

Date of Meeting	10 August 2016
Application Number	16/03456/FUL
Site Address	The Bungalow Pepperacre Lane Trowbridge BA14 7JQ
Proposal	Conversion of existing dwelling to 2 No. 3-bedroom dwellings; erection of 1 No. 3-bedroom dwelling; erection of 2 No. detached garages; and associated landscaping and access works
Applicant	Doric Developments (Bath) Ltd
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE PAXCROFT – Cllr Oldrieve
Grid Ref	386611 158505
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Oldrieve for consideration of visual impact upon the surrounding area, relationship to adjoining properties, design and highway impact.

1. Purpose of Report

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

2. Report Summary

The report assesses the proposal in the light of the access/parking, design, neighbouring amenity and ecology considerations and recommends that permission is granted.

Neighbourhood Responses: 11 neighbour objections were received.

Trowbridge Town Council: No objection.

3. Site Description

The application site of some 2300m² is currently occupied by a dwelling and a redundant outbuilding. The site lies immediately adjacent to the “Elmhurst” Development currently under construction under LPA reference 15/04948/FUL. The development application site would be accessed via Pepperacre Lane, an un-adopted private lane. The site is on two levels, with a retaining wall surrounding the dwelling and the large garden to the south being on a lower level. The existing dwelling is a bungalow that includes a fourth bedroom in the roof space, with flat roofed dormer window to the rear elevation. The site is situated outside and to the south east of the Hilperton Conservation Area. There is a green corridor to the south of Pepperacre Lane, with more modern housing beyond, in Paxcroft Mead.

4. Planning History

None specific to this site but recent adjacent approvals are 15/04948/FUL (Erection of 20 dwellings with associated access and landscaping works) and 15/09838/FUL (Residential conversion of dwelling to 6 flats with associated landscaping and car parking – Elmhurst)

5. The Proposal

The application proposal is for the conversion of an existing 4 bedroom bungalow (with one bedroom to the roof-space) to two dwellings and the erection of one new dwelling. The development would be accessed from Pepperacre Lane, Trowbridge. The semi-detached chalet-style bungalows would be sited on plots of some 375m² each, whilst the new dwelling would have a plot area of approximately 500m² (including the garage access). The bungalows would be modest 3 bedroom units (2 bedrooms to each roof-space) and the detached dwelling also a 3 bedroom property. Each of the 3 units would have an allocated garaging.

6. Local Planning Policy

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy

Core Policy 3: Infrastructure Requirements

Core Policy 29: Spatial Strategy for the Trowbridge Community Area

Core Policy 41: Sustainable Construction and Low Carbon Energy

Core Policy 50: Biodiversity and Geodiversity

Core Policy 51: Landscape

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 58: Ensuring the Conservation of the Historic Environment

Core Policy 60: Sustainable Transport

Core Policy 67: Flood Risk

NPPF and NPPG

7. Summary of consultation responses

Trowbridge Town Council

No objection, subject to no significant adverse impact on neighbour amenity.

Highway Officer

The officer noted that the site is accessed along a private lane and the access onto the public highway is not proposed to be altered as part of this application and that the parking proposals are sufficient to meet Wiltshire's parking standards. The officer requested revisions to the plans to ensure that garaging was of acceptable dimensions. Plans were submitted and the officer then raised no highway objection providing that a condition relating to parking provision and turning areas is applied.

Environmental Health

Officers had no objections and did not wish to recommend any conditions.

Drainage Officer

The officer requested additional plans showing drainage proposals. The plans were provided, showing the existing and proposed arrangements. The officer further advised that the foul drainage links on a connection to proposed development at Elmhurst and details can only be cleared once that scheme is also cleared. Clarification and tests would also need to be done to confirm that a soakaway will work or what size is required

Ecologist

In an initial comment the officer requested the submission of a Badger Mitigation Strategy that is specific and relevant to the proposed development due to the close proximity of the main sett and a Bat mitigation and enhancement strategy before determination of the application to ensure sufficient information on protected species. The documentation was prepared and considered by the officer who was satisfied with the detail and suggested a condition and an informative.

