

AGENDA

Meeting: Western Area Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 14 January 2015
Time: 3.00 pm

Please direct any enquiries on this Agenda to Will Oulton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713935 or email william.oulton@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

Membership:

Cllr Christopher Newbury (Chairman)	Cllr Magnus Macdonald
Cllr John Knight (Vice-Chair)	Cllr Horace Prickett
Cllr Trevor Carbin	Cllr Pip Ridout
Cllr Ernie Clark	Cllr Jonathon Seed
Cllr Andrew Davis	Cllr Roy While
Cllr Dennis Drewett	

Substitutes:

Cllr Nick Blakemore	Cllr Gordon King
Cllr Rosemary Brown	Cllr Stephen Oldrieve
Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Fleur de Rhé-Philippe	Cllr Graham Payne
Cllr Russell Hawker	Cllr Jerry Wickham
Cllr Keith Humphries	

AGENDA

Part I

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

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 1 - 4*)

To approve and sign as a correct record the minutes of the meeting held on 17 December 2014.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Declarations of Interest**

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

5 **Public Participation and Councillors' Questions**

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 in person no later than 2.50pm on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

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 (acting on behalf of the Corporate

Director) no later than 5pm on Wednesday **7 January 2015**. 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 Applications**

To consider and determine the following planning applications:

6a **14/05980/FUL - Fairview House, Gipsy Lane, Warminster, BA12 9LR** (Pages 5 - 18)

6b **14/02929/FUL - Ravenscroft Nursing Home, 44 Hilperton Road, Trowbridge BA14 7JQ** (Pages 19 - 32)

7 **Urgent Items**

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

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

None

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WESTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 17 DECEMBER 2014 IN THE COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Christopher Newbury (Chairman), Cllr John Knight (Vice-Chair), Cllr Trevor Carbin, Cllr Ernie Clark, Cllr Andrew Davis, Cllr Dennis Drewett, Cllr Magnus Macdonald, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr Roy While and Cllr Jerry Wickham (Substitute)

Also Present: Fleur de Rhé-Philippe

137 Apologies for Absence

Apologies for absence were received from Councillor Horace Prickett who was substituted by Councillor Jerry Wickham for this meeting only.

138 Minutes of the Previous Meeting

The minutes of the meeting held on 26 November 2014 were presented.

Resolved:

To approve as a correct record and sign the minutes of the meeting held on 26 November 2014.

139 Chairman's Announcements

There were no Chairman's Announcements.

The Chairman gave details of the exits to be used in the event of an emergency.

140 Declarations of Interest

There were no declarations of interest.

141 **Public Participation and Councillors' Questions**

Councillor Ernie Clark asked, in supplement to his question circulated in advance of the meeting, the following question:

Accepting that the answer supplied is correct, why did WCC Highways Department not raise this issue with WWDC before the conditions for this application were published eight years ago? Furthermore, why did WC Highway officers hold consultations with myself and Cllr. Oldrieve if Highways had predetermined their opinion on this matter?

As there was not an appropriate officer in attendance to respond to the supplementary question, the Chair asked that a written response be requested.

The Chairman welcomed all present. He then explained the rules of public participation and the procedure to be followed at the meeting.

142 **Right of Way Applications**

The Committee considered the following application:

143 **Chapmanslade 12 (Part) Diversion Order and Definitive Map and Statement Modification Order 2014**

Public participation:

Francis Morland spoke in objection to the application.

Phil Smith spoke in support of the application

Phil Jefferson spoke on behalf of Chapmanslade Parish Council.

The Right of Way Officer presented the report which outlined the recommendation. The officer was asked to outline the cost of dealing with a modification order, once an objection had been received. It was agreed that a written response would be given. Issues discussed in the course of the debate included: the cost of and the liability for the maintenance of the bridge; the impact of the proposals on the land owner and users of the right of way; and the level of public support for the proposals.

Members of the public were invited to speak on the application as listed above.

A motion was put forward to move the officer's recommendation as set out in the report.

Resolved:

That "The Wiltshire Council Chapmanslade 12 (part) Diversion Order and Definitive Map and Statement Modification Order 2014", be forwarded to

the Secretary of State for the Environment, Food and Rural Affairs for determination, with a recommendation from Wiltshire Council that the Order be confirmed without modification.

Reasons for Decision:

Despite the objections received it is considered, for the reasons given at part 18 of the decision report (Appendix C), that “The Wiltshire Council Chapmanslade 12 (part) Diversion Order and Definitive Map and Statement Modification Order 2014” continues to meet the legal tests for the making of a Diversion Order under Section 119 of the Highways Act 1980.

Additionally, the legal tests for the confirmation of a Public Path Diversion Order, as set out under Section 119 of the Highways Act 1980, appear capable of being satisfied and no new evidence has been submitted during the formal objection period which would lead Wiltshire Council to no longer support the making of the Order.

144 **Planning Applications**

The Committee considered the following application:

145 **14/09500/FUL - Sienna's Valley Farm, Huntenhull Lane, Chapmanslade, BA13 4AS**

Nigel Brown, Ian Buick and Charles Thackway spoke in objection to the application.

Derek Tanswell and Edward Drew spoke in support of the application.

Phil Jefferson spoke on behalf of Chapmanslade Parish Council.

The Senior Planning Officer outlined the report which recommended the application for approval subject to conditions.

Members of the public were invited to speak on the application as listed above.

Issues discussed in the course of the debate included: the location of the building; the impact on the local landscape; the needs of the specific livestock business; and the temporary nature of the proposed permission.

Resolved

That consideration of the application be deferred to allow further information to be submitted to the Committee.

Reason for Decision: to gather more information to aid the Committee in their consideration of the matter.

146 Planning Appeals Update Report

The Planning Appeals Update Report for 2014 was received. The Chair asked that information pertaining to West Wiltshire area applications considered by the Strategic Planning Committee be included in future reports; and that officers consider how best to present the information in light of the comments received.

Resolved:

To note the Planning Appeals Update Report for 2014.

147 Urgent Items

There were no Urgent Items.

