

**REPORT FOR WESTERN AREA PLANNING COMMITTEE****Report No.**

<b>Date of Meeting</b>	12 December 2018
<b>Application Number</b>	18/06893/FUL
<b>Site Address</b>	Former Health Clinic The Halve Trowbridge Wiltshire BA14 8SA
<b>Proposal</b>	Proposed new second floor with 7 apartments and enlargement of ground floor D1 Dental Practice in Unit 1, relocation of unit 2 and reduced area of unit 3. New 2 bedroom apartment within existing first floor above relocated Unit 2 and external-works to rear
<b>Applicant</b>	RN Real Estates Ltd
<b>Town/Parish Council</b>	TROWBRIDGE
<b>Electoral Division and Ward Member</b>	TROWBRIDGE CENTRAL – Cllr Stewart Palmen
<b>Grid Ref</b>	385,845 158,245
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	David Cox

**Reason for the application being considered by Committee**

Cllr Stewart Palmen has requested that should officers be minded to approve this application, it should be brought before the elected members of the area planning committee for its determination to consider the design and scale of the development, the visual impact on the surrounding area, the relationships with adjoining properties and the environmental and highways impacts of the development.

**1. Purpose of Report**

Having assessed the merits of the proposed development and tested it against the policies of the development plan and other material considerations, officers recommend that the application should be approved subject to conditions.

**2. Report Summary**

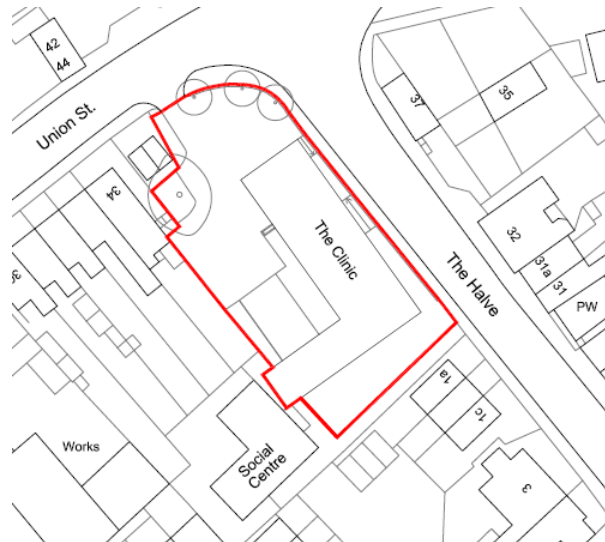
The main issues discussed in this report are as follows:

- The Principle of the Development
- Design Matters
- Living standards of Future Occupants
- Impacts on Designated Heritage Assets
- Impact on Neighbouring Amenity
- Highway Safety and Parking
- Impact on Ecology
- Drainage Matters
- Bin Collection Details

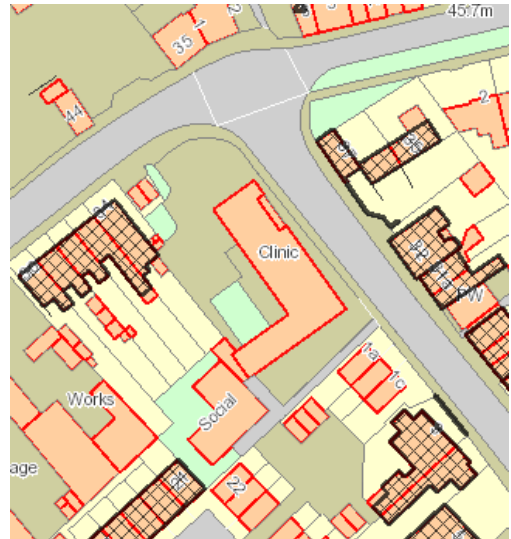
**3. Site Description**

The application site is within the Trowbridge conservation area and there are 13 Grade II listed buildings within approximately 40 metres of the application site – located along Union Street and The Halve. There are additional grade II listed buildings further down The Halve including a grade II\* listed building at 14 The Halve which is approximately 105 metres away from the site.

On the following page, reproduced inserts illustrate the site location and proximity to listed buildings.



