

<b>Date of Meeting</b>	12 October 2016
<b>Application Number</b>	15/03120/FUL
<b>Site Address</b>	Rosefield House, Polebarn Road, Trowbridge, BA14 7EQ
<b>Proposal</b>	Proposed change of use of existing Stable Block at the rear of Rosefield House to form 2 residential units and proposed erection of two-storey side extension to form one additional residential unit
<b>Applicant</b>	Mr Nicholas Ross
<b>Town/Parish Council</b>	TROWBRIDGE
<b>Electoral Division</b>	TROWBRIDGE PARK – Cllr Dennis Drewett
<b>Grid Ref</b>	385990 157929
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

Councillor Drewett has requested that the application be considered by the Planning Committee for the following reasons:

- Visual impact upon the surrounding area;
- Relationship to adjoining properties; and
- Car parking

### 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 planning permission be granted. This application was deferred by the Committee at the 28 September meeting to allow for a site visit by elected member's to take place prior to further deliberations. The committee also passed an instruction to the case officer to establish whether the applicant would be willing to make a material amendment to the scheme removing the proposed two storey side extension that would create the third residential unit. However, given the tight deadlines involved with finalising the 12 October committee agenda, Members will be advised in due course by officers following further negotiations to be held with the applicant and agent.

### 2. Report Summary

The main issues to consider are:

- The principle of the proposed development;
- The potential impacts upon the character and appearance of the building and the

- Conservation Area;
- Impact upon neighbouring amenity
- Access and highways
- Loss of employment floorspace

The Town Council has no objection to the proposal.

### **3. Site Description**

The application relates to the old stable block to the rear (north east) of Rosefield House, Polebarn Road in Trowbridge. It is understood that the building was previously occupied by the Ice Cream factory (Riddiford's Ices/Riddy's) which closed in the 1980's. The building is Grade II listed, and its original function, as indicated by the listing description, was as the stable block serving Rosefield House.

Access is off of Polebarn road onto a large courtyard/access area that serves a number of properties including those within Polebarn House and Rosefield Cottage. The building fronts onto this courtyard/access area.

### **4. Planning History**

The Council's planning records do not reflect any relevant planning history affecting this particular building, including in relation to any employment use. However, it is clear that the ice-cream factory use has been abandoned for a number of years with the last known use therefore being under Use Class B1.

Further, on the wider surrounding site that includes Polebarn House and outbuildings, permission was granted under reference 15/12319/FUL for a similar change of use of a vacant, Grade II listed building from ancillary storage space and B1 use to create 2 new dwellings. (February 4, 2016: Approved with Conditions).

In another nearby application the Grade II Listed wall along Polebarn Road and the boundary wall between the Police Station and Rosefield House was rebuilt and repaired under application 15/01869/LBC (April 9, 2015: Approved with Conditions). This wall forms the road boundary of the wider site area.

### **5. The Proposal**

The application is for the change of use of the existing stable block to form two residential units and the erection of two-storey side extension to form one additional residential unit. The proposals include the provision of 6 car parking spaces.

### **6. Planning Policy**

*National Planning Policy Framework*

Section 4 – Promoting Sustainable Transport

Section 6 – Delivering a wide choice of quality homes

Section 7 – Requiring good design

Section 12 - Conserving and enhancing the historic environment

Wiltshire Core Strategy - Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy; Core Policy 29 – Trowbridge Community Area Strategy; Core Policy 35 - Existing Employment Land; Core Policy 41 - Sustainable Construction and Low Carbon Energy; Core Policy 45 - Meeting Wiltshire’s housing needs; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy (LTP3)

Wiltshire’s Community Infrastructure Levy - Charging Schedule (Charging Schedule)

Planning Practice Guidance (PPG)

Further, Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

## **7. Summary of consultation responses**

**Trowbridge Town Council:** No objection.

**Wiltshire Highways:** initially objected to a proposed new entrance, requesting details in respect of visibility splays. Revised plans were provided and the objection was withdrawn, subject to conditions.

**Wiltshire Council Conservation** - Objected to the initial proposals, raising concerns about the detail provided in the heritage statement and details in respect of roofing and new joinery. The agent submitted an amended heritage statement and provided additional details and plans. The officer now supports the application based on the revisions. Heritage aspects and the details of the Officer’s comments are discussed further in the “Assessment” section below.