(Duration of meeting: 3.00 - 4.33 pm)

The Officer who has produced these minutes is Will Oulton, of Democratic Services, direct line 01225 713935, e-mail william.oulton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	14 th January 2014
Application Number	14/05980/FUL
Site Address	Fairview House Gipsy Lane, Warminster BA12 9LR
Proposal	Demolition of Fairview House and construction of 6 new houses and 6 new flats with associated infrastructure, gardens, external store & sheds
Applicant	Selwood Housing
Town Council	WARMINSTER
Ward	WARMINSTER EAST
Grid Ref	387851 144489
Type of application	Full Planning
Case Officer	Eileen Medlin

Reason for the application being considered by Committee

The application was called into committee by Councillor Andrew Davies to consider the following issues:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact
- Car parking
- Local public concerns

1. Purpose of Report

To consider the above application and to recommend that planning permission be approved subject to conditions.

2. Report Summary

The main issues considered in this report are as follows:

- Principle of the development
- Impact on housing need
- Impact on the character and appearance of the area
- Impact on the amenities of adjoining occupiers
- Impact on highway safety and parking

3. Site Description

Fairview House is a purpose built care/nursing home (which is currently vacant) located in a plot measuring 0.28 hectares within the Town Policy Limits of Warminster. The premises are located immediately to the south of the Beckford Centre (an 82 bed care home) which is currently under construction. To the east of the site is Gipsy Lane which serves several residential properties as well as providing the means of access to the site. Small Brook Meadows recreational land is located to the south and to the west of the site is Plants Green.

4. Planning History

There is no relevant planning history.

5. The Proposal

This application seeks permission to demolish 'Fairview House' and erect 12 dwellings with associated parking. Plots 1 and 2 consist of a pair of 3 bed semi detached houses located in the south east corner of the site. Plots 3 to 8 consists of 4 x 2 bed flats and 2 x 1 bed flats contained within a three storey block at the centre of the site. Plots 9 to 12 consist of 4 x 2 bed semi-detached two storey houses located to the west of the site. The application has been subject to a number of revisions which have reduced the number of units from 14 to 12, thereby also reducing the number of parking spaces required. The revisions have also moved the proposed houses further away from the eastern and western boundaries (which adjoin neighbouring residential properties).

6. Planning Policy

West Wiltshire District Plan 1st Alteration 2004 Policy C10 – Local Nature Reserves; Policy C31a – Design; Policy C32 – Landscaping; Policy C34a – Resource Consumption and Reduction; Policy C38 – Nuisance; Policy C40 – Tree Planting; Policy H1 – Further Housing Development within Towns; Policy H2 – Affordable Housing within Towns and Villages; Policy H24 – New Housing Design; Policy U1a Foul Water Disposal; Policy U2 – Surface Water Disposal

The Emerging Wiltshire Core Strategy 2014 Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 3 – Infrastructure; Core Policy 31 – Spatial Strategy: Warminster 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 50 - Biodiversity and geodiversity; Core Policy 51 – Landscape; Core Policy 52 - Green infrastructure; Core Policy 57 - Ensuring high quality design and place shaping; Core Policy 60 - Sustainable transport; Core Policy 61 - Transport and development; Core Policy 62 - Development impacts on the transport network; Core Policy 63 - Transport strategies; Core Policy 64 - Demand management; Core Policy 65 - Movement of goods; Core Policy 66 - Strategic transport network; Core Policy 67 - Flood risk; Core Policy 68 - Water resources

National Planning Policy Framework (NPPF) 2012 – Specifically the section on achieving sustainable development Section 4 - Promoting sustainable transport; Section 6 - Delivering a wide choice of high quality homes. Section 7 - Requiring good design Section 8 - Promoting healthy communities, Section 10 - Meeting the challenge of climate change, flooding and coastal change, Section 11 - Conserving and enhancing the natural environment; and Section 13 - Facilitating the sustainable use of minerals.

Planning Practice Guidance – provides guidance on the interpretation of the NPPF. Recent changes to the guidance advises that affordable housing and tariff style planning contributions should not be sought on schemes of 10 or less.

7. Consultations

Warminster Town Council – Objects to the proposed development advising that whilst they are not opposed to development of this site per se, they consider that the density of the proposal would not be in keeping with the neighbourhood and is also an overdevelopment of the site with no safe provision for children's play. The Town Council also raised concerns about highway dangers, the additional 20 parking spaces and the parking layout which may cause danger from reversing, and potential overlooking. The Council sought more information from the developers in relation to the existing building.

After reviewing the revisions, the Town Council reached the same view but added additional highway concerns to include lack of pavement onto Gipsy Lane, dangers within the development and approaching the development from neighbouring lanes and roads.

This view was reiterated following consultation on a second set of revisions.

Wiltshire Council Highways Officer – Initially reported having no 'in principle' objection to the scheme but advised that the parking arrangements did not meet the minimum standards. The applicants addressed these concerns in revised plans and provided sufficient parking spaces to meet the Council's minimum standards. The highways officer also confirmed that there was no objection to the number of units being accessed from a shared surface.

Wiltshire Council Tree Officer – No objection.

Wiltshire Council School Places Team – The 10 family sized units proposed would generate a need for three primary and two secondary school places. There is existing capacity in the locality for primary school places so no contribution is being sought for primary school places.

Wiltshire Council Environmental Services Team – Financial contributions of £10,950 are sought for indoor recreation facilities. It is proposed that the contribution is used to upgrade the sports hall and upgrade pool spectator seating or use the contribution to upgrade the existing Boat House at Warminster Park to use as Tennis and Ball Court changing accommodation. Financial contributions of £16,700 are sought for offsite Open Space and Play at Warminster Park.

Wiltshire Council New Housing Team – Supportive.

Wessex Water – No objection. The consultation response provided advice relating to new water and waste water connections and requirements for sewers which can be covered by an informative.

Wiltshire Fire and Rescue Service – No objection. The consultation response refers to requirements under building regulations and makes recommendations to improve fire safety in domestic properties which can be covered by an informative.

Wiltshire Council Ecology Officer – No objection, subject to ecological enhancement to the scheme through the provision of bat bricks in the southern elevations of Plots 1 to 9 and planting of replacement trees. Satisfied with the findings of the additional ecological report prepared following the identification of ponds not addressed in the originally submitted survey.

Wiltshire and Swindon Biological Records Centre – Advised that there are records of water voles and otters at Smallbrook Meadows.

8. Publicity

Letters sent to neighbouring occupiers and site notices were erected at the entrance to site, along Gipsy Lane and along Plants Green. Neighbours and contributors were re consulted on two sets of revised plans.