Site Location Plan



Adjacent Listed Buildings

The subject building at the former Halve Health Clinic is a 1960's two-storey 'L' shaped flat roofed building built with brown bricks forming most of the ground floor wall elevation and concrete pebbledash render on the first floor. There is a large amount of glazing as well on each elevation as the below site photograph reveals. Officers argue that the building is of no architectural merit; and moreover, it is submitted that the building substantively harms the appearance of the conservation area.



On the ground floor there is an existing dental practice with 3 surgeries. Unit 2 falls within a D1 use class and is occupied by an independent advocacy service and unit 3 has a lawful D1 use but is currently vacant.

The Halve is served by two vehicular accesses and two car parks. The main 13 space car park provides parking for the dental practice and is accessed off Union Street. This car park is adjacent to the existing open space area. The second access is off The Halve and serves a small car park of 5 spaces which, as proposed, would be retained for the existing D1 units (no.2 and 3).

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

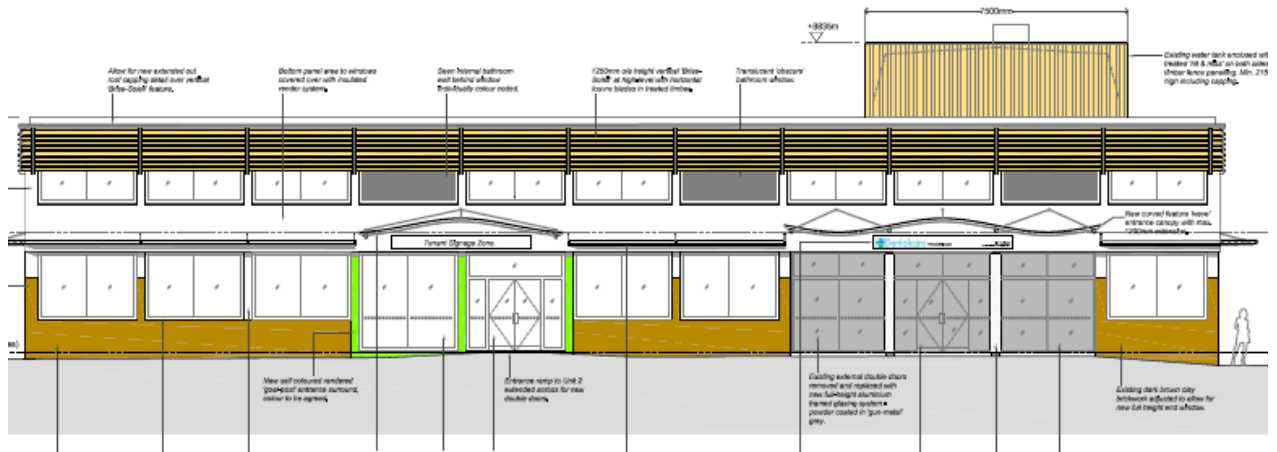
13/00736/FUL - Subdivision of building into 4 x D1 units (on first floor) and external alterations including a new access – Approved with conditions on 2 July 2013

13/06678/FUL – Conversion of first floor to provide 6 apartments and associated external works – Approved with conditions on 5 February 2014

16/08406/VAR – Variation of Condition 2 of 13/06678/FUL relating to approved plans – Approved with conditions on 18 November 2016

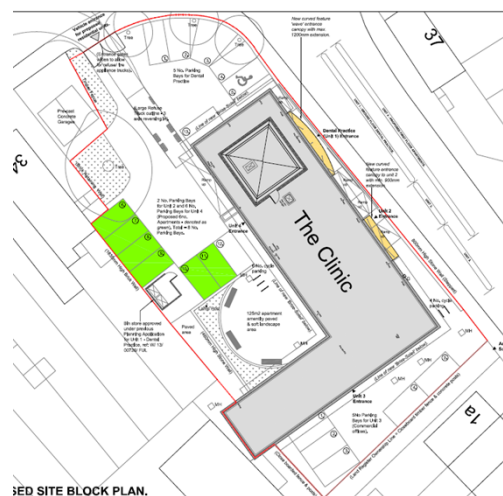
17/03214/FUL – Proposed new second floor to contain ten one bedroom/studio apartments. Provisions for a new ancillary staircase within internal courtyard area, change of use of previously planning approved ground floor bin store to a reception and waiting area – Application Withdrawn on 23 August 2017

Application 13/06678/FUL permitted a change of use of part of the first floor (the main section of the building facing the Halve but not its rear wing) to 6 x 1-bedroom flats. The flats range in floor area from 25.8m<sup>2</sup> to 42.4m<sup>2</sup> (one studio flat of 25.8m<sup>2</sup> and 5 apartments ranging from 37.6m<sup>2</sup> to 42.4m<sup>2</sup>). The existing pebble dash upper floor wall render was to be replaced with a new render system and installation of external timber high level horizontal louvres – as the elevation plan insert below reveals.



