

Date of Meeting	14 December 2016
Application Number	16/07872/FUL
Site Address	Greenacre House, Cleveland Gardens, Trowbridge BA14 7LX
Proposal	Creation of 5 new dwellings and incorporation of single bed cottage/flat within existing building.
Applicant	Domus Fay Ltd
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE ADCROFT – Cllr Nick Blakemore
Grid Ref	386343 158637
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 Blakemore for the consideration of the visual impact upon the surrounding area, the relationships with adjoining properties, as well as design, highway and parking impacts.

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 principle of the development, access/parking impacts, the design and neighbouring amenity impacts and recommends that planning permission should be granted.

Neighbourhood Responses: 9 neighbour objections were received.
Trowbridge Town Council: No objection.

3. Site Description

The application site is an irregular shaped plot located on the north side of Cleveland Gardens within the established two limits of Trowbridge. The site measures some 1500m² and is occupied by a property known as Greenacre House which, whilst not listed or located within a Conservation Area, is a substantial stone built property. The main 2-3 storey existing building is occupied by 4 flats, with an additional residential unit contained within a rectangular single storey addition. Along the north east and south east boundaries of the site, there are two rows of vacant garages in poor condition. The surrounding area and neighbouring properties comprises varying house/property types comprising chalet bungalows, two storey houses and flats above commercial units forming a two-storey block (identified by the property no's of 101-111) located on the junction of St Thomas Road and Cleveland Gardens, which adjoins the application site's south-eastern boundary.



4. Planning History

There have been no recent planning applications directly relevant to the identified site but on the adjacent land, planning permission was granted in February 2016 under reference 15/12282/FUL for the conversion of a former nursing home to 7 residential units with the simultaneous change of use from Class C2 to Class C3. The approved site plan and a site photo pursuant to the 15/12282/FUL application are reproduced below for reference purposes:



5. The Proposal

As illustrated on the proposed site plan which is reproduced on the next page, the application proposal seeks full planning permission for the erection of 5 additional dwellings. To accommodate the proposed development, the existing residential unit contained within the single storey south-eastern side addition attached to the Greenacres House would be demolished and replaced by three 3-bed new dwellings attached to the main building. The ridge level to the extension would be 9.3m and the building would occupy a footprint of 15.2m x 8.9m (this would replace the existing footprint of 12m x 5.6m of the existing extension). Materials would match the existing building, an aspect which is discussed further in the assessment below. The plots to each of the 3 new dwellings would average 115m² in extent each (including the parking allocations to the street frontage) with private rear garden spaces of some 35m² each (7m x 5m)

In addition, two 1½ storey 2-bed semi-detached dwellings with a combined footprint of 8.1m x 12m are proposed to be constructed to the rear of the site adjacent to the northern boundary. The ridge height to this building would be 8.1m. Private amenity space areas to these two properties would be 55m² and 47m².

The proposals also involve the refurbishment and internal re-arrangement of the existing flats within the building, to include one flat as replacement for the demolished unit. The development would include 17 on-site parking spaces, and would provide new garden spaces to the new houses.



6. Planning Policy

The **Wiltshire Core Strategy** (WCS) was adopted on 20th January 2015. The following Core Policies (CP) are relevant when assessing this application.

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

When adopting the WCS, some policies continued in force from the West Wiltshire District Local Plan (1st Alteration) (WWDLP). Those which are relevant to this application include:

U1a (Foul Drainage/sewerage treatment) U2 (Surface Water Disposal).

The following are also material to the assessment of this application:

- National Planning Policy Framework 2012
- Planning Practice Guidance
- Wiltshire Car Parking Strategy

7. Consultation Responses

Trowbridge Town Council - No objection subject to there being no unacceptable loss of neighbouring amenity.

Wiltshire Council Highway Officer - The highway officer initially raised concerns with regard to the submitted parking layout and provision. This resulted in the submission of revised plans for parking and turning spaces to the front and rear of the site. Following a fresh consultation, the highway officer confirmed their satisfaction with the revised proposals. This aspect is discussed further in the appraisal section, below.

