

# AGENDA

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**Meeting:** Western Area Planning Committee

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

**Date:** Wednesday 8 May 2024

**Time:** 3.00 pm

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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](mailto:ellen.ghey@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership

Cllr Christopher Newbury (Chairman)  
Cllr Bill Parks (Vice-Chairman)  
Cllr Trevor Carbin  
Cllr Ernie Clark  
Cllr Andrew Davis  
Cllr Edward Kirk

Cllr Stewart Palmen  
Cllr Pip Ridout  
Cllr Jonathon Seed  
Cllr David Vigar  
Cllr Suzanne Wickham

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## 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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For assistance on these and other matters please contact the officer named above for details

# 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 5 - 8*)

To approve and sign as a correct record the minutes of the meeting held on 10 April 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 **Tuesday 30 April 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 **Thursday 2 May 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 9 - 44*)

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/2023/07518: Avonpark Village, Winsley Hill, Winsley, BA2 7FF** (*Pages 45 - 104*)

Demolition of existing buildings (comprising 85 Care bedrooms), and proposed partial redevelopment and erection of new buildings to provide 71 Extra Care units and associated communal facilities (Use Class C2), parking and landscaping.

#### 8 **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***

## Western Area Planning Committee

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### MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 10 APRIL 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Christopher Newbury (Chairman), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Edward Kirk, Cllr Stewart Palmen, Cllr Jonathon Seed, Cllr Suzanne Wickham, Cllr Gordon King (Substitute) and Cllr Mike Sankey (Substitute)

#### **Also Present:**

Cllr David Vigar

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#### 17 **Apologies**

Apologies for absence were received from:

- Councillor Bill Parks, who was substituted by Councillor Mike Sankey
- Councillor David Vigar, who was substituted by Councillor Gordon King
- Councillor Pip Ridout

#### 18 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 13 March 2024 were considered. In response to a query with regard to the appeal decision relating to application PL/2023/00952, it was clarified that as there were no planning applications to be determined during the meeting, the decision would be included within the next appeals report submitted to the Committee.

After which, it was:

#### **Resolved:**

**The Committee approved and signed the minutes of the previous meeting held on 13 March 2024 as a true and correct record.**

#### 19 **Declarations of Interest**

There were no declarations of interest.

#### 20 **Chairman's Announcements**

There were no specific Chairman's announcements.

21 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no questions or statements submitted by Councillors or members of the public.

22 **Southwick Court Fields: Southwick and North Bradley - Application No. 2020/02TVG**

Public Participation

There were no named public speakers.

The Senior Definitive Map Officer, Janice Green, presented a report considering the Advisory Report, dated 9 February 2024, submitted by Mr William Webster of 3 Paper Buildings, appointed by Wiltshire Council as the Commons Registration Authority (CRA), to act as an independent Inspector to:

- Preside over a non-statutory public inquiry, held on 21-22 November 2023 at St Johns Parish Centre, Studley Green, Trowbridge, to consider an application made under Sections 15(1) and (2) of the Commons Act 2006, to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green (TVG), and
- Produce an Advisory Report to include a recommendation to the CRA to assist in its determination of the application.

The officer explained the background to the application including planning trigger events which extinguish the right to apply to register land as a TVG; the legislation which governs applications; the identification of Grove Ward, Trowbridge, as the locality for the application; and the presence of public rights of way and other tracks over the land. The officer set out the Inspector's recommendation that the application to register land as a TVG at Southwick Court Fields, in the parishes of Southwick and North Bradley, should be rejected on the ground that all the criteria for registration laid down in Section 15(2) of the Commons Act 2006 had not been satisfied, and the evidential reasons for this recommendation, as set out in the Inspector's Advisory Report dated 9 February 2024.

Members of the Committee then had the opportunity to ask technical questions. There being none, and there being no named public speakers, Councillor David Vigar, as the Local Unitary Member for Trowbridge Grove, then spoke as to the Inspector's recommendation and proposed decision. Cllr Vigar highlighted the timing of the application and the trigger events being critical, and where the trigger events in the form of an outline planning application and the adopted Wiltshire Housing Sites Allocation Plan (WHSAP) had occurred after the original application to register the land as a TVG, which the Inspector recommended

should have been treated as duly made on the date the application was lodged on 13 January 2020. Cllr Vigar also noted that the reason for the red hatching on the application plan (land excluded from the application) was not obvious from the report, therefore he felt that the Committee had not been presented with an argument for a valid trigger event leading to the possibility of an error of fact or law where the 2017 Draft WHSAP could be the operative trigger event.

A debate followed where Members acknowledged the concerns raised by Cllr Vigar and sought clarification from the Legal Officers as to whether the validity of the trigger events would have impacted on the Inspector's findings.

During the debate, a motion to defer the application in order to seek Counsel's Opinion on the trigger event points raised by Cllr Vigar was moved by Councillor Trevor Carbin and was seconded by Councillor Ernie Clark. Following a vote on the motion, it was:

**Resolved:**

**The Committee DEFERRED determination of the application to register land at Southwick Court Fields, in the parishes of Southwick and North Bradley, as a Town or Village Green, to seek Counsel's Opinion on the question of whether the Draft Wiltshire Housing Sites Allocation Plan forms a valid trigger event at the time of application, which would extinguish the right to apply to register part of the land as a Town or Village Green.**

23 **Urgent Items**

There were no urgent items.

(Duration of meeting: 3.00 - 3.45 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services, direct line 01225 718259, e-mail [ellen.ghey@wiltshire.gov.uk](mailto:ellen.ghey@wiltshire.gov.uk)

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**Wiltshire Council  
Western Area Committee  
8<sup>th</sup> May 2024**

Planning Appeals Received between 01/03/2024 and 26/04/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
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	14/03/2024	No
PL/2022/09842	Land Off Storridge Road, Westbury, Wilts	Heywood	Outline application for the demolition of number 13 and 14 Storridge Road and the erection of up to 200 dwellings (including affordable housing), with public open space, structural planting, landscaping, and sustainable drainage system (SuDS) and vehicular access point. (All matters reserved except for means of access)	DEL	Inquiry	Refuse	05/04/2024	No
PL/2023/05142	Siennas Valley Farm, Huntenhull Lane, Chapmanslade, Westbury, BA13 4AS	Chapmanslade	Erection of rural workers dwellinghouse	DEL	Written Reps	Refuse	22/03/2024	No
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	15/04/2024	No

Planning Appeals Decided between 01/03/2024 and 26/04/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2022/07311	19 Clivey Gate Toll House, Studio Apartment, Clivey, Dilton Marsh, BA13 4BB	Dilton Marsh	Change of use and extension of existing garage and goat shed to form a single dwelling together with change of use of existing studio flat to home office.	DEL	Written Reps	Refuse	Dismissed	08/03/2024	Appellant applied for Costs - <b>REFUSED</b>
PL/2022/08726	Land off Ashton Road, Hilperton, BA14 7QY	Hilperton	Erection of 1 No dwelling and detached garage	WAPC	Written Reps	Approve with Conditions	Dismissed	05/03/2024	Appellant applied for Costs - <b>REFUSED</b>
PL/2023/00952	Land West of 3 Bradley Road, Southwick, Trowbridge, Wilts, BA14 9RJ	Southwick	Erection of 1. no single detached dwelling (Outlined application relating to Appearance, Layout and Scale)	DEL	Written Reps	Refuse	Dismissed	12/01/2024	None
PL/2023/01275	16 Halifax Road, Bowerhill, Melksham, Wilts, SN12 6SL	Melksham Without	Retrospective application for the installation of new feather fence to side and	DEL	Householder Appeal	Refuse	Allowed	15/03/2024	None

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			front of house, 2 no. garden gates and proposed installation of black steel chimney to side of house						
PL/2023/03257	89 Corsham Road, Whitley, Melksham, SN12 8QF	Melksham Without	Proposed side extension	DEL	Householder Appeal	Refuse	Dismissed	18/03/2024	None
PL/2023/06444	12 King Alfred Way, Winsley, Bradford On Avon, BA15 2NG	Winsley	Alterations and single storey extensions. Solar panel array, external insulation and external over cladding. Amendments to the roof.	DEL	Householder Appeal	Refuse	Allowed	20/03/2024	Appellant applied for Costs - <b>REFUSED</b>
PL/2023/07769	228 Winsley Road, Bradford on Avon, Wilts, BA15 1QS	Bradford-on-Avon	Retrospective application for erection of 1.8 metre fence within existing stone wall surrounding front garden	DEL	Householder Appeal	Refuse	Dismissed	04/03/2024	None
PL/2023/08094	26 Horse Road, Hilperton Marsh, Trowbridge, BA14 7PF	Hilperton	Loft conversion to include dormer window and velux windows. Utilising existing loft storage space to house 3 bedrooms and two bathrooms.	DEL	Householder Appeal	Refuse	Dismissed	05/03/2024	None



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# Appeal Decision

Site visit made on 20 February 2024

by **D Wilson BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 08 March 2024**

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**Appeal Ref: APP/Y3940/W/23/3329116**

**19 Clivey Gate Toll House, Studio Apartment, Clivey, Dilton Marsh, Wiltshire BA13 4BB**

- 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 & Mrs Harris against the decision of Wiltshire Council.
  - The application Ref is PL/2022/07311, dated 19 September 2022, was refused by notice dated 12 July 2023.
  - The development proposed is Change of use of studio flat to office; Change of use of garage to dwelling; Additions to former garage.
- 

## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Mrs Harris against Wiltshire Council. This application is the subject of a separate decision.

## Main Issues

3. The main issues are:
  - whether the appeal site would be an appropriate location for the proposed development having regard to development plan policies,
  - the effect of the proposed development on the character and appearance of the area; and
  - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to privacy.

## Reasons

### *Location*

4. The appeal building relates to a two storey domestic garage that is used in connection with the dwelling at No 19 Clivey Gate Toll House. The proposal seeks to convert the building, along with nearby sheds via a link extension to create a single dwellinghouse. There is an existing studio flat next to No 19 and the proposal also seeks to cease the use of the studio flat as a dwelling and proposes an office in connection with the new dwelling. As a result, there would be no net increase in dwellings on the appeal site.
5. The studio flat is subject to a lawful development certificate and is located in a separate building to the garage, in this regard I note the Council's concerns

- that this could still be retained. However, the appellant is not proposing to retain the studio flat and, in any case, I am satisfied that the use of this could be restricted through an appropriately worded condition.
6. While the proposed development would not result in a net increase in dwellings on the appeal site, it does not relate to a replacement dwelling. As such, Policies 1 and 2 of the Wiltshire Local Development Framework Wiltshire Core Strategy Adopted January 2015 (CS) are relevant. Policy 1 sets out a settlement strategy based on a hierarchy of settlements. Together with the delivery strategy in Policy 2 it seeks to direct a level of development commensurate with the degree of accessibility to jobs, facilities, services and public transport to the respective settlements.
  7. The appeal site is located outside of any defined settlement boundary with the nearest settlement being Dilton Marsh which is approximately 0.5km away. There is no pavement to access Dilton Marsh from the appeal site, and as such, any future occupiers would be required to walk along the B3099 which would lead to a reliance on a private motor vehicle to access services.
  8. Policy 48 of the CS concerns the conversion of re-use of rural buildings which is supported subject to a set criterion. While the goat shed would likely be considered a rural building, the domestic garage would not and would therefore conflict with this Policy.
  9. I therefore conclude that the proposal would conflict with Policies 1, 2, 48, 60 and 61 of the CS and Paragraphs 84, 108, 109, 114 and 116 of the National Planning Policy Framework (the Framework). Amongst other things, these seek to ensure that development is appropriately located, avoids isolated homes in the countryside and reduce the need to travel by private car.
  10. Notwithstanding the conflict, I am mindful that with the cessation of the use of the studio flat that there would be no net increase in dwellings on the appeal site. I therefore find that the conflict with the CS Policies attracts limited weight in consideration of the appeal proposal.

#### *Character and appearance*

11. The garage has a functional appearance albeit the large size of the building results in a more imposing structure within the site that is also visible from the B3099. However, this is due to the original design which was to provide covered storage for a motor home.
12. The proposed development, with the exception of a single storey link, includes existing built form and therefore generally maintains a functional appearance. However, the link extension and change in appearance of the sheds would increase the bulk of functional form on the site. Furthermore, the window placements on the proposed dwelling would have wide spacing, particularly on side elevation 1. This elevation would be visible from the bridleway, access to the existing dwelling and B3099. The proposed rooflights, particularly on the front elevation would also be prominent and further highlight the appeal proposal.
13. While not shown on the proposed plans, there would also be a domestication of the surrounding area around the appeal building as well as any garden area that would be created. This would further draw attention to the proposed

development. The overall effect would highlight its functional appearance which would not enhance the immediate setting.

14. The proposal would result in the loss of a covered storage area and garage for No 19. However, it is clear from the appellants reasoning that the covered storage area is no longer needed. In any case, there appears to be an existing garage within the appeal site that would be retained and the sizable existing property would appear to provide a sufficient amount of domestic storage.
15. I therefore conclude that the proposed development would harm the character and appearance of the area. It would conflict with Policy 57 of the CS and Paragraphs 131, 135 and 139 of the Framework. Amongst other things, this seeks to ensure development enhances local distinctiveness relating positively to its landscape setting and the existing pattern of development.

#### *Living conditions*

16. The existing garage is a modest distance away from No 19 and would be accessed by an existing track that runs to the north of the building to a parking area to the front of the garage. No 19 has windows that face towards the garage and track which would mean that any vehicles associated with the new dwelling would be visible from No 19.
17. The appellant has proposed timber post and rail fencing to provide a boundary which is in keeping with the surrounding agricultural landscape. However, it would provide limited relief from any vehicle movements.
18. The proposal is for a modest three bedroom dwelling which is unlikely to generate a significant number of movements per day and due to the separation distance between the appeal proposal and No 19, it is unlikely to result in a significant loss of privacy for these occupiers.
19. I am also mindful that an appropriately worded planning condition could be imposed which would require details of boundary treatment that could be agreed with the Council.
20. The Council also raise concern over the use of the studio flat as an office. Specifically, these concerns relate to overlooking of No 19 through the windows that face this property. However, I am mindful that the existing use as a dwelling is likely to have a more intense use through the day and night than the proposed use as an office, especially due to it being separate from the proposed dwelling which will likely restrict its use to the daytime only. I therefore find it unlikely that it would cause an unacceptable loss of privacy for the occupiers of No 19.
21. I therefore conclude that the proposed development would not unacceptably harm the living conditions of neighbouring occupiers. I find no conflict with Policy 57 of the CS and Paragraph 135 of the Framework. Amongst other things, this seeks to ensure development has regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants.

#### **Other Matters**

22. The appeal site falls within the zone of influence for the Salisbury Plain Special Protection Area. As the competent decision-making authority, if I had been

mindful to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

23. I am aware that the site is proximate to the Grade II listed building 'Clivey Gate Cottage'. Mindful of the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving its setting. The verdant backdrop of Clivey Gate Cottage, of which the appeal site forms part, positively contribute to its significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of this listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.
24. The appellant has referred to an appeal decision<sup>1</sup> in an attempt to support the appeal proposal before me. However, each case must be considered on its own merits and in any case, the proposal related to new residential flats in a different area from the appeal before me.
25. The proposal would contribute to a mix of dwelling sizes within the area. It would make use of existing built form and provide the opportunity for energy improvements, which would have some environmental benefits. The Council have also found that the proposed development would not result in harm to highway safety and ecology. However, these matters do not outweigh the harm I have identified.
26. The proposed development would allow the owners to move to a smaller property which would be better suited to their needs, while staying on the appeal site. However, this would be a personal benefit.

### **Conclusion**

27. For the reasons set out above, having had regard to the development plan read as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

*D Wilson*

INSPECTOR

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<sup>1</sup> APP/M1520/W/22/3301883



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## Costs Decision

Site visit made on 20 February 2024

**by D Wilson BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 March 2024**

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### **Costs application in relation to Appeal Ref: APP/Y3940/W/23/3329116 19 Clivey Gate Toll House, Studio Apartment, Clivey, Dilton Marsh, Wiltshire BA13 4BB**

- 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 Mrs Annie Harris for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of planning permission for the Change of use of studio flat to office; Change of use of garage to dwelling; Additions to former garage.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant's claim for costs relies on that the Council has not understood the application in terms of that there will be no increase in dwellings, amount of built form, conditions and loss of covered storage.
4. The appeal proposal relates to a new dwelling and I find that the Council have accessed the merits of its location to be clear and well reasoned. The Policies that were considered as part of the application are relevant to new dwellings and as such the Council have taken a proportionate response in assessing the merits of the application.
5. The appeal proposal is not for a replacement dwelling, so these Policies are not relevant. However, the appeal proposal would result in the cessation in the use of a studio flat which is something I have ascribed weight to in the appeal decision and found that the conflict with Policies in relation to location attract reduced weight.
6. While I have found that a condition could be used to cease the use of the existing flat, I do not find the Council at fault for raising concerns over the possibility of such a condition.
7. The Council have found that the proposal would not harm the setting of the Listed Building. However, this does not necessarily mean that the proposal would not harm the character and appearance of the area. The Council have provided clear reasoning which is in line with planning Policy.

8. The proposal also relates to the conversion of a garage, so the Council have assessed the proposal against Policies concerning the conversion of building which I have also found them not to be a fault for.
9. While I have found that the provision of covered storage for the site is unnecessary, this was not the sole reason for refusal and as such has not resulted in the appeal being lodged.
10. In view of the above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated. Therefore, the application for costs is refused.

*D Wilson*

INSPECTOR





## Appeal Decision

Site visit made on 20 February 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 March 2024

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**Appeal Ref: APP/Y3940/W/23/3331278**

**Land off Ashton Road, Hilperton, Wiltshire BA14 7QY**

- 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 and Mrs C Stone against the decision of Wiltshire Council.
  - The application Ref is PL/2022/08726.
  - The development proposed is erection of 1 no. dwelling and detached garage.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr and Mrs C Stone against Wiltshire Council. This application is the subject of a separate Decision.

### Planning Obligation

3. A Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 has been submitted by the appellants. It seeks to make a financial contribution to mitigate the effects of the proposal on bats. However, the UU before me is undated and so I have some concerns about its effectiveness. The effect of the proposal on bats is a matter that I will consider further below.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area, including the identity of Hilperton village, the adjacent Hilperton Conservation Area (CA) and The Grange as a Non-Designated Heritage Asset (NDHA), and
  - whether the proposal complies with the settlement strategy of the Development Plan.

### Reasons

#### *Character and Appearance*

5. The site consists of green lawn, surrounded by thick hedgerows but otherwise open and essentially undeveloped. As such, it has the appearance of countryside. The proposal seeks to erect a large, 2.5 storey detached dwelling on the site, to be constructed of red brick with dormers, with a design that includes quoins. Also proposed is a triple garage and home office, which would

also have dormers. To ensure adequate highway visibility, part of the existing frontage hedgerow would be re-sited behind a splay.

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The adjacent CA encompasses the historic core of Hilperton including rows of small cottages interspersed by larger houses. Relevant to this appeal, its significance is the age and attractive, semi-rural village character of its buildings and street scenes.
7. Opposite the site, the CA extends to include The Grange (also referred to as Hilperton Grange) and its grounds. It is a large Victorian house of grandeur, set within a pleasant garden with significant planting. The Grange constitutes a Non-Designated Heritage Asset, with its significance being the attractive appearance of the house and its grounds, including its grand stone entrance walls.
8. The site adjoins residential development at Ashton Drive, which forms part of Hilperton village. Close to the southern boundary of the site is a modern housing estate at Paxcroft Mead, within Trowbridge town. Nevertheless, Ashton Road hereabouts has the appearance of a rural lane. This is because of the tall trees and hedgerows lining either side of the road, the absence of pavements, and its status as a no through road. For these reasons, the site forms a narrow gap of countryside between the two settlements.
9. The Wiltshire Core Strategy (WCS), adopted January 2015, seeks to protect and conserve landscape character and the separate identity of settlements such as Hilperton, and requires that open countryside should be maintained to protect this. The Hilperton Neighbourhood Plan (NP), adopted November 2018, and the Hilperton Village Design Statement (VDS), adopted 2004, also identify the importance of countryside to the village setting and of preserving a separate village identity.
10. The site is not within the 'Hilperton Gap', identified in the NP to protect the identity of the village. Around Cresswell Drive and Norris Road, the coalescence of built form means that the settlements of Hilperton and Trowbridge are almost indistinguishable. New housing such as at Cedar Tree Close and Centenary Close has been developed, post-dating the 2000 dismissed appeal<sup>1</sup> at the site. Even so, visually and spatially, the site and its immediate surroundings, including the grounds of The Grange, continue to form a rural edge to Hilperton. They also provide a sense of transition from one settlement to the other.
11. The proposed dwelling would be set well back from the edge of the road, although the driveway, detached triple garage and home office would be closer to it. The proposal would be slightly set down, but the ground level is already higher than the road. Despite the screening from hedgerows, I saw that the proposal would be visible from Ashton Road, including from the entrance to the site, as well as from within the CA, including from The Grange and its gardens.
12. Space would remain between the proposal and the existing development either side of it. Nevertheless, the large size, mass and scale of the built form of the

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<sup>1</sup> PINS reference APP/F3925/A/00/1041721

proposal, together with the creation of a formalised visibility splay, would diminish the visual and spatial gap provided by the appeal site. As such, it would undermine the separate identity of the village core. Furthermore, by consolidating and urbanising this part of Hilperton, it would erode the semi-rural, village character of the adjacent CA. For similar reasons, the additional built form and splay of the proposal would detract from the attractive setting of The Grange, including its gardens and entrance walls.

