proposal would harm the living conditions of the occupants of 6 Littlebrook, in respect of privacy and outlook. I attach significant weight to this harm. Taking in to account the benefits outlined above, I find that the adverse impacts of the proposed

⁶ Appendix G of Appellant's Statement of Case - Planning Needs Assessment, Carterwood (March 2023)

⁷ Appendix F of Appellant's Statement of Case - Existing Building Review, Carless and Adams

development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

41. Therefore, considered in total, the material considerations referred to above, including the approach of the Framework, do not outweigh the conflict with the development plan. The appeal is therefore dismissed.

Laura Cuthbert

INSPECTOR



Costs Decision

Site visit made on 2 November 2023

by Laura Cuthbert BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6th December 2023

Costs application in relation to Appeal Ref: APP/Y3940/W/23/3321615 The Old Vicarage and Staverton House, 51A New Terrace, Staverton BA14 6NX

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Ashley Jones of Fidelia Care Ltd for a full award of costs against Wiltshire Council.
 - The appeal was against the refusal of planning permission for Demolition of existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space, & together with the existing home would provide 52 bedrooms in total.
-

Decision

1. The application for a full award of costs is refused.

Reasons

2. Paragraph 030 of the Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably, and that the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Paragraph 31 of the PGG states that unreasonable behaviour in the context of an application for an award of costs may be either procedural or substantive. Paragraphs 047 and 049 of the PPG sets out some examples of unreasonable behaviour by local planning authorities. The applicant considers that the Council have exhibited unreasonable behaviour on a number of these.

The recommendation of approval

3. While the Council is not duty bound to follow the advice of its professional officers, if a different decision is reached, the Council has to clearly demonstrate on planning grounds why a proposal is unacceptable and provide clear evidence to substantiate that reasoning. Given that the building had been identified as a non-designated heritage asset and given the appeal site's close relationship with the neighbouring properties, it was reasonable of Council Members to consider both of these matters, and their decision on these matters is an exercise of judgement. Clear evidence was provided which substantiated their reasoning. I consider that it was not unreasonable for the Council to come to a different conclusion on these matters.
4. The lack of identification at the pre-application stage that the building was a non-designated heritage asset was not unreasonable. I note that the Council informed the applicant of this designation early on in the application process.

The application form was dated 26 October 2021, and according to the email correspondence provided by the applicant, they were advised of its designation at the site meeting on 8 November 2021.

5. Whilst there might not be evidence of a specific request for a Heritage Assessment, it is for an applicant to submit information at the planning application stage in support of his/ her case and it was open to the applicant to submit a heritage assessment during the course of the application. This is particularly so as the applicant was aware of the objection from the Conservation Officer in relation to the proposal.
6. Given the advice set out in paragraph 203 of the National Planning Policy Framework 2023 (the Framework), and whilst I have found in favour of the applicant on this particular matter in my decision, it was not unreasonable for the Council to refuse the application given the total loss of the non-designated heritage asset and the balanced judgement that is required.
7. Furthermore, whilst paragraph 38 of the National Planning Policy Framework 2023 (the Framework) requires local planning authorities to approach decision in a positive of creative way, the Council are under no obligation to defer a decision pending receipt of further information. This is particularly given the length of time the application had been with the Council. The Council determined the application on the basis of the information before it at the time and that was not an unreasonable course of action, in my view.
8. It is clear that the length of time taken to report the proposal to a committee meeting, 'some 15 months', was as a result of complex discussions that naturally occur between local planning authorities and applicants. It was not unreasonable for the Council to request additional information and amendments and I note that amended plans were submitted during the application process, including revised plans in October 2022, which needed further consultation. It is my view that this was not a deliberate obstruction to delay the application process.
9. Given the requirement to conserve non designated heritage assets, it was not unreasonable for the Council to suggest alternative schemes that would utilise the existing Old Vicarage building. I appreciate that this was not initially raised as part of the application process and that this was something new for the applicant to consider at the appeal stage. However, given that this was only a matter raised at the committee meeting, it was not unreasonable for the Council to raise it in their statement. Furthermore, the applicant submitted material in respect of the use of the former vicarage in order to respond to the reasons for refusal¹. Whilst I note the applicant had to produce further work into the practical re-use of the former vicarage as part of their final comments², this was not unreasonable work to carry out as part of their rebuttal comments.
10. There was no mention of harm to daylight or sunlight in the reason for refusal. I also note that the author of the committee report carried out their own assessment of the shadow cast by the proposal. However, it was raised as a matter of concern in the Council's Statement of Case. Consequently, shadow cast modelling had to be addressed by the applicant as part of the appeal

¹ Appendix F of Applicant's Statement of Case - Existing Building Review, Carless and Adams

² Appendix V of Application's Final Comments - Architect's (Carless & Adams) response to architectural and site layout design matters as well as the practical re-use of the former vicarage raised within Wiltshire Council's Appeal Statement. This includes November 2021 email correspondence with the Wiltshire Council Case Officer.

proceedings in Appendix V of their final comments. However, this was produced as part of the architect's wider response to the Council's Statement of Case, with only part of this document addressing shadow cast modelling. Again, whilst there might not have been a specific request for a shadow cast modelling assessment during the application process, the applicant would have been aware that daylight and sunlight was a relevant matter given the relationship with the neighbours. There would have been the opportunity to submit an assessment to assist the Council's consideration of the proposal.

11. Whilst reference to additional 'harm' in relation to the living conditions is discouraged and could be considered unreasonable, the impact on the living conditions was a relevant matter already raised in the reason for refusal. It did not introduce any new policies into the proceedings. Therefore, the allegation of the Council that there would be harm to daylight or sunlight has not resulted in any unnecessary or wasted expense in the appeal process.

