

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).

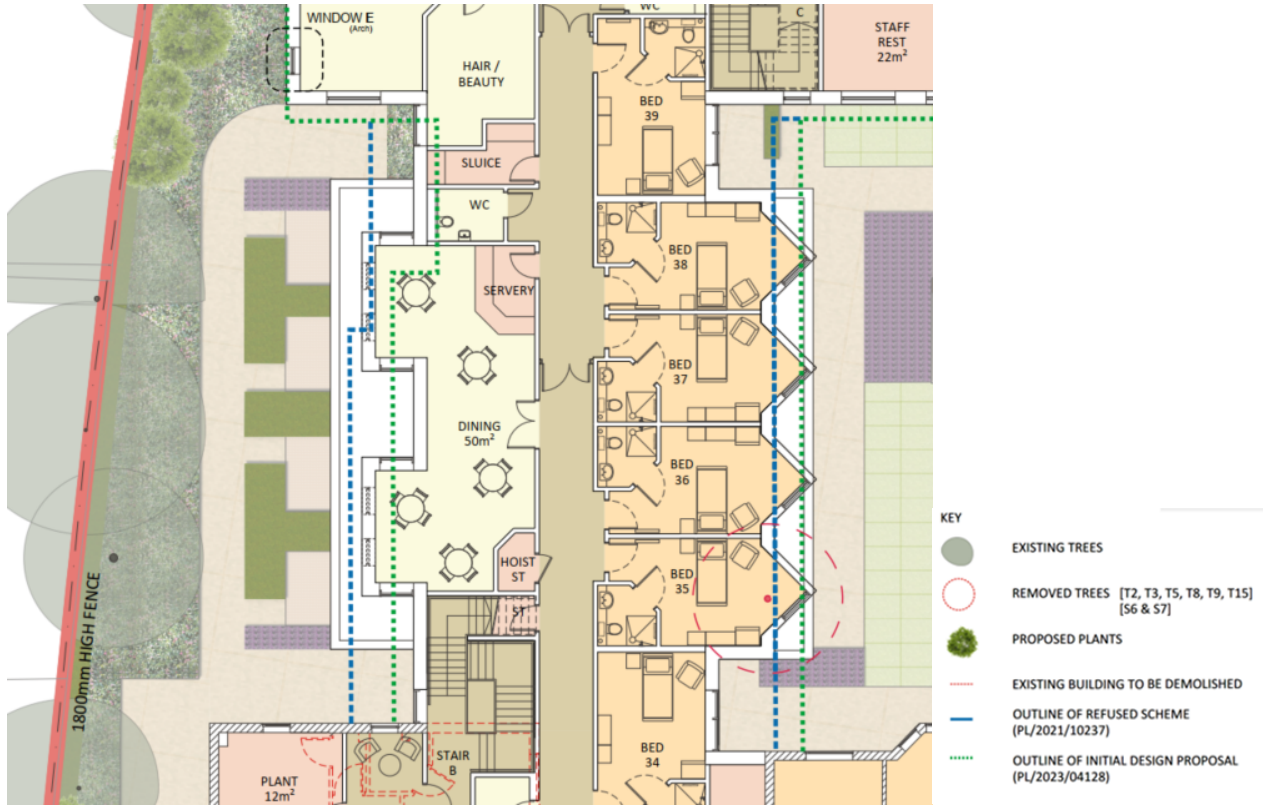
In the image below, the site plan includes a blue line reflecting the extent of the dismissed appeal scheme (where all three floor levels had the same footprint). The green line shows how this application was originally submitted, and the grey areas illustrate the three different footprints of each floor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