13. Reference has been made to other decisions<sup>2</sup> where permission has been granted for dwellings outside of the Hilperton Settlement Boundary, close to or within the CA. However, these relate to parcels of land that do not have the same relationship with Trowbridge as the appeal site. As such, they are not directly comparable to the proposal before me. Even if permitted development rights could be utilised at the site, under General Permitted Development Order Class E, any building would be limited to one storey, so would not have the same harmful effects as the proposal.
14. The proposed dormers would not in themselves adversely affect wider roof lines or views, and so would not conflict with the aim of the VDS in respect of dormers. The proposed red brick materials would reflect dwellings in Hilperton such as Cockhatch. The use of quoins would be more reflective of dwellings at Paxcroft Mead, but they are a relatively small detail. Consequently, I do not consider the design of the proposal to be unacceptable.
15. Nevertheless, for the reasons given above, I conclude that the proposal would harm the character and appearance of the area, including the identity of Hilperton village, the adjacent CA as a whole and the NDHA. It would conflict with WCS Core Policies 51, 57 and 58 which seek to preserve and reinforce the separate identity of settlements, enhance local distinctiveness and conserve the historic environment.
16. The proposal would similarly conflict with the National Planning Policy Framework (the Framework) which gives great weight to the preservation of designated heritage assets; requires harm to the NDHA to be taken into account, and desires that new development contributes to local character and distinctiveness. I therefore give this conflict significant weight. In the language of the Framework, the harm to the designated heritage asset (the CA) would be less than substantial. Accordingly, as required by the Framework, I will weigh the harm to the CA against the public benefits of the proposal below.

#### *Settlement Strategy*

17. WCS Core Policies 1 and 2 set out the settlement strategy for Wiltshire. They strictly control new development outside of settlement boundaries, as here, and set a general presumption against development outside the defined limits of Principal Settlements (such as Trowbridge) and Large Villages (including Hilperton).
18. The proposal does not constitute one of the circumstances at paragraph 4.25 where Core Policy 2 allows development outside the boundaries, such as rural exception sites. NP Policy H2 does exceptionally permit housing in the countryside where it satisfies national policies and delivers amongst other things self-build homes. However, I have already found that the proposal would

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<sup>2</sup> LPA references PL/2021/03253 and PL2022/05120

not satisfy national policies, in particular the Framework. As such, NP Policy H2 does not provide support for the proposal.

19. The site is not isolated and has good access to services and facilities. Even so, I am mindful that the boundaries have been drawn here to exclude the site from either settlement, and that the Framework requires recognition of the intrinsic character and beauty of the countryside. For the above reasons, the proposal would not comply with the settlement strategy of the Development Plan and would conflict with WCS Core Policies 1 and 2. I therefore give this significant negative weight in the planning balance.

### **Other Considerations**

20. The proposal is within the consultation zone for Bechstein's bats, associated with the Bath and Bradford-on-Avon Bat Special Area of Conservation (SAC). It is also within the risk and recreational zones of the Trowbridge Bat Mitigation Strategy Supplementary Planning Document (SPD). The presence of Bechstein's bats here has been assumed, not least because of harm to them that can be caused by undertaking surveys of their presence.
21. The proposal includes a buffer zone providing a dark corridor for bats, new and translocated hedgerow, new trees, planting and other ecological enhancements. Bat and bird boxes would also be placed within the site. These measures could be secured by planning condition. If effective, the UU would secure a financial contribution towards off-site strategic bat habitat enhancement, restoration and creation in mitigation.
22. The driveway and lighting are within the buffer area, such that the SPD may not be fully complied with. However, the focus of the SPD is on large-scale housing allocations, rather than smaller development such as the proposal. Whether the proposal would result in positive biodiversity metric calculations for habitats and hedgerows is disputed by third parties. Nevertheless, there is no requirement for the proposal to achieve biodiversity net gain.
23. The Council's Ecologist and Natural England are content with the proposed mitigation and the effect of the proposal on bats, and I see little reason to disagree. On this basis, I conclude that the proposal would not adversely affect bats. Indeed, the proposed measures may well result in minor positive benefits to biodiversity.

### **Planning Balance and Conclusion**

24. In accordance with the Framework, the less than substantial harm to the designated heritage asset must be weighed against the public benefits of the proposal. The proposal would positively contribute to housing supply, including for self-build dwellings. However, being for a single dwelling, this contribution would be small. I therefore give these benefits only limited weight.
25. Future occupiers of the proposal would make a positive social and economic contribution to the area. It would also have economic benefits, for example to local businesses and the building industry. The proposal would make more efficient use of land, on a site that could be delivered quickly. However, these benefits would be limited because of the small size of the proposal. I also give limited weight to the benefits to bats and biodiversity identified above.

26. Consequently, I conclude that the public benefits of the proposal are not sufficient to outweigh the less than substantial harm to the CA. Nor do these benefits outweigh the overall harm resulting from the proposal that I have identified above.
27. The parties dispute whether the Council can demonstrate a sufficient supply of deliverable housing sites. However, the policies in the Framework that protect assets of particular importance, including designated heritage assets, provide a clear reason for refusing the proposal in this case. As a result, the tilted balance of Framework paragraph 11(d) is not engaged.
28. Had I found in favour of the proposal, I would as competent authority have carried out an Appropriate Assessment in respect of the effects of the proposal on the SAC. However, in light of my conclusions, this matter need not be considered any further.
29. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR



## Costs Decision

Site visit made on 20 February 2024

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 05 March 2024**

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### **Costs application in relation to Appeal Ref: APP/Y3940/W/23/3331278 Land off Ashton Road, Hilperton, Wiltshire BA14 7QY**

- 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 and Mrs C Stone for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of the Council to grant planning permission for erection of 1 no. dwelling and detached garage.
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### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The PPG<sup>1</sup> advises that a Local Planning Authority may be at risk of costs on substantive grounds if it prevents or delays development which should clearly be permitted having regard to the Development Plan, national policy and any other material considerations. Amongst other things, it may also be at risk if it fails to produce evidence to substantiate its reason for refusal; makes vague, general or inaccurate assertions about the impact of the proposal; or does not determine similar cases in a similar manner.
4. The decision of the Local Planning Authority was made by its elected members, contrary to the advice of its planning officers. Whether or not the reasoning of members was prepared in advance of the Committee Meeting, the Council in its Statement of Case has provided sufficient evidence to substantiate its decision. Indeed, I have reached a similar conclusion in respect of the harm that would be caused by the proposal to the character and appearance of the area, including the identity of Hilperton village, the adjacent Conservation Area, and The Grange as a Non-Designated Heritage Asset.
5. As such, the Council did not act unreasonably in placing weight on an appeal decision at the site in 2000<sup>2</sup>, notwithstanding changes to the surroundings and planning policy since that decision. For the reasons I set out in my decision letter, the Council has not been inconsistent in determining this case compared to other planning applications nearby. The housing land supply position evolved during the appeal but has not proved to be determinative to the outcome.

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<sup>1</sup> Paragraph: 049 Reference ID: 16-049-20140306

<sup>2</sup> PINS reference APP/F3925/A/00/1041721

6. Accordingly, I find that the Council has not behaved unreasonably, having regard to the advice in the PPG. Therefore, unreasonable behaviour resulting in unnecessary or wasted expense has not occurred and an award of costs is not warranted.

*O Marigold*

INSPECTOR

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## Appeal Decision

Site visit made on 18 December 2023

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

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**Appeal Ref: APP/Y3940/W/23/3323540**

**3 Bradley Road, Southwick, Trowbridge, Wiltshire BA14 9RJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Andrew Holczimmer against the decision of Wiltshire Council.
  - The application Ref PL/2023/00952, dated 31 January 2023, was refused by notice dated 20 April 2023.
  - The development proposed is outline approval applied for, for 1 No. single, detached dwelling, on land to the west of the existing house, No 3 Bradley Road, Southwick.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with approval being sought for those matters related to Appearance, Layout and Scale. Although matters related to Access are not being sought, the notice of decision includes a reason for refusal related to the proposal failing to provide visibility splays necessary to ensure the dwelling is capable of being served by safe access to the highway network. In light of paragraph 5 (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 stating that 'Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development will be situated', and given that these details are shown on the Block Plan as Proposed<sup>1</sup>, I am satisfied that I can deal with this matter as part of the appeal.
3. The description of development in the heading above has been taken from the planning application form. Although Part E of the appeal form states that the description of development has not changed, a different description is given to that on the application form. In light of this, and as neither of the main parties has provided written confirmation that a revised description of development has been agreed, I have used the one given on the original application form.
4. During the course of the appeal an updated version of The National Planning Policy Framework (the Framework) was published. In light of this, both parties were given the opportunity to comment on any implications for the appeal. I have taken the responses into account.

### Main Issues

5. The main issues are:

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<sup>1</sup> Drawing Number 123/E

- whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy,
- the effect of the proposal on the character and appearance of the area; and,
- the effect of the proposal on highway safety, with particular regard to visibility.

### **Reasons**

6. The appeal site comprises part of the side and rear garden to Number 3 Bradley Road. Number 3 is an extended semi-detached two-storey dwelling located close to a bend on Bradley Road.

#### *Whether appropriate location*

7. The spatial strategy for the location of housing in the area is outlined in Core Policies 1 and 2 of the Wiltshire Core Strategy (January 2015) (WCS). Core Policy 1 identifies four tiers of settlements where sustainable development will take place (Principal Settlements, Market Towns, Local Service Centres and Large and Small Villages). Southwick is defined as a Large Village, but the appeal site falls outside of the defined limits of Southwick. As a result, the site falls within the open countryside.
8. Core Policy 2 of the WCS states that outside the defined limits of development, other than the circumstances permitted by other policies in the plan, identified in paragraph 4.25, development will not be permitted. The proposal does not fall within any of the categories of development permitted under paragraph 4.25.
9. Policy 6 of The Southwick Neighbourhood Development Plan 2018-2036 (October 2021) (NP) supports windfall sites within the Village settlement boundary as defined by the WCS and states that 'Development should not be permitted in the open countryside unless it is permitted by the exceptions at paragraph 4.25 of the Core Strategy'. While the appeal site falls within the wider NP area, it does not fall within the defined limits for Southwick as defined by the WCS. As a result, the proposal does not gain support from the NP.
10. The site is located away from the main built form of Southwick off a busy road. While there is a continuous footpath between the site and the centre of Southwick, the route is unlit between the appeal site and the edge of the main built form. As a result, and given the distance to the main services and facilities within the village, the route would not be attractive for pedestrians, particularly late at night and in colder months. While there are bus stops near the site serving Southwick and further afield to places including Salisbury, Bath, Frome and Chippenham, the buses are not regular to an extent that could adequately serve everyday needs. As a result, the location of the site is not in an accessible location and would result in reliance upon the need to travel by car contrary to Core Policies 60 and 61 of the WCS.
11. In light of the above, it follows that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy. As such, the proposal is contrary to Core Policies 1, 2, 60 and 61 of the WCS and the NP.

### *Character and appearance*

12. The appeal site comprises an extended semi-detached dwelling at the end of a row of two-storey residential properties each with their own front garden/off-street parking area. While there are two larger detached dwellings in large grounds at the opposite end of the row of dwellings, the majority of properties are semi-detached and of a similar design and materials all benefitting from long rear gardens.
13. The proposal would be of a very similar width, height and materials to the semi-detached dwellings with the site large enough to accommodate the dwelling. However, by reason of a combination of its detached form, smaller rear garden, shared driveway and inclusion of an additional window at first floor compared to the majority of the other semi-detached dwellings, the proposal would be at odds with the prevailing character of the area and existing pattern of development.
14. As a result, the proposal would have a harmful effect on the character and appearance of the area. As such, it is contrary to Core Policy 57 of the WCS and the Framework. Amongst other things, these seek to ensure a high quality of design that respond positively to the existing townscape and achieve well-designed and beautiful places.

### *Highway safety*

15. The appeal proposal includes the provision of car parking spaces and associated turning to the front of the dwelling that are adequate to meet the needs of the proposal. The spaces are proposed to be served off the existing vehicular access to Number 3 Bradley Road that is of a sufficient width to serve the dwellings.
16. The site is located very close to a corner to Bradley Road that is subject to a 40mph speed limit. I have been advised that the road is busy and used at all times by large lorries. This is supported by the volume and nature of traffic witnessed at the time of my site visit.
17. In light of the bend in the road, its busy nature, speed limit and use by large lorries, suitable visibility is required in the interests of highway safety. While a visibility splay is detailed on the Block Plan as Proposed, and I have had regard to the presence of a lay-by to the site frontage, a greater extent of visibility splay is required in accordance with Manual for Streets.
18. In the absence of a suitable visibility splay, and given the bend in the road, speed limit and its busy nature, the proposal would increase the risk of accidents through the introduction of an additional dwelling and associated additional vehicle movements.
19. I have had regard to reference to a previous childminding use being carried out from the premises but have little information in this regard and note that any use has ceased. As a result, this does not alter my findings above.
20. It follows that the proposal would have a harmful effect on highway safety, with particular regard to visibility. As such, it is contrary to Core Policies 60, 62 and 64 of the WCS and the Framework. Amongst other things, these seek to encourage the safe and efficient movement of people, that the proposal is capable of being served by safe access to the highway network, lower the risk

of accidents and ensure that safe and suitable access to the site can be achieved for all users.

### **Other Considerations**

21. I have had regard to the other consents mentioned by the appellant and to the need for small starter homes. However, I have limited details in relation to these other consents, note that they are not directly comparable as they have not been granted under full planning applications, and note that the proposal is not seeking consent as a Starter Home as defined by the Framework. These matters are therefore neutral in my consideration. Support for the proposal from the Parish Council does not outweigh the concerns raised above.
22. The development would harm the character and appearance of the area, highway safety and be contrary to the local development strategy. The relevant policies are largely consistent with the Framework where it states that planning decisions should guide development towards sustainable solutions whilst reflecting the character of an area, providing safe and suitable access and safeguarding the environment. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
23. The Council cannot demonstrate a five-year supply of deliverable housing sites. However, by virtue of paragraphs 77 and 226 of the Framework and the Council having an emerging local plan at Regulation 19 stage, the Council only need to demonstrate a four-year supply. I have no reason to disagree with the Council that they currently have 4.6-years supply.
24. In any case, while the appeal proposal would provide a number of benefits, including providing much needed housing which would contribute towards the supply and mix of housing and make a more efficient use of the land, given the scale and nature of the development, the benefits would be limited. In contrast, I have found that the appeal proposal would result in significant harm to the character and appearance of the area, highway safety and be contrary to the local development strategy. As a result, and given paragraph 14 of the Framework that states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits where the neighbourhood plan became part of the development plan within 5 years of the date of this decision, even if the Council were required to demonstrate a five-year supply, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

25. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*C Rose*

INSPECTOR



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## Appeal Decision

Site visit made on 16 February 2024

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**  
an Inspector appointed by the Secretary of State

**Decision date: 15.03.2024**

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### **Appeal Ref: APP/Y3940/D/23/3329249**

### **16 Halifax Road Bowerhill Melksham Wiltshire SN12 6SL**

- 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 Adam Surmacz against the decision of Wiltshire Council.
- The application Ref: PL/2023/01275 dated 16 February 2023 was refused by notice dated 27 June 2023.
- The development sought to be approved is Retrospective application for the installation of new feather fence to side and front of house, 2 no. garden gates and installation of black steel chimney to side of house.

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### **Decision**

1. The appeal is allowed and planning permission is granted for the installation of new feather fence to side and front of house, 2 no. garden gates at 16 Halifax Road Bowerhill Melksham Wiltshire SN12 6SL in accordance with the terms of the application Ref: PL/2023/01275 dated 16 February 2023 dated 16 February 2023 and the drawings submitted with it.

### **Preliminary Matter**

2. The Council indicate that the steel chimney include in the description of development had not been positioned at the date of refusal, but a black steel twinwall flue was affixed to the side wall at the time of my site visit, terminating within 1m of the ridge of the roof. However it is not clear why retrospective approval is sought for this item, as Class G of schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) permits such and in the absence of justification for its inclusion as requiring permission, no action will be taken in relation to this part of the matter before me. I have amended the description of development and determined this matter accordingly. Reference is made to other matters which are not included in the description of development or decision notice and which I am therefore unable to consider.

### **Main Issue**

3. The main issues are the effect of the works upon (i) the character and appearance of the area and (ii) highway safety.

### **Reasons**

#### *Character and appearance*

4. Halifax Road is a distributor Road within a large development of twentieth-century housing. No.16 is a semi-detached two-storey dwelling located on a

corner with a short cul-de-sac that provides access to and parking for a small number of surrounding houses.

5. Images provided indicate what is found has replaced a low picket fence on both road frontages and represents a change in the height and appearance of perimeter fencing, no doubt in pursuit of improved privacy or security in an otherwise open setting to No.16.
6. The corner location and lengthy perimeter means that the fencing which is the subject of this appeal will have introduced discernible change in the local street scene. However, similar tall vertical-boarded fencing and generally extensive enclosure of gardens to other houses exist in proximity to the appeal site, including those which are adjacent to the highway and also opposite. This indicates that prior to the recent placing of the new fencing at the appeal site, the low picket fence it replaced was itself somewhat of an anomaly in the immediate area of the site.
7. In that context the suggestion of the first refusal reason as to failing to effectively integrate or respond positively to the setting of No.16 cannot be supported, directing a conclusion that the impact upon the street scene of the proposal cannot be reasonably contemplated as a causation of planning harm given the established character and appearance of the surrounding area.

#### *Highway Safety*

8. At the time of my visit the area was quiet with very few traffic movements. Even at busy times the small amount of street parking and around 12 garages which share the access cul-de-sac with No.16 suggest vehicle movements will be few and speeds low such that the risk of conflict with other users of the highway from users of the parking area of No.16 is similarly likely to be nominal. Whilst the installation of a high fence would reduce visibility from that afforded by a lower fence, what results is similar to the situation where private cars emerge onto a pavement or highway between hedging or fencing which is commonly found, and in such cases additional care is engendered by the circumstances of use such that risk of harm arising from use of the parking space is unlikely to be increased.
9. I therefore conclude the development does not conflict with either Policy 57 or Policy 61 of the Wiltshire Core Strategy which seek, with respect to the refusal reasons given, that development should respond positively to the existing townscape and landscape features and provided with safe access to the highway. I find no conflict with the relevant policies of the development plan, and consequently, having regard to all matters raised and for the reasons given, the appeal succeeds subject to the usual timing and plans condition.

*Andrew Boughton*

INSPECTOR



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## Appeal Decision

Site visit made on 16 February 2024

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**  
an Inspector appointed by the Secretary of State

**Decision date: 18<sup>th</sup> March 2024**

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### **Appeal Ref: APP/Y3940/D/23/3332925**

### **89 Corsham Road Whitley Melksham SN12 8QF**

- 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 Nathan Hall against the decision of Wiltshire Council.
  - The application Ref: PL/2023/03257 dated 21/04/2023 was refused by notice dated 25 September 2023.
  - The development proposed is side extension.
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### **Decision**

1. The appeal is dismissed.

### **Preliminary Matter**

2. The Council refer to the appeal site as a (non-designated) heritage asset, although no local list has been provided. Nevertheless I have determined the appeal with full regard to the architectural and historic qualities of the buildings identified.

### **Main Issue**

3. The main issues are the effect of the proposal upon:
  - the character and appearance of the host dwelling and the street scene, and
  - surface water flooding.

### **Reasons**

#### *Character and appearance*

4. The appeal site (No.89) is the southernmost of a small group of 3 very similar nineteenth-century two-storey villas (the villa group) each constructed in a combination of cut and coursed local stone with a pantile roof and sliding sash windows to three bays in the principal (front) elevation and a central porticoed entrance. Whitley, despite being a settlement that has been significantly extended to the west, presents the character of a linear settlement with a number of older properties, variously altered and infilled by more recent insertions spread along Corsham Road. In that context the villa group makes a significant contribution to the street scene in that notwithstanding extensions to side and rear they retain an original vernacular classicism which makes a distinctive and rhythmic contribution to the street scene that is not as evident elsewhere in the settlement.
5. The appellant intends to provide a significant amount of additional accommodation with a new two-storey block that attempts to be seen as visually separated from the host dwelling by a set-back two storey link. Taken

together the resulting proposal would double the frontage width of the original dwelling. Although the proposed extension is of lower height, presumably seeking to subordinate what is proposed, this is achieved by the introduction of dormer windows and other architectural components which pay little regard to the built form of the original building and do so in alignment with the main block frontages of the villa group. The effect of the proposal would be to introduce a competing built form which would not be *visually* subordinate. From absence of architectural simplicity, and by its height, adjacency and aligned positioning, the proposal would dominate the street scene due to its visual incongruity in proximity to the villa group.