Wessex Water

WW noted only that new water supply and waste water connections would be required. No objections.

8. Publicity

The 11 responses to neighbour advertising included the following objections:

- The inclusion of the whole lane in the application site is incorrect where the applicants do not have ownership;
- The double storey dwelling and conversion of the bungalow are out of character with the area;
- There would be overlooking and loss of privacy to the dwellings at 8, 10 and 12 Kenton Drive arising from the upper level windows;
- This is not a brownfield site and the proposal constitutes garden grabbing
- With the Elmhurst and encroaching Paxcroft Mead developments the green space should be retained;
- Impact on the wildlife area that forms part of the Elmhurst development;
- The increase in traffic associated with the site, from 2 vehicles to 8, is unsustainable given the single-track nature of the access;
- Over-development of the site and Density not in keeping with other existing properties adjoining the Conservation Area;
- Closing off the vehicular access to Elmhurst does not provide justification since bedsits were not fully occupied for a very long time prior to the recent conversion, Hilperton Road is far busier and vehicles would only have been using the top section to access Hilperton Road.
- Likely that other entrances will be informally used as passing places and this is unacceptable;
- Would have made more sense to have taken access from related Elmhurst development instead of forcing all this extra traffic down a lane which is not suitable for it.
- Potential for significant amount of additional congestion and noise in a very limited space.

9. Planning Considerations

The National Planning Policy Framework states that 'planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise'.

The NPPF also states that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 32 of the NPPF confirms that local planning authorities should only refuse applications on transport/highway safety grounds where "the residual cumulative impacts of development are severe".

9.1 Principle of Development

The site lies within development limits for Trowbridge in terms of Core Policies 1 and 29 of the Wiltshire Core Strategy, where the principle of new residential development is accepted.

Proposals must however accord with other development plan policies.

9.2 Design and Setting

Development of the site would effectively constitute infill of the remaining portion of the suburban block made up of the new Elmhurst Development and the converted Elmhurst building. The density for the 3 dwellings would approximate that of the row of four dwelling to the north of the site, within the new development itself. The site lies adjacent to the Conservation Area, and the principle of subdivision to a similar density within the CA itself has been accepted, by virtue of the approval of the Elmhurst Development.

The site itself has two levels, with the bungalow floor level being approximately 1m higher than that of the ground level of the proposed new dwelling site. A retaining wall separates the two site areas. The conversion of the bungalow would not result in any material increase in the size of the building, and would bring it back into functional residential use and include refurbishment of what is a building of neglected appearance (albeit apparently still structurally sound). The new dwelling would be a two storey unit of 7.2m to ridge height, with the upper level bedrooms served by dormers. This design would result in a building of a lesser massing than those approved on plots 16-19 of the Elmhurst Development adjacent to the bungalow along Pepperacre Lane (9.4m in height). The bungalow would be finished in render under tiles, whilst the new dwelling would be of brick, with reconstituted stone quoins, also under tile. These materials are considered to be wholly acceptable in this context. The development would not be alien to what has become an established situation along Hilperton Road, which is characterised by larger houses fronting onto the road itself with smaller one and two storey homes located to the rear. Two vehicle access points are proposed, one to each of the plots. The supporting statement argues that this would open up the front of the site providing a more open aspect at this end of the no through road. It is considered that this, together with revitalising the area at the end of the lane would be a positive aspect of the proposal. A landscaping condition would be appropriate however, with a view to address the setting of the development.

In view of the above the proposed design is considered to be wholly acceptable within the setting.

9.3 Ecology

The construction of the proposed new dwelling and its associated garage would take place in close proximity to the main badger sett located within the adjacent Elmhurst Development (15/04948/FUL). Ecology considerations and the green space to the south of the site were raised by neighbours as potential concerns.