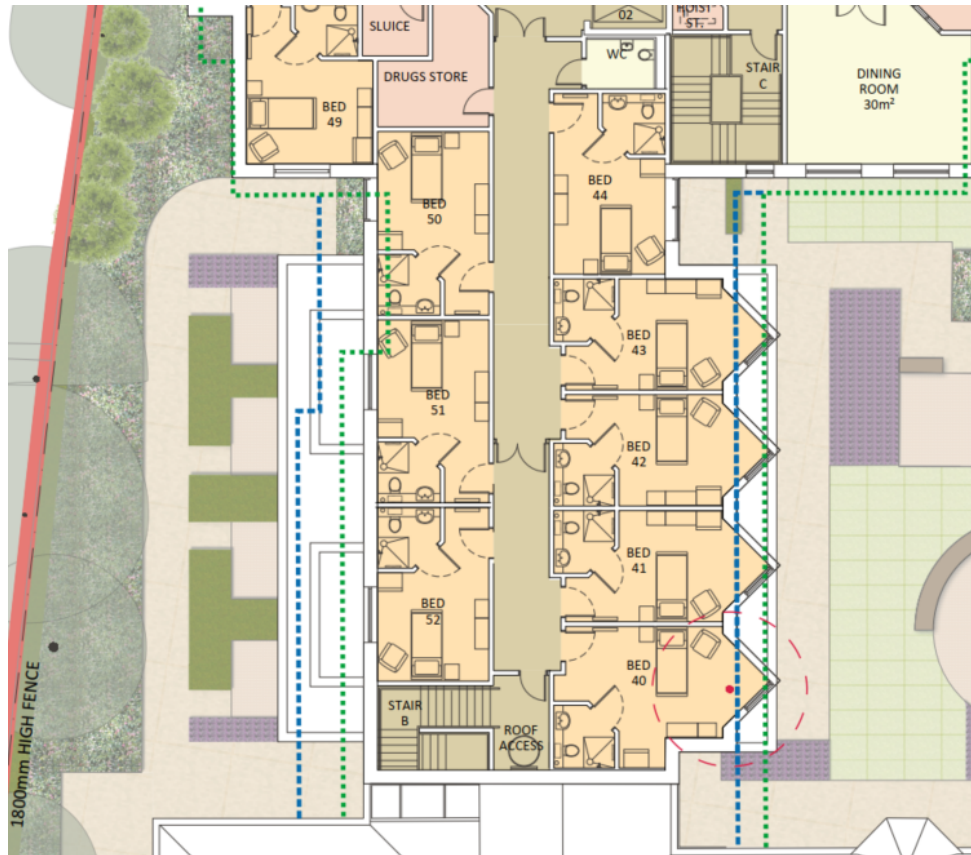


Enlarged section of the proposed site plan

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)



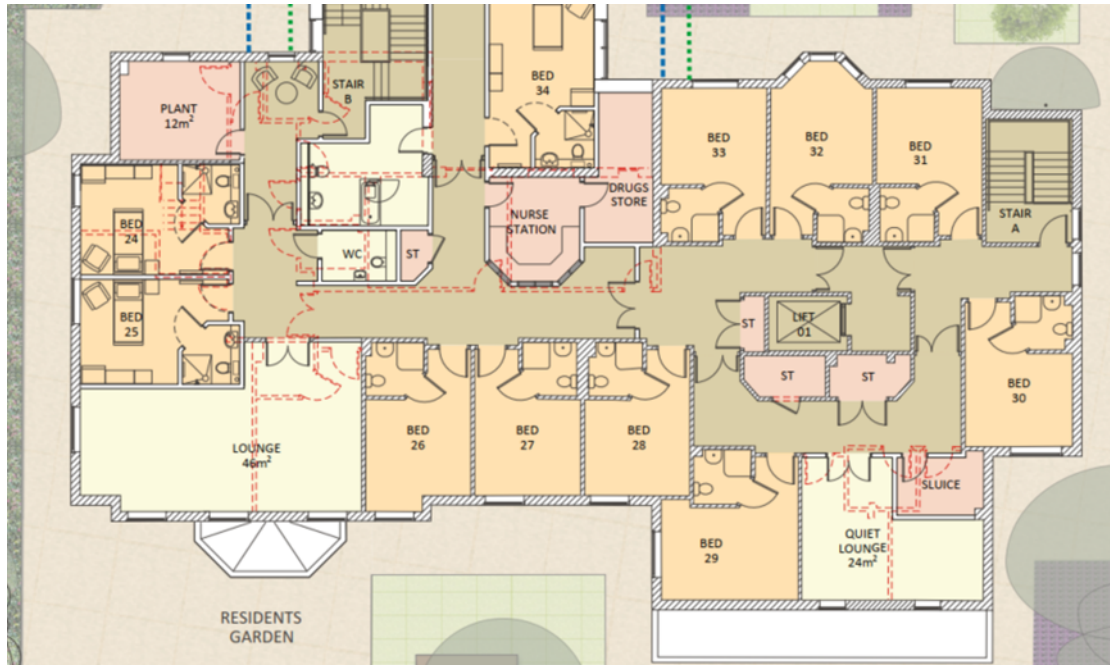
Western Elevation of the dismissed appeal scheme PL/2021/10237