**Wessex Water** - No objection, noting only that new connections will be required.

**Heritage England** - noted the issues identified by the Conservation Officer and recommended that they be addressed, but advised no further consultation was needed

## **8. Publicity**

One neighbour responded to advertising, raising the following objections:

- 1) The proposed side extension is only 3.8 metres from the kitchen window to Rosefield Cottage and the effect of a two-storey building will be to seriously restrict daylight into the kitchen area;
- 2) The positioning of the proposed front door and windows opposite the window would affect privacy;

- 3) Possibility that tenants of that proposed extension would create noise disturbance and smells if waste disposal bins are located adjacent to the front door. Smoking outside the front door would also not be acceptable;
- 4) Unless there is a restriction in a tenancy agreement regarding parking and access, there could be interference with access to the garage to Rosefield Cottage Possible interference of the new extension with access roadway;
- 5) Sometimes when work is being done on the objector's dwelling Rosefield Cottage there are tradesmen's vehicles parked on the driveway in front of the garage/access roadway. This also applies to the front of the objector's building which faces onto Rosefield Court;
- 6) Care must be taken when the existing shed is removed to prevent asbestos contamination of Rosefield Cottage with asbestos fibres; and

There are no comments on the modification to the stable block itself, apart from those made previously regarding noise, rubbish disposal, smoking and parking.

In a subsequent submission prior to the Committee meeting of 28 September the objector wrote in and re-stated the view that the kitchen was a habitable room in too close a proximity to the proposed development and that the new door, if open, would allow views directly into the kitchen window. The right to light also applies where the new building would overshadow. The issue of the impact of the new building on the access was also re-stated, and the separation distance in the planning report was queried. (Officers note: By way of explanation, the 9,7m specifically related to the separation distance that would apply between the new building and the objector's garage, i.e. the manoeuvring/parking space that would remain.)

## **9. Planning Considerations**

### **9.1 Principle of development.**

The change of use of these vacant B1 premises to residential use poses no in-principle objection subject to the loss of employment floorspace being justified; the heritage elements of the proposals being satisfactory and no other detail planning issues arising. This is because the application site is located within Trowbridge development limits in an accessible location where the principle of further housing development is acceptable.

A further material consideration is the Trowbridge Masterplan that sets out a desire to see residential planning uses within this location as it is considered to be a more suitable activity in this "quiet cul-de-sac" position that it considers Polebarn Road to be.

### **9.2 Potential impacts upon the character and appearance of the building and the Conservation Area.**

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under the Planning (Listed Buildings and Conservation Areas) Act 1990 to give special regard to the "desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" (S16 and 66). Paragraph 128 of NPPF further requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate

to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 129 of the NPPF requires that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal.

Paragraph 132 of the NPPF states that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... Significance can be harmed or lost through alteration or destruction of the heritage asset.... As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."

Core Policy 58 of the Wiltshire Core Strategy echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of listed buildings.

A parallel Listed Building Consent application (15/03181/LBC) was submitted alongside the application. Due to the setting of the adjacent Grade II\* Historic England was also consulted. HE noted the issues identified by the Conservation Officer and recommended that they be addressed, but advised no further consultation was needed. Although the LBC application would deal with the detailed heritage aspects of the design, the impact on the building and the Conservation Area and adjacent Grade II Listed "Rosefield Cottage" settings are also relevant to this full planning application.

The building is a Grade II listed 18th century red brick stable block with a stone tile roof. The first floor has ashlar stone surround square windows flanking an ashlar detailed oculus central window. The ground floor has two cart-style openings. In initial comments the Conservation Officer requested additional information in the heritage statement to provide an assessment of the significance of the listed building under paragraph 128 of the NPPF.

The Officer noted that the stone slates are quite possibly the original roof covering but are in any case an historic roof covering that contributes strongly to the historic character of the listed building. Following the submission of revised plans that removed the initially proposed concrete tile replacements and indicated the retention and continuation of the stone roof; the retention of the windows to be supplemented with secondary glazing; and the confirmation that an inner wall was modern so its removal would not affect the special interest of the building, the officer removed initial objections. He however further noted that the fenestration details, in particular the detail of how to treat the former cart openings would need to be dealt with by way of condition within any Listed Building Consent approval.