13/06678/FUL Front Elevation Plan

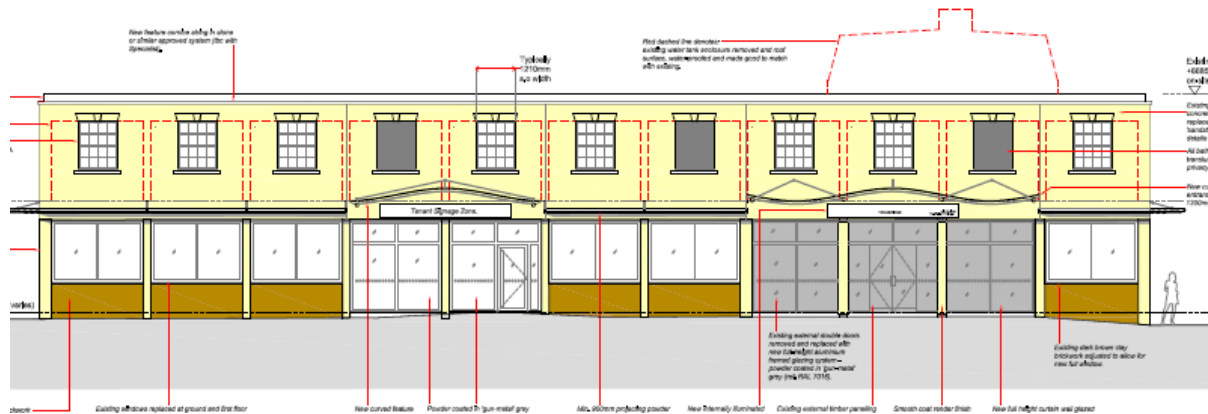
A communal garden of 125m<sup>2</sup> was allocated and approved at the rear adjacent to the car park and No 34 Union Street. 6 car parking spaces (seen in green in the image below) were to be allocated to the flats with the remaining 7 spaces being dedicated for the dental practice and the former GP surgery.



13/06678/FUL – Proposed Site Plan

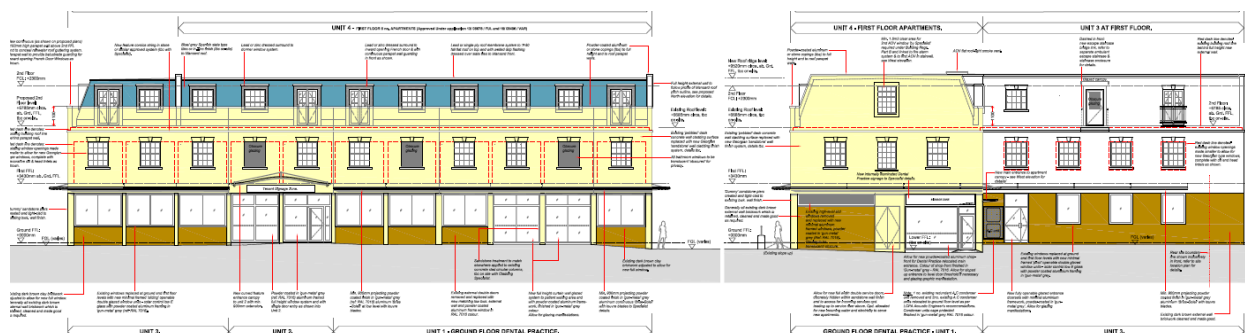
All the pre-commencement conditions imposed on approved application 13/06678/FUL were discharged and a lawful material start was made. The 2013 application which, *inter alia*, approved the formation of 6no. 1-bed flats must be considered as being extant.

Application 16/08406/VAR was an application to vary the 2013 approved submission. Under the variation application permission was granted to make material modifications to the elevation treatment and external materials on the first floor conversion – informed by a Georgian style aesthetic using a ‘sandstone’ wall finish, stone string corncicing and 8 over 8 windows of a vertical emphasis. No changes to the site plan layout were proposed or consented. This permission expired on 5 February 2017 without the samples condition being discharged. However, given the recent issue of the permission, it is a material consideration to be given substantial weight.