The failure to apply the presumption in favour of sustainable development as required by national planning policy.

12. In my view, it was unreasonable behaviour for the committee report to not make the Committee members aware that they should undertake the balancing exercise, required by paragraph 11 of the Framework 2023, particularly given that the applicant state that 'at least one member of the Committee conceded that the considerations were evenly balanced'. However, the Council has undertaken the balancing exercise in its statement of case. Furthermore, I have carried out my own 'planning balance' in my decision and concluded that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the omission to carry out the balancing exercise has not resulted in any unnecessary or wasted expense in the appeal process.
13. I acknowledge that the lack of progress on the revised application submission³ must be frustrating for the applicant. However, costs can only be awarded in relation to unnecessary or wasted expense during the appeal process itself. The lack of progress on the revised application, even though it has been submitted in response to the concerns raised by the Committee members, is not therefore a matter related to the appeal proposal before me.

The determination of the Planning Application

14. The issue of 'pre-determination' raised by the applicant is a matter between the two parties. The planning committee decided that permission should be refused and that was the Council's formal decision. If the applicant is not satisfied with the response from the Monitoring Officer, then they can ask the Ombudsman to look into the matter. That would be the appropriate channel through which to resolve this matter.

Conclusion

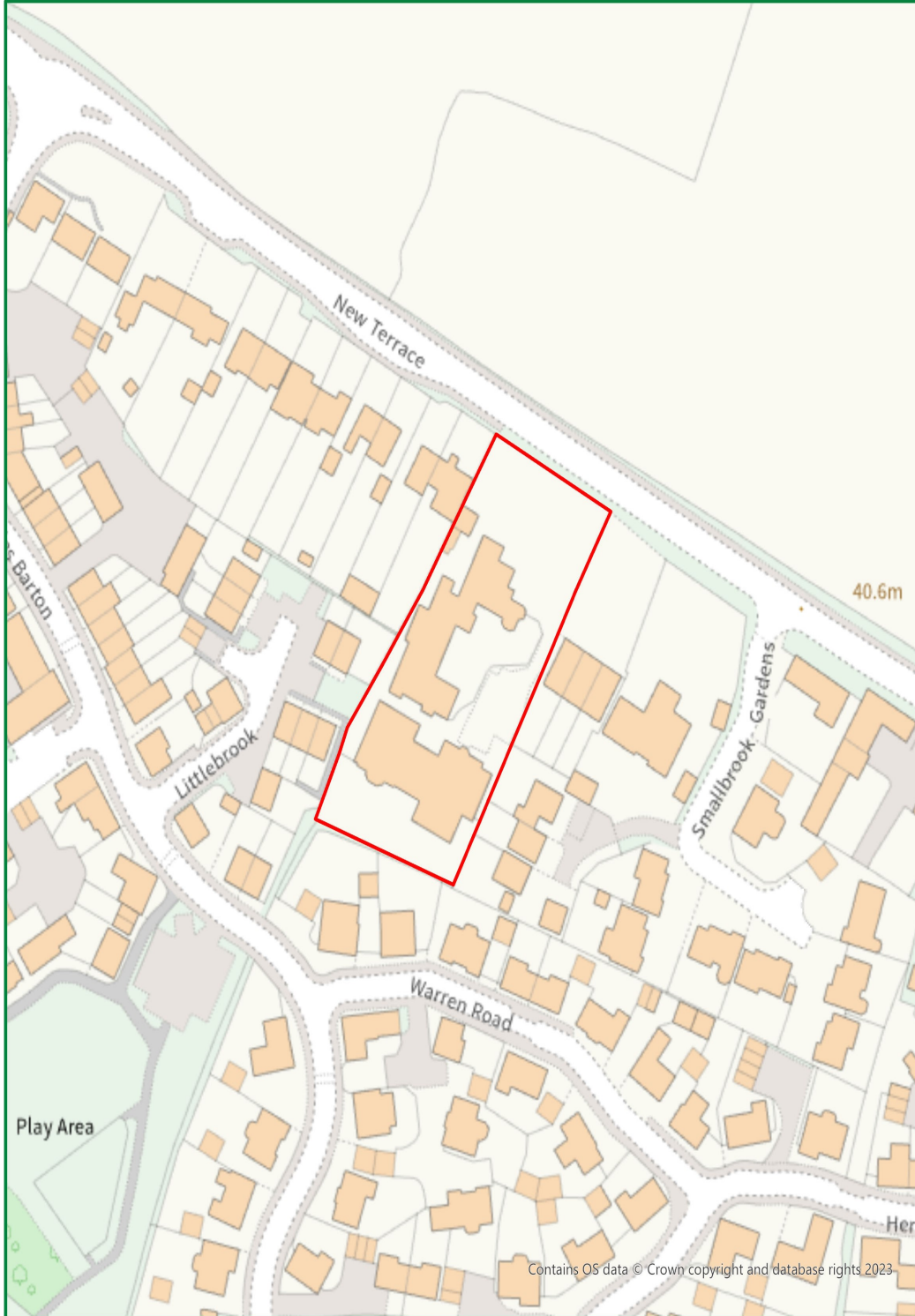
15. For the reasons set out above I conclude that, whilst the Council exhibited unreasonable behaviour in some respects in terms of the PPG, I find that no wasted or unnecessary expense has been incurred by the appellant in the

³ PL/2023/04128

appeal process. I conclude therefore, that the application for an award of costs should be refused.

Laura Cuthbert

INSPECTOR



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