In terms of Conservation Area impacts, the building is not visible to the street frontage, being set back within a complex of buildings on the site. The materials and design would nevertheless retain the historic appearance of the building, and the removal of an extremely dilapidated shed structure would constitute an enhancement. The building is seen within the private internal access/courtyard areas on site but, again, in heritage terms the refurbished building would enhance the setting.

The listed building consent application has been held in abeyance pending the decision on this full application, in the event that the decision may affect details/conditions applicable to the LBC decision.

Subject to conditions therefore it is considered that the proposal accords with local and national policy as it relates to heritage assets.

### **9.3 Loss of employment floorspace.**

Core Policy 35 to the WCS is permissive of development replacing employment floor space in principle, subject to detailed criteria. The policy state that within the principal settlements proposals for the redevelopment of land or buildings currently or last used for activities falling within use classes B1, B2 and B8 must be assessed against the following criteria:

*“i. The proposed development will generate the same number, or more permanent jobs than could be expected from the existing, or any potential employment use”*

Information detailing how many jobs would have been reliant on either the application site or the wider employment activity is clearly not possible to fully establish, given the length of time the use has not been carried on. However the proposal is to completely remove the employment use at the application site and thus future employment from the scheme would be zero. Whilst the proposals would result in employment during construction, this would be nominal and moreover temporary.

*“ii. Where the proposal concerns loss of employment land of more than 0.25ha in the principal settlements, market towns or local service centres it is replaced with employment land of similar size elsewhere at that settlement.”*

The floor area previously utilised for employment use is approximately 70m<sup>2</sup>, well below this requirement. No replacement floorspace would therefore be required.

*iii. It can be shown that the loss of a small proportion of employment floorspace would facilitate the redevelopment and continuation of employment uses on a greater part of the site, providing the same number or more permanent jobs than on the original whole site*

This is a proposal for 100% residential on the site and no employment floorspace would remain.

*iv. The site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area*

The application site is a relatively small part of wider (but now vacant) employment use on the site. Recent approvals (see above) have seen that use further diminished. Continuation of a B1 - e.g. light industrial/offices/research and development - would have implications in terms of potential new residents and, whilst B1 uses are considered compatible with residential properties, a degree of additional nuisance in the form of traffic movement. However it is noted that the Trowbridge Masterplan forms a material consideration and whilst the weight to be attributed to this is low; the plan does indicate a desire to see residential uses within this locality of Polebarn Road in preference to commercial uses.

*v. There is valid evidence that the site has no long term and strategic requirement to remain in employment use; the ability of the site to meet modern business needs must be considered, as well as its strategic value and contribution to the local and wider economy both currently and in the long term. It must be shown that the site is no longer viable for its present or any other employment use and that, in addition, it has remained unsold or un-let*

*for a substantial period of time (at least 6 months), following genuine and sustained attempts to sell or let it on reasonable terms for employment use, taking into account prevailing market conditions*

The supporting documentation confirms that the building formed part of the wider uses of Homefield House and ancillary structures as a government building and commercial spaces. The application building has however been vacant since the Ice-Cream factory closed. Additional information has been provided upon request including a commercial assessment by Carter Jonas, which inter alia indicates the cessation of a commercial use in the 1980's and that there has been no replacement activity. The firm marketed the wider site as a whole and on a floor by floor basis also, as reflected in the documentation submitted for the adjacent conversions. The document now submitted (May 2016) also assesses market conditions and the particular location and situation of the building, concluding that:

- There is significant availability of office space on the market in all West Wiltshire market towns and rural locations with limited demand as shown by an average take up in Trowbridge of approximately 20,000 sq. ft. p.a. over the past several years.
- The current consent for the property is B1(c) is, in the opinion of the author not suitable for the manufacturing, or indeed any commercial use, given the location of this property; and
- If planning consent is not forthcoming for a residential conversion, it is the opinion of the author that a conversion to an alternative commercial use would not be viable and the property would remain in its existing unoccupied state.
- It is also the author's view that due to the level of availability of office accommodation, there would be no adverse impact on the office market either within Trowbridge or on a more regional West Wiltshire basis if this site was to be used for an alternative use.