6. The proposal would, therefore, conflict with Policy 57 of the Wiltshire Core Strategy which seeks that development should provide a positive response to the existing development pattern and built form by the application of high standards of design, and (at iv) have regard to assets of heritage value.

*Flood Risk*

7. The Council have confirmed that the appeal site is located in Flood Zone 1 which would usually be an appropriate location for development such as is proposed but the appellant complains that the Council have introduced flood risk at a late point in the decision-making process. The alleged flood risk (FR) relates to surface water and seems to be isolated and could likely be addressed by condition. However, even if I were to find in favour of the appellant on this issue, this would not outweigh the conflict with the development plan on the first main issue.
8. Overall, my reasoning directs that the proposal would not accord with the development plan as a whole and consequently, taking all matters raised into account, the appeal cannot succeed.

*Andrew Boughton*

INSPECTOR





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## Appeal Decision

Site visit made on 16 February 2024

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**  
an Inspector appointed by the Secretary of State

**Decision date: 20 March 2024**

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**Appeal Ref: APP/Y3940/D/24/3336441**

**12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG**

- 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 and Mrs B Wheeler against the decision of Wiltshire Council.
  - The application Ref: PL/2023/06444 dated 27 July 2023 was refused by notice dated 25 October 2023.
  - The development sought to be approved is Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof.
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### Decision

1. The appeal is allowed and planning permission is granted for Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof at 12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG in accordance with the terms of the application Ref: PL/2023/06444 dated 27 July 2023 and the drawings submitted with it subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan DWG No 473.P.010.P02; Proposed Ground Floor Plan DWG No 473.P.110.P02; Proposed First Floor Plan DWG No 473.P.111.P02; Proposed Roof Plan DWG No 473.P.112.P02; Proposed Sections DWG No 473.P.200.P02; Proposed Elevations DWG No 473.P.300.
  - 3) The development hereby approved shall not proceed above ground floor level until details of the proposed walling, cladding and roofing materials (to include on-site sample panels of the proposed walling/cladding materials) have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.
  - 4) The development hereby approved shall not proceed above ground floor level unless and until construction details (i) of roof alterations and (ii) at a scale of 1:20 of all overcladding at junctions with the existing external wall surfaces or eaves, including in the vicinity of the party wall with the adjoining dwelling, have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with such details.

### **Application for Costs**

2. An application for costs was made by Mr and Mrs B Wheeler against Wiltshire Council. This application is the subject of a separate Decision.

### **Main Issue**

3. The main issue is the effect of the proposal the character and appearance of the host dwelling and street scene.

### **Reasons**

4. The appeal site (No.12) is a semi-detached two-storey house located on a corner plot within an established mid-twentieth-century suburban development of similar housing. A consistency in use of materials, layout and form is evident, including subsequent extensions or additions which I observed in the locality, with steep pantiled roofs and detailing of verges and chimneys that make reference to vernacular built form. However, despite these positive characteristics, the predominance of concrete masonry which lacks the vibrancy of natural material under weathering engenders a general blandness in the character of the street scene.
5. The proposal intends to facilitate the enhancement of No.12 with some additional accommodation but also by overcladding to improve thermal performance of No.12's wall construction, and to provide a southerly roof slope. Overcladding would inevitably conceal existing walling and introduce new materials not found in neighbouring properties. The Design and Access Statement provided by the appellant explains that the roof reorientation and resulting loss of symmetry is a considered response to the design problems the proposal creates by the introduction of new materials as well as providing an opportunity for the addition of photo-voltaic panels.
6. Policy CP57 of the Wiltshire Core Strategy 2015 (WCS) seeks that development of all types should pursue a high standard of design and at (iii) requires proposals (including extensions) to 'respond positively to existing townscape' in terms of a number of built form parameters, including 'elevational design'; however that does not prescribe a requirement to retain symmetry for its own sake. In this case the corner location, more spacious plot and separation from other dwellings to the south-east provides an opportunity for a distinctive architectural solution to the ambitions of the appellant that does not disrupt the existing pattern of development or overwhelm its neighbours.
7. The Council acknowledge the need to improve the performance of existing housing stock, this being an objective of WCS Policy CP41 that aligns with CP57 at (v). However, substantial improvement to thermal performance of older existing housing can only go so far without insulation overcladding, in which respect change to external appearance is unavoidable. In many cases the balance between visual harm and the benefits of what is proposed will be finely balanced, but if executed within a considered and well-executed design approach and other constraints absent as is the case here, the environmental and other benefits may, in planning terms, outweigh other concerns.
8. I therefore conclude, as my reasons direct, that the proposal would accord with the development plan taken as a whole and, having taken all matters raised into account, that the appeal should succeed.
9. The Council have proposed some conditions which I have considered and adjusted having regard to the 6 tests to be applied. In addition to the usual

plans and timing conditions, a condition to control the quality and appearance of the materials is appropriate given the basis of my decision. I note there have been representations as to certain matters which are addressed by other legislation such as the Party Wall Act, Building Regulations or by Civil Law. For that reason the suggested requirement as to roof drainage which seems intended to prevent a trespass by rainwater or other similar concerns, would not be relevant to planning. However, a condition requiring details of how the proposed external finishes would relate to (or join) the paired dwelling would be necessary to demonstrate what is proposed would have regard to visual and other architectural requirements.

*Andrew Boughton*

INSPECTOR



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## Costs Decision

Site visit made on 16 February 2024

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**  
an Inspector appointed by the Secretary of State

**Decision date: 20 March 2024**

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### **Costs application in relation to Appeal Ref: APP/Y3940/D/24/3336441 12 King Alfred Way Winsley Bradford on Avon Wiltshire BA15 2NG**

- 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 and Mrs B Wheeler for a full award of costs against Wiltshire Council.
  - The appeal was against the refusal of the Council to grant planning permission for Alterations and single storey extensions. solar panel array, external insulation and external over cladding; amendments to the roof.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicant for costs points to the behaviour of the Council in their 'disregard of the Council's own policies'. However it is apparent from the applicant's statement that this complaint does not extend beyond divergence as to weight, or lack of such, to be applied to differing considerations which development plan policies identify. It is frequently the case that policies, whether at national or local level, pull in differing directions and the determination of planning applications requires the exercise of professional judgement as to which considerations hold sway in the circumstances of each case.
4. Whilst it may be frustrating for applicants who have plainly exercised design skill to have this dismissed, these are, as stated, subjective matters which rest wholly with the decision taker.
5. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

*Andrew Boughton*

INSPECTOR



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## Appeal Decision

Site visit made on 21 February 2024

**by J Evans BA(Hons) AssocRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04.03.2024**

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**Appeal Ref: APP/Y3940/D/23/3336083**

**228 Winsley Road, Bradford on Avon BA15 1QS**

- 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 Mrs Geraldine Williams against the decision of Wiltshire Council.
  - The application Ref: PL/2023/07769, dated 11 September 2023, was refused by notice dated 22 November 2023.
  - The development proposed is the erection of 1.8 metre fence within existing stone wall surrounding front garden.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. It was evident to me from the submitted appeal documents and as I witnessed during my site visit that the works associated with the development proposed had taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. In accordance with Section 55 of the Act, which describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use, I have amended the description of the development as set out on the application form, and revised on the decision notice and the appeal form, to better reflect the development before me, including removing the word 'retrospective.'

### Main Issue

4. The main issue is the effects of the development on the character and appearance of the appeal property and the wider area, including that of the Bradford on Avon Conservation Area (the CA).

### Reasons

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. These statutory requirements are reinforced through Core Policy 58: Ensuring the Conservation of the Historic Environment of the Wiltshire Core Strategy Adopted January 2015 (the CS).

6. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) says when considering the impact of a proposed development on the significance of a heritage asset (including conservation areas), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 207 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.
7. Policy BE1 of the Bradford on Avon Neighbourhood Plan Made October 2017 (the NDP) explains that: development should reinforce local distinctiveness and help create a sense of place; should relate to its site and wider setting; and materials used should relate to their surroundings and where appropriate should make a positive contribution to the public realm.
8. The appeal property is a large two storey traditional building situated on a prominent corner location fronting onto the busy Winsley Road. In 2019 planning permission<sup>1</sup> was granted to change the use and alter the appeal property from offices into 2 semi-detached cottages. I understand from the information before me that the front section of the appeal property was used as an open parking area with the former office use, and through the redevelopment as approved in 2019, this area was enclosed to provide for a courtyard garden area, with the approved plans indicating that the courtyard area would be positioned behind a 1.2m high stone boundary wall with hedging behind at 1.8m in height<sup>2</sup>. As I noted from my site visit, the front boundary wall has been constructed and contributes positively to the appeal property and the CA due to its consistency with what is found nearby, however the indicated hedging is not in place and the fence subject to this appeal is in situ.
9. The immediate surroundings to the appeal property contain a range of building styles. Nonetheless, the predominance of these buildings, like the appeal property, orientate towards Winsley Road. Where there are boundary enclosures, these primarily consist of low-level stone walling, which in some cases have hedging or similar natural landscaping features set behind. Whilst I accept there are variations to the above in the wider area, and in some cases there are fenced enclosures behind boundary walls fronting towards the highway, the prevailing characteristic in the context of the appeal property is as set out above, which represent positive attributes in this part of the CA.
10. Turning to the appeal development, following my observations from my site visit, I am of the view that the fenced enclosure represents an incongruous boundary feature that lacks consistency with the softer appearance of the majority of the front boundary enclosures found nearby. The solid characteristics of the fencing, alongside its height and proximity to Winsley Road on this exposed corner site, appear uncharacteristic and out of place. In reaching these conclusions, I have taken account of the appellant's comments that the fencing will weather over time, however I do not consider that the weathering process would result in the fencing appropriately blending in with the surrounding context, and therefore this would not address the concerns I have raised above. Ultimately, I consider that the appeal development

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<sup>1</sup> 19/07207/FUL

<sup>2</sup> As shown on approved plans 1079 P02 Rev B and 1079 P03 Rev C

represents a prominent discordant feature to the front of the appeal property that materially impacts upon the visual and character qualities of the street scene and fails to preserve the character and appearance of the CA.

11. As I outlined above, I have observed other examples in the area of timber fencing enclosing gardens fronting towards the highway, a number of which have been referred to me by the appellant. However, whilst I do not have the details before me to understand the full circumstances behind each of these cases, I am of a view that these examples do not lend any particular merit in support of the proposals before me, and therefore do not lead me to reach a differing view on the proposed development. In any case, I am required to determine the appeal development on its own individual merits.
12. For the above reasons, the appeal development is harmful to the character and appearance of the appeal property and the surrounding area. The appeal development also fails to preserve or enhance the character and appearance of the CA. This harm would be less than substantial as defined by the Framework and therefore should be weighed against any public benefits of the proposal. The benefits to the appellant as set out in her Appeal Statement, including matters relating to privacy and proximity to Winsley Road, whilst understood, are not sufficient to outweigh the clear harm that I have identified.
13. Consequently, I find that the appeal development would conflict with Policies 57 and 58 of the CS, Policy BE1 of the NDP and Section 16 of the Framework, which amongst other matters seek to ensure that development contributes positively to the townscape and conserves designated heritage assets.

### **Conclusion**

14. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

*J Evans*

INSPECTOR

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## Appeal Decision

Site visit made on 21 February 2024

**by J Evans BA(Hons) AssocRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5<sup>th</sup> March 2024**

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**Appeal Ref: APP/Y3940/D/23/3335096**

**26 Horse Road, Hilperton Marsh, Trowbridge BA14 7PF**

- 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 Mrs Harriet Baines against the decision of Wiltshire Council.
  - The application Ref: PL/2023/08094, dated 20 September 2023, was refused by notice dated 2 November 2023.
  - The development proposed is described as a loft conversion to include a Juliet balcony, dormer windows and velux windows.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. It was evident to me during my site visit that the majority of the works relating to the loft conversion had taken place. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. I also observed at my visit to the appeal site that the development that has been undertaken differs from the submitted plans<sup>1</sup> in various aspects including the nature of openings on the rear elevation, which includes a window at first floor level serving proposed bedroom 1 instead of a Juliet balcony as delineated on the submitted plans. For the avoidance of doubt and notwithstanding any work that has been undertaken, my responsibility is to consider the appeal based on the scheme as it appears on the submitted plans.
4. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use. The description of the development on the original application form refers to a number of matters relating to the background to the appeal proposals which do not fall within the meaning of development as described in Section 55 of the Act. As a result, I have revised the description of the development which includes referring to the Juliet balcony to better reflect the proposal before me.

### Main Issue

5. The main issue is the effects of the development on the living conditions of existing and future occupiers of neighbouring properties.

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<sup>1</sup> Such as Drawing No. 80756-2 Rev B

## Reasons

6. The appeal property is located along a narrow back lane leading from Horse Road and is surrounded on all sides by residential properties. To the rear of the appeal property are the associated rear aspects and gardens of a number of these neighbouring properties, the predominance of which are of a single storey form.
7. The appeal development proposes a number of first floor openings through a flat roofed balcony on the rear elevation of the appeal property which orientate towards a northerly direction. As a result, elevated views at first floor level are possible out of these openings towards the north, with more angled views to the north-east and north-west.
8. The Council's concerns are with regard to overlooking from these rear first floor openings on the internal and outdoor living space of a number of the neighbouring properties, and the resulting implications of such on the living conditions of existing and future occupiers. Whilst the Council have been specific in their grounds for refusal on the neighbouring properties for which they have concerns about overlooking, as part of my assessment and also bearing in mind the comments received from third parties, I have considered the effects of the appeal development on all of the neighbours to the appeal property.
9. During my site visit I observed that it would be possible from the Juliet balcony serving proposed bedroom 1 (as shown on the submitted plans), to have direct views into an area of the rear garden space serving no. 24 Horse Road to the north-west. The elevated presence and proximity of this large opening would to my mind appear uncomfortably intrusive to users of this private section of garden space due to the almost immediate positioning of the opening to the neighbouring boundary, and the resultant ability to look directly into the garden space. Whilst views would not be possible into the internal space and the remainder of the garden of no. 24, it appeared to me that the area of garden which would be overlooked, which included a pond and adjacent bench at the time of my visit, represents a well used and secluded part of outdoor amenity space. As a consequence, the resultant impact of this opening would therefore be intrusive on this area of private garden space, and would be unduly harmful to the living conditions of no. 24.
10. I also noted during my site visit that from the opening serving proposed bedroom 2, which is a 3-pane wide window (as delineated on the submitted plans), it would be possible to have an almost direct line of view into a large window serving a habitable room to the rear of the property no. 40 Horse Road and it would also be possible to overlook areas of the private rear garden of this property. Whilst I acknowledge that both the Council and the appellant have indicated a separation distance of just over 21m between the proposed and the existing opening, it appears this figure is indicative only and has not been arrived at from measurements from a detailed plan and therefore I have uncertainty with regard to its accuracy. Nonetheless, the overlooking I observed during my site visit felt uncomfortably close to areas of otherwise private internal and outdoor living space serving this property due to the direct line of sight that was possible, these observations therefore lead me to conclude that the resultant effects of overlooking from this window would harm the living conditions of no. 40 with regard to loss of privacy.

11. Turning to the effects upon no. 39c directly to the west of no.40, I noted that that from all of the proposed openings, views internally and over private areas of garden associated with this property were restricted as a result of: the angles involved; intervening planting, boundary screening and outbuildings; and the limited openings on no.39c facing towards the direction of the appeal property. It seems to me that this property would therefore retain a good standard of both internal and outdoor privacy as a consequence of the appeal development.
12. This would be similar for the property no.39a, which is located further away from the appeal property than no.39c. Again, due to the distances and angles involved and intervening boundary enclosures, I am satisfied that the living conditions of this property would not be unduly impacted through the appeal development as a result of overlooking.
13. I am also satisfied that no.47 Marshmead, located to the north-east of the appeal property, would not be unduly impacted from any of the proposed openings as a consequence of intervening boundary screening, including a large evergreen tree, alongside the angular nature of the outlook and distances involved.
14. During my site visit, I observed that it would be possible to overlook at an angle, particularly from proposed bedroom 3 (as delineated on the submitted plans), an element of the rear garden of no.45 Marshmead, to the north-east. However, the angle of view would be oblique and the openings on the appeal property are set away from the boundary with this property, therefore it would be difficult to overlook significant areas of the garden of no. 45. It also seems to me, that it may be possible to obscure glaze the most easterly window to further reduce the outlook to the east.
15. On the matter of obscure glazing more broadly, the appellant has suggested to me that all of the openings could be obscure glazed and fixed to address any concerns I may have with regard to overlooking. Whilst I accept that it could be possible to control such matters via condition, I only consider this would be appropriate for openings serving bathrooms, secondary openings to rooms and rooflights where necessary, some of which have been suggested by the Council, in particular on openings to the east, west and south. Nonetheless, it seems to me that if all of the openings were obscure glazed and fixed, this would not be appropriate for habitable rooms such as bedrooms where clear glazing would be expected to provide for adequate living conditions for future occupiers. I am also not convinced this would address the perception of overlooking from neighbouring properties, particularly with regard to the Juliet balcony to serve proposed bedroom 1. I have also given thought as to whether further boundary screening and landscaping within the appeal site could resolve my concerns, but again I am not satisfied this could address all of the matters I have raised. Therefore, I do not consider the concerns I have expressed could be appropriately mitigated via conditions.
16. The appellant has referred me to a recent planning decision granted on the property no. 17a Horse Road. Whilst I acknowledge these submissions, it is not clear to me what were the full circumstances behind this decision, and nonetheless, I am required to determine the appeal proposal on its own individual merits. As a result, the decision at no. 17a has not materially changed my view of the proposals.

17. Consequently, for the reasons I have set out above, the proposed development, in particular from the proposed openings to serve bedrooms 1 and 2 (as delineated on the submitted plans), would result in harm to the living conditions of existing and future occupiers of neighbouring properties nos. 24 and 40 Horse Road, as a consequence of overlooking and loss of privacy. I therefore find conflict with Policy 57 of the Wiltshire Core Strategy Adopted January 2015 which amongst other matters, requires development to demonstrate 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. The proposal would also conflict with paragraph 135 of the National Planning Policy Framework 2023 (the Framework), which amongst other matters requires development to create places with a high standard of amenity for existing and future users.

### **Other Matters**

18. The appellant has suggested that the removal of permitted development rights on the appeal property when it originally obtained planning permission was not reasonable, and that the proposals would also fall within permitted development rights if they were in place. However, these are not relevant matters to the consideration of the case before me, which as I have highlighted, I am required to determine on its own individual merits.

### **Conclusions**

19. The proposed development would have a detrimental effect on the living conditions of existing and future occupiers of neighbouring properties.
20. As a result of these negative effects, the proposal is in my view unacceptable, and contrary to the development plan, when read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
21. For all of the above reasons, having regard to all matters raised, I conclude that the appeal should be dismissed.

*J Evans*

INSPECTOR

## REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	8 May 2024
<b>Application Number</b>	PL/2023/07518
<b>Site Address</b>	Avonpark Village, Winsley Hill, Winsley, BA2 7FF
<b>Proposal</b>	Demolition of existing buildings (comprising 85 Care bedrooms), and proposed partial redevelopment and erection of new buildings to provide 71 Extra Care units and associated communal facilities (Use Class C2), parking and landscaping
<b>Applicant</b>	Retirement Villages Group
<b>Town / Parish Council</b>	Winsley Parish Council
<b>Electoral Division</b>	Winsley & Westwood - Cllr Johnny Kidney
<b>Grid Ref</b>	53.25697, -5.586061
<b>Type of Application</b>	Full Planning
<b>Case Officer</b>	Steven Sims

### Reason for the application being considered by Committee

This application was called in for committee consideration by Cllr Johnny Kidney should officers be minded to support the application for the proposed development citing the following concerns:

- Visual impact upon the surrounding area
- Environmental/Highway Impacts
- The site in question occupies a very prominent position in the West Wilts greenbelt, overlooking the Limpley Stoke Valley within the Cotswolds National Landscape. Given the significance and sensitivity of the site and its location, as well as concerns expressed by the Parish Council and others regarding the visual impact of the increased building heights and lighting, it is important that this application is scrutinised at committee.
- The access to Avonpark is from the B3108, a road that has seen a marked increase in traffic, particularly HGV traffic, in recent years following the introduction of Bath's CAZ. The current speed limit at the entrance to Avonpark is 50mph. This is far too fast at a location where some of the most vulnerable people in society cross the busy road at a point with poor visibility to access the bus serve to Bradford-on-Avon and Warminster. It is imperative therefore that traffic speeds are lowered to facilitate safer crossing for older people to access bus services to GP appointments and other services in Bradford on Avon.'

### 1. Purpose of Report

This report considers the relevant planning considerations of this development proposal, including the consultation responses all within the context of local and national planning policy and guidance. The report identifies the various planning constraints and opportunities and considers whether this represents a sustainable form of development having regard to the social, environmental and economic dimensions of the scheme.