Wiltshire Council Ecologist - The Ecologist advises that the site is in a relatively 'green' urban location, close to known bat roosts. However, the part of the building proposed for works does appear to be well sealed and relatively modern, and is located next to the road, and thus is unlikely to offer potential opportunities for roosting bats. The vegetation on site appears suitable for nesting birds. The garages would not be suitable habitat and demolition can be covered by an informative. No ecological survey work is required prior to the determination of this application. However a planning informative is recommended.

Wessex Water – No objection. New water supply and waste water connections would be required to serve this proposed development. A public water main is shown on record plans within the land identified for the proposed development and no building would be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water.

8. Publicity

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 30 September 2016.

9 letters of objection have been received with the following comments (summarised):

- Loss of light and privacy to No.115 St Thomas Road and 1 and 2 Cleveland Gardens due to extended/new buildings;
- Security arrangements would be needed during construction;
- Potential harm to the roots of a neighbours tree during construction processes;
- The boundary of No. 115 St Thomas Road runs along the area that is taken by 5 demolished garages which form a large part of the boundary wall. Views would be open to and from that property. Also, there is some concern about potential damage to a pathway next to boundary. Assurances from the developer are sought to accept liability for any such damage and agree to any consequential and necessary replacement wall/fence would be put in place;
- Parking problems on adjacent roads;
- Potential presence of bats and birds;
- Lack of Design and Access Statement;
- Overdevelopment of the site;
- Inadequate on-site parking;
- Increased volume of traffic resulting in highway danger;
- If approved, there could be future additional subdivisions into flats;
- Noise nuisance;
- Additional impact of the new development granted under 15/12282/FUL; and
- The site owner tried to remove mature trees over which there is a covenant.

9. Planning Considerations

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

9.1 The Principle of the Development - The site is located within the established limits of development of Trowbridge where the principle of residential development of this nature is supported. The proposal is considered to comply with CP1, CP2 & CP29. However, the details of the proposal must be evaluated in terms of the relevant development plan policies set out within section 6 of this report.

9.2 Highways and Parking Impacts - As noted above, the issue of parking and access have been the subject of extensive discussion between the highway Officer and the applicant's agent. Following the initial expressed concerns, revised plans were submitted to the highway officer's satisfaction promoting a revised parking layout allocating two parking spaces for each of the new proposed dwellings, in addition to allocated spaces for the existing flats. No highway based objection is therefore raised. Also, at the case officer's request, evidence has been submitted confirming that right of access exists to the bays to the rear and front of the property.

It is furthermore important to recognise that the application site is located with an urban location in close proximity to bus stops and with the added convenience of local services and amenities and the town centre being within a reasonably convenient distance for walking or cycling. Trowbridge is a designated principal settlement within the WCS settlement hierarchy offering extensive employment, education and leisure opportunities and a good public transport service to neighbouring settlements. As referenced above, the site is close to a rank of shops (including a convenience goods store) located to the immediate south east of the site, on the adjacent land. The planning and highway officers both consider the site to be a highly sustainable location and suitable for residential development. Should the committee be minded to grant planning permission, conditions in relation to the parking spaces, the access and surface water drainage are recommended.

9.3 Design Matters - This application site is not located within a Conservation Area and the building does not have any special designation. The surrounding area is characterised by a residential estate of relatively modern (1960's) appearance and includes detached, semi-detached and apartment dwellings above a rank of shops to the south east. The building itself is unusual in this setting, in part being 3-storeys in height with some gothic architectural detailing. The principal materials are stone under tiles and the building currently comprises 4 flats and one attached dwelling contained within an extension to the south east, which protrudes forward of the original building. The extension element would be demolished as part of the application proposals.