Front Elevation Plan of 16/08406/VAR

It is also considered noteworthy to mention that application 17/03214/FUL was withdrawn by the applicant following concerns raised by officers were taken on board pertaining to the proposed introduction of a hipped roof design to create the 90 degree turn – which officers considered to be inappropriate. Officers also raised concern about the fact that the external amenity space would have been cut in half to accommodate more car parking spaces, resulting in an undersized amenity space for 16 flats. The second floor rear wing would also have been within approximately 9 metres of No 1a The Halve which would have created harmful overlooking impacts to neighbouring private amenity. The internal bin store was also proposed to be removed and replaced by an undersized external space. Following negotiations with the applicant, the application was withdrawn to avoid the application being refused. The insert plan below illustrates what was proposed in 2017.



Front Elevation (East)

Side Elevation (North)

The proposal would have provided an additional 10 flats on the second floor with an extra section on the rear wing of the building facing No 1a the Halve to accommodate further flats.

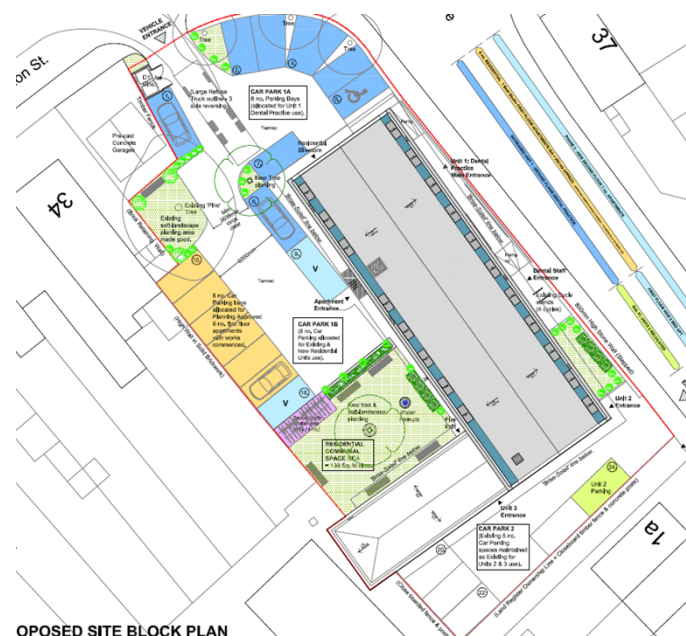




6. A commitment to produce and adhere to a travel plan condition that would include an instruction to staff to cease parking on the site leaving the dentist spaces (shown in blue on the below plan for customers).
7. Residential bin storage is now back within the main block of the building on the ground floor.



18/06903/FUL – Proposed Southern Side Elevation facing The Halve



PROPOSED SITE BLOCK PLAN  
18/06393/FUL – Proposed Site Block Plan

On the ground floor, the dental practice would occupy more of the ground floor (but in recognition that the ground floor is already lawful under D1 use, there would be no change of use). The surgery would increase from 3 units to 6 (although it has to be taken into account that two of the surgeries were previously used by the GP practice. Unit 2 would be made smaller and be retained under D1 use.

The 6 permitted first floor flats (granted under application 13/06678/FUL) would still have provision for 6 car parking spaces (coloured in yellow in the image above). The plans also show that there would be two visitor spaces and 8 spaces for customers to the dental practice. The car parking for units 2 and 3 would remain unchanged.

## 6. Planning Policy

The Wiltshire Core Strategy (WCS) - The following Core Policies (CP) are relevant when assessing this application: CP1 (Settlement Strategy), CP2 (Delivery Strategy), CP3 (Infrastructure Requirements), CP29 (Trowbridge Area Strategy), CP57 (Ensuring High Quality Design and Place Shaping), CP58 (Ensuring Conservation of the Historic Environment), CP60

(Sustainable Transport), CP61 (Transport and Development), CP62 (Development Impacts on the Transport Network), CP64 (Demand Management)

When adopting the WCS, some policies remain saved from the West Wiltshire District Local Plan (1st Alteration) (WWDLP) U1a – foul water drainage