## 2. Report Summary

The key issues for consideration are:

- The principle of development
- Wiltshire's 5-year housing land supply
- Viability
- Impact on the openness of the Green Belt
- Impact on the character of the area/ Cotswold's National Landscape/ public footpaths
- Impact on the living conditions of neighbouring residents
- Ecology issues
- Highway issues
- Drainage issues
- Other issues

## 3. Site Description

The site is situated to the west of the county of Wiltshire west of Winsley Village. Nearby villages Freshford and Avoncliff serve as the closest railway stations. It is in close proximity to Bath city centre, 6 miles along the B3108 road. The main entrance approach is off the B3108, north of the site. The south of the site presents wider views over the valley, towards the village of Freshford.

Key

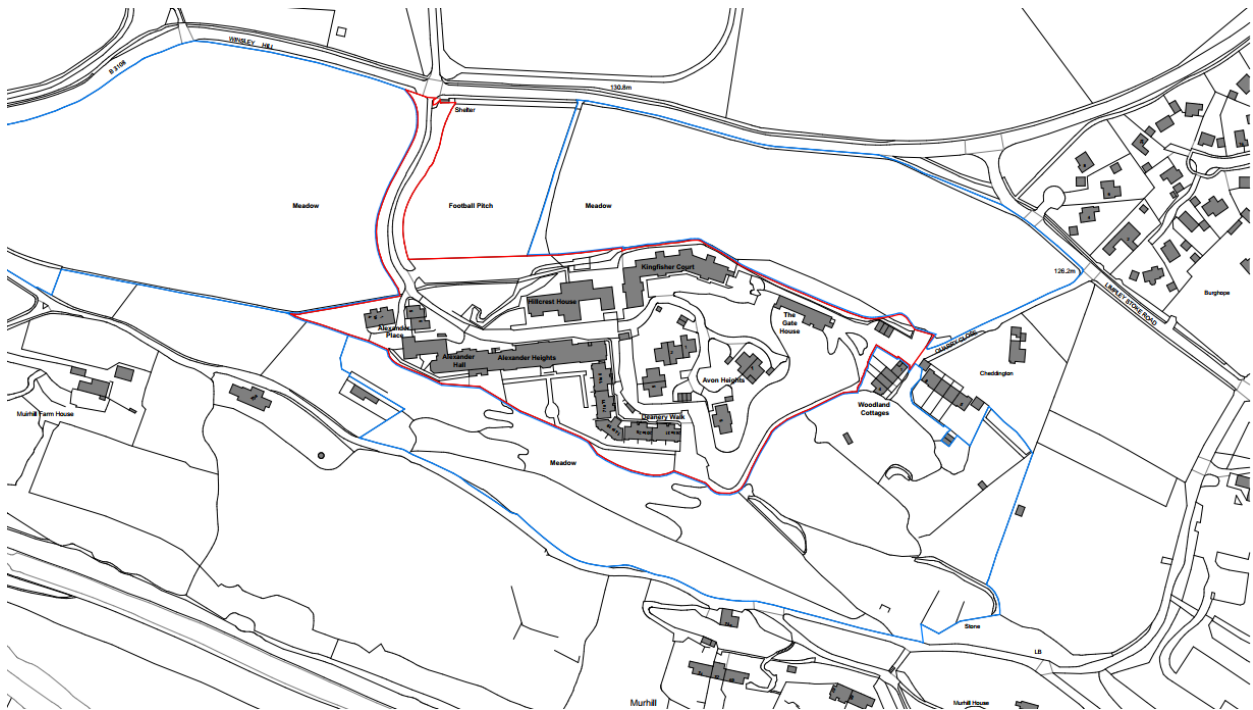
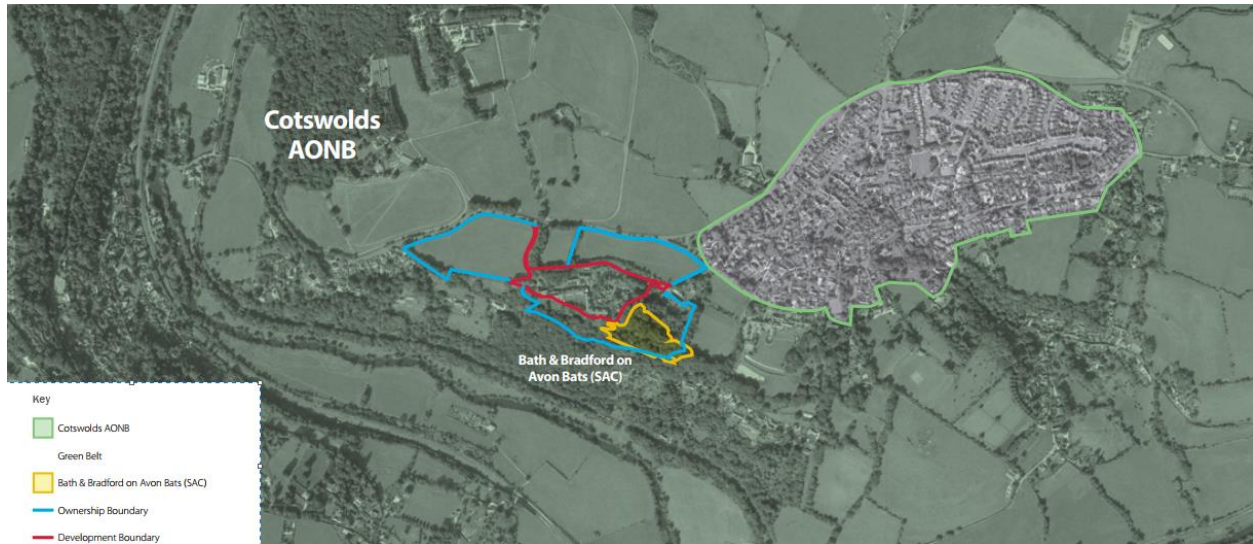
- Roads
- Rail
- Ownership Boundary
- Development Boundary



The application site is shown above (outlined in red), which is located about 140m to the west of Winsley village and measures about 3.7ha. The site lies within the Cotswolds National Landscape (formally Area of Outstanding Natural Beauty (AONB)), Special Landscape Area, and is within the West Wiltshire Green Belt. The site also falls within a SSSI Impact Risk Zone and the buffer area of Bath & Bradford on Avon Bats Special Area of Conservation (SAC) which is located immediately to the south of the site.

The site is part of the Cotswolds and Westwood Limestone River Valley Landscape character area.

The village of Freshford is located 1 km to the southwest while the village of Limpley Stoke is located 1.3 kms to the west. Bradford-on-Avon is located 2.1 kms to the east.



The existing C2 use class (residential institution) care village consists of a series of 1, 2 and 3 storey buildings forming the Avonpark Care and Retirement Village development comprising:

- Fountain Place/ Hillcrest House - a redundant care home
- Alexander Hall & Alexander Heights - apartments, communal areas
- Kingfisher Court - apartments
- Alexander Place - houses
- Deanery Walk - apartments
- Avon Heights - houses
- The Gate House - houses



Existing Site Plan

The site comprises 90 extra care units (self-contained units benefiting from support services, amenities, and on-site care) and 85 former care home bed spaces (non-self-contained accommodation provided as a package with personal or nursing care). The site also contains a clubhouse (offering a lounge, restaurant, conservatory, bar, library, meeting room and convenience store etc). Over the course of the last two years, the care home element of the retirement village has been wound down and ceases to operate.

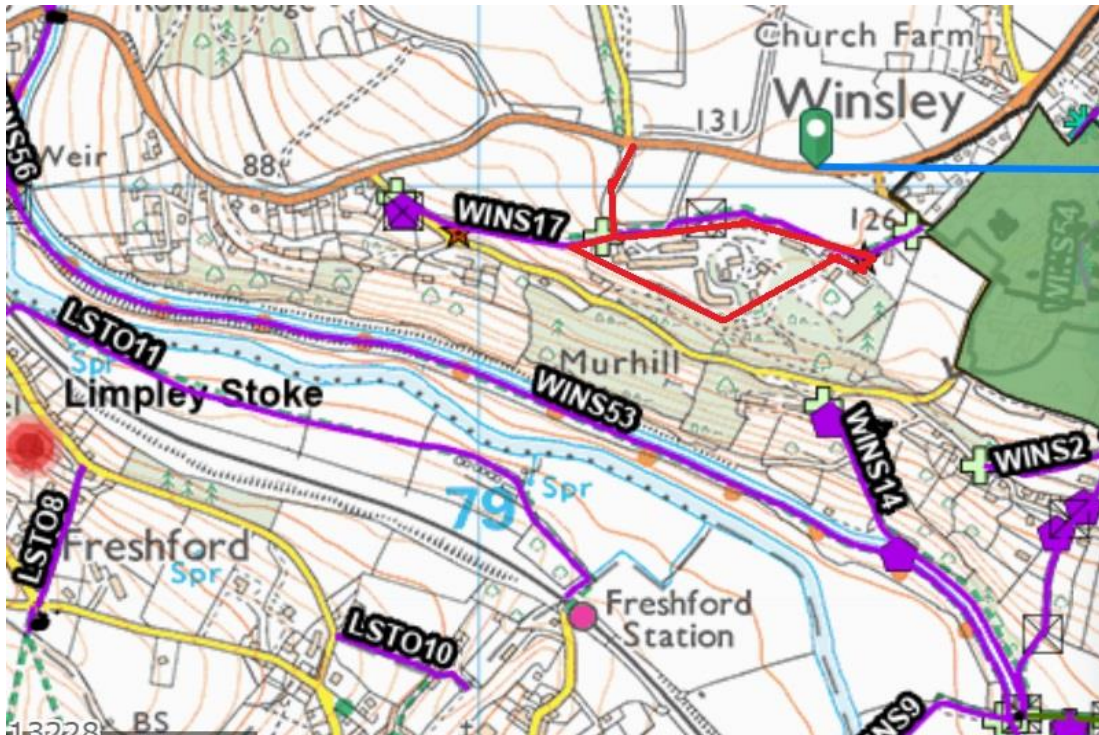
As illustrated above, parking courts are provided around the site – notated as the brown/buff colour. A larger car park, to accommodate village staff and visitors is separately notated and is located adjacent to the football pitch and top the east of the access driveway.

Access is off the B3108 to north via a tree lined avenue. A group of seven trees (beech and sycamore) within the north-eastern part of the site and to the south of Kingfisher Court and the Gate House are protected by Tree Preservation Order (confirmed in October 2000 to which TPO no. W/00/00003/IND refers).

The site abuts PROW footpath WINS17 – which is located along the application site’s northern boundary as shown on the following page, with the insert also illustrating other



PROWs in the wider vicinity (namely, WINS2, WINS14 and WINS53 to the south and further afield LST011).



Constraints plan detailing adjacent public footpaths, and Winsley village boundary and its conservation area boundary

The application site is located in the open countryside outside any limits of development and is located on the site of a former quarry. Open fields are located to the north, east and west. There is a significant woodland forming a part of the Murhill area to the immediate south of the site. The site is not at risk of flooding and is designated as being in flood zone 1 – land that has the lowest risk of flooding.



On site view looking east – with Hillcrest House/ Fountain Place to left and Alexander Heights to the right (both 2.5 storey buildings with rooms in the roof space both identified for demolition).



On site view looking north towards the rear of Alexander Heights and including the ornamental gardens – which would be retained.



Existing Layout (Isometric view)

The existing buildings include single storey cottages, semi-detached houses and 3 storey institutional apartment buildings which the following inserts illustrates.



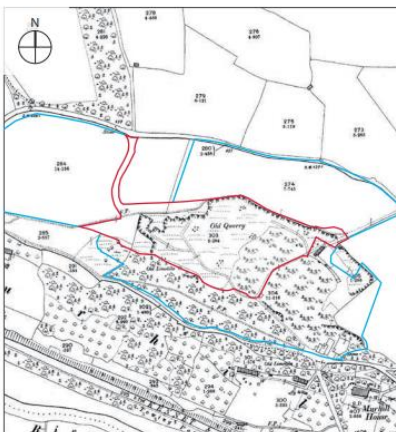
View looking north-east towards the site from Crowe Hill, Freshford (circa 650m away)

The character of the night sky in the landscape surrounding and including the Site is subject to a range of light sources, with sky glow readily perceived across the area and sources of direct glare noticeable from a range of locations. This is partly as a result of the marked variation in topography such that the lighting within settlements and clusters of development on the valley flanks is readily perceived.



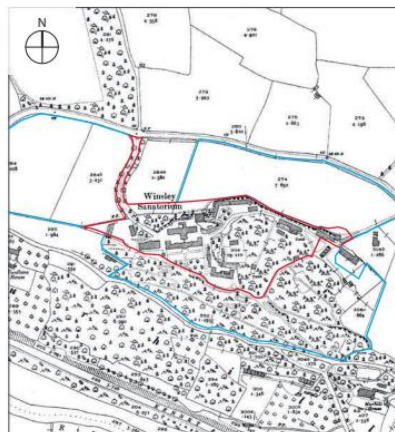
Fig 4: Winter Night View (Existing)

To assist with the wider understanding of the site and its constraints and opportunities, the following insert plan was produced.



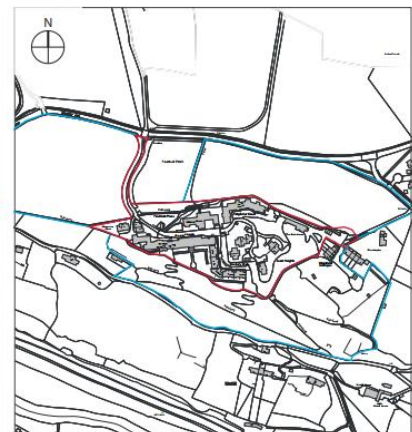
**1901**

- Site remains noted as 'Old Quarry'
- No significant development from 1887



**1936**

- Site is noted as Winsley Sanatorium' constructed in 1903
- The hospital was enlarged in 1911 and ceased operation in 1982
- Primary access from north west



**2021**

- Site becomes Avon Park Retirement Village in 1994
- Principle site access from north west



A review of the site and its surroundings has identified a number of heritage constraints that will need to be considered further in the submission. Key points of note are as follows:

- There are no Designated Heritage Assets within the site
- The Winsley Conservation Area is located c.115m to the northeast of the site boundary
- The site does not make any contribution to the significance of the conservation area, but forms part of its verdant setting;
- The Freshford Conservation Area is located c.550m to the southwest of the site boundary, and as already referenced and illustrated whilst there are long-distance views towards the site, the site does not make any contribution to its significance other than forming part of the wider landscape setting;
- A number of listed buildings are located within the wider setting of the application site, the closest of which is Murhill House – which is about 70m to the southeast. The listed buildings are mostly private residences within clearly defined enclosed residential plots, with no functional or associative relationship with the application site, and there would be no substantive impact on their setting, or by extension their significance.
- The heritage interest of the existing buildings has been considered in order to inform the proposed redevelopment of the site. Whilst formerly Winsley Sanatorium, little of the original site remains. Those elements which remain have been significantly altered, to the point that little heritage interest survives.

#### **4. Relevant Planning History**

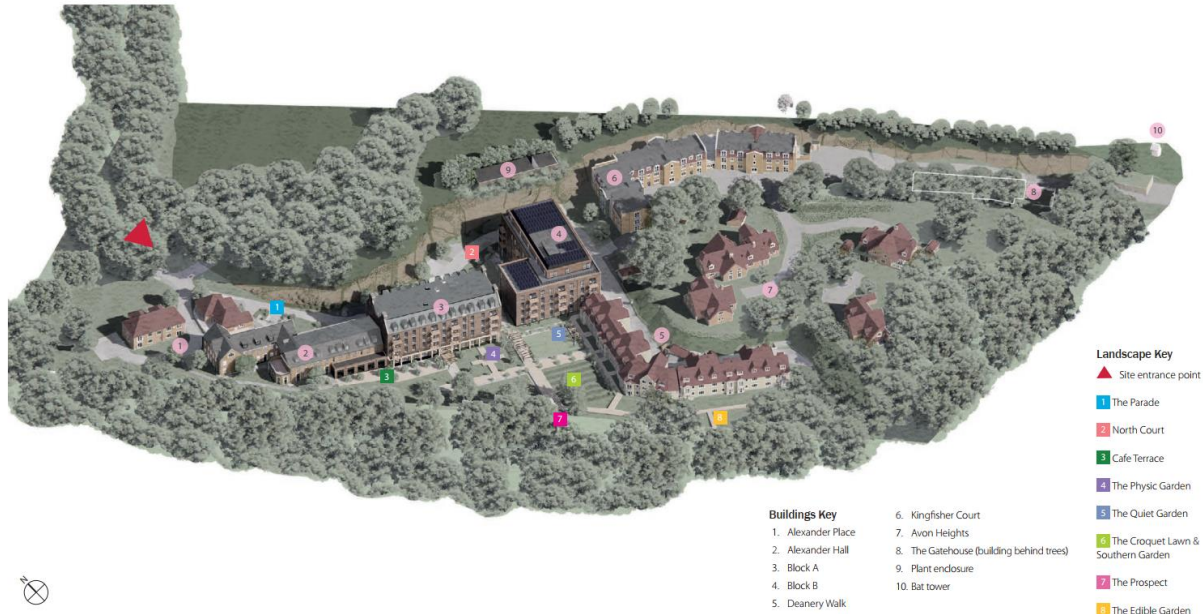
W/06/02569/FUL – Conversion of building to community care centre and roof alterations – Approved

W/95/01118/FUL – Revision and repositioning of previously permitted nursing home – Approved

W/93/00069/FUL – Demolition of boiler house and block N4 erection of a new 33-bedroom nursing home – Approved

W/92/00883/FUL – Demolition of derelict hospital buildings and the erection of 69 class C2 care units 3 medical units 1 visitors bedroom a communal amenity building car parking and alterations to roads – Approved

## 5. The Proposal



Proposed Layout (Isometric view)

This is a full application for the demolition of existing buildings (Fountain Place/ Hillcrest House, and Alexander Heights), and the erection of 2 new buildings (Blocks A and B numbered above as buildings 3 and 4) as well as the refurbishment of Alexander Hall (including a loft conversion) and minor alterations to Kingfisher Court.

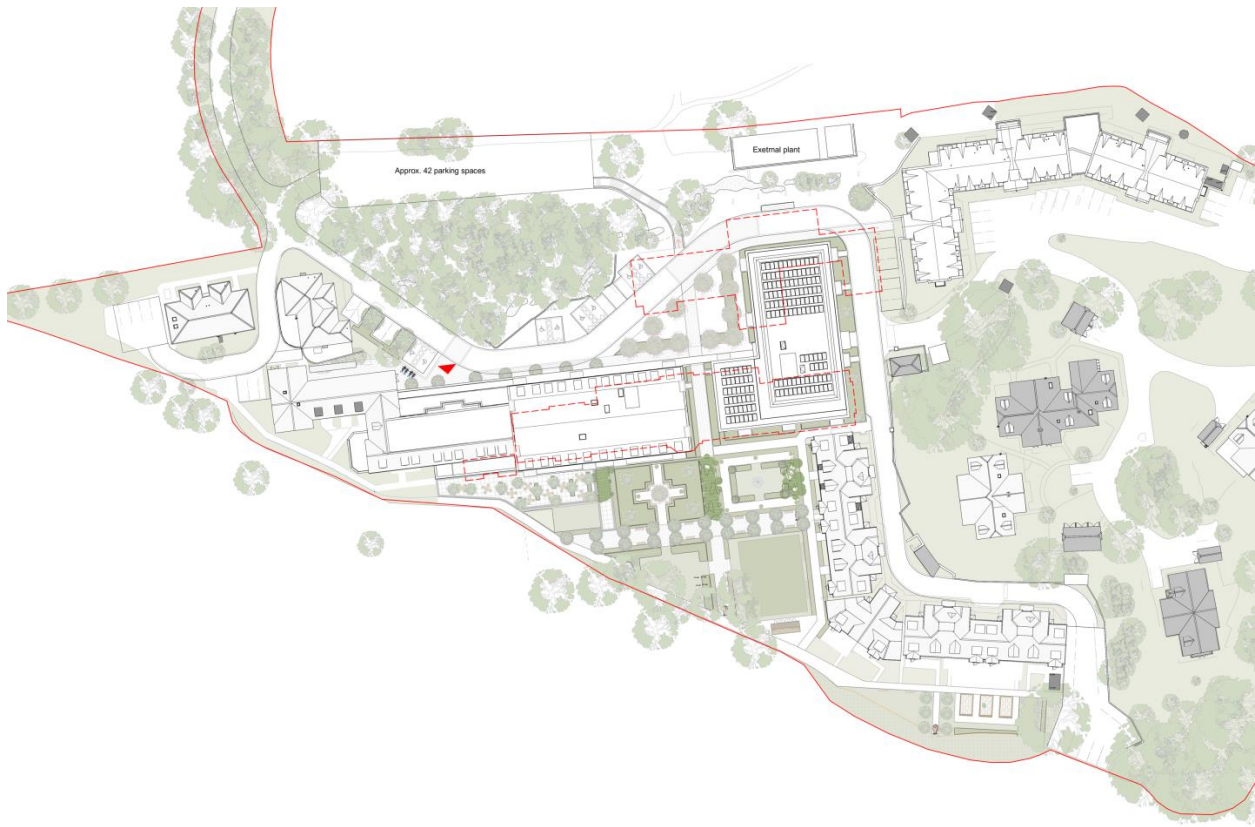
The scheme would also provide associated communal facilities, parking and landscaping, a restaurant /café/lounge, ancillary offices, a shop, a community library and health and fitness facilities to be located within the refurbished Alexander Hall and blocks A and B.