The application documents included supporting documentation that also related to the Elmhurst development. Council's Ecologist considered that the findings of the ecological surveys were still relevant to this proposal, but requested additional specific mitigation and enhancement strategies for badgers, bats and birds the conversion of the bungalow (low potential for roosting bats) and demolition of the existing garage (negligible potential for bats) and piggery (low potential bats). The officer advised also that precautionary measures to the demolition of the outbuilding and the conversion of the bungalow would be required. The

Ecologist therefore recommended that a specific badger mitigation strategy should be submitted for this application rather than relying only on the reports submitted with the adjacent application. The additional documentation was prepared and considered by the Ecologist and found to be acceptable. Subject to the condition and informative recommended by the Ecologist, it is considered that issues surrounding ecology and protected species would be properly addressed.

9.4 Highways and parking

Pepperacre Lane provides the un-adopted road access to the site. Some objections relate to the question of ownership and the inclusion of the access within the red-line area of the application. There is no restriction in planning terms in including land outside of an applicant's ownership within a proposed development site. However, appropriate notices must be served and in this instance, where no owners could be identified, a press advert was placed by the applicants and "Certificate C" of the application form (which applies in such circumstances) has been duly completed. It is considered that the statutory requirements in respect to ownership and the red outline have been met.

The lane in the vicinity of the Hilperton Road junction is hard surfaced over its full width, but narrows to a single track at about 35m from the junction. Beyond that point the track serves one additional dwelling apart from the proposed development, and the first access to the site would be some 95m further along the single track.

The development itself provides for on-site parking and adequate manoeuvring space to ensure that vehicles would turn and use forward gear in both directions. The lane is straight, with visibility over its full length.

The development would result in traffic movements from 2 additional dwellings from the old Bungalow. The supporting document argues that the recent adjacent approvals which included the closure of the vehicular access from Elmhurst (which previously had 6 address points) which would now use the shared access with the wider Elmhurst development, means that a net 4 fewer households would be accessing the Hilperton road intersection of Pepperacre lane. Whilst objectors point out that the Elmhurst building was not occupied for some time, it is considered that the fall-back position is that the closure of the Elmhurst access would indeed reduce the overall potential movement of vehicles in and out of the lane to a degree off-setting the new movements that would arise.

As noted above, Paragraph 32 to the NPPF states that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."*

The highway officer has raised no objections, subject to a condition regarding the construction of the turning and parking spaces. Parking provision would meet Council's standards.

In view of the above it is considered that the proposal would not give rise to highway impacts at a level that would justify refusal.

9.5 Neighbouring Amenity

Amenity considerations apply to both the existing development to the north east, beyond the lane, and to the Elmhurst development currently under way. Loss of privacy and overlooking have been raised by neighbours as potential issues.

With regard to potential impacts on the existing development, there would be upper level windows serving habitable rooms to the bungalow subdivision, as well as to the new dwelling.

Separation distances between the proposed new dwelling and the existing dwellings to the north would be a minimum of 21m, which wholly accords with the rule-of-thumb guideline in respect of privacy between inter-visible upper level habitable rooms. The lane and boundary fences are also within the intervening space. The dwellings to the north east are all single storey units meaning that there are no directly inter-visible upper storey windows with indirect visibility to lower level windows nevertheless at or beyond 21m. The separation distance between the bungalow windows and the existing dwellings would be 30m. There is a +2m high fence screens the rear garden spaces to the existing dwellings, and the separation distance between this boundary and the front elevations to the proposed development varies between just over 10m (new dwelling) and over 17m (the converted bungalow) with the lane also within the intervening space. Furthermore the new dwelling would be set on ground approximately 900mm lower than that of the existing development, further reducing overlooking potential.