In total, 31 letters of objection were received relating to the originally submitted plans on the following summarised grounds:

Fairview House not placed on open market for sale
Loss of trees and hedgerow
Traffic Congestion
Cramped form of development
Design and density not in keeping with the character of the area
No consideration given to the re use of the existing building
Effect on the Beckford Centre residents who are likely to be elderly and infirm
No children's' play area
Disruption during the course of construction
Ensure that committee members voting on the application do not have a conflict of interest
Impact on the value of neighbouring properties
Accept principle of the development
Quality of life for future occupants
Three storey flats not in keeping with the area
Effect on access road
Loss of privacy
Pedestrian Safety
On street parking pressures
Only half the site is previously developed land, the rest is green field
Site should be combined with Beckford Centre to provide amenity space for residents and additional parking
Access restrictions at the end of gipsy lane should be removed to lessen impact of development
Signage at junctions of Smallbrook Road and Gipsy Lane should be improved
Layout is dominated by parking
Is change if use from healthcare to residential acceptable?
A smaller number of units would be acceptable
Loss of Daylight
Waste Water infrastructure able to cope with increased demand
Risk of flooding
Recognised need for more affordable housing
New footprint of Beckford Centre not shown on the submitted plans
Housing scheme for older people would fit better in the locality than family housing
Development is premature as the impacts of the neighbouring development cannot be fully measured
Great crested Newt Survey flawed
Site is a toad migration route
Poor design in orientating 4 houses so that their rear elevation bears the brunt of the prevailing weather.
Ground levels on site are higher than those on Plants Green

Comments on revised plans which reduced number of dwellings to 13:

15 of the previous contributors wrote in again to comment on the revised plans with the majority stating that their previous comments still stood. Additional issues raised include;
Planning permission refused for an increase in height to a Bungalow in Plants Green
Improved situation for neighbouring occupier at No 22 but no improvement for neighbouring occupier in Plants Green

Comments on revised plans which reduced the number of dwellings to 12:

23 of the previous contributors wrote in again to reiterate their objections.

Alternative layouts were proposed

Dismayed that revised plans had not taken account of principle objections

Some of the revisions welcomed

9. Planning Considerations

9.1 Principle of the development

Fairview House is currently vacant and was previously in use as a nursing home/residential care home. There is no specific policy protection for this type of C2 residential accommodation in the West Wiltshire District Plan, the emerging Wiltshire Core Strategy or the NPPF; and as such its loss is acceptable in principle. The applicants have provided a letter from the Avon and Wiltshire Mental Health NHS Trust advising that the facility was closed as the clients were relocated to be supported within 'community based' services in non health settings, i.e. supported housing etc. The letter further advises that the building cannot be re-commissioned as accommodation for 'in-patient' services as it is not capable of economic conversion.

The application site is located within the Town Policy Limits of Warminster as identified in the West Wiltshire District Plan and is carried forward into the emerging Core Strategy. It is a previously developed site and not designated for any other use. As such, the principle of the proposed residential development is in accordance with Policy H1 of the West Wiltshire District Plan and Core Policies 1 and 2 of the emerging Wiltshire Core Strategy.

9.2 Impact on housing need

The West Wiltshire District Plan Policy H2 requires affordable housing on site of 25 or more within Town Policy Limits, a threshold this site does not meet. The emerging Core Strategy Policy 43 requires affordable housing on sites of 5 or more, although government guidance has recently introduced a threshold of ten units. However, whilst the Core Strategy is at an advanced stage of adoption, the Council has taken the consistent approach of applying the least onerous policy until such time as the Core Strategy is adopted.

As such, under the current policy approach officers would not require an element of affordable housing on this site. Notwithstanding the above, it is duly appreciated that the application has been submitted by Selwood Housing who is a Local Register Provider of Affordable Housing; and it is noted that it is the applicant's intention for the housing to be affordable rental units. As reported above, housing colleagues have responded in support of the application as it is made by a Registered Provider and likely to benefit affordable housing provision in the area.

9.3 Impact on the character and appearance of the area

The site is located in a residential area with a mix of property styles and types. Plants Green which is located to the west of the site is predominately detached bungalows finished in a variety of materials. The part of Gypsy Lane immediately to the east of the site is a Cul de Sac of two storey red brick detached houses. To the north of the site is the Beckford Centre Care Home, which has recently opened and is taller in height.

The site is accessed via the Gypsy Lane Cul de Sac and is largely screened from view by the existing built development in the area and the treed southern boundary of the site.

Plots 1 to 8 broadly occupy the footprint of the existing building on site and 9 to 12 occupy the former garden area to the west of the site. The buildings proposed are of mixed height with two storey houses located at the entrance (east) of the site and the rear (west) of the site. A three storey block of flats is proposed in the centre of the site. The top floor of accommodation in the three storey block of flats is partly within the roof space reducing its overall height.

The development site is not a through-route but at the end of a cul-de-sac and the development would not be viewed in the context of the surrounding street scene. It is considered that the buildings sit comfortably within the site and do not appear cramped. Each of the houses has their own rear gardens and the block of flats has a communal garden. Parking for the units is dispersed around the site.

The surrounding development is predominantly single or two storey with the exception of the Beckford Centre. It is considered that a three storey block of flats would not appear incongruous in this location due to its position within the site, relatively low ridge height and the self contained nature of the site. The two storey semi detached houses located either side are also considered appropriate forms of development.

Plots 1 to 8 are broadly located on the footprint of the existing building and are the same distance from the rear boundary as the existing building. Whilst the block of flats is taller than the existing building it is considered that the development would appear incongruous or overly dominant when viewed from the neighbouring public open space.

The design and materials of the proposed houses and flats are in keeping with the character of the area with height, roof form, materials etc reflective of surrounding development. As such it is considered that the siting, scale, design and layout of the site would not appear incongruous in the area.

It is considered that the proposed development sits comfortably within the plot and would not have an adverse impact on the character and appearance of the area in accordance with West Wiltshire District Plan H1 and emerging Core Strategy Policy 57.

9.4 Landscape

The application is supported by an Arboricultural Assessment. The assessment sets out those trees to be removed, pruned and the method of protection during construction. Officers are satisfied that the development has taken account of the trees on site and that the proposed conditions would ensure that suitable protections are in place for the trees to be retained on site. Therefore the proposed development is considered to be in accordance with Policy C40 of the West Wiltshire District Plan and Policies 51 and 57 of the emerging Core Strategy.