The scheme would result in the loss of 85 care bedrooms and provide a net increase of **71 extra care units** (1 and 2 bed apartments) – comprising the construction of 74 new units (69 new build dwellings, plus 5 new dwellings created from conversions of existing staff facilities/loft conversion), with the loss of 3 existing units due to the refurbishment of existing facilities.

Of the 74 new units 8 would be 1 bed studio apartments while 66 would be 2 bed apartments.

Elevation plans below detail the proposed design of the two new buildings (Blocks A and B) and the proposed refurbished Alexander Hall (to be renamed Alexander House). In

addition, an example of the floor plan layout of the buildings is also included below (proposed ground floor plan for Alexander House and Block A.) The plan details the layout of residential flats and studio/ 1 bed apartments and public and communal spaces.



Proposed Site Plan (Drg no. BA9516-2102 rev B) – with the red dotted outline representing the proposed floor plan buildings to be demolished

Proposed external materials for the new buildings including reconstituted stone brickwork at ground floor level, cream facing brickwork above and standing seam zinc roof (Block B) and Bradgate Multi Cream or similar facing brickwork and standing seam zinc roof (Block A).

The refurbished Alexander Hall/ House would be rendered with a cream-coloured finish and with Bradgate Multi Cream brickwork at part ground floor level and standing seam zinc roof.

Solar photovoltaic panels would also be installed on the roof of Block B, set within a screen designed to resemble a low roof form.

Photorealistic image - arrival court



Photorealistic image - communal garden







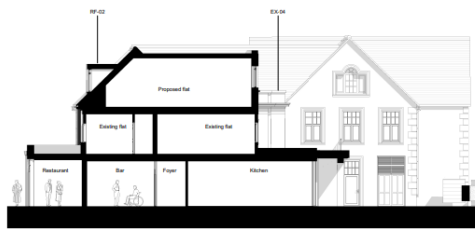
Alexander Hall - North Elevation  
1:100



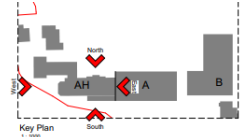
Alexander Hall - South Elevation  
1:100



Alexander Hall - West Elevation  
1:100



Alexander Hall - East Elevation  
1:100



- Legend**
- EX-02 Two brick courses, recess stone banding, palette: RAL 1001
  - EX-04 Render finish, RAL 1001
  - IM-R-01 Powder coated aluminium panels, RAL 7024
  - MS-C 420x42 brick columns - Strategic Multi-Cover or similar
  - MS-R-01 Facing brickwork Strategic Multi-Cover or similar approved
  - MS-01 Strategic multi-paning
  - RF-01 New exterior window or door
  - RF-02 Strategic window or door by threshold or similar approved, colour: graphite grey
  - RF-03 Double glazed powder coated metal external doors and windows - RAL 7024
  - WD-02 Double glazed powder coated metal external doors with 700mm vent panel - RAL 7024

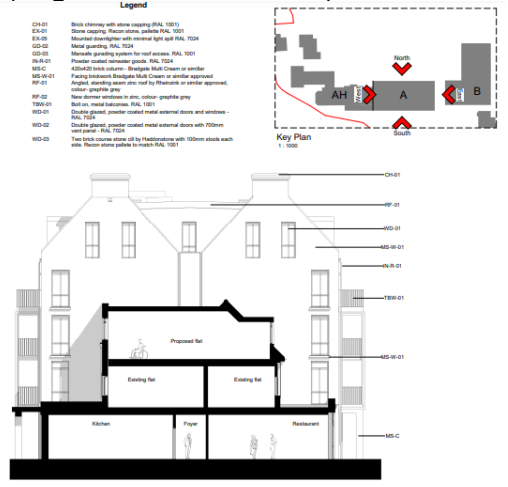
### Proposed Elevations – Alexander House (Drg no. BA9516-2132)



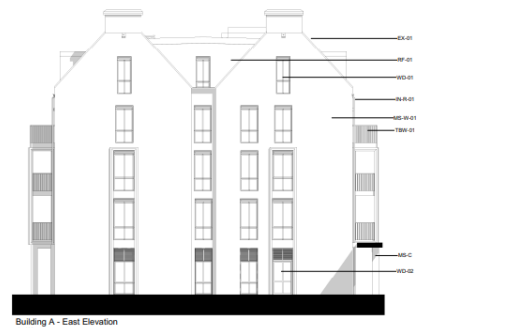
Building A - North Elevation  
1:100



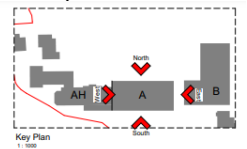
Building A - South Elevation  
1:100



Building A - West Elevation  
1:100

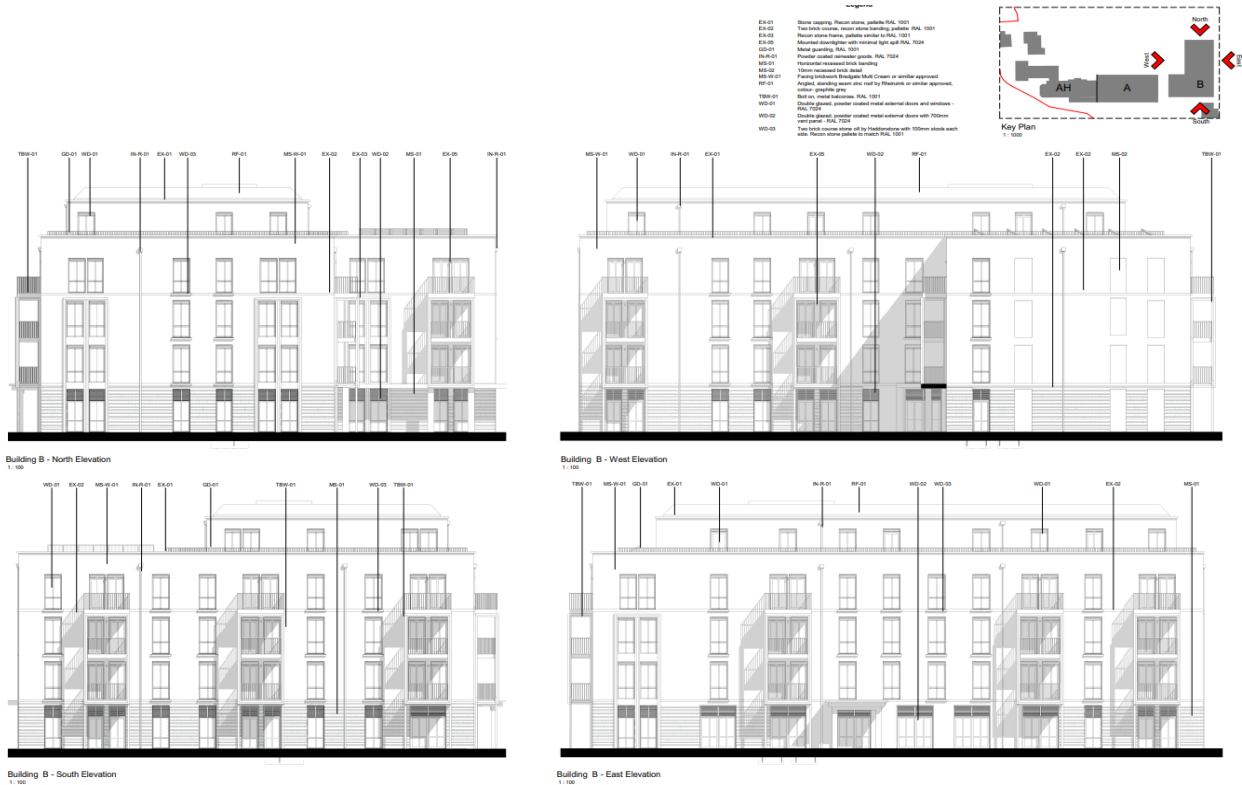


Building A - East Elevation  
1:100



- Legend**
- CH-01 Brick chimney with stone coping (RAL 1001)
  - EX-01 Stone coping, Roman stone palette (RAL 1001)
  - EX-02 Mounted downlighter with recessed light seal (RAL 7024)
  - EX-03 Metal grating, RAL 7024
  - GD-01 Aluminium grating system for roof access, RAL 1001
  - GD-02 Powder coated aluminium grating, RAL 7024
  - MS-C 420x42 brick columns - Strategic Multi-Cover or similar
  - MS-R-01 Facing brickwork Strategic Multi-Cover or similar approved
  - MS-01 Strategic multi-paning
  - RF-01 New exterior window or door, colour: graphite grey
  - RF-02 Ball on, metal balustrade, RAL 1001
  - RF-03 Double glazed powder coated metal external doors and windows - RAL 7024
  - WD-01 Double glazed powder coated metal external doors with 700mm vent panel - RAL 7024
  - WD-02 Two brick courses above sill by habitation with 100mm glass width side, Roman stone palette to match RAL 1001
  - WD-03

### Proposed Elevations – Block A (Drg no. BA9516-2133 Rev A)



Proposed Elevations – Block B (Drg no. BA9516-2134 Rev A)



Proposed Ground Floor Plan - Alexander House and Block A (Drg no. BA9516-2110)

The scheme also includes some minor alterations to Kingfisher Court to provide a platform lift at lower ground and ground floor level to enable better access to the building.

The scheme includes significant landscaping throughout the site. This includes the retention of existing trees and the planting of 77 new trees) and new shrub, hedges, provision of a rainwater garden and wild grass planting. The ornamental gardens would be redesigned and include new planters, croquet court and amenity grassland.

## 6. Planning Policy

National Planning Policy Framework (The Framework) – Dec 2023 iteration

Wiltshire Core Strategy (WCS) 2015 - Relevant policies include: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 7: Spatial Strategy Westbury Community Area; Core Policy 41: Sustainable Construction and Low Carbon Energy; Core Policy 43: Providing Affordable Homes; Core Policy 45: Meeting Wiltshire's Housing Needs; Core Policy 46: Meeting the Needs of Wiltshire's Vulnerable and Older People; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; Core Policy 60: Sustainable Transport; Core Policy 61: Transport and New Development; Core Policy 64: Demand Management; Core Policy 67: Flood Risk

West Wiltshire District Local Plan (1st Alteration) - saved policies  
U1a Foul Water Disposal and C3: Special Landscape Area

### Other Material Considerations

Planning Practice Guidance (PPG)

Wiltshire's Local Transport Plan 2011- 2026

Wiltshire's Housing Land Supply Statement April 2023 (with baseline date of April 2022)

Waste storage and collection: guidance for developers SPD

Winsley Neighbourhood Plan (area designated November 2013)

West Wiltshire Landscape Character Assessment (December 2006)

Cotswolds National Landscape Management Plan 2023-2025

Swindon and Wiltshire Local Housing Needs Assessment Update (LHNA), Volume 2, published in February 2023

## 7. Summary of Consultation Responses

**Winsley Parish Council**: Following submission of amended plans, Winsley Parish Council noted the revisions to the original plans and confirmed that their comments pursuant to the original submission remain valid and maintained their request that this application be determined by the planning committee.

PC Comments (to original submission dated 10/10/23)

**Engagement**: It is appreciated that Avonpark have engaged with residents and the Parish Council in the planning process.

**Visual impact**: The buildings are being developed from 3 to 5 storeys; this could be at least one (if not two) storeys too high. The new buildings would be more obvious when viewed from across the valley.

Proposals for external lighting appear designed to minimise the impact of illumination. However, concerns remain about the impact of illumination of the site across the valley, including lights from the south facing apartments and balconies.

Transport: Improvements to the current access road are welcomed, including moving the bus shelter and widening the road mouth. However, it's felt that difficulties remain because of the site entrance/exit is on to a 50mph road. There appears to be little acknowledgement in the application that the increase in residents would lead to an increase in traffic and parking; it's not clear that this has been fully taken into account or mitigated for.

Connectivity: Proposals could include a pedestrian/cycle/electric disability track from the back of the site into Quarry Close to provide a good and safe access for residents into Winsley.

Environment (birds/bats/trees etc): Whilst it's good that a bat tower and bird boxes will be installed, measures could go further - the applicants could have a long term strategy, including funding, to record and follow the bat and bird (swift/swallow and house martin) populations across the village over the coming 5 years at the least.

Facilities: The floor area for the 'shop' seems too small. There is no provision for a 'multi-faith' room. There is no treatment/examination room which would hugely benefit visiting NHS staff in making good assessments/providing good care. Avonpark residents are seen in Avonpark by the local GP surgery. It is a missed opportunity not to improve the facilities for the GP surgery at Avonpark - it would make things easier both for Avonpark residents and Winsley village residents.

Disruption: There are concerns for the residents who will face many months of significant disruption, and all should be done to mitigate this. Construction companies should have to work to certain guidelines i.e. they need to avoid working after 5pm, before 8am, weekends and all Bank holidays.

**Freshford Parish Council**: - Noting that the Avonpark Retirement Village is in a prominent position on the skyline and is visible from Freshford, Councillors are concerned about the visual impact of the taller building and the impact of light from the site across the valley.

**Wiltshire Council Housing Enabling Team**: No objection. Following the submission of the independent review of the Financial Viability Assessment, The Housing Enabling Team accepted the viability appraisal conclusion that the scheme would not be able to contribute a commuted sum (in lieu of the policy requirement for Affordable Housing).

Initial comments on scheme –

*'From the information received, we note that the proposal is to redevelop the Avonpark Retirement Village at Winsley from its current format (demolishing Hilcrest House/Fountain Place and Alexander Heights) and to erect up to 71 new Extra Care Independent Living Units with communal services.'*

*We can advise that proposals for this type of extra care accommodation (which are commonly classed as C3 but could also be considered as C2 depending on the detail of the scheme) will be expected to provide an Affordable Housing contribution in line with Core Policy 43/45/46 and that affordable housing policies apply to all housing which is self-contained, including extra care and assisted living schemes, where residents have their own self-contained accommodation. As the scheme proposed here appears to fall within this category ie: it is not proposing as a higher dependency/not self-contained living (C2) units eg: a Residential Care Home (providing bedrooms with en-suites only) or as Nursing Home provision, the Affordable Housing policies would, therefore, apply.*

*Wiltshire Core Strategy Core Policy 43 sets out when Affordable Housing contributions will be required and indicates the proportion which will be sought from open market housing development ie: an affordable housing provision of 40% (net) will be sought where there is demonstrable need in this Community Area. Core Policy 45 requires affordable housing to be well designed, ensuring a range of types, tenures and sizes of homes to meet identified Affordable Housing need to create mixed and balanced communities. Core Policy 46 sets out details regarding the provision of new housing to meet the specific needs of vulnerable and older people and promote, wherever practicable, independent living.*

*We can confirm that there is current demonstrable need for Affordable Housing in this community area for Affordable Housing. Proposals for extra care are expected to provide an on-site affordable housing contribution of a tenure/property mix to reflect the housing needs for the area in line with Core Policies 43, 45 and 46. However, in exceptional circumstances the Council may consider an off-site financial contribution in lieu of on-site Affordable Housing provision - i.e.: only where it can be proven that on-site delivery is not possible. This will relate to practical matters of delivery or scheme viability and would need to be robustly justified/evidenced. In such a case, an offsite financial contribution, to the equivalent value of 40% on-site provision, would be sought. We can confirm that, in this instance, an offsite financial contribution would be an acceptable approach.*

*We note that the supporting details acknowledge the requirement for the Affordable Housing policies to be applied to the scheme proposed but consider an off-site commuted sum rather than on-site Affordable Housing be considered due to nature of the scheme and also that the level of the commuted sum be determined based on scheme viabilities.*

*The Housing Enabling Team will provide the offsite commuted sum amount, based on the equivalent value of 40% on-site Affordable Housing provision to current values, to the Planning Officer separately in order that this information can be worked into the viability exercise.*

*I have used details supplied to work out the required commuted sum based on the proposed 71 scheme mix of 7 x 1 beds and 64 x 2 beds and worked out the equivalent policy requirement of 40% as an off-site contribution ( I have attached the workings for your information) to our usual methodology, updated to the current values, which*

*produces the AH commuted sum policy requirement of £1,495,389.05 - which is the figure which needs to be used in the viability exercise.'*

***Where a developer considers that it would not be financially viable to provide all, or part of the affordable housing contribution required by policy, it will be necessary to demonstrate this via a full open book assessment/financial appraisal carried out in line with council procedures. Financial viability details would need to be prepared and submitted to the Council for determination under the council's viability procedures as part of any planning application process.***

**Wiltshire Council Highways Team:** No objection subject to planning conditions.

*'Following additional clarifications and the submission of an amended plan for the proposed crossing point on the B3108, I am now in a position to provide a positive Highway recommendation. As such, I recommend that no Highway objection is raised to these proposals, subject to the following conditions and informative being attached to any permission granted;*

**CONDITIONS:**

*No part of the development hereby permitted shall be first brought into use until the access or turning areas & parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.*

*REASON: In the interests of highway safety.*

*No part of the development hereby permitted shall be first brought into use until the highway works, including the proposed informal pedestrian crossing on the B3108, all as generally indicated on drawing 'Indicative Pedestrian Crossing Point' No. 3486.07, have been completed to the satisfaction of the Local Highway Authority and in accordance with the details shown on the approved plans.*

*REASON: In the interests of highway safety.*

*PLANNING INFORMATIVE: The developer/applicant will be expected to enter into a S278 Highways Agreement with the Local Highway Authority before commencement of the highway works hereby approved.'*

**Wiltshire Council Urban Designer:** No objection.

**Wiltshire Council Landscape Officer:** No objection subject to planning conditions.

The development is situated on an existing retirement village facility located on top of the Murhill Ridge to the Southwest of the village of Winsley. The site is located within the Cotswolds National Landscape and is a prominent location.

Due to its location within the National Landscape the following National and local policies need to be considered:

- NPPF (2023) para 176, Wiltshire Core Policy 51, section 85 of the Countryside and Rights of Way Act 2000, Cotswolds AONB Management Plan and Cotswolds AONB Landscape Strategy

Reviewing the Cotswold AONB/National Landscape Strategy for the 11A Cotswold Dip Lowland Area, the potential landscape implications for this development comprises the:

- Introduction and accumulation of lit areas and erosion of characteristically dark skies.

The Landscape Strategy guidelines goes on to recommend that any development should:

- Conserve the existing dark skies.
- Adopt measures to minimise and where possible reduce light pollution

I would also note other recommendations or relevance here:

- Promote the use of local stone and building styles in the construction of new buildings and extensions to existing dwellings. (New buildings should, at least, respect local vernacular style).

- Ensure new development is visually integrated into its surroundings and does not interrupt the setting of existing settlements. Break up harsh edges of new development with appropriate and adequate tree planting ideally in advance of the development taking place.

The applicants' consultants Stantec have produced a comprehensive LVIA including a review on the impacts of the developments. I appreciate the design philosophy that the team are following with regard to presenting a building that in its scale, form, and materiality matches other similarly large historic residential buildings in the locality (i.e. central large blocks with lower wings on either side). There are even examples given of buildings sitting on prominent hillsides within the LVIA showing how such buildings fit into the wider landscape context.

Whilst I do not have a problem with this from a daytime view perspective as with the maturation of tree planting to the rear of the development the 'skylining' of the development from views to the south would gradually reduce over time, I am still concerned about the nighttime impact.

As noted in the landscape strategy, new development should seek to 'minimise and where possible reduce' light pollution. Reviewing the LVIA and the nighttime photomontages (in particular viewpoints 10 / 11) it is clear that the additional two storeys of lighting within the new main block stands out much more against the skyline than the current scheme even after year 15 particularly in winter.

I feel however, with careful fenestration detailing (with reduced light spill glass / black out blinds and curtains) these impacts can be managed so I am happy for this to be conditioned.

I have no concerns on the planting plans and landscape masterplan.

**Wiltshire Council Ecology Team:** No objection subject to conditions.

**Wiltshire Council Drainage Team:** Supportive subject to conditions.

**Wiltshire Council Public Protection Team:** No objection subject to conditions.

*'We have recommended contaminated land conditions due to the findings of the Phase I Geo-Environmental Desk Study & Preliminary Phase II Site Investigation Report (Wardell Armstrong LLP, September 2022). Due to presence of lead, arsenic and expected asbestos containing materials in the made ground underlying development site, we would request to see further information regarding the contamination, proposed remediation strategy and verification that land is suitable for use at the conclusion of these works/investigations.'*

*As stated in the Environmental Noise Survey (Hoare Lea, August 2023), detailed calculations will be required to be undertaken to determine refined glazing requirements once finalised plans are made available. We would expect to see these before condition can be discharged. A mitigation strategy that includes closed windows for noise without character will only be considered by ECP once all other acoustic mitigation measures have been considered and implemented where possible. In these circumstances, the number of closed windows must be restricted to a minimum of habitable rooms and never for a whole dwelling.*

*The principles of good acoustic design must be followed. We expect that ProPG: Planning & Noise, New Residential Development: Supplementary Document 2 Good Acoustic Design will be followed. Ventilation specification – this shall also include assessment of potential air quality impacts and where mechanical ventilation is being proposed the report shall include design criteria (including ventilation system design, flow rates, an assessment of overheating risk and the combined noise impact of noise break-through from the building envelope and the noise generated by the whole ventilation system inside of the dwelling).*

*We also recommend a Construction Environmental Management Plan (CEMP) is formulated – a plan to identify the steps and procedures that will be implemented during construction to minimise the creation and impact of noise and dust resulting from the site preparation, demolition, groundwork and construction phases of the development.'*



### Hierarchy Level 3 Dwelling layout and orientation

Many potential noise problems can be resolved through the careful design of noise-sensitive premises. The following checklist should be considered as early as possible in the design of a scheme.