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 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, 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.

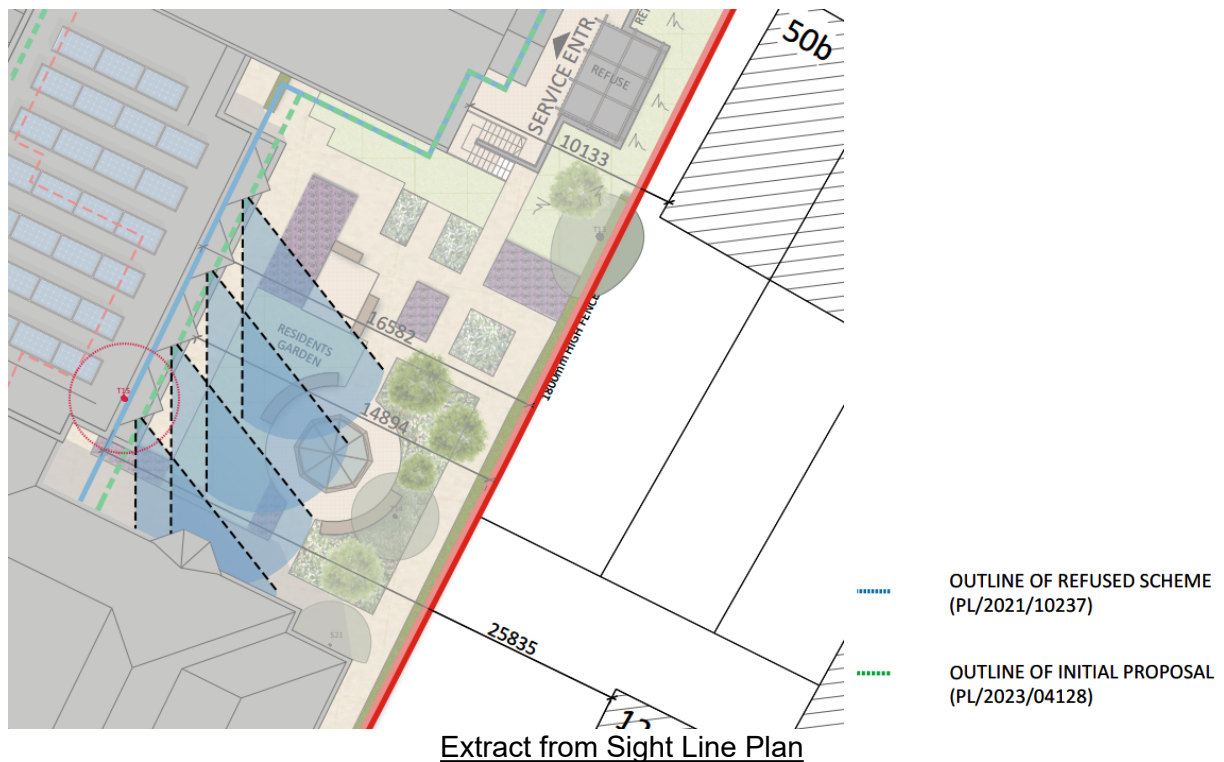
It is acknowledged that as part of this revised proposal, the applicant proposes to bring the built form of the main front section 0.6m closer to No.50b (and about 10.1m away) but would stay roughly in line with No 50b. The central section would also be brought approximately 1.3m closer to the rear garden 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