Wiltshire Housing Land Supply Statement – Base Date April 2018 – published March 2018

Trowbridge Town Centre – Conservation Area Character Assessment (CACA) 2006 (in particular section 5.6 Residential Area 2 (map 10)

The National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG)

DCLG – Technical Housing Standards – nationally described space standards 2015

## **7. Summary of Consultation Responses**

Trowbridge Town Council – Objection: The development cannot accommodate a turning area to allow vehicles to enter and leave in a forward gear. The amenity space isn't suitable for the proposed residents. This constitutes over development of an inadequately sized site. The proposed design is an unsatisfactory and unsuitable mish-mash of pastiche, faux historic features and an updated modern ground floor treatment which is wholly incongruous and of poor quality. The proposed mix of unit sizes is unable to meet the mix of demands

Wiltshire Council Conservation Officer – No objection: This scheme has been revised to the point where it is considered that the impact on the heritage assets would not result in demonstrable harm. The existing building is a negative structure that is actively harming the heritage assets. The proposal would result in a building that takes reference from the surrounding historic buildings and whilst it would never be mistaken for a historic building, it would sit more comfortably in this historic context.

Note: Additional commentary provided by the Council's conservation officer is set out within section 9.4 of this report.

Wiltshire Council Highways Officer – No objection: subject to conditions

Wiltshire Council Waste Officer – No objection: subject to conditions

Wiltshire Council Tree Officer – No objection: subject to conditions

Wiltshire Council Ecologist – No objection.

Wiltshire Council Drainage Officer – No objection: subject to conditions

Wessex Water – No objection.

## **8. Publicity**

A site notice was displayed 25 July 2018 and 23 individual notification letters were posted to neighbouring residents. Following these notifications, 21 letters of objection were received. When the revised plans were received 23 consultation letters were sent out which generated a further 23 letters of objection. The third party objections can be summarised as follows:

### The Principle of Development

- The application is contrary to Wiltshire Core Policy 1 and 2 as the accommodation would only appeal to a very narrow range of people – not in keeping with the need to bring high skilled jobs to the area and to supply sufficient housing for such high skilled workers
- It is also contrary to CP29 – Future development should enhance not negatively impact on existing townscape. This is an ugly mishmash of styles which do not fit together comfortably
- It would not comply with CP41
- Nor would it comply with CP45 – new housing must be well designed to address local housing need incorporating a range of types, tenures and size of homes to create mixed and balanced communities. These flats are too small.
- Reducing the size of Unit 3 would bring its viability into question. As space is not required it should be demolished
- The Halve doesn't need more flats. It needs social space and amenities. Brownfield site should be used properly first.
- There is a deliberate avoidance of having to make s106 contributions.

### Overdevelopment of the Site

- The proposal would squeeze too many undersized flats into the building which does not reflect the mixture of sizes required by the Council's Core Policies
- There would be inadequate amenity space for future residents
- Increased flats should proportionately require an increased amount of amenity space

### General Design

- The design is still ridiculous
- Why isn't the developer listening to local concerns?
- The proposed floor spaces are crass – space would be lost to the roof slope and they can't provide a full roof slope as this would affect light levels to neighbours
- The proposed height is totally out of scale with its surroundings
- The proposal would overpower surrounding buildings
- Too similar to the 17/03214/FUL application which was withdrawn by the applicant as it was going to be refused. There is no real change/difference between these proposals. So why is it ok now?
- The first floor is a Georgian pastiche which neither mirrors the house opposite nor the houses on Union Street
- The design does not comply with CP57

### Harm to Heritage Assets

- Not appropriate development for the conservation area or listed buildings
- Proposed materials not good quality and are 'cheap'
- The proposed flat roof is completely unacceptable
- The development would be out of scale with listed building opposite
- Where is the Heritage Statement?
- The proposal would not comply with CP58
- Concern over potential loss of the Pine Tree

### Harm to Neighbouring Properties

- The development would overshadow neighbouring properties losing sunlight to properties at No 36 The Halve, Waterloo Place and Union Street
- The proposed second floor would cause adverse overlooking of neighbouring amenity (21 Taylors View and on the Halve).
- The proposal would break the 25 degree rule of thumb for No 32 and No 37 The Halve
- The proposal roof design would encourage gull nesting
- This proposal would generate noise pollution