Measure	Detail
External dwelling layout	Locate non sensitive uses such as bin stores and garages on the side facing the noise source. Protect gardens with the building structure.
Internal dwelling layout	Avoid windows to habitable rooms such as bedrooms and living rooms facing towards the noise source.
Building height	Consider low rise dwellings that may be better shielded/protected by the topography or screening, or consider location and orientation of taller buildings that may provide screening for other parts of the site.
Innovative design strategies	Consider innovative design strategies including, but not limited to, courtyards, acoustic balconies, and single aspect dwellings to protect sensitive areas.

**Wiltshire Council Climate Team:** No objection subject to conditions

**Wiltshire Council Arboricultural Officer:** No comments.

**Wiltshire Council Rights of Way Team:** Objected. However, it should be noted that the applicant submitted additional information to resolve the PROW team concern and clarified there is no fence proposed around the proposed bat tower and amended its location so as to ensure that the bat tower would not obstruct the public footpath. As such officers are satisfied the scheme would not obstruct the route of the public right of way.

**Wessex Water:** No objection subject to condition.

*'The proposed method of disposal for surface water runoff from the development would be to soakaway and the LLFA have agreed your approach with conditions. On the basis of the above, and that the application will be supported by a drainage strategy that demonstrates surface water runoff, overland flows or land drainage will not be discharged to a public foul sewer either directly or indirectly, we are prepared to remove our objection. This is subject to a suitably worded condition to ensure that we continue to be consulted on surface water strategy should it change from infiltration, to ensure surface water runoff, overland flows or land drainage from the proposed development does not discharge to a public foul sewer either directly or indirectly.'*

**Dorset & Wiltshire Fire and Rescue Service:** No objection subject to a planning informative.

*'In the event the planning permission is granted for this development, the development would need to be designed and built to meet current Building Regulations requirements. The Authority raises the profile of these future requirements through this early opportunity and requests the comments made under B5 of Approved Document B, The Building Regulations 2010 be made available to the applicant/planning agent as appropriate. The assessment of this development proposal in respect of Building Control matters will be made during formal consultation, however early recommendations are identified on the attached schedules and relate to the following areas:*

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010*
- Recommendations to improve safety and reduce property loss in the event of fire'*

**Cotswolds Conservation Board (Cotswolds National Landscape):** *'In reaching its planning decision, the local planning authority (LPA) has a statutory duty to seek to further the statutory purpose of conserving and enhancing the natural beauty of the National Landscape.<sup>3</sup> Further information on this new duty is provided in Appendix 1 below and the Board recommends that, in fulfilling this 'duty to seek to further the purpose', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the following Board publications:*

- Cotswolds National Landscape (CNL) Management Plan 2023-2025 (link);*
- Cotswolds AONB Landscape Character Assessment (link) particularly, in this instance, with regards to Landscape Character Types (LCT) 11 Dip-Slope Lowland within which the site is located and LCT 4 Enclosed Limestone Valley from which the site may be visible;*
- Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance, with regards to LCT 11 (link), including Section 11.2, LCT 4 (link), including Section 4.2;*
- Cotswolds AONB Local Distinctiveness and Landscape Change (link); and*
- Cotswolds National Landscape Board Position Statements (link) with regards to Landscape-Led Development Position Statement (link) and its Appendices (link), Tranquillity Position Statement (link) and the Dark Skies and Artificial Light Position Statement (link) and its appendices (link 1, link 2, link 3).*

*Due to an unusually high number of development management consultations currently, the Board will not be providing a more comprehensive response on this occasion. This does not imply support for, or objection to, the proposed development.'*

**Natural England:** No objection subject to mitigation proposed being implemented

**NHS Wiltshire:** No comments received

## **8. Publicity**

The application was publicised by individually posted notification letters sent to neighbouring/properties within close proximity of the site and erection of site notices. As

a result of this publicity 45 representations have been received. The representations have been summarised as follows:

In support of the development –

- Support development – ‘I hope that the derelict buildings on the site will soon be replaced by this exciting and essential project.’
- ‘We support the proposal and hope that residents of Winsley and beyond will also give their support recognising the aspiration of making Avonpark a resource for the wider community.’
- Modernisation program is supported
- The redevelopment will help to ensure the future viability of the village
- Will provide retirement homes for people from the area

Objecting to the development –

- Should provide habitat for swifts and other species that can adapt to the built environment
- Noise and dust during construction
- Stress to local/ vulnerable residents
- Units already unoccupied
- Adverse impact on landscape
- Dominate/ adverse impact on skyline
- Detract from the enjoyment of this area of outstanding natural beauty
- Buildings are taller, have an urban aesthetic which would be out of character
- Adverse impact on AONB/ adverse visual impact/ development would be incongruous and imposing
- Loss of rural character
- Increase in light pollution
- Negative impact on bat population/ local wildlife
- Increase in vehicle traffic/ car dependent scheme and access problems
- Contravenes requirements of the Cotswold AONB Management Plan
- Contravenes Wiltshire Council Character Assessment Landscape Type 10
- Density of the proposed buildings is too high
- Poor management of the existing trees/ removal of trees
- Adverse impacts on local health facilities/ already stretched infrastructure
- Poor/ limited consultation process
- Distinctive nature of villages should be retained
- Submitted documents are confusing
- Loss of care on site
- Poor design/ overdevelopment of site/ increased urbanisation
- Lack of parking on site
- Designed to maximise future revenue
- Proposed restaurant/cafe facility is not big enough
- No treatment room for GP
- No dedicated faith space

## 9. Assessment

### 9.1 Principle of Development

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

Adopted Wiltshire Core Strategy Core Policy 46 titled '*Meeting the needs of Wiltshire's vulnerable and older people*' states the provision of residential homes for older people will be supported where there is an identified need, within settlements identified in Core Policy 1 (normally in the Principal Settlements and Market Towns) where there is good access to services and facilities. In exceptional circumstances, the provision of specialist accommodation outside but adjacent to the Principal Settlements and Market Towns will be considered, provided that:

- a genuine, and evidenced, need is justified;
- environmental and landscape considerations will not be compromised;
- facilities and services are accessible from the site; and
- its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement

The proposed development at the existing Avonpark retirement village benefits from a well-established C2 land use. Notwithstanding the fact that the care element has ceased operating recently, the principle of the use of the site for extended care home purposes remains extant.

The application is accompanied by a report titled 'Specialist Housing Need for Older People in Wiltshire and was produced by STANTEC and dated Aug 2023. The report reviews the local drivers of need and demand for specialist housing for older people in Wiltshire and provides an assessment of local requirements.

The report concludes that in common with demographic trends across England, Wiltshire's older population (residents aged 65 and over) is growing significantly. In 2021 Wiltshire's older residents (65 and over) accounted for 22% of the total population. Over the 20-year period 2021 to 2041, Wiltshire's older population is projected to grow and account for 29% of the total population.

The most recent assessment of specialist housing for older people prepared on behalf of the Council is set out in the Swindon and Wiltshire Local Housing Needs Assessment (LHNA), Volume 2, published in February 2023. This report identified a substantial need for older peoples housing over the period 2016 to 2036 at over 8,500 units in Wiltshire.

Core Strategy Policy CP46 acknowledges that '*Wherever practicable, accommodation should seek to deliver and promote independent living.*' Whilst it is recognised that the proposed development would involve the loss of care bed facilities and a shift away from

the institutional care home model to the provision of new purpose-built accommodation that would provide another form of specialist accommodation designed for older people.

The proposed modern extra care housing is characterised by accessible dwellings, and the scheme provides a range of on-site supportive services and registered care support offering a 24/7 service, available to all residents who require personal care.

The type of housing proposed includes homes for elderly residents with disabilities and those with long-term health problems who require specialist housing.

The submitted specialist housing needs study concludes that the current supply of specialist housing for older people (comprising both sheltered and housing with care elements) is insufficient to meet current and future needs.

It is therefore considered a genuine and evidenced based need has been justified for the proposed scheme. However other policies need to be appraised as detailed below.

## 9.2 Site/Scheme Viability

Adopted Core Policy 43 of the WCS sets out when affordable housing contributions would be required and indicates the proportion which will be sought from open market housing development, and for this part of Wiltshire, there is an affordable housing policy requirement to secure 40% (net) provision where there is demonstrable need in the Community Area.

Adopted Core Policy 45 requires affordable housing to be well designed, ensuring a range of types, tenures and sizes of homes to meet identified Affordable Housing need to create mixed and balanced communities. Core Policy 46 sets out details regarding the provision of new housing to meet the specific needs of vulnerable and older people and promote, wherever practicable, independent living.

The current scheme will be expected to provide an Affordable Housing contribution in line with the above policies (affordable housing policies apply to all housing which is self-contained, including extra care and assisted living schemes, where residents have their own self-contained accommodation). The housing enabling team has confirmed that there is a demonstrable need for affordable housing in this community area.

Proposals for extra care are expected to provide an on-site affordable housing contribution of a tenure/property mix to reflect the housing needs for the area. However, in exceptional circumstances the Council may consider an off-site financial contribution in lieu of on-site Affordable Housing provision - i.e.: only where it can be proven that on-site delivery is not possible. In such a case, an offsite financial contribution, to the equivalent value of 40% on-site provision, would be sought.

The application is however accompanied by a Financial Viability Assessment (FVA) produced by Newsteer dated Aug 2023. The FVA concludes (within paragraph 7.1) that –

*‘Based upon the findings herein the proposed scheme contained within the application produces a Residual Land Value below what is considered an appropriate Benchmark Land Value for this type of development whilst adopting an appropriate developers return in accordance with published guidance on the financial viability in planning process.’*

The FVA by Newsteer was reviewed by a third party, BPS Chartered Surveyors (dated 22 March 2024) and conclude (within paragraph 1.6) that –

*‘The FVA prepared by Newsteer, dated August 2023, concludes that the scheme currently shows a negative residual value of approximately ██████\*. We have more recently been provided with a cost plan superseding the information contained in the FVA. In consequence of this, Newsteer has also provided an updated Appraisal dated 16th of February 2024, which shows that the residual value of the scheme has further decreased to a negative figure of ██████\* as a result of the increase construction cost estimate. On this basis, no affordable housing can viably be offered.’*

\*figure redacted by officers due to the confidential nature of the Viability Assessment

In recognition of the substantial negative costs of the proposed development, as detailed above, no commuted financial contribution towards affordable housing can viably be offered.

Following the conclusion of the independent assessment of the viability assessment, the applicant was invited to provide a further supporting statement in recognition of the net loss the development would generate. The statement is reproduced below.

*“...In order to assist the Council, I would point out that RVG is an operator of retirement communities created in 2017 when it purchased a business which owned Avonpark amongst a number of others. In doing so, it took on an existing set of circumstances and an obligation to Avonpark’s residents, many of whom are leaseholders. It made a commitment to them. The redundant care home floor space leaves a physical hole at Avonpark and necessitates changes to how amenities and services are provided, both physically and financially. The proposals as represented in the planning application are the most commercially viable RVG has been able to arrive at following an extensive iterative process. In short, RVG does not have the luxury of doing nothing and the proposals are the best solution, **so RVG proposes to bring them forward irrespective of the fact that they are commercially unviable in the terms of a planning FVA...**”.*

The applicant continues –

*'We would also note that these types of schemes are long term businesses for the operator which will seek to come to a more positive financial position in the years to come than that reached at the post-development stage.'*

*Clearly the improvements to the scheme now being proposed will have significant social benefits to the current residents and new ones to come. They will also make the business more viable moving forwards.'*

A full copy of the applicants agreed viability position is attached within Appendix A – which is attached to this committee report.

### 9.3 Housing Land Supply (HLS)

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 against a 5 years supply. This situation will remain for a period of two years from the publication date of the revised NPPF.

The Council's most recent Housing Land Supply Statement [HLSS] (published May 2023; base date April 2022) sets out the number of years supply against local housing need as 4.60 years. This changed to 4.59 years following a more recent appeal decision. These figures exceed the 4-year threshold now applicable to Wiltshire, and this means that the relevant policies of the WCS are considered up-to-date and that the planning balance is 'level' rather than 'tilted'. In terms of paragraph 11 of the NPPF, for decision making part 11(c) is now relevant.

As such, with a level balance the weight to be given to the housing delivery policies of the WCS, notably CP1 and CP2, has reverted to substantial.

As referenced above, this proposal would comprise a redevelopment of the existing Avonpark care village site, and through the detailed assessment and acknowledgement of housing need and the delivery of specialist new accommodation, this application is supported by officers in accordance with the adopted Wiltshire Core Strategy and the NPPF.

### 9.4 Impact on Openness of the Green Belt

The site is located in the Green Belt. NPPF Paragraph 142 states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open; and that the essential characteristic of Green Belts is its openness and permanence. In terms of openness, there does however need to be a full understanding about pre-existing baseline conditions for previously developed site, such as Avonpark.

NPPF Paragraph 152 clarifies that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 153 stresses that *"when considering any planning application, local planning authorities should ensure the substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations"*.

Paragraph 154 directs that the construction of new buildings in the Green Belt should be considered as 'inappropriate development', unless the proposals satisfy the exemptions set out within pages 44 and 45 of the NPPF. The exemptions *inter alia* includes, 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces' (criteria d); and g)) 'limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness or the Green Belt than the existing development, or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.

In this case the development consists of the demolition of two buildings which would be replaced by 2 new buildings as well as the refurbishment of a third building.

The application is accompanied by a Landscape, Visual and Green Belt Impact Assessment produced by STANTEC UK and dated Aug 2023 which represents a comprehensive assessment, and is supported by officers.

The proposed development would involve the demolition of (two) two/three-storey buildings resulting in the loss of 16,539m<sup>3</sup> of cubic volume and 4,320m<sup>2</sup> of floorspace. The erection of the two new buildings referenced as Blocks A and B along with the proposed loft conversion and extension of Alexander Hall would result in an increase in cubic volume of 26,117m<sup>3</sup> and a floorspace increase of 8,670m<sup>2</sup>. This would result in an approximate 58% increase in volume and a 99% increase in the overall floorspace (although it should be noted that the floorspace increase for Alexander Hall is due the conversion of the loft space to provide a third floor).

#### **Volume to be demolished**

Alexander Heights – 9,443m<sup>3</sup>  
Fountain Place/ Hillcrest House – 7,096m<sup>3</sup>  
Total = 16,539m<sup>3</sup>

#### **Volume to be constructed**

Alexander Hall – 791m<sup>3</sup> (total increase)  
Block A – 10,177m<sup>3</sup>  
Block B – 14,283m<sup>3</sup>  
Plant enclosure – 845m<sup>3</sup>



Bat tower (mitigation measure) – 21m<sup>3</sup>  
Total = 26,117m<sup>3</sup>

**Floorspace lost due to demolition (gross external)**

Alexander Heights – 2,300m<sup>2</sup>  
Fountain Place/ Hillcrest House – 2,020m<sup>2</sup>  
Total = 4,320m<sup>2</sup>

**Floorspace gained (gross external)**

Alexander Hall (extending into existing loft space at third floor level) – 565m<sup>2</sup>  
Building A – 3,820m<sup>2</sup>  
Building B – 4,285m<sup>2</sup>  
Total = 8,670m<sup>2</sup>

The height of proposed Block A would be 16.7 metres (excluding chimney stacks), while the height of building Block B would be 17 metres resulting in an increase in height of the development by between 5 and 6 metres over that of the existing three storey buildings (which are between 10.8 and 11.2 metres).

In terms of the existing arrangement, the footprint of the buildings to be demolished amounts to 1,878 sqm while the proposed development would have a footprint of 1,808 sqm, representing a very minor decrease in the building footprint overall.

In terms of the visual impact of the development, from the immediate south, the steep topography and the dense Murhill woodland limits views of the site to mainly Alexander Hall. Further away from the site, mid and long-range views are gained from the south across the river valley in and around Freshford, Limpley Stoke and Upper Westwood – which picks up the south facing elevations as detailed below.



EXISTING: Baseline View from The Tyning Road, Freshford looking towards the site



PROPOSED: Photomontage View from The Tyning Road, Freshford looking towards the site - planting shown as year 1



PROPOSED, ZOOMED IN: Photomontage View from The Tyning Road, Freshford looking towards the site - planting shown as year 1

Existing and Proposed Views during Winter (top 2 panels) with a zoomed in view – bottom panel – from Tyning Road, Freshford looking north towards the site

Where visible, the existing buildings within the site are seen on top of the valley, in a well wooded setting. The visual impact of the scheme, as seen from the south of the site beyond Freshford and to the west at Limpley Stoke, would not be significant. Although it is recognised there would be a visual impact on the openness of the Green Belt, due to the increase in height of the buildings, the development would be viewed alongside existing development on site and against the backdrop of the tree lined quarry ridge to the rear of the site (as detailed below).



EXISTING: Baseline view from Crowe Hill, Limpley Stoke



PROPOSED: Photomontage View from Crowe Hill, Limpley Stoke- planting shown as year 1



PROPOSED, ZOOMED IN: Photomontage View from Crowe Hill, Limpley Stoke - planting shown as year 1

Existing and Proposed Views during Winter (top 2 panels) with a zoomed in view shown in the third panel – looking north from Crowe Hill, Limpley Stoke

Views of the site from the north are limited, and principally from the open space to the north of the site, along the B3108 and from public footpath WINS17 adjoining the site. Where the site is seen, filtered views of the existing upper storeys and rooflines are obtained through the emerging woodland belt above the north face of the quarry and between existing mature vegetation adjoining the existing car park.

Although the proposed new 5 storey buildings would be more prominent when viewed from the open space to the north of the site, and from the highway whereby the additional floors would be visible, the site and new development would still benefit from some filtered views by existing trees, and the new proposed tree planting would help reduce the urban mass over time, as the trees mature.



EXISTING: Baseline View from Winsley Hill Road towards the site



PROPOSED: Photomontage View from Winsley Hill Road towards the site - planting shown as year 1



PROPOSED, ZOOMED IN: Photomontage View from Winsley Hill Road towards the site - planting shown as year 1

Existing and Proposed Views during Winter (top 2 panels) with a zoomed in view shown in the third panel (above) – taken from Winsley Hill Road looking south towards the site

The existing topography, notably the quarry landform, in combination with the dense woodland significantly limits views of the site from the east. There are filtered views of the site from the west, obtained along Winsley Hill as well as the public footpath WINS17, that mainly relates to Alexander Place. However, with the support from the Councils landscape officer and Natural England, officers have concluded that the visual impact of the development on the openness of the Green Belt when viewed from the east or west would be minimal.

When viewed from the south, the proposed development would continue to be seen against the backdrop of the existing quarry wall and woodland and given the well-established built-form, and the existing buildings being seen on the hilltop, the elevated form of the new proposed development, would not appear harmful; and the fundamental character of this part of the Green Belt would not demonstrably change. The development would result in taller buildings, but the character and openness of the Green Belt would not be detrimentally affected.

It is also important to appreciate that although the new proposals comprise a 5<sup>th</sup> storey within Building Block A, it would be set back with a double pitch configuration, that would help reduce its massing effects. Likewise, the fifth floor of Building Block B would also be set back from the main elevations, reducing the overall visual impact of the buildings as detailed in the section drawings below.



Proposed section though Building A



### Proposed section through Building B

With respect to visual impacts, officers are satisfied that the openness of the Green Belt would not be harmed given the extent of site containment, the woodland setting, the filtering offered by existing (and proposed) tree planting and recognising that the application proposal does seek to demolish redundant or underused 3 storey buildings utilising brownfield land, and given the significant specialist housing needs, officers conclude that the revised scheme is supported by policy and is consistent with the essential terms of the NPPF.

It is equally important to appreciate that NPPF paragraph 154 criteria d, does not preclude larger new development replacing existing buildings. The 'test' rests upon whether a new development would be 'materially larger than the one it replaces'. The NPPF does not prescribe what is meant by 'materially larger', which means, it is a decision for the Council to make based on a full understanding of the baseline impacts and being fully cognisant of how the new development would integrate with its surroundings; and that can only be fully appreciated by a site visit – which officers strongly encourage elected members to attend prior to the committee meeting, to see for themselves the site at close quarters as well as being viewed from various public vantages in the local area.

Officers fully accept the proposals would result in a larger built form, but through the various assessments and receipt of revised and additional submissions, the scheme is considered acceptable, and would not be in conflict with NPPF chapter 13 and paragraphs 142 and 154.

Officers respectfully argue that this application requires a qualified understanding on the material effects, and to assist the elected members before convening as the western area planning committee, an officer lead site visit shall be offered.

Should members not be convinced by the above conclusion in terms of the visual or spatial effects of the proposed development, due regard must be given to any 'very special circumstances' to which NPPF paragraph 152 refers.