9.5 Impact on the amenities of adjoining occupiers

The application site is bounded to the west by No. 29 Plants Green, to the east by No.22 Gipsy Lane, to the North by the Beckford Centre and to the south by open space.

It is considered that the proposed development would not have an adverse impact on the amenities of the future residents of the Beckford Centre as the proposed buildings are over 20m from the rear elevation of the Beckford Centre. This distance is considered to be sufficient to prevent unacceptable levels of overlooking and privacy.

Plot 1 shares its side boundary with No 22 Plants Green. The side elevation of Plot 1 is over 19m from the rear elevation of No 22. There are no windows on the elevation facing No 22 Gipsy Lane and it is duly considered that the proposed development would not have an adverse impact on the occupiers of No. 22 Plants Green. By virtue of the separation distance between buildings it is considered that the proposals would not result in an unacceptable loss of outlook or sense of enclosure for the occupiers of No 22 Gipsy Lane. It should be noted that No 22 is the closest residential neighbour to this side of the development and it is considered that the development would have less of an impact on other properties on Gipsy Lane.

Plots 9 to 12 are at right angles to the rear garden of No 29 Plants Green and all share their rear boundaries with the side boundary of No 29. The rear garden of Plot 12 is approximately 10m in length with the rear garden of Plot 9 increasing to 12m in length. Plots 9 to 12 are two bedroom properties and the first floor layout places a second bedroom and a bathroom at the rear of the property at first floor level. Therefore each of the properties would have a single

bedroom window and a bathroom window facing towards the rear garden of No. 29 Plants Green.

It is accepted that the introduction of 4 houses with rear gardens backing onto the side boundary of No 26 Plants Green would result in the garden being overlooked in a way that it is not currently. However, it is necessary to assess whether the level of overlooking would have an unacceptable adverse impact on residential amenity. The proposed houses are at right angles to the existing house at Plants Green and as such it is considered that there would not be an unacceptable loss of privacy within the home. The four habitable room window orientated towards the rear garden of No 29 would serve bedrooms. These windows are between 10 and 12 metres from the shared boundary. The northernmost of these windows would look onto the side elevation of No 29 and have an oblique view of the garden. It is considered that the distances proposed would not be unusual in an urban environment and that the level of overlooking would not have an unacceptable adverse impact on residential amenity to justify a refusal.

It is furthermore appreciated that the rear garden of No 29 slopes downwards from north to south and would be at a lower level than the rear gardens of the proposed properties. Therefore the proposed 2.1m high boundary treatment would appear higher from the rear garden of No 29 as would the proposed houses. A 1.5m high fence currently separates the properties. It is considered that a 2.1m high fence would not appear overly dominant when viewed from the garden and house of No.29 due to the width of the garden and distance from the house to the proposed fence. The proposed houses would be set back at least 10m from this boundary fence and it is considered that they would not appear overly dominant when viewed from the house or rear garden of No 29.

Overall it is considered that the proposed development would not have an unacceptable adverse impact on the amenities of neighbouring residential occupiers in accordance with Policy 38 of the West Wiltshire District Plan and Policy 57 of the emerging Wiltshire Core Strategy.

9.6 Impact on highway safety and parking

The application meets the Council's minimum parking standards and officers consider that the development would not have an adverse impact on highway safety. The site is located within the Town Policy Limits of Warminster and as such, is a sustainable location which could be accessed using sustainable means of transport. A number of concerns have been raised by residents relating to the impact of the development on transport safety and congestion as a result of the proposed development and the neighbouring Care Centre which recently opened. However, officers are satisfied that the development would not have an unacceptable transport impact and that the number of dwellings proposed is suitable for access to be provided from a shared surface. Furthermore, officers are mindful that the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this particular case, and in recognition that there is no such severe impact, the application satisfies highway policy interests both at the local and national level.

9.7 Ecology

The application was supported by a Preliminary Ecological Assessment, a Great Crested Newt Survey and a Bat Survey. Officers are satisfied that the proposals would not have an unacceptable impact on ecology. Enhancements are proposed as part of the development such as bat bricks in the southern elevations of Plots 1 to 8 and 12. Replacement trees to the southern boundary are also required by condition.

9.8 Sustainability

The proposed houses are designed to meet the standards set out by the Homes and Community Agency and as such meet Level 4 of the Code for Sustainable Homes which

officers fully support. This is also consistent with the requirements of emerging Core Strategy Policy 41.

9.9 Financial Contributions

The scale of the development and an assessment of its impacts triggers financial contributions for Public Open Space, Indoor Recreation Facilities, School Places and the Wessex Stone Curlew Project. The contributions requested are set out in the table below;

Contribution	Amount
Public Open Space	£16,700
Pools	£4501
Sports Halls	£5158
Wessex Stone Curlew Project	£1320
Total	£27659

RECOMMENDATION:

To delegate authority to the Director of Development to grant planning permission subject to a legal agreement to secure the following:

- i) A financial contribution of £16,700 towards public open space;**
- ii) A financial contribution of £4,501 towards swimming pools;**
- iii) A financial contribution of £5,158 towards sports halls; and**
- iv) A financial contribution of £1,320 towards the Wessex Stone Curlew Project.**

And subject to the following 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** No development shall commence on site 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.

- 3** No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;

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

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

- 4 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.

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must

be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity and ecology.

- 6** No development shall commence on site until details of the screen fences to be located on the western boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The screen fences shall be erected in accordance with the approved details prior to the occupation of the dwellings hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent unacceptable overlooking & loss of privacy to neighbouring property.

- 7** The development hereby permitted shall not be first occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 8** No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 9** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

- 10** The development hereby approved shall not be first occupied until the refuse and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall be maintained in accordance with the approved details thereafter.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 11** No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, 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: To ensure that the development can be adequately drained.

- 12** The development hereby approved shall be carried out in accordance with the recommendations made in Section 6 of the Nocturnal Emergence and Dawn Re-Entry Bat Surveys report (no. RT-MME-117290-01) dated August 2014 and Sections 6.2 and 6.3 of the Preliminary Ecological Appraisal report (no. RT-MME-116887-01) dated June 2014 both prepared by Middlemarch Environmental, unless otherwise agreed in writing with the local planning authority.