### Car Parking



- Lovemead is going to be earmarked for Council staff once East Wing is developed
- There is not enough car parking for dental visitors
- There is not enough parking on the site – parking would only overflow into neighbouring streets like Bellefield Crescent and Taylors View to avoid paying parking charges levied in the town car parks

#### Bin Collection

- How would the bins be emptied properly?
- The proposed bin store is not large enough
- The parking space in front of the bin store would prevent its use

#### Other Issues

- Two weeks re-consultation is not enough notice to appraise and comment on revised plans
- There is a dispute over the position of the erection of the fence that leads to the social club behind
- The proposal would not comply with CP55 in terms of air quality through the increased traffic
- If permission is granted, planning conditions should be imposed prohibiting further residential development and compliance with Level 4 of the Code for Sustainable Homes securing energy efficiencies. There should also be land contamination conditions, restrictions imposed on construction hours, bin management, a travel plan, and site management plan.

### **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. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved and enshrined within the WCS, constitutes the relevant development plan for the Trowbridge area.

#### **9.1 Principle of the Development**

9.1.1 Core Policy 1 'Settlement Strategy' and Core Policy 2 'Delivery Strategy' of the Wiltshire Core Strategy (WCS) outlines the Council's adopted strategy which identifies the settlements where additional sustainable residential development should take place to improve the lives of all those who live and work in Wiltshire.

9.1.2 The WCS identifies Trowbridge in Core Policy 1 as a Principal Settlement. Principal Settlements are defined within the WCS as strategically important centres and the primary focus for development. This is to safeguard and enhance their strategic roles as employment and service centres. They are identified to provide significant levels of jobs, and homes, together with supporting community facilities and infrastructure, meeting their economic potential in the most sustainable way to support better self-containment that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.

9.1.3 The application site is within the limits of development of Trowbridge and therefore the principle of additional residential development utilising brownfield land and property is supported. It is important to note that the WCS, and in particular, Core Policies CP1 and CP2, set out the Council's definition of sustainable development which has been found to be fully compliant with the NPPF. Within the received representations, it is alleged that the application is not compliant with CP1 and CP2 because it does not provide housing for high skilled workers. CP1 and CP2 are primarily concerned with focusing development within the limits of development to meet Strategic Objective 3 to deliver new homes in the most sustainable locations. As the application site is well within the limits of development and close to employment, facilities and public

transport it is submitted that this is a very sustainable location. Officers also hold the view that there is no reason why 1-bed flats would not appeal to some high skilled workers. Not every high skilled worker wants or needs 2, 3, 4 bed+ dwellings.

9.1.4 The representations also state that the proposal is contrary to WCS CP45 in terms of not meeting Wiltshire’s housing needs. WCS CP45 requires that:

*“New housing must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities.”*

In the preamble to CP45 within paragraph 6.51, the Core Strategy states;

*“All people should have access to a good home, irrespective of their personal circumstances. That means providing an appropriate range of dwellings in terms of size and price, from one bedroom apartments to large family homes.”*

9.1.5 The context of the policy is that new housing should contribute to creating mixed communities with a range of property types and sizes. Through the provision of such a range of house types, there is more likelihood of delivering a mixed and balanced community. There is a good mixture of dwellings and flats in the immediate area, and this proposal would help meet the needs of people whether they are at the lower end of the income spectrum, those wanting to get on the property ladder, rent or just wishing to downsize – where 1 bedroom flats would satisfy their needs. Officers do not consider there to be an abundance of flats in the local area. Indeed the 2017 published Wiltshire Strategic Housing Market Assessment identifies the following:

<sup>4.109</sup> At this time, the housing register also identifies that there are more households waiting for 1-bed dwellings than for any other property size, and on average they are also waiting longer than households who need larger homes. The Model identifies that a total of 2,120 additional 1-bed dwellings will need to be provided over the 20-year period 2016-36; which comprises 1,970 1-bed dwellings as a consequence of household growth and a further 550 1-bed dwellings associated with households downsizing within the social stock, offset against 400 1-bed affordable homes that are currently overcrowded which would be vacated when the household moved to a larger home.

9.1.6 The Council’s 2017 Wiltshire Housing Land Supply Statement (published in March 2018), identifies an indicative residual requirement for more housing in Trowbridge.