As with the visual and spatial impact assessment, planning judgement is required in terms of applying weight to the relevant economic, social and environmental benefits of the scheme – which the following section refers to.

1. Economic Benefits – The development would provide approximately £493,000 in CIL payments to the Council to fund new local infrastructure projects. In addition, there would be some short-term benefits during the construction phase of the development; and post construction, there would be employment opportunities for the new supporting services. Cumulatively these benefits can be given significant weight.
2. Social Benefits – Notwithstanding the viability conclusions, the scheme would provide a net increase of 71 specialist care units for the elderly at a time when there is a significant demand, which is projected to increase in the future. In addition, a new bus stop along Winsley Hill Road opposite the site access has been negotiated with some improvements to the site access (which are covered in more detail in the highway impact section of this report). These benefits can also be given significant weight in the determination.
3. Environmental Benefits – The development would provide a Biodiversity Net Gain (BNG) that would result in a 33.07% increase in new habitat and 28.35% increase in hedgerow provision (which are covered in more detail in the ecology impact section of this report). The scheme would also deliver 77 additional trees and new shrub planting, new hedgerows, provision of rainwater garden and wild grass planting. The existing ornamental gardens would be redesigned and include new planters, croquet court and amenity grassland. These benefits can also be given significant weight in the determination.

Whilst it may be argued that the above listed economic, social and environmental factors individually do not represent 'very special circumstances', officers argue that cumulatively they have sufficient weight and represent 'very special circumstances' that would counter any opposition to the additional bulk/mass of the proposed development through the additional 2 storeys, and as such, should members reach the view that the proposal is 'inappropriate development' when tested against NPPF para 154, NPPF para 152 requires those very special circumstances to be fully appreciated as part of any planning judgement and decision.

**As far as officers are concerned, the development accords with national policy as set out within the NPPF, and in particular paragraphs 142, 152 and 154, and that the scheme should not be considered inappropriate development that would harm the openness of the Green Belt.**

## 9.5 Impact on the character of the area/ Cotswolds National Landscape

Adopted WCS Core Policy 51 states 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.

Adopted WCS Core Policy 57 requires a high standard of design in all new developments and states that development should respond positively to the existing townscape and landscape in terms of building layout, built form, height, mass, scale, building line, plot size, design, materials and streetscape.

NPPF Paragraph 180 states that planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

The application site is relatively well-contained. Open fields adjoin the site to the north, east and west, with the land to the immediate south forming part of the Murhill Ridge Woodland. Immediately to the north of the site is a football pitch which is outside of the applicant's ownership.

The application is accompanied by a Landscape, Visual and Green Belt Impact Assessment produced by STANTEC UK and dated Aug 2023 which was subsequently supported by an addendum dated January 2024 along with a suite of proposed landscape planting and arrangement plans.

The 3.7ha site comprises a range of built forms from single storey to three storey buildings with considerable footprints, and extends east-west to about 325 metres. The site has datums of between 120-125metres (AOD). The site steps up to the east forming a small plateau, where properties known as Avon Heights are located. The remainder of the site is essentially flat and is contained by the quarry wall to the north and the steep valley slope of Murhill to the south. The distinctive quarry wall is typically hidden by existing buildings when viewed from the south. The buildings on site include blocks of varying ages and styles up to 3 storeys of 12m height. Within close proximity to the largest of the existing buildings on-site, there is an ornamental garden to the south of Hillcrest House which would be improved and adapted as part of the new scheme.

Beyond the site's immediate woodland surroundings, the topography changes dramatically as one travels further westward and southward, although there are small blocks of woodland and orchards present. The plateau, to the north of the site, typically has a more open vegetated structure, where walls form field boundaries instead of hedgerows. Directly to the north of the site along the quarry face, is a belt of mixed woodland. There are also a number of trees within the site, and these include the protected beech and sycamore and numerous ornamental specimens including some non-native coniferous species on the southern terrace.

The submitted Landscape and Visual Impact Assessment (LVIA) recognises that the landform of the site is considered to be of medium-high value while the evergreen and deciduous planting throughout the site, some of which is uncharacteristic of this area, is considered to be of medium value. The ornamental garden open space provides space for activities by local residents and enables views across and, in some cases, beyond the site and assists in separating the built form from the adjacent landscape.

However, the design of the gardens lacks overall coherence in the planting design approach and is considered to be of medium value.

Although the site is part of the wider Cotswold National Landscape and features a distinctive landform pattern, it comprises built forms that are not in keeping with the vicinity, due to the articulation, massing, roofscape, colour and materiality. As such the site and its immediate context are considered to be of medium value.

The submitted LVIA provides the evidence that views of the site from the north are limited to near distances, principally within the open space to the north of the site along the B3108 and from public footpath WINS17 adjoining the site. Where the site is seen, only densely filtered views of the upper storeys and roofline of existing buildings are obtained through the emerging woodland belt above the north face of the quarry or between existing mature vegetation adjoining the existing car park.

The existing topography, notably the quarry landform, in combination with further dense vegetation, prevents views of the site from the east. There are filtered views of the site from the west, mainly of Alexander Place, and are obtained along Winsley Hill as well as the public footpath WINS17.

From the immediate south, the steep topography and the dense woodland limits views of the site to mainly Alexander Hall.

Further from the site, a number of views are obtained from the south across the river valley in and around Freshford, Limpley Stoke and Upper Westwood of the south facing building elevations. Where visible, the existing buildings are seen on top of the hilltop amidst a heavily wooded setting. Photo views from south of Freshford and from the north adjoining Winsley Hill Road are included within early sections of this report.

Although it is recognised that the additional 5m height of the two proposed new buildings (namely Blocks A and B) would increase the visual perception of these buildings in this landscape setting, the vertical scale of the development, and some design mitigation measures are proposed to alleviate the visual effects.

The mitigation measures include the setting back of the fifth floor for Block B and set back the position of the fifth floor for Block A and use dormer windows in order to provide articulation in the roofscape. These features would assist in breaking up the massing of the buildings on the skyline, and avoid the perception of a continuous monolithic roofline.



In addition, the new proposed built form would typically continue to be lower than the prevailing existing skyline formed by the canopy trees/woodland on the plateau edge.

When viewed for the north on the footway flanking Winsley Hill Road, the increase in built form would be viewed through the existing wooded area north of the quarry edge (to be retained and enhanced) and during the summer this would be limited to the roofscape of the buildings only. When viewed from the west the development would be barely visible and where seen, the increased vertical scale of the development would be seen in the context of the existing built form. When viewed from the south and southeast and in particular from Freshford and Limpley Stoke, the replacement buildings would be seen against the substantial woodland on the north quarry edge and seen within the context of the existing built form of the site.

A nighttime appraisal was undertaken in February 2023, to identify the existing light sources that form part of the character of the night sky in the area within and surrounding the site. In addition, a Lighting Design assessment undertaken by Hoare Lea dated January 2024 was completed.

The site is of course, developed with some significant buildings that are used/inhabited and there is a significant range of light sources, most notably external lighting associated with access routes, building frontages and car parking; as well as the softer lighting emitted through windows.

The appraisal concludes that the character of the night sky in landscape in the vicinity of the site, is of medium value owing to the National Landscape designation.

Although the proposed development is of a larger vertical scale than the existing built form and has more window openings, the exterior lighting design proposals aim to minimise upward light pollution and homogenise the colour temperature of the lighting across the site to warmer tones from the existing harsher cooler tones. These measures would bring about some betterment and limit the perceived glare and light spill beyond the site boundary and reduce light spill onto the buildings within the site. It would also limit sky glow and furthermore, the introduction of new planting would filter the perceived light on the ridgeline.

In terms of the light spill comments provided by the Council's landscape officer, the introduction of reduced light spill glass and use of black out blinds and curtains would robustly mitigate against harmful effects. As such a planning condition is recommended to require the submission of the mitigation details for the Council to approve in writing prior to the development being brought into use and that the said mitigation measures are maintained for the lifetime of the development.

With the implementation of the planning condition, the impact of the development on the night sky would be mitigated.

It should be noted that the submitted LVIA does conclude that the only adverse effects from the increased height and bulk of the replacement buildings are anticipated from near distances to the north when the site is viewed from public footpath WINS17. However as stated above the replacement buildings have been designed to break up the vertical and horizontal scale and views of the development would be reduced by additional tree planting along the northern quarry ridge.

The scheme also includes the enhancement and retention of trees on site, the planting of 77 new trees throughout the site, new shrub & hedgerow planting, creation of a rainwater garden and wild grass planting. The ornamental gardens would also be redesigned and include new planters, croquet court and amenity grasslands – as detailed on the landscape arrangement plan below.



Landscape General Arrangement Layout Plan (Drg no. BL-LD-101 rev C)



Proposed landscape plan – southern area (Drg no. BL-LD-103 rev C)

**Although the proposed replacement buildings would be visible from the valley to the south, from the southeast and from the highway to the north, on balance, the development would not intrude negatively on the protected landscape. The proposed development complies with local and national policy.**

#### 9.6 Impact on the amenity of adjacent neighbouring residents

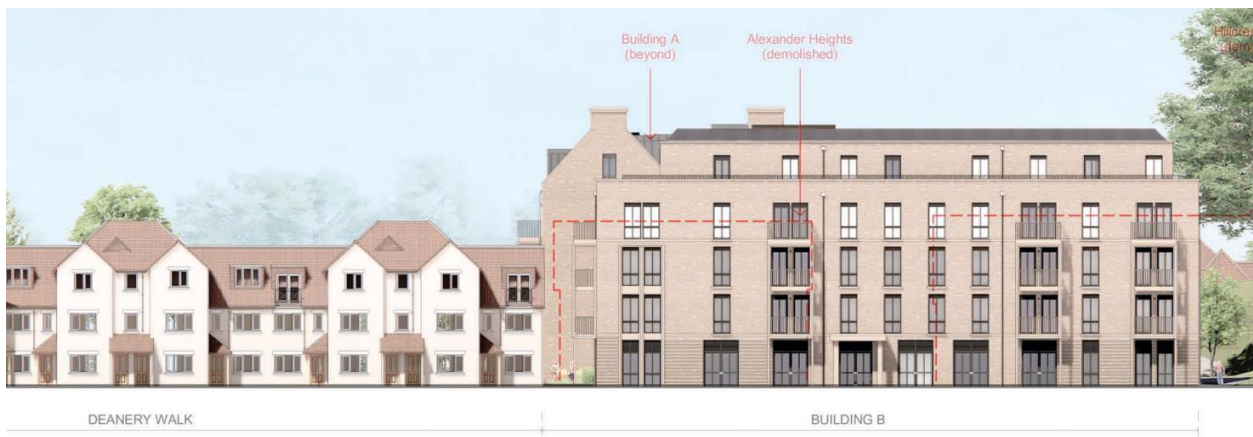
Adopted WCS Core Policy 57 requires a high standard of design in all new development that is required to have regard to the compatibility of adjoining buildings and uses and the impact on the amenities of existing occupants including the consideration of noise, odour and light pollution.

It is recognised the scheme would have some impacts on existing residents within the site in terms of noise and general disturbances during the construction phase of the development. However, officers are satisfied that subject to the submission of an appropriate Construction Management Plan prior to commencement of demolition works, the Council would need to agree to the working practices, working hours and impose any necessary mitigation measures to limit the impact of the construction works on local residents.

The nearest residents to the development are located at Alexander Place, Kingfisher Court and the units fronting Deanery Walk (and in particular no's 1 to 6 Deanery Walk). It is not however considered that the erection of Block A would have a harmful impact on

the amenity of the adjacent neighbours in terms of loss of light/ overshadowing due to the location and juxtaposition of the new development in relation to existing adjoining neighbours and in particular the future residents of Alexander House.

The erection of Block B would have some impact on residents of 1 to 6 Deanery Walk through some loss of light/ overshadowing effects. However, the position of Block B would be located behind the eastern elevation of Deanery Walk which would be located directly south of the replacement building. The building would also be positioned further north than the existing building identified for demolition. Although there would be some loss of light, it would be temporary in the latter part of the day as the sun moves east to west, with the level of overshadowing not being considered so harmful as to warrant a recommendation for refusal.



Replacement Block B in foreground and relationship with the on-site properties fronting Deanery Walk

The nearest other residential properties to the site (excluding the on-site residents) are located to the east of the site off Quarry Close (and over 170 metres from the proposed replacement building block B), and approximately 110 metres to the south off Murhill and approximately 75 metres to the southwest, at Murhill.

**Due to these separation distances and intervening buildings and topography, it is considered the scheme would have no adverse impact on the amenity of neighbouring residents in terms of overlooking/ loss of privacy or overbearing impact.**

#### 9.7 Ecology Issues

Adopted WCS Core Policy 50 requires 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.

Paragraph 186 of the Framework states if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or compensated, then planning permission should be refused.

The application site is located within a consultation zone for bats associated with the Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and therefore has the potential to result in significant adverse impact on the special features of that site.

As part of their assessment of the application, the Council's ecologist completed a Habitat Regulations Assessment (HRA) under Section 63 of the Habitats Regulations (acting as the Competent Authority) to determine the potential significant effects and the suitability of any measures proposed to avoid or mitigate those effects.

The application is also accompanied by an Ecological Impact Assessment produced by GE Consulting dated Jan 2024, a Shadow Habitat Regulations Assessment by GE Consulting dated December 2023 and a Lighting Design Assessment by Hoare Lea dated January 2024.

The ecology surveys confirm the presence of roosting bats within two buildings on site (Alexander Heights and Alexander Hall), this comprised day roosts for common pipistrelle, soprano pipistrelle, serotine and brown long-eared bat. Alexander Heights was also found to support a night roost for lesser horseshoe bats. Bats were also found to use the site for foraging.

The ecology report makes a series of recommendations within Section 5 pursuant to the precautionary measures to be implemented as part of the development to ensure that the protected species are not adversely impacted by the works.

These include avoidance measures, recommendations for sensitive lighting during construction and operation, and compensation for the loss of bat roosting and bird nesting habitats – with the following mitigation and enhancement measures being identified and recommended in the ecology report (and as detailed in the suite of plans) –

- A bat tower which will be designed to provide opportunities for bats (including SAC species; lesser horseshoe, greater horseshoe and Bechstein's bat), barn owl and other nesting birds
- Bat boxes for crevice dwelling bats on the western and eastern gables of the proposed Block A building.
- Bird boxes on retained trees and on the bat tower
- Habitat piles/hibernacula for common reptiles
- Hedgehog houses
- Enhancement of existing habitats and new planting designed to enhance biodiversity and benefit foraging bats, invertebrates and birds



Ecological Mitigation and Enhancement Plan (Drg no. 1519-EclA-F5)

In terms of Biodiversity Net Gain (BNG) the proposed development footprint is largely confined to an area with existing buildings, hardstanding and areas of ornamental planting. The submitted Biodiversity Metric indicates that the proposals would result in a 33.07% (5.48 units) increase in terms of habitat and 28.35% (0.84) increase in hedgerow units, which is supported by the Councils ecologist, Natural England and planning officers.

**Subject to the above mitigation measures being conditioned on any approval there are no objections to the scheme from the Councils ecology team or Natural England.**

### 9.8 Highway/ Access/ Parking - PROW Issues

Adopted WCS Core Policy 61 seeks to ensure that all new development is capable of being served by a safe access to the highway network. Core Policy 64 sets out to manage the demand for parking and sets residential parking standards based on minimum parking standards.

Paragraph 115 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The application is accompanied by a Transport Assessment produced by Peter Evans Partnership and dated Aug 2023. The Assessment considers the accessibility of the site by car and non-car means. It provides an assessment of the transport and highway related matters associated with the care home facility and identifies the transport implications of the proposals on existing traffic and safety conditions.

The redevelopment site is part of the Avonpark Village retirement accommodation and care facility which comprises a number of buildings and dwellings across the wider site. The existing accommodation includes some 89 self-contained apartments, bungalows and houses for independent living and some 85 serviced care bedrooms. Access to Avonpark Village is provided at a priority junction off the south side of the B3108 Winsley Hill. The internal driveway continues south from the access into the main part of the site and connects to a number of internal side roads that link to the accommodation and communal buildings and car parking. Car parking with a total of 130 car spaces is provided across the wider site located in a mix of a main car park on the north side of Avonpark and parking courts, individual parking bays and garages adjacent to buildings. The nearest bus stops to the site are provided on Winsley Hill adjacent to the site access.

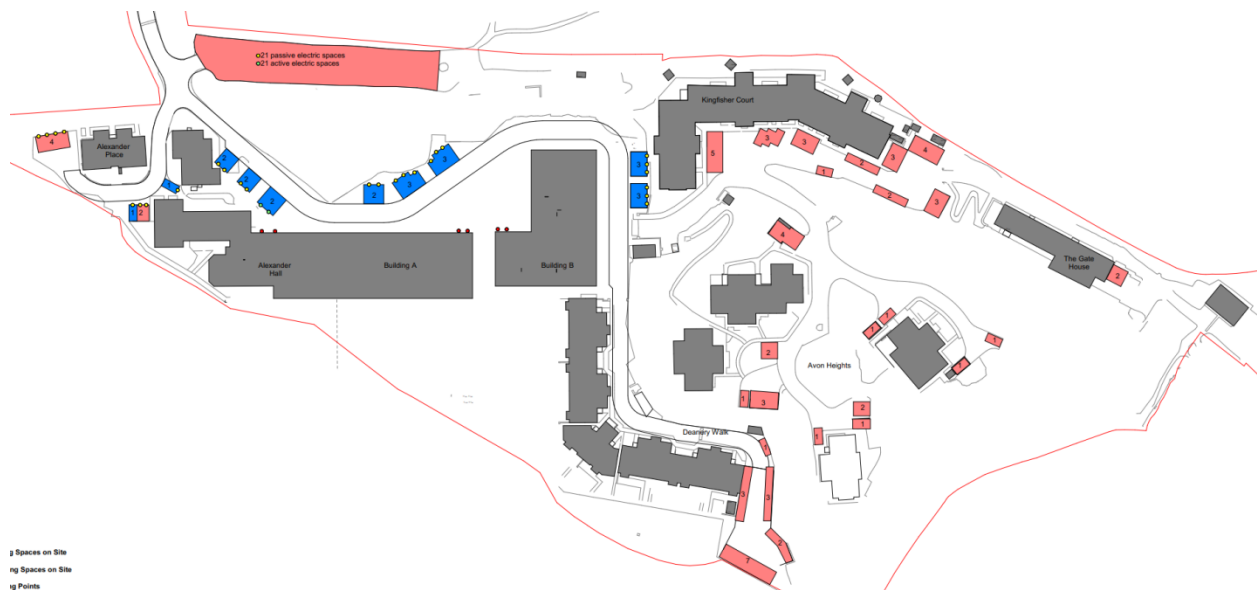
The net increase in retirement flats comprises 71 units to provide a total of 160 units across the Avonpark site with all of the 85 previous care home units being removed from the site. Approximately 10 additional staff are likely to be employed which would take the total to some 33 staff.

The existing vehicular access off Winsley Hill and initial section of the internal road past the main car park and adjacent to Alexander Place and Alexander Hall would be retained. The road through the main part of the site would be diverted along a new 5.5m wide section of road around the northern and eastern sides of the new buildings and reconnect to the existing roads serving Kingfisher Court/Avon Heights/The Gate House and Deanery Walk. An area for dropping-off/collecting staff, visitors and residents as well as for receiving goods would be provided off the new road section adjacent to the proposed main building entrance.

A section of shared space pedestrian route would be delineated along the road from the main car park, adjacent to Alexander Place and a number of parking bays to the new main building entrance. Sections of new footway are proposed alongside the diverted road and along a covered walkway adjacent to the new buildings to connect to the existing footways on Deanery Walk. A separate footpath between the new buildings would provide a pedestrian route to the retained gardens. A new stepped footpath is also proposed as a pedestrian route between the eastern end of the main car park and the ground floor level of the new buildings.

The existing main car park and parking courts/bays at Alexander Place, Kingfisher Court, The Gate House, Avon Heights and Deanery Walk would be retained for ongoing resident, staff and visitor use. Some 22 car spaces are proposed as part of the redevelopment scheme with two new bays added in the Alexander Place parking court and the remainder provided as perpendicular bays off the diverted access road. Eight of the bays nearest to the new buildings would be designed for disabled use. A total of 132 spaces including the eight garages at Avon Heights would therefore be provided across the site.

The use of the car parking for residents, staff and visitors would continue unrestricted as is currently permitted.



Proposed Parking Plan (Drg no. BA9516-2171)

Electric vehicle charging points are proposed at 21 of the car spaces in the main car park and an additional two parking bays near the main entrance to Building Block A. The necessary EV Infrastructure shall also be installed for 21 spaces in the main car park and 26 spaces at Alexander Place, Alexander Hall, Block A and Block B to allow for future connections subject to demand.