The proposed extension of the existing building has been designed to ensure it is in keeping with the existing structure, by retaining the gothic styled architecture and having an entrance that reflects the current design theme of the fairly ornate existing entrance to the flats to the rear of the building. Revised plans have also resulted in the proposed three unit extension to be constructed onto the south east gable of the subject property having a dropped ridge level to provide a degree of subservience. The design reflects that of the host building and is considered acceptable in terms of the impact on the host property and the street scene. The two modest semi-detached dwellings which are proposed to be constructed to the rear of the site would also be built using materials reflecting the main building and complimentary in appearance, albeit it is appreciated that they would not be visual in the street scene.

In terms of the proposed density of the development, the site sits within a context of the flats over the shops (found to the south east) and a more dense development of seven residential units on the 900m² site of the converted Care Home to the north west, which constitutes as 128 units/ha. The proposal placed before the committee would comprise a total of 10 units (4 existing flats with 5 dwellings proposed and an additional flat proposed as compensation for the demolished residential unit) on 1500m² site representing 66 units/ha, including the flats). In view of the above, the proposal is considered acceptable in design terms, taking into account the local setting.

9.4 Neighbouring Amenity Impacts - Core Policy 57 of the WCS requires inter alia that development must consider “... *the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself...*” and also meet “...*the requirements of Core Policy 61 (Transport and New Development)*”.

The highway and design issues are discussed above, but also have a bearing on the objections raised by neighbours. Access and on-site parking are to the satisfaction of the highway officer and would be unlikely to give rise to substantive issues that would justify refusal of planning permission. On highway/transport impacts, due consideration must be given to Para 32 to the NPPF which clearly states that proposals for development “...*should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*”. In this particular case, no such level of harm has been identified or evidenced and as a consequence, the application should be considered acceptable in highway terms.

It is recognised that local objections have been raised pursuant to the loss of light and privacy to neighbouring properties. With regard to objectors on the opposite side of Cleveland Gardens, the dwellings are at least 25m distant, separated by the public road in the intervening space. This is a normal relationship on estates of this nature. In recognition of this, officers are satisfied that there would be no unacceptable loss of privacy to such properties. The objector’s dwellings located along Cleveland Gardens are furthermore positioned to the south of the application site, meaning that no substantive overshadowing or loss of direct sunlight would occur.

One neighbour occupying a property to the east (at No. 115 St Thomas Road) raises objections regarding loss of light and privacy from the proposed semi-detached dwellings to be constructed along the rear northern part of the site. In that instance, there are no windows serving habitable rooms illustrated in the plans submitted for the proposed residential unit which would face No 115 with obscured glazed bathroom windows only facing the end of the garden space, which includes the tree (and its roots) duly referenced by the objector, which provides a level of screening. The separation distance also means that there would be no unacceptable overshadowing/loss of light issues to rooms in that dwelling. The south-east facing bedroom dormer windows would be some 19m from the windows associated to the upper level of the rear of the dwelling at No. 115, a property with a garage on the boundary and the nearest upstairs windows would only be seen at an obscure angle, with no direct intervisibility. There is also a dwelling to the east of the site behind the shops. However, no upper-level habitable rooms would be subject to loss of privacy (bathroom/WC windows are at that level). Below that there is a kitchen. The neighbour in that dwelling did not respond to the neighbour notification exercise.

With regard to the additional neighbour objections, concerns relating to noise and nuisance whilst fully appreciated, would be temporary in nature, and associated with the construction phase(s) with the residential use upon completion being wholly compatible with the surrounding area. A construction management plan, as recommended, would ensure the

applicant/developer submits details regarding construction hours, including deliveries to ensure the development proceeds having due regard to residential amenity.