In light of the evidence submitted for the recent approval under 15/12319/FUL and the long-term vacancy of the buildings on the site, these views are considered to reflect the reality of the site, i.e. that commercial uses would be unlikely to bring forward interest that would result in the refurbishment of the Grade II listed building from its current poor condition.

In summary: The site has clearly been vacant for a considerable period of time; and there is evidence of genuine efforts made to market the wider premises for sale without any notable interest and the opinion of experts in the field is that the site is not suitable/viable for ongoing B1 uses.

It is further noted that that permitted development rights exist for some premises to change use to C3 from B1(a); however that is not applicable in this case where B1(c) (Light Industrial) was the last use. Planning permission is required for the change of use and the extension to the building and it needs to be assessed on its merits. The government's stance on allowing some further changes of use under permitted development is thus carries nominal positive weight.

*vi. The change of use is to facilitate the relocation of an existing business from buildings that are no longer fit for purpose to more suitable premises elsewhere within a reasonable distance to facilitate the retention of employment.”*

This is not applicable in this case; the premises are vacant and there is no relocation.

The NPPF is of a further material consideration over and above CP35: *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities’.*

Thus, having regard to all the criteria within CP35 and in light of the additional information provided it is considered that sufficient justification exists to allow the loss of employment floorspace at the site.

#### **9.4 Access and Highways**

The development site is located in close proximity and within easy walking distance of Trowbridge Town centre and the related facilities, open space and transport links. In such circumstances car-free schemes have in the past been seen as wholly acceptable. In this instance there is however an extensive open courtyard area wherein the proposals include the provision of 6 parking spaces. Following the re-building of the Grade II listed Wall fronting Polebarn Road between Rosefield House and the Police Station the initial plans that included a new access through what was the collapsing wall were revised to utilise the current access to the complex as a whole. The retention of the wall is considered to be essential to the street scene, and the use of the existing access would not give rise to any new unacceptable hazard when seen in the context of the fall-back position of the commercial uses that could take place on the site.

Pedestrian access over common areas would lead from the parking area to the new dwellings.

The existing courtyard area is wholly adequate in terms of size to provide for the proposed parking. However, a condition would be appropriate to ensure that the area provides for allocated, laid out spaces which are retained as such in the future. (This was an issue raised by the objector as well).

It is considered that, subject to conditions, issues of highways and parking can be fully addressed in relation to the proposed scheme.

#### **9.5 Potential Impact on neighbouring amenity**

The proposed development sits in the context of recently permitted residential conversions in the Polebarn House complex (not all fully implemented) as well as directly opposite Rosefield Cottage.

No vehicular access direct to the building would be provided, with parking provided in the separate existing large courtyard area. No new nuisance from car movements over and



above that which would be anticipated with a fall-back commercial use of the building would arise.

There is currently one main entrance door to the building, which leads directly from a pedestrian footpath. This entrance is provided through large timber stable doors which are presently in relatively poor condition. It is proposed that the main entrance for one of the dwellings would be provided within this existing opening. A large window opening adjacent the stable doors will provide a main entrance to the second dwelling. A third door would be provided to the dwelling proposed within the extension. Adjacent to the new door would be a window serving an open plan sitting room/kitchen ground floor area. Part of the neighbour objection relates to these openings to the new dwelling.

Whilst acknowledging that the gap between the proposed and neighbouring kitchen window in Rosefield Cottage is narrow, the existing window of concern does serve the kitchen and not a habitable room such as a bedroom. The kitchen window furthermore faces onto the access/yard area serving the wider complex, which is not private curtilage land and issues of privacy are therefore not considered to be a reason for refusal. Further investigation confirmed that the kitchen forms part of an open plan arrangement with a primary window to a sitting room facing the opposite direction onto the garden space. Other primary windows to the lounge/bedrooms in the existing dwelling do not face onto the proposed development. The applicant has however agreed to a condition requiring obscure glazing to the new window that would face towards the existing kitchen in order to further limit any possibility of direct views into it.

With regard to the question of overshadowing, the existing kitchen window currently faces on to the derelict shed building that would be replaced. Beyond that (when viewed from the kitchen) is a double storey element of the complex of buildings on the site. The new extension would replace the footprint of the shed, with limited extension beyond the current outside walls (approximately 290mm towards the front elevation and 750mm to the side). Given the existing situation and the fact that the kitchen window does not serve a habitable room it is considered that refusal on the basis of loss of light to the window would not be sustainable. Higher level windows to the existing dwelling would also face the new extension but, again, these are either secondary windows or do not serve habitable rooms.