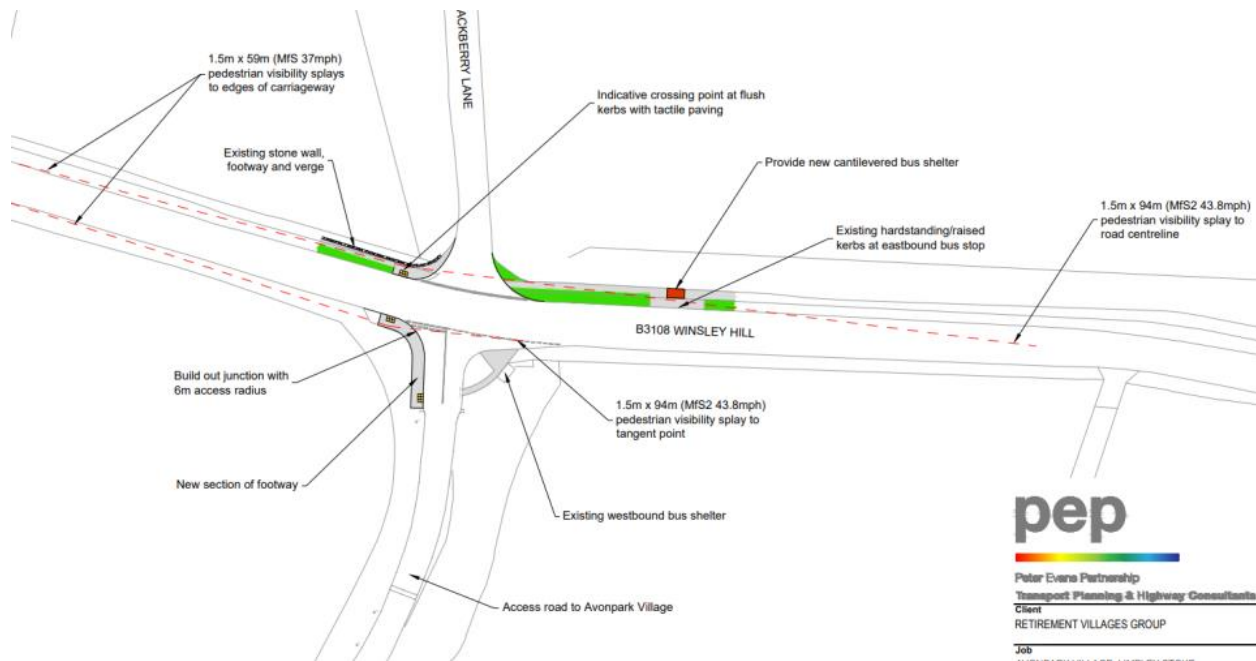
Cycle stands to provide 12 cycle parking spaces for staff and visitor use are proposed at a number of locations along the frontage to the new buildings.

In terms of site servicing, the collection and disposal of waste and recyclables for the new flats would be incorporated into the existing procedures. Day-to-day deliveries for the operation of the communal facilities/ administration would continue as for the existing facilities.

Following negotiations with the Councils highways team, an improved pedestrian crossing adjacent the site access shall be provided. Works include widening the existing junction, provision of a new footway and new eastbound cantilevered bus shelter (to be funded



through a s278 agreement) are all part of the revised submission – which are detailed in the plan below.



Pedestrian Crossing Point (Indicative) at site access

**There are no objections to the scheme from the Council’s highway team and the proposal, as revised accords with the NPPF and paragraphs 114 and 115, and local plan policies.**

### 9.9 Drainage Issues

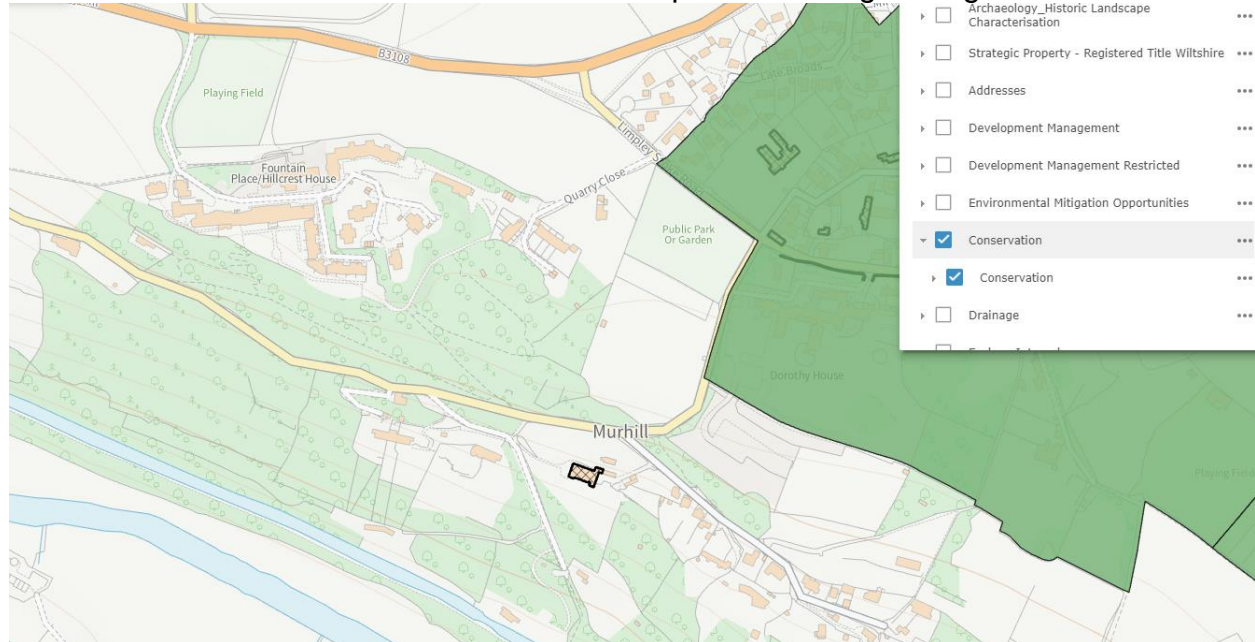
Adopted WCS Core Policy 67 states all new development should include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable. Paragraph 167 of the Framework states ‘*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*’.

The proposed development site lies wholly within Flood Zone 1. However, a small part of the site, to the front of Alexander Hall is subject to surface water flooding. However, the application is accompanied by a Flood Risk Assessment & Drainage Strategy produced by Quadconsult Limited and dated Aug 2023. Following negotiations with both the Council’s drainage team and Wessex Water (following initial objections), it has been agreed that surface water would be discharged via a new soakaway in a field to the west of the application site (land outside of the intended development site but within the ownership of the applicant). The detailed submission of an updated drainage strategy and provision of the surface water soakaway can be conditioned.

**In terms of foul water drainage, the current combined sewer for foul water disposal would be re-used and the scheme, subject to conditions is considered policy compliant.**

### 9.10 Impact on Surrounding Heritage Assets

Winsley Conservation Area is located 210 metres to the east of the site (notated in dark green) with the nearest listed building (at Murhill House) being over 200m to the southeast – shown below as hatched) which are considered sufficient separation distances to ensure there would be no detriment to their respective settings or significance.



**The development would therefore accord with s.66 and 72 of the Act, and be compliant with the NPPF and adopted Core Strategy Core Policy 58.**

### 9.11 Other Issues

Concerns have been raised by third parties that the developer did not engage in sufficient community involvement. Whilst officers encourage developers to positively engage with local communities prior to a formal planning submission, such involvement cannot be forced upon a developer. Notwithstanding the above, officers note the supportive comments provided by Winsley Parish Council about the applicant's level of engagement with the on-site residents and with the Parish Council.

## 10 **Conclusion (The Planning Balance)**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application is seeking permission for the demolition of two existing buildings (namely Fountain Place/ Hillcrest House, and Alexander Heights), that would be replaced by two new buildings (known as Block A and Block B) as well as the refurbishment of Alexander Hall, and various on-site landscape and access/parking improvement works.

As far as the Green Belt is concerned, NPPF paragraph 154 directs that the construction of new buildings in the Green Belt should be considered as 'inappropriate development', unless the proposals satisfy at least one of the listed exemptions. The exemptions include, *inter alia*, the replacement of a building, provided the new building is in the same use and is not 'materially larger' than the one it replaces. The NPPF does not stipulate what materially larger means, and as such, it requires a planning judgement for the LPA to make. Officers are of the view that the proposal would be larger, but not materially harmful to the Green Belt in terms of the effect on the openness.

NPPF paragraph 152 of the Framework also states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances. The application site constitutes previously developed land and has a highly urbanised character from within the confines of the application site. The proposal would not substantially increase the built footprint of the site. Indeed, there would be a modest reduction and the levels of urbanisation would remain well-contained.

In terms of the spatial and visual impacts of the development in Green Belt terms, officers are satisfied that the development would accord with the essential tests set by the NPPF. In addition, officers hold the view that there are some very special circumstances pursuant to economic, social and environmental benefits which merit substantial weight.

The development would provide a net addition of 71 residential specialist homes with on-site supportive care for the elderly to meet a recognised need in the Wiltshire area, which also merits substantial weight.

Officers are satisfied that the proposed development would not harm neighbouring residential properties or the amenities of existing residents on the site. Sufficient off-road parking can be provided, and the development would be served by a safe access to the road network, which would be supplemented by improved highway works and the provision of a new bus shelter. Subject to conditions, a surface water drainage solution would ensure that all the drainage matters are fully addressed. Officers are also satisfied that the proposed development would have no adverse impact on local biodiversity, protected species, or protected habitats; and there would be no detriment to the settings or significance of local heritage assets.

**RECOMMENDATION: APPROVE subject to 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 following approved plans:

Existing Block Plan scale 1:500 drg no. BA9516-2001  
Proposed Block Plan scale 1:500 drg no. BA9516 2101  
Existing Site Plan scale 1:500 drg no. BA9516-2002  
Proposed Site Plan scale 1:500 drg no. BA9516-2102 rev B  
Existing Location Plan scale 1:1250 drg no. BA9516-2000  
Proposed Location Plan scale 1:1250 drg no. BA9516-2100  
Proposed External Plant drg no. BA9516-2151  
Kingfisher Court – Proposed Plans scale 1:200 drg no. BA9516-2160  
Proposed Bat Tower drg no. BA9516-2150  
Bay Study Alexnader Hall drg no. BA9516-2143  
Bay Study Building A drg no. BA9516-2141  
Bay Study Building B drg no. BA9516-2142 rev A  
Bay Study Alexander Hall – Entrance drg no. BA9516-2144  
Proposed Ground Floor Plan drg no. scale 1:200 drg no. BA9516-2110  
Proposed First Floor Plan drg no. scale 1:200 drg no. BA9516-2111  
Proposed Second Floor Plan drg no. scale 1:200 drg no. BA9516-2112  
Proposed Third Floor Plan drg no. scale 1:200 drg no. BA9516-2113  
Proposed Fourth Floor Plan drg no. scale 1:200 drg no. BA9516-2114 rev A  
Proposed Roof Plan scale 1:200 drg no. BA9516-2115 rev B  
Proposed Elevations Alexander House scale 1:100 drg no. BA9516-2132  
Proposed Elevations – Block A scale 1:100 drg no. BA9516-2133 rev A  
Proposed Elevations – Block B scale 1:100 drg no. BA9516-2134 rev A  
scale 1:250 drg no. BA9516-2130 rev A  
scale 1:250 drg no. BA9516-2131 rev B  
Demolition Plans scale 1:500 drg no. BA9516-2030  
Demolition Elevations scale 1:250 drg no. BA9516-2031  
Proposed Parking Plan scale 1:500 drg no. BA9516-2171  
Waste Strategy scale 1:500 drg no. BA9516-2170  
Post Development BNG Plan ref 1519-EclA-F4 Rev 1  
Ecological Mitigation and Enhancement ref 1519-EclA-F5  
Landscape General Arrangement Overview scale 1:500 drg no. BR-LD-100 Rev C  
Landscape General Arrangement Layout Sheet scale 1:400 drg no. BR-LD-101 Rev C  
Landscape General Arrangement Sheet 1 scale 1:200 drg no BL-LD-102 Rev C  
Landscape General Arrangement Sheet 2 scale 1:200 drg no BL-LD-103 Rev C  
Landscape Proposals., Planting Plans, Plant Schedule scale 1:500 drg no. BL-LD-200 Rev B  
Landscape Planting Proposals Sheets 1 to 5 (Sheet 1 drg no. BL-LD-201 Rev B, Sheet 2 drg no. BL-LD-202 Rev B, Sheet 3 drg no. BL-LD-203 Rev B, Sheet 4 drg no. BL-LD-204 Rev B, Sheet 5 drg no. BL-LD-205 Rev B)

Energy and Sustainability Statement dated Aug 2023 by Hoare Lea  
Design and Access Statement dated Aug 2023 rev A by PRP  
Shadow Habitats Regulations Assessment dated Dec 2023 by GE Consulting ref 1519-sHRA-LT-REV1  
Lighting Design dated Jan 2024 by Hoare Lea  
Baseline Lighting Survey dated Aug 2023 by Hoare Lea  
Environmental Lighting dated Jan 2024 by Hoare Lea  
Ecological Impact Assessment Lighting dated Jan 2024 by GE Consulting Rev 3  
Ecological Addendum Note dated Oct 2023 by GE Consulting  
Phase I and II Geoenvironmental Report Addendum note dated Aug 2023  
Arboricultural Impact Assessment dated Aug 2023 by GE Consulting  
Landscape, Visual & Green Belt Impact Assessment dated Aug 2023 by Stantec UK Ltd  
Phase I and II Geoenvironmental Report  
Environmental Noise Survey dated Aug 2023 by Hoare Lea Rev 02  
Transport Assessment Part 1 and 2 dated Aug 2023 by Pater Evan Partnership  
Heritage Statement dated Aug 2023 by Stantec UK Ltd  
Specialist Housing Need Report dated Aug 2023 by Stantec UK Ltd  
Odour Technical Note dated Aug 2023 by Hoare Lea

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

3. The buildings hereby approved shall be used for Use Class C2 (residential institution and 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 proposed use is acceptable, but the Local Planning Authority **would** wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. Bat roosts and bat access points shall be incorporated into the development in accordance with:
  - Proposed Bat Tower. Ref: BA9516-2150 dated August 2023 by PRP.
  - Figure 5: Bat Mitigation and Enhancement. Ref: 1519-EclA-F5 Rev 1 dated December 2023 by GE Consulting.
  - Proposed Elevations – Block A. Ref: BA9516-2133 Rev A dated July 2023 by PRP.
  - Page 17 of Ecological Impact Assessment. Ref: 1519-EclA-LT-REV3 dated January 2024 by GE Consulting.

or as otherwise specified in a relevant European Protected Species Licence superseding this permission. The installation of these bat roosts and access features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to

and approved in writing by the Local Planning Authority. These bat roosts and access points will continue to be available for bats for the lifetime of the development.

REASON: To mitigate for impacts to bats arising from the development.

5. 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 buildings 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.

6. The external artificial lighting shall be installed in strict accordance with the submitted documents. No additional external light fixtures shall be installed unless details of proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate how the proposed lighting would impact on bat habitat / ecological interest compared to the pre-existing situation.

REASON: To avoid illumination of habitat used by bats.

7. Prior to the commencement of works on site, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
  - Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
  - Working method statements for protected/priority species, such as bats, to be implemented during the demolition phase.
  - Working method statements for protected/priority species to be implemented during the construction phase.
  - Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist, and/or an ecological clerk of works (ECoW) shall be present on site.

- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

8. Prior to the commencement of works on site, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include:

- Long term objectives and targets in accordance with the Biodiversity Metric 4.0 Calculation Tool – Rev 2.
- Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Biodiversity Metric 4.0 Calculation Tool – Rev 2 and the Landscape Proposals.
- The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
- Maintenance schedules for features such as bird and bat boxes, hedgehog domes and habitat piles.
- A procedure for review and necessary adaptive management in order to attain targets.
- Details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured.

The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

9. Prior to the commencement of works on site, an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall

confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "LCRM" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. No development shall commence on site until a Construction Management Plan (CMP) 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:

- 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
- 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
- Hours of construction

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



REASON: In order that the development is undertaken in an acceptable manner and 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.

11. No works shall extend above slab level for the new buildings hereby approved until details and samples of the materials to be used for the external walls and roofs 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.

12. Prior to any occupation of the new buildings hereby approved, full details of the mitigation measures to reduce light spillage (including, but not exclusively limited to, use of reduced light spill glass / black out blinds and curtains) to floors 4 and 5 of buildings Block A and Block B, shall be submitted to and approved in writing by the Local Planning Authority, The approved measures shall therefore be maintained at all times thereafter in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and to minimise the impact of the development on existing biodiversity and nature habitats.

13. No part of the development hereby permitted shall be first brought into use until the access or turning areas & parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

14. No part of the development hereby permitted shall be first brought into use until details of the proposed highway works at the access, including the proposed informal pedestrian crossing on the B3108 and details of the proposed bus shelter, along with a timetable for its delivery have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the above works shall be delivered in accordance with the approved details.

REASON: In the interests of highway safety.

15. The development hereby approved shall not be brought into use until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details together with permeability test results to BRE365, and an updated drainage strategy that details the implementation, maintenance and management of the sustainable drainage scheme, including infiltration details of the site, has been submitted to and approved in writing by the Local Planning Authority. The

development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

16. In the event that any contamination on the site is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. The hereby approved C2 development shall be constructed to meet, as a minimum, the higher Building Regulations standard Part G for water consumption limited to 110 litres per person per day using the fittings approach as per the commitment in the Energy and Sustainability Statement dated August 2023 by Hoare Lea.

REASON: The site is in an area of serious water stress requiring water efficiency opportunities to be maximised, to mitigate the impacts of climate change, in the interests of sustainability and to use natural resources prudently in accordance with the National Planning Policy Framework.

#### **INFORMATIVES:**

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/communityinfrastructure/every](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructure/every)

The developer/applicant will be required to enter into a S278 Highways Agreement with the Local Highway Authority, to include funding of the new cantilever bus shelter, before the commencement of any of the identified highway works.

Roosting bats have been confirmed in Alexander Heights and Alexander Hall. Under the Conservation of Habitats and Species Regulations 2017 (as amended), 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. Future conversion of the roof space to living accommodation or replacing the roof could also breach this legislation and specialist advice should be obtained from a professional bat ecologist before proceeding with work of this nature.

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.

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.

## Appendix A: Agreed Viability Position

## **Avonpark Village, Winsley Hill, Winsley, BA2 7FF.**

### **Agreed Viability Position**

I have been asked to summarise the position that we have reached with regard to viability in connection with the above scheme and to comment on why the applicant is considering it given the clear viability constraints. I would do this as follows:

Newsteer submitted a viability assessment dated 30 August 2023 which showed that the scheme could not viably deliver a development profit and a benchmark land value, based upon the existing use of the site. This was before any contribution towards affordable housing. We therefore concluded that the scheme could only deliver the required CIL payment of circa £493,000 and could not deliver any contribution towards affordable housing.

BPS were instructed by the Council to review our assessment. BPS reported back to the Council on 7<sup>th</sup> March 2024. While BPS didn't agree on all of our inputs to the appraisal submitted many of their own inputs did not differ significantly from our own. The main inputs are as follows:

- Private Sales Values were agreed
- The approach to the valuation of Event Fees was not agreed but their resultant figure did not make a material difference to the outcome
- Build Costs were not agree but they were within 4% of our figure and the difference did not make a material difference to the outcome
- Contingency was agreed
- Start Up Costs were agreed
- Professional Fees were agreed
- BPS adopted a lower profit percentage of 17.5%

Overall, while the amendments to our appraisal made by BPS improved it, the amendments were not sufficient to make a material difference to the outcome. BPS therefore also concluded that, with what they considered a fair Benchmark land value, the scheme did not break even before allowing for any affordable housing contribution. As such the scheme could not deliver any contribution towards affordable housing.

Some further information was requested within the BPS report in connection with a relatively minor part of the cost plan – this has now been provided to BPS however the sums involved were not sufficient to make a difference to the conclusions reached in their initial report.

It is therefore agreed that the scheme cannot deliver a contribution towards affordable housing.

With regard to the question of delivery Mr. Flintoft who was at the time Planning and Design Director at RVG (the applicant) commented as follows:

Newsteer Real Estate is a limited company registered in England and Wales (Company Number: 11759239) with a registered office at 12a Fleet Business Park, Fleet, GU52 8BF United Kingdom.

"...In order to assist the council I would point out that RVG is an operator of retirement communities created in 2017 when it purchased a business which owned Avonpark amongst a number of others. In doing so it took on an existing set of circumstances and an obligation to Avonpark's residents, many of whom are leaseholders. It made a commitment to them. The redundant care home floor space leaves a physical hole at Avonpark and necessitates changes to how amenities and services are provided, both physically and financially. The proposals as represented in the planning application are the most commercially viable RVG has been able to arrive at following an extensive iterative process. In short, RVG does not have the luxury of doing nothing and the proposals are the best solution, so RVG proposes to bring them forward irrespective of the fact that they are commercially unviable in the terms of a planning FVA...".

We would also note that these types of schemes are long term businesses for the operator which will seek to come to a more positive financial position in the years to come than that reached at the development stage. Clearly the improvements to the scheme now being proposed will have significant social benefits to the current residents and new ones to come. They will also make the business more viable moving forwards. As Mr Flintoft says RVG really did not have an option here, something needed to be done and the improvements are the best solution to the issues faced albeit they do not provide a positive development profit.

I trust that this will assist the planning committee in understanding the background to viability at this scheme.



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