Area	Indicative requirement 2006-2026	Completions 2006-2017	Developable commitments 2017-2026 <sup>11</sup>	Indicative remaining requirement <sup>12</sup>
Malmesbury	885	657	385	0
Malmesbury CA remainder	510	340	210	0
Malmesbury CA	1,395	997	595	0
Melksham and Bowerhill	2,240	1,445	910	0
Melksham CA remainder <sup>15</sup>	130	115	247	0
Melksham CA <sup>15</sup>	2,370	1,560	1,157	0
Royal Wootton Bassett	1,070	1,014	140	0
Royal Wootton Bassett and Cricklade CA remainder <sup>16</sup>	385	305	177	0
Royal Wootton Bassett and Cricklade CA <sup>16</sup>	1,455	1,319	317	0
Trowbridge	6,810	3,019	2,339	1,452
Trowbridge CA remainder	165	256	32	0

9.1.7 Third party objections are also raised against the perceived deliberate avoidance of s106 planning obligations (s106). However, following a court of appeal ruling on 11 May 2016 made pursuant to *Secretary of State for Communities and Local Government and West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441* local planning authorities are not permitted to burden applicants/developers through requiring tariff style and affordable housing contributions for small scale residential developments comprising of 10 units or less. This 2016 order made by the Court of Appeal give legal effect to the policy set out in the written ministerial statement dated 28 November 2014 and the direction to LPAs is set out within Planning Practice Guidance under paragraph: 031 Reference ID: 23b-031-20161116. This is not a case of an applicant avoiding paying contributions. The law and Governmental policy prohibits such contributions, and it is worthwhile being fully aware that immediately after the court ruling, the housing minister is on record as saying:

*“The judgment “restores common sense to the system” and ensures that builders developing smaller sites don’t face costs that could stop them from building any homes at all”.*

9.1.8 Therefore for the avoidance of doubt, only applications of 11 or more dwellings, where necessary and evidence based, can be burdened by s106 contribution obligations (e.g. education, affordable housing, public open space provision, bin contributions). This application seeks permission for 8 flats. The Council cannot include the 6 consented extant number of flats approved under the 2013 application as doing so would be *ultra vires*.

## **9.2 Design Matters**

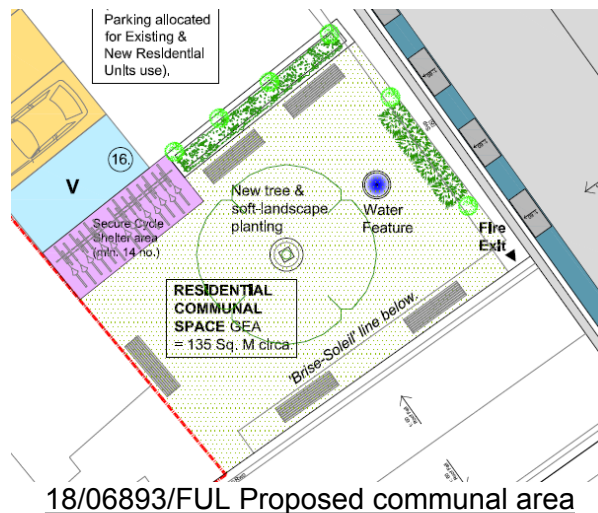
9.2.1 Officers do not consider the proposal to be an overdevelopment of the site. The following sections of the report will examine that the living standards of the proposed occupants, the impact on neighbouring amenity and the car parking provision, would be satisfactory.

9.2.2 As a starting point, the present building is considered harmful to the conservation area and nearby listed buildings. It has a large flat roof and is in serious need of redevelopment. A material start has been made securing the planning permission granted under application 13/06678/FUL for 6 flats and application 16/08406/VAR is a recent but expired permission.

9.2.3 The proposed additional storey and elevation treatment with provision of the parapet wall and ‘half mansard’ roof and bold gable ends emphasised by stone copings; would be a design improvement on the existing structure. It is submitted that far from creating a ‘mish-mash’ of design forms, the proposal would help accomplish a sympathetic transformation of the building and be complementary to the immediate setting of the street scene, conservation area and nearby listed buildings and would accord with the WCS and NPPF.