REASON: to ensure adequate protection and mitigation for protected species / priority species / priority habitats.

- 13** Bat boxes erected in suitable trees shall be at a minimum height of 4 metres from the ground.

REASON: to ensure adequate installation of bat boxes, as an enhancement for biodiversity

- 14** Prior to the commencement of any works associated with the development hereby approved, an Amphibian and Reptile Method Statement for site clearance shall be submitted to the local planning authority for approval by the Council Ecologist. The approved method statement shall be implemented in full.

REASON: to ensure protection of priority and protected species.

- 15** Prior to the commencement of works associated with the development hereby approved, details of the replacement trees (10 trees) on the southern boundary, including species and container sizes, shall be submitted to the local planning authority for approval. Trees shall be of British origin and local provenance. The tree replacement planting shall be carried out in accordance with the approved details within 12 months of the completion of the development.

REASON: to ensure mitigation for loss of trees along the southern boundary, which is used by foraging/commuting bats.

- 16** Prior to the commencement of any works associated with the development hereby approved, details of the mitigation for house sparrows shall be submitted to the local planning authority for approval by the Council Ecologist. The approved details shall be implemented in full before the dwellings hereby approved are occupied.

REASON: to provide mitigation for the loss of nesting sites of a priority species, the House sparrow.

- 17** No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

- 18** The development hereby permitted shall be carried out in accordance with the following approved plans:

3732/001 Rev H Site Plan and Location Plan, received 21 October 2014

3732/002 Rev B Plots 1 and 2 Plans and Elevations, received 21 October 2014

3732/003 Rev C Plots 1 and 2 Plans and Elevations, received 21 October 2014

3732/004 Rev C Plots 3 to 8 Plans and Elevations received 21 October 2014

3732/005 Rev B Plots 9 to 12 Plans and Elevations, received 21 October 2014

516/7343/1 Topographical Survey, received 18 June 2014

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

- 1** **INFORMATIVE:** Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Please be advised that, if bats are discovered, all works should stop immediately and Natural England should be contacted for advice on any special precautions before continuing (including the need for a derogation licence).

- 2** **INFORMATIVE:** New water supply and waste water connections will be required from Wessex Water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages of their website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence. Further information can be obtained from the Wessex Water New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

- 3** **INFORMATIVE:** Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system. If any further information is required please contact Wessex Water.

- 4** **INFORMATIVE:** The attention of the applicant is drawn to the contents of the attached letter from Wiltshire Fire and Rescue Service

- 5 INFORMATIVE: This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].



REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	14 January 2015
Application Number	14/02929/FUL
Site Address	Ravenscroft Nursing Home, 44 Hilperton Road, Trowbridge BA14 7JQ
Proposal	Proposed extension and demolition of the existing bungalow within the curtilage
Applicant	Larch Nursing Home Ltd
Town/Parish Council	TROWBRIDGE
Ward	TROWBRIDGE PAXCROFT
Grid Ref	386564 158379
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

1. Purpose of Report

This application is brought to Committee at the request of Councillor Oldrieve, in the event that permission is recommended, for consideration of the scale of development, the visual impact upon the surrounding area, relationship to adjoining properties, and environmental/highway impact.

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

2. Report Summary

This is an application for demolition of the existing bungalow within the curtilage of Ravenscroft Nursing Home and the extension of the main building to provide for a total of 60-bedrooms with communal and ancillary spaces. This would be an increase of 19 bedrooms from the existing 41.

The application was initially for a total of 73 bedrooms but this was reduced following Consultee and neighbour responses, and negotiation. There were re-consultations on the revised plans.

Trowbridge Town Council Comment on initial plans: Objection, for the reasons cited in section 7 below. No Council comment was received on the revised plans at the time of writing the report. Any comments received will be reported at the meeting.

Neighbourhood Responses:

Initial plans: Ten neighbours responded, all objecting. Revised plans: Ten objections were received to the revised proposals.

3. Site Description

The application site is the Ravenscroft Nursing Home and grounds located to the south of Hilperton Road in Trowbridge. The existing building is an unlisted Victorian-era villa which has been converted and extended to provide additional rooms and ancillary space. The use as a care home is long-established with planning records showing applications related to it extending back to the 1980's.

The building occupies a footprint of just over 600m² with a primary frontage facing on to Hilperton Road, and a parking area between the building and the road boundary. There are extensive grounds to the rear, which are partially occupied by the bungalow that would be demolished and the existing modern 3.5 storey extension to the main building. The site area is approximately 3000m² and land elevations drop from the northwest to southeast by approximately 2m. The land on which the extension would be located is not prominently visible from Hilperton Road, due to a combination of the lower land levels and the presence of the existing building across the majority of the Hilperton Road frontage at a distance of approximately 25 from the boundary (with the car parking area occupying the area in the intervening space) and hedge and tree screening to the boundaries.

The building houses bedrooms for 41 residents over 4 levels. The existing bungalow provides staff accommodation and sits adjacent to the eastern boundary of the site. There is also a modern three-and-a-half storey extension to the east side of the original building.

The site lies within the Trowbridge Hilperton Road Conservation Area with the south-eastern boundary of the site coinciding with that of the CA in this vicinity. To the west beyond the road into Ravenscroft Gardens there is the Grade II Listed Terrace known as 41 – 43 Hilperton Road. The "H3" 15 dwelling urban brownfield allocation for development (West Wiltshire District Plan, 2004) abuts the east of the site. This allocation is however not "saved" to the Core Strategy and will fall within Trowbridge Settlement limits (CP1 and CP2 of the Core Strategy) going forward for the purposes of any new application.

4. Planning History

84/00818/FUL – Additional staff accommodation. Permission: July 1984;

86/01637/FUL – Extension. Permission: January 1987;

89/02044/FUL – Conversion of roof space to residents' accommodation. Permission: February 1990;

90/01229/FUL – Development of 3.5 storey new side wing. Permission: October 1990

94/00314/FUL – Extension and conversion of existing bungalow to nursing accommodation. Permission: August 1994

5. The Proposal

The proposal is for an extension to the rear of the existing 41 bedroom nursing home to provide for an additional 19 bedrooms and enhanced day-spaces on each floor. The existing accommodation is currently provided over four levels (including 3 basement rooms). Also proposed is the provision of 23 parking spaces (including 2 disabled bays) for care home staff and visitors.