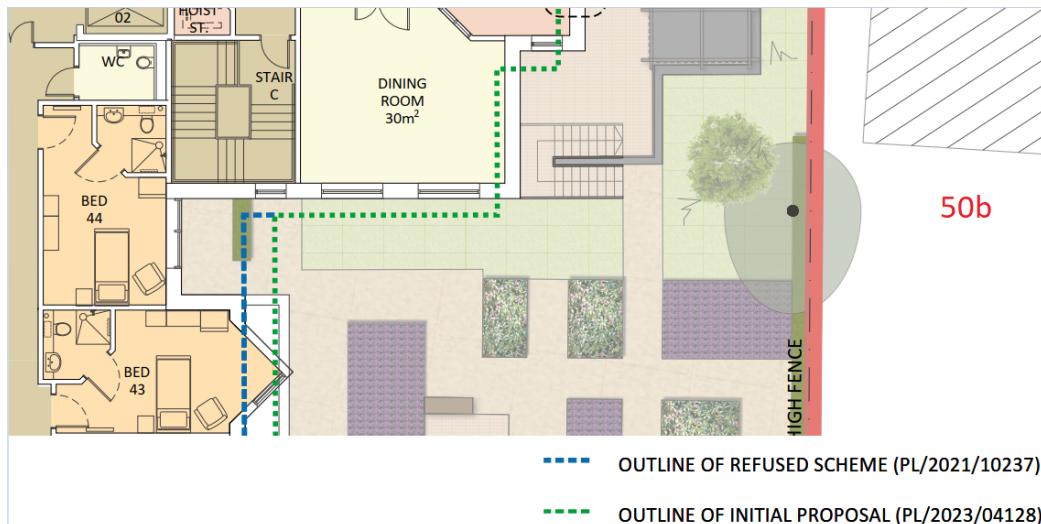
concluded that any harm by way of noise, smell or overlooking would not be materially harmful and would be positioned adjacent to the blank gable end of No 50b rather than being adjacent to their rear garden. The proposed bin store within this revised submission, would occupy broadly the same position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

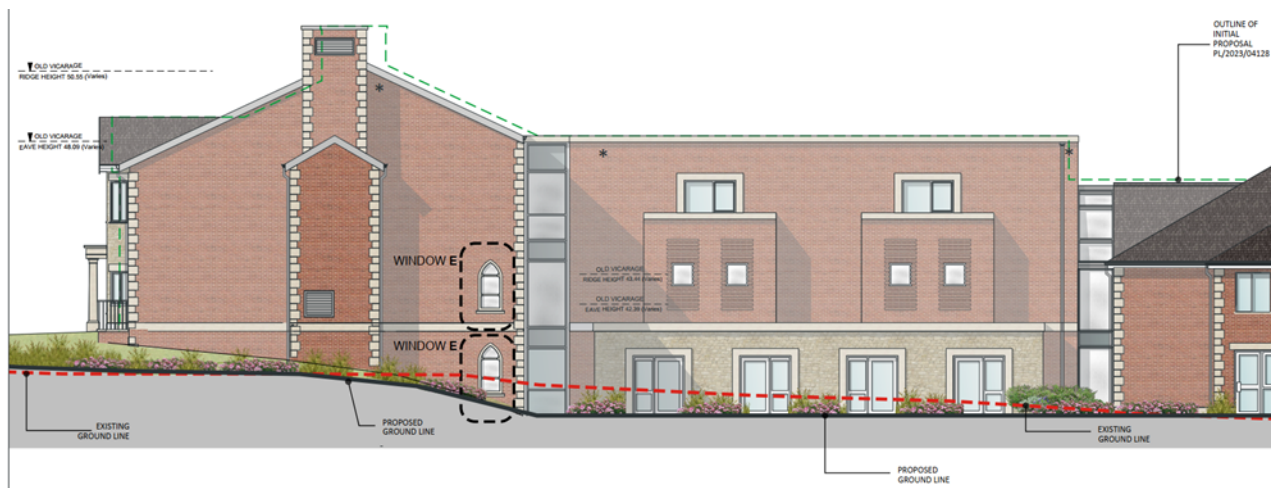
“...The 3-storey structure would be positioned further away from the boundary with No 6 than the existing single storey structure. However, the introduction of the substantial 3 storey building, by virtue of its size, massing and proximity, would have an unacceptable overbearing effect upon the outlook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