A further objection is the potential for future residents to loiter outside of the new building door, for example smoking and creating noise disturbance. There is no indication that the development would be likely to give rise to anti-social behaviour. The intervening space between the development and the existing dwelling is furthermore common land to the wider complex. Thus, whilst there might be a degree of additional footfall in the common area, this is not considered to be likely to give rise to a degree of nuisance justifying refusal. The fall-back position of a light industrial use in the building, with potential higher frequencies of non-residential occupants using the area is also a material consideration.

The proposal would give rise to the building being properly refurbished and brought back into functional use. This is considered to be a positive aspect for the surrounding area including the setting of Rosefield Cottage, and also in terms of the longer term future of the host listed building. The removal of the shed and its replacement with an extension compatible with the listed building would also remove the very dilapidated shed building. With regard to issues of

asbestos contamination with the demolition of the shed building, this would be a matter for building regulations rather than planning.

With regard to access to the objector's garage, the extension to the building would result in a reduction of roughly 0.3m in the existing separation distance of approximately 9.7m. It is considered that this would not alter the manoeuvring space to such a degree that would justify refusal of the application.

In view of the above it is considered that, subject to conditions, the development would not give rise to unacceptable neighbouring amenity issues. A positive aspect of the proposal however would be the renewal of the area and enhancement of the parking courtyard.

### **9.6 Other Matters**

The existing building (as noted above) has deteriorated over time and, whilst some repair activity was evident at the time that the application was first received, this appears to have ceased. The sealing of the building now appears not fully secure and the possibility therefore exists that protected species may be nesting within the vacant structure. Thus it is considered reasonable to take a precautionary approach and require that prior to any works being commenced, the building is investigated for protected species and, if found, mitigating measures for their removal/accommodation at demolition are agreed.

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

The principle of the acceptability new residential development in this locality is established by virtue of current policy. The proposals are satisfactory in terms of heritage objectives in light of the other additional information provided. The conservation officer is satisfied with the proposals, subject to conditions in any Listed Building Consent approval. Adequate information to justify the complete loss of employment floorspace on the site, and the building is part of a wider, long-term vacant employment site which has recently had other residential changes of use approved. Highways and access requirements are satisfactorily addressed subject to conditions. Also, subject to a condition in relation to obscure glazing, and considering the window affected to a degree by the new extension serves a kitchen, no unacceptable harm to amenity justifying refusal would arise.

### **RECOMMENDATION**

#### **Grant planning permission, subject to the following conditions and informatives:**

- 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 and in accordance with the annotation to Drawing No. CLCS/ 136/102 REV A have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt roof material shall be natural stone

and not of cement manufacture.

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

- 3 Before the development hereby permitted is first occupied the windows in the extension to the front elevation shall be glazed with obscure glass only and the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 4 No dwelling shall be occupied until parking spaces for six vehicles, together with the access thereto, have been provided in accordance with details to be submitted for approval in writing by the Local Planning Authority. The parking and turning spaces shall be retained for use as such thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

- 5 No demolition, development or other internal works shall commence prior to the assessment of the building for bats and nesting birds. The assessment shall be carried out by a licensed, professional ecologist. If the buildings are assessed as having low, moderate or high potential for roosting bats or other protected species, then subsequent presence/absence surveys shall be undertaken. If presence of bats or other protected species is confirmed, an impact assessment comprising detailed mitigation measures, a monitoring strategy and habitat enhancements shall be submitted to the Local Planning Authority before any demolition or other internal works are undertaken. The mitigation strategy, monitoring and habitat enhancements shall be carried out in accordance with the approved details and as modified by a relevant European Protected Species Licence from Natural England (where applicable).

REASON: In the interests of the protection of Protected Species.

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

CLCS/136/100 registered on 18 May 2015;

CLCS/136/101 registered on 18 May 2015;

CLCS/136/102 REV A received on 22 October 2016; and

CLCS/ 136/103 REV A received on 11 August 2016.

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

PLANNING INFORMATIVES:

This Decision notice must be read in conjunction with that in relation to application 15/03181/LBC and the conditions applicable thereto.

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.