The proposal incorporates design elements of the host building, including fenestration details such as the arched windows, stone lintels & cills and the quoins characteristic of the original building. A glazed stairwell is proposed to the southwest elevation to connect the existing and proposed buildings.

6. Planning Policy

At the time of writing this report it is anticipated that the Wiltshire Core Strategy (WCS) will have been made available for consideration for adoption by the Council. Adoption will not take place until January 20th at the earliest, which would be after the Committee date for this application. Once adopted the WCS will be afforded 'Full Weight' in planning terms, but in the light of its imminent adoption, and the Inspector's endorsement of its policies in his report, very significant weight must be accorded to the policies at this time.

In terms of the old West Wiltshire District Plan, 1st Alteration 2004 Policy CF1 is supportive of the further development of land for community facilities, and will be replaced by Core Policy 49, which has a focus on the protection of community facilities. This Policy is to be read, inter alia, in conjunction with Core Policies 1 and 2 which are aimed at the sustainable provision and retention of services and facilities within Settlement limits. Trowbridge is a "Principle Settlement" within the settlement hierarchy. Conservation Area Policies in the WWDP will, in turn, be replaced by Core Policy 58. Other WWDP Policies would be C17: Conservation areas; C31a: Design; C38: Nuisance; C19: Conservation Area Alterations; T10: Car Parking and U2: Surface Water Disposal. In the Core Strategy CP 50: (Biodiversity and Geodiversity) is also relevant.

In addition, the National Planning Policy Framework applies.

7. Consultations

Trowbridge Town Council - objected to the initial plans for reasons of overdevelopment in a conservation area that would have significant adverse impact on neighbour amenity. Additional parking was also not provided.

Wiltshire Council Highways - There was a parking shortfall on the original plans and the applicant was invited to submit revisions. The Officer advised that the initial plans needed to be supported by additional parking in terms of the Wiltshire Car Parking Strategy. Parking standards for Nursing Homes were calculated and the officer advised that the *maximum increase* in parking provision should be 10 spaces, but she concluded that site has an accessibility rating of "moderate" in terms of the Strategy and, therefore, the additional number of parking spaces required to support the extension could be discounted. The revised plans for 60 bedrooms were submitted together with amendments to the parking layout. Looking at the provision required for the overall site the Officer advised that the maximum provision of 26 (16+10) could acceptably be reduced by the "accessibility discount" to 23 spaces. The officer is therefore satisfied with the final proposals.

Wiltshire Council Ecologist - The Ecologist initially identified additional requirements that would be needed in respect of bats and potential Great Crested Newt presence. This was followed by extensive discussion between the ecologist and the applicant, finally leading to revised plans to provide for mitigation measures in respect of bats which were confirmed to be resident. No Great Crested Newt traces were found. The Council's Ecologist is now satisfied with the proposals subject to a condition in relation to the protection/mitigation measures for bats.

Wiltshire Council Tree Officer - The Officer noted the tree survey and protection plans submitted with the application as well as the presence of the two trees subject to

Preservation Orders close to the south eastern boundary of the site. Whilst noting the tree protection plan information the officer recommended that a condition requiring an Arboricultural Method Statement to be submitted to detail tree protection prior to site clearance/commencement of development, be imposed.

Wiltshire Council Conservation Officer - The Conservation Officer raised concerns with the initial proposals insofar as the size and scale of the extension was concerned, given that it would be viewable from within the Conservation Area from Ravenscroft Gardens. The applicant was approached with a view to amending the proposals. Revised proposals to reduce the footprint and provide for the “stepping down” of the rooflines were submitted. The Conservation Officer has confirmed that the revisions address his concerns.

Wiltshire Council Environmental Health - No objections. Condition recommended in relation to noise limits and an informative suggested on working hours.

Wiltshire Council Drainage Officer – No objections. Condition recommended in relation to drainage of site.

8. Publicity

- Issue of damage to the garden wall and access road, as well as obstruction of access to Hilperton road during construction;
- Unacceptable impact on parking and traffic in the cul-de-sac and hazards to pedestrians;
- Proposed extension is too large, too high, and too close to the long established private houses in Ravenscroft Gardens;
- Loss of privacy in Ravenscroft Gardens;
- Loss of trees and recreation land;
- Contrary to WWDP Policies C17, C19 & C22 in relation to harm to the Conservation Area and existing building;
- Loss of important trees and impact on trees of new building;
- Preservation of open land and countryside no longer seems to be being upheld given recent planning history in the area;
- There are better options of brownfield sites in Trowbridge where a purpose-built building could be constructed;
- This is a business within a residential area - increase in size will be detrimental to the local residents in terms of noise, increased numbers or size of vehicles;
- Would set a precedent for other properties in the area to ask for large extensions to turn into flats;
- Dimensions of parking spaces not indicated, larger cars these days may mean they are not adequate;
- Widening of entrance will require permission of owners of land on either side, or have developers will have to have ownership;
- There is an issue with surface drainage in Ravenscroft Gardens which will be exacerbated by increase in Nursing Home capacity;
- Large visually dominating extension even in revised plans, overdevelopment of site;
- If a vehicle or vehicles were to park adjacent to the home entrance, delivery vehicles would have great difficulty in manoeuvring – potential harm to the grass that the residents in Ravenscroft Gardens maintain;
- Increased parking on verges;
- Remaining integrity of host building will be destroyed, pity it is not listed;
- Harm to amenity at No's. 1 & 2 Ravenscroft Gardens, loss of privacy;
- Increased hazard at access onto busy Hilperton Road;

- Inadequate manoeuvring space for refuse vehicles onto site;
- Lack of provision for emergency vehicles – fire hazard;
- Ravenscroft Gardens was restricted to 9 dwellings when development was applied for, due to access issues;
- Paxcroft Mead/East of Trowbridge development has led to a massive increase in traffic on A361. Increased size of building will increase traffic and hazards;
- Dispute validity of measurements on loss of light/privacy in analysis for revised plans;
- If permission is granted conditions should be imposed requiring the corridor windows on all levels of the three storey south facing elevation to be obscure glazed; the partial evergreen screen be increased along the entire boundary with planting; the laundry and any plant rooms or noise generating apparatus be positioned at the furthest point possible from our property; that construction staff, materials and associated equipment are only accessed through the side entrance of Ravenscroft Nursing Home and not over the side wall and lawned areas; no widening of the entrance drive without proper investigation into ownership;
- Example photograph submitted of negative effect of large delivery vehicles parking in Ravenscroft when delivering – situation would worsen;
- Although “stepping down” of building in revised plans is an improvement, the footprint remains the same and building with consequent loss of trees.