The issue of boundary treatments upon demolition of the garages on the boundary with No.115 St Thomas Road could be addressed by way of a landscaping plan condition for the site as a whole, to include boundary details. The density of the site is discussed above, and does not give rise to substantive grounds for refusal on over development given the surrounding context. The trees on site are not subject to any TPOs. The “pollarded” tree referred to would be retained although a smaller tree would be removed. The existing building housing the flats at the time of writing is in the process of repair and refurbishment, with the cottage to be demolished clearly still in sealed structural condition and not giving rise to the likelihood of occupation by bats/birds. A Design and Access Statement has been submitted with the application which has been duly appraised. With regard to bats and birds, the Council’s ecologist is satisfied that no surveys are necessary, but has recommended an informative. The Leylandii tree located in No, 115’s garden tree is set back from the boundary and the proposed development would be well outside of its canopy. However, the proposed landscaping condition should include a requirement that any nearby trees which could be affected by construction processes are suitably protected during development.

In view of the above it is considered that there would be no unacceptable harm to neighbouring amenity arising from the scheme.

9.5 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. Members are advised that any grant of planning permission should include a condition to that effect.

The Council has an adopted CIL regime, so the proposal may generate a limited amount of income towards infrastructure requirements across the county, and the construction would be a short-term economic benefit.

10. Conclusion (The Planning Balance)

The proposal accords with WCS Policy and the design is considered acceptable in terms of the host building and the surrounding context. The proposed development would provide an additional 5 dwellings in a wholly sustainable location and refurbish existing flats and bring them back into use, without unacceptable harm to local amenity. Planning permission is therefore recommended, subject to planning conditions.

11. RECOMMENDATION - Approve 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 Notwithstanding the description in the application form, the materials to be used in the construction of the external surfaces of the extension to the existing building hereby permitted shall match in material, colour and texture those used in the existing building, including the use of matching stone.

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

the area.

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs to the new semi-detached dwellings to the rear of the site 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.

- 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 :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of trees to be retained, together with measures for their protection, as well as the protection of any other tree on neighbouring property that may be affected, in the course of development;
- finished levels;
- means of enclosure;
- car park layout; and
- 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 and the protection of existing important landscape features.

- 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 building or the completion of the development whichever is the sooner; Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 6 No part of the development hereby permitted shall be first brought into use 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 and the amenity of future occupants.

- 7 The development hereby permitted shall not be first brought into use 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 and the amenity of future occupants.

- 8 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 brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

- 9 The new dwellings hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. The dwelling shall not 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 Before the development hereby permitted is first occupied the upper level windows in the north east elevation to the new semi-detached dwellings 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.

No development shall commence on site (including any works of demolition), until a Construction Management Plan, which shall include the following:

- 11
- a) the parking of vehicles of site operatives and visitors;
 - b) the loading and unloading of plant and materials;
 - c) the storage of plant and materials used in constructing the development;
 - d) the measures to control the emission of dust and dirt during construction;
 - e) the hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: To minimise detrimental effects to the neighbouring amenities, the

amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

2326/SP Rev C received on 6 December 2016; 2326/1 Rev C received on 8 November 2016; 2326/2 received on August 2016; 2326/3 received on August 2016; 2326/4 received on August 2016; 2326/5 received on August 2016; 2326/6 received on August 2016; 2326/7 received on 28 October 2016; 2326/8 B received on 8 November 2016; 2326/9 A received on 28 October 2016; 2326/10 A received on 28 October 2016; 2326/11 A received on 28 October 2016; 23126/12 A received on 28 October 2016; 23126/13 A received on 28 October 2016; 23126/14 A received on 6 December 2016; 23126/15 A received on 6 December 2016

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

INFORMATIVES TO APPLICANT:

1. 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.

2. The applicant is advised to contact Wessex Water with regard to new connections and in respect of any agreement that may be required with regard to the protection of existing infrastructure.

3. There is a low risk that bats may occur at the development site. 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 all times by the Conservation of Habitats and Species Regulations 2010 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust Website.

4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage and destroy a nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act. Trees, scrub and other vegetation, such as dense ivy, are likely to contain nesting birds between 1st March and 31st August. This type of vegetation is present on the application site and should be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.