With regard to the Elmhurst development, the bungalow would already have been a consideration in that layout. Whilst a new dormer window would be added to the roof this would not result in any additional overlooking onto the adjacent property, than that already experienced through an existing dormer window. Both of the windows would be obscure-glazed, serving bathrooms. Windows would be removed from the south and north elevations of The Bungalow. Two rear-facing windows are proposed to the upper level of the new dwelling, one serving a bathroom and obscure glazed, with the other serving a bedroom. The bedroom window would be 18m from the side elevation (no habitable rooms) to the nearest new dwelling in the Elmhurst development.

In view of the above it is considered that no unacceptable overlooking or loss of privacy would arise for neighbouring properties, either existing, or within the Elmhurst development.

9.6 Other matters

WCS Core Policy 41: Sustainable construction and low carbon energy requires that new dwellings achieve a level of Energy Performance at or equivalent to Level 4 of the Code for Sustainable Homes. A condition to that effect would be appropriate.

Council now has a CIL regime in place which would now require contributions. This is not imposed as a condition, but an informative to applicants is the norm.

With regard to drainage, additional drainage information showing existing and proposed foul and surface water details were provided at the request of the drainage officer. The officer advised that details of drainage could only be finally approved once the adjacent Elmhurst system (under development) was cleared. Similarly, surface water drainage design would need final design. Detailed design would however be the subject of Building Regulations plans and not planning. It is nevertheless considered reasonable to impose conditions relative to the final layout (as opposed to detailed design) on both these aspects. Wessex Water did not object or recommend conditions, advising only that new water supply and waste water connections will be required to serve the development.

10. Conclusion (The Planning Balance)

The principle of the proposed development accords with planning policy. Issues identified during consultation (ecology, drainage and highways) were addressed by way of further information and details. It is furthermore considered that no unacceptable amenity issues would arise for neighbours and, whilst accepting the restricted nature of the access lane, no severe cumulative impact would arise in terms of which the proposal would not be acceptable when considered under NPPF para. 32.

RECOMMENDATION

Permission, 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 No development shall commence on site until details 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 3 The development hereby approved shall be carried out in accordance with the Badger Mitigation Strategy and the Bat Mitigation and Enhancement Strategy, both prepared

by Stark Ecology as submitted by email on 20th June 2016 and as modified by a Natural England European protected species licence. The bat roosting features incorporated within the garages shall be provided in a suitable condition for use by bats for the lifetime of the development hereby approved.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

- 4 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 detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;
 - all hard and soft surfacing materials.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for 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 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 No development shall commence on site until a scheme for the discharge of surface water from the site, 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: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

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

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

- 8 No part of the development hereby permitted shall be first occupied until the turning areas and parking spaces/garaging 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 The dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

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

PEP 001 Rev B Plot 2 & 3 Existing Building Plan Registered on 27 April 2016;

PEP 001 Rev B Plot 2 & 3 Existing Elevations Registered on 27 April 2016;

PEP 003 Rev C Registered on 27 April 2016;

PEP 004 Rev C Registered on 27 April 2016;

PEP 005 Rev D Registered on 27 April 2016;

PEP 006 Rev D Received on 24 May 2016;

PEP 007 Rev E Registered on 27 April 2016;

PEP 008 Rev B Registered on 27 April 2016;

PEP 009 Rev C Registered on 27 April 2016;

PEP 0011 Rev D Received on 24 May 2016; and

PEP 0014 Rev B Registered on 27 April 2016.

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

11 INFORMATIVE:

Please note that this consent does not override the statutory protection afforded to any protected species. All British bat species 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). This protection extends to individuals of the species and their roost features, whether occupied or not. If bats are discovered, all works should stop immediately and a licensed bat worker should be contacted for advice on any special precautions before continuing (including the need for a derogation licence from Natural England).

Please also be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds (while nesting, building nests and sitting on eggs), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. If birds are nesting on/in or within the vicinity of the proposed development, work should be undertaken outside the breeding

season for birds to ensure their protection, i.e. works should only be undertaken between August and February. Further advice on the above can be sought from the Council Ecologists.

The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence.

12 INFORMATIVE TO APPLICANT:

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/communityinfrastructuralevy.