9. Planning Considerations

Following the consultation and advertising process on the initial plans for the 73 Bedroom (in total) development, the applicants submitted a full set of revised proposals for 60 bedrooms, aimed at addressing issues of concern that were identified in the first round of consultation and advertising. In summary these were:

- potential harm to neighbouring amenity arising from overlooking and overbearing in relation to the neighbouring property to the south No. 1 Ravenscroft Gardens;
- the massing of the new development in relation to the host building as well as the Conservation Area;
- ecology, in particular in relation to bats which were believed to be present in the host building; and
- the traffic impact of the proposed development.

The application drawings are supported by a Design and Access Statement; a Heritage Statement, a transport statement, an arboricultural report, (including a tree survey plan and a plan for tree protection during development) and an ecological survey.

9.1 Impact on neighbouring amenity and the surroundings including the Conservation Area

The number of bedrooms has now reduced to 60 and this has enabled a redesign that has reduced the massing and height of the southern half of the proposed extensions. The revised proposals, on the advice of the Conservation Officer, provide for reducing the ridge line by stepping down from the north to southern end of the building, following the changing site levels. (The site levels vary with the existing main building sitting in an elevated position above ground levels which reduce towards the southern end of the site). The proposed extension would be at a lower level on the site, with ground floor level approximately 2m below that of the main building.

In addition, given neighbour observations regarding the potential for an overbearing presence and overshadowing on the property to the south of the site (No. 1 Ravenscroft Gardens), the proposed building height reduces, in three elements, from triple to

conventional double storey height. The end elevation to the double storey element would be some 14m from the nearest point on the north facing elevation to the neighbouring dwelling. Notwithstanding the land level differentials, the proposed ridge would be below the 25 deg "rule of thumb" vertical elevation from the mid-point of the neighbouring north-facing windows. Further, given the orientations relative to due north of the site and the neighbouring property, there would be no overshadowing restricting direct sunlight. Sun path analyses for mid-summer and mid-winter have been submitted with the revised proposals, and demonstrate this conclusively.

With regard to loss of privacy, the revised plans have been adapted to remove originally-proposed south facing openings to the southern extremity of the building, replacing these with blind openings designed to accord with the style of fenestration of the rest of the buildings. Only two obscure-glazed windows serving en-suite bathrooms are proposed to this section of the building at a distance of some 7.5m from the boundary, which is also characterised by extensive screening by trees and a hedge. The south facing triple storey element would be set back some 17m from the neighbouring boundary, again with substantial vegetation in the intervening space. There would be windows to this elevation with visibility towards the neighbouring dwelling at distances varying between over 29m, and 33m from the house itself. These windows would serve a corridor and not the habitable room spaces and are orientated towards the rear garden of No.1, and at the proposed separation distance with the trees to the boundary it is not considered reasonable to impose a condition in relation to obscure glazing to the corridor windows.

Given the separation distances outlined above, together with the relative orientations of the properties, it is considered that there are no issues of either loss of privacy or overshadowing that would militate against approval.

With regard to Conservation Area considerations the extension would be constructed to the rear of the original building, which itself has an extension. The Hilperton Road facing elevations to the host remain largely unaffected by the proposal. The design and layout of the extension is specific to the needs to provide care home facilities, including the enclosed courtyard area. Externally, matching materials are proposed and design elements such as the arched windows, stone lintels/cills, stone quoins, and a mixture of roof profiles (mansard and hipped roofs) are carried through. The proposals furthermore include the retention of the majority of the trees and other boundary vegetation that provided screening to the boundaries. The Conservation Officer is satisfied that the revised design satisfactorily addresses initial concerns in relation to the size and massing of the extension. Albeit therefore that the building would occupy the private garden space to the rear of the Care Home, visually to external views from the north, south and west there would be substantial softening by the boundary vegetation.

9.2 Ecology

As noted above, Council's Ecologist confirms that the revised scheme "*... avoids causing impacts to bat roosts in the loft of the existing building (possibly lesser horseshoe and brown long-eared bats) and only roosts of crevice dwelling species located under tiles and behind fascias may be affected. It is likely that the latter can be mitigated through provision of new roosting features such as bat tubes which have been indicated in suitable places on the revised proposed elevation drawings...I consider that an application for a European Protected Species Licence would now be able to meet the tests required by the Habitats Regulations.*" It is considered that, in the light of the detailed investigation that has been carried out and the revised detail that has been provided, the ecological issues identified have been wholly addressed.

9.3 Highways

Neighbour comments in particular have raised concern with parking and access. Issues raised include inadequate on-site parking, hazards with access onto Hilperton Road and large delivery vehicles. In considering the revised plans the Highway Officer provided a detailed assessment of the proposals in accordance with the Wiltshire Parking Strategy, which led to revisions to the plans to provide additional parking to meet standards (See “Consultations” section above). The Highway Officer is satisfied with the proposals on that basis. Ravenscroft Gardens is an adopted but unclassified road. The existing car park is currently not formalised in terms of a marked layout. The proposed parking to provide for the revised total of 60 bedrooms is for a reconfiguration and re-surfacing of a shared parking area (staff and visitors) to provide 23 spaces (21 standards and 2 disabled spaces). A turning facility is also proposed to enable vehicles to enter and leave the site in a forward gear. In addition 6 cycle stands are proposed. The condition recommended by the highway officer regarding the physical provision of the parking area should be imposed in the event that permission is granted.

A neighbour comment relating to the widening of the access over the land adjacent to the site is that the area concerned is not under the ownership of the applicants. Research into the original permission W83/00428/FUL) shows that there was a Section 58 agreement entered into in terms of which the highway authority was enabled to issue instructions for the construction of the means of access over the Ravenscroft Garden land. However it does appear that the remaining land would have remained in the ownership of the developers and their successors in Title. It is understood that this land is currently maintained by the local residents. The small width of land required for the widening is not within the application red-line area and the application form is therefore correctly completed in terms of ownership. Ownership is not a planning consideration, and the formation of an access off of a highway that is not classified does not require planning permission under the General Permitted Development Order. It is considered that the scheme could still be reasonably implemented and the parking provided if it is established that the land is not all highway land (the widening was not a requirement of the highway officer in her comments) and the consent of the owner is required to make use of a narrow strip of what would then be amenity land immediately adjacent to the well-established access.