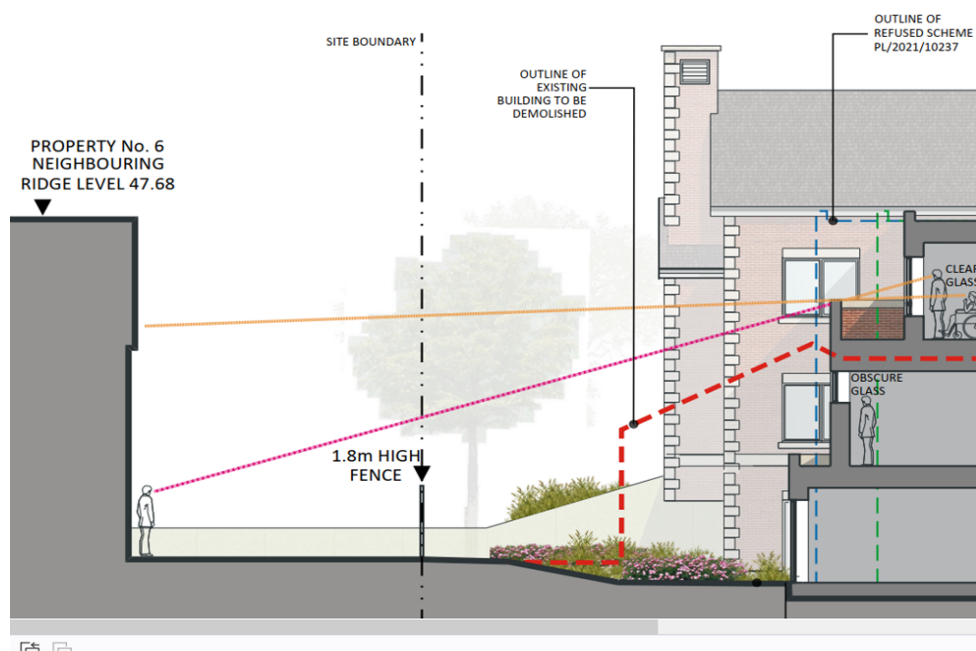
9.3.10. In planning terminology, the use of the word '*substantial*' merits significant weighting. Whilst officers fully appreciate the efforts made by the applicants to address the reasons the appeal in early December 2023 was dismissed, the size and massing of the 3-storey building (both the main and 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



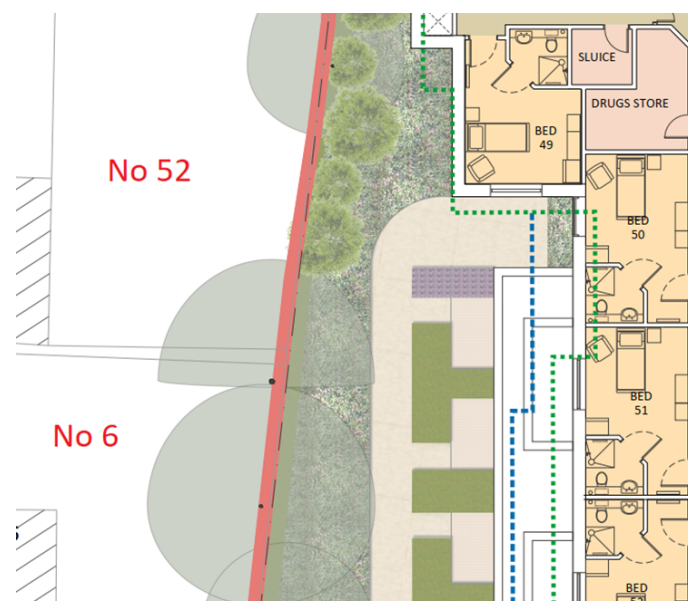
Cross Section Plan between central link and No 6 Littlebrook

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.