9.4 Other matters including conditions

Paragraph 206 of the National Planning Policy Framework states that Planning conditions should only be imposed where they are:

- necessary;
- relevant to planning and
- to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Neighbour concerns were raised with regard to the potential for construction works to create disturbance and the request, in the event that permission is granted, is that a condition imposing working hours is imposed. Environmental Health officers have suggested only an informative in this regard.

In planning terms, due to the existence of other legislation and procedures to control nuisance, including noise arising from construction activity, the use of planning conditions to control the construction process cannot always be justified. A consideration is also weighing the restriction of working hours against extending the construction process over a longer period. Prior to imposing such conditions, each case needs to be assessed to determine whether this would be appropriate based on the type and scale of development and the nature and sensitivity of the locality.

In this instance, whilst the nature of the development is C2 residential care which is appropriate in the context of surrounding C3 residential use, access off of the relatively busy Hilperton Road for construction traffic would be into the cul-de-sac with the potential for nuisance outside of normal working hours (albeit temporarily during the construction phase) arising from the movement/operation of equipment and delivery of materials. It is considered reasonable therefore to impose a condition restricting working hours. An additional condition requiring a Construction Method Statement addressing matters such as storage of materials, parking for construction vehicles and temporary hoardings is also considered reasonable in this setting. Use rights should also be restricted to Care Home facilities given that alternative C2 Uses (e.g. a college or a training centre) might bring additional planning considerations into play.

A surface drainage condition would also be appropriate in the light of the comments of the Drainage and to ensure that adequate drainage is provided. Foul water drainage would be a building regulations matter and the developer would need to satisfy Wessex Water with regard to foul drainage connections.

10. Conclusion

The proposal would provide a care home that would add to the mix of community facilities serving the Trowbridge Community Area. A scheme has been negotiated to the satisfaction of consultees in relation to the Conservation Area, Highways, Tree preservation and Ecology implications. Permission is recommended subject to the following 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 No development shall commence on site until details and samples of the materials to be used 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.

- 3 No development shall commence on site until details of all windows (including head, cill and window reveal details) 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, the character of the host building and the

character and appearance of the area.

- 4 No part of the development hereby permitted shall be occupied until the parking spaces have been constructed and marked out in accordance with the details shown on the approved plans, and the cycle racks provided. The parking and turning areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and amenity.

- 5 Before works commence, a report shall be submitted to and approved in writing by the local planning authority approval detailing the results of sufficient bat surveys to confirm the location, status, species and access points of all bat roosts in buildings affected by the development hereby approved. The report shall illustrate the locations of roosts and access points on the approved architect drawings and assess the impacts of the proposed scheme on each roost and access point. The report shall provide recommendations for mitigation of any loss of ecological function of roosts or access points and any other safeguards that need to be put in place such as methods of working and revised survey and will recommend whether or not a European Protected Species licence will be required for works to proceed. The works shall be undertaken in accordance with the recommendations of the approved report.

REASON: In order to ensure the protection of Bat Species.

- 6 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a) location and current canopy spread of all existing trees and hedgerows on the land;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d) finished levels and contours;
- e) means of enclosure;
- f) car park layouts;
- g) other vehicle and pedestrian access and circulation areas;
- h) all hard and soft surfacing materials;
- i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 7 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building 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.

- 8 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to the trees to be retained in accordance with the approved plans has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement shall provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2005 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with BS5837:2005
- A schedule of tree works conforming to BS3998.
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway including details of the no-dig specification and extent of the areas of the driveway to be constructed using a no-dig specification;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the

supervisory visits; and

- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

- 9 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS), and shall be supervised by an arboricultural consultant.

REASON: To prevent trees on site from being damaged during construction works.

- 10 All building services plant shall be so sited and designed in order to achieve a Rating level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997.

REASON: In the interests of amenity of the surrounding area.

- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development
- the erection and maintenance of any security hoarding;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

REASON: In order to avoid harm to surrounding amenity in terms of noise, storage areas and restricted access arising during the development.

- 12 Hours of work for all demolition, site clearance and construction shall be within the following times:

Monday to Friday 0730 to 1800; Saturday 0800 to 1300 and at no time on Sundays or Bank Holidays.

REASON: In the interests of those residents in the cul-de-sac area and nearby the site the hours of working should be controlled.

13 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, 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: To ensure that the development can be adequately drained.

14 The development and accommodation hereby permitted shall be used for residential care and ancillary facilities within the definition of Class C2, Residential Institutions, 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 by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005, (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: In order to define the terms of this permission and because other C2 uses may not be appropriate in this context.

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

L5800 (05) 70 Existing Site Plan with Topo survey received on 18.09.2014

L5800 (05) 74A Proposed Lower Ground Floor Plan received on 18.09.2014

L5800 (05) 75A Proposed Ground Floor Plan received on 18.09.2014

L5800 (05) 76A Proposed First Floor Plan received on 18.09.2014

L5800 (05) 77A Proposed Roof Plan received on 18.12.2014

L5800 (05) 78C Proposed Elevations 1 received on 18.12.2014

L5800 (05) 79C Proposed Elevations 2 received on 18.12.2014

L5800 (05) 80 Proposed Courtyard Elevations received on 18.09.2014

L5800 (05) 83B Proposed Site Layout Plan with 25/45 degree analysis received on 18.09.2014

L5800 05 3D 001-004, Sun Path Analysis received on 18.09.2014

L5800 (05) 95 South West Progressive Elevations received on 18.09.2014

L5800 (05) 96 South East Progressive Elevations received on 18.09.2014

L5800 (05) 97 North East Progressive Elevations received on 18.09.2014

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

16 Informatives:

The details provided in the submitted Arboricultural Report and Tree Protection and

Tree Survey plans are accepted as base information for incorporation into the plans/reports to be provided in respect of the landscaping and arboricultural method statement conditions.

The applicant is advised that this permission relates to development within the red-line application site area. There is a question of land ownership over the narrow strip of land adjacent to the access which it is proposed to utilise for access widening.