## **9.3 Living Standards of Future Occupants**

9.3.1. All the proposed flats except for the studio apartment would have separate bedrooms, bathrooms and living rooms and a storage cupboard. Government guidance contained with the published Technical Housing Standards indicates that 1 bedroom dwellings occupied by single people should have 39sq.m of internal space. All the new units on the second floor would meet this standard. The proposed flats are therefore not undersized when tested against Government guidance. The proposed 2 bed flat would be 63sq.m, which exceeds the Technical Housing Standards recommendation that a 3 person household should have 61sq.m of internal floorspace.



9.3.2 The size of the proposed communal amenity area is criticised by third parties and is shown in the previous insert. The communal garden extends to some 135sq.m - some 10sq.m larger than what was permitted under 13/06678/FUL. This includes the cycle store and planters to screen the space from the car parking area. Under approved application 13/06678/FUL 6 flats would share 125sq.m of space (equating to 20.8sq.m for each apartment). It is submitted that with the additional cycle store incorporated into the new scheme, 125sq.m of communal space would still be retained, which, given the urban location and proximity to the park and public amenities, this is considered an acceptable provision.

9.3.3 The adopted WCS does not set a prescriptive level for a minimum amenity space. Core Policy 57 vii) states that development should however “ensure that appropriate levels of amenity are achievable within the development itself.” Every case must be tested on its merits and due cognisance given to the fact that the application seeks to provide flats rather than family housing. The space would serve a useful purpose and would be reasonably private, enclosed by the building and a 2m high stone wall with No 34 Union Street. The space would allow for a satisfactory outdoor amenity space.

9.3.4 With the cycle store being re-located nearby, it would have a double benefit in that it should encourage both the use of cycles and the communal garden. It is submitted that the communal space is sufficient to meet the needs of potential occupants of the 14 flats. It is also submitted that the provision would exceed the private outdoor provisions allocated to other recent flat developments in Trowbridge such as Ushers Court, Conigre Square and the Broad Street development.

#### 9.4 Impacts on Designated Heritage Assets

9.4.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘special regard’ to be given to the desirability of preserving a listed building or its setting. Paragraph 193 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. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 194 of the NPPF states that “Any harm to, or loss of, the significance of a designated heritage asset (... from development within its setting), should require clear and convincing justification”.

Paragraph 196 of the NPPF moreover advises that “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

9.4.2 Core Policy 57 of the Wiltshire Core Strategy requires: “*A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings*”.

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

9.4.3 The existing building has a harmful impact on the settings of the surrounding listed buildings and on the character of the Conservation Area. This is not just the view of the case officer, but it has been expressed by the conservation officer and area team leader. It is submitted that this building, mindful of its context and proximity to numerous historic buildings and protected area, desperately needs significant redevelopment and remodelling. The present design and elevation treatment has not aged well and it materially detracts from the special character and appearance of the Conservation Area. The 2006 Trowbridge Conservation Area Character Assessment identifies the present building as a negative structure and furthermore states that “*Mid to late 20th century development has not contributed to the visual attractiveness of this area and in some locations has proved harmful to the character of the conservation area*”.

9.4.4 The proposed elevational design would bring about an enhancement. The application proposes to update the ground floor in a contemporary manner and provide new quality glazing in aluminium frames. On the first floor, the existing cladding would be replaced with a coloured render to match with local stone buildings and install Georgian style sash windows of a vertical emphasis. A parapet surrounding the second floor would be sensitively introduced along with string cornicing. The detailing and use of quality materials will be critical to the success of this scheme and as such, all the materials would need to be subject to a suspensive planning condition requiring the submission and appraisal of samples.

9.4.5 Officers do not raise objection to the proposed introduction of an additional storey. There are several three storey houses and three storey sections within terraces found along The Halve. The street is historically very interesting; including some attractive two storey cottages which originally lined, or partially lined, the street. However over time and particularly during the textile boom many of these houses were rebuilt or were upgraded and became larger two storey homes, with more height, or three storey townhouses with significant investment put into this part of the town.

9.4.6 The historic progression of the street is one of variation of complementary styles. The Halve is a coherent historic street yet is one that is defined by a mixture of roof styles, some with and some without parapets. The proposed use of parapets on the roof can be seen as part of the context of the listed buildings along The Halve with parapets and fitting into that wider character of variations.

9.4.7 It is fully acknowledged that if built, the extended subject building would be larger than Trellis Cottage (which is grade II listed) which is a relatively small cottage. However, its setting forms part of the wider backdrop of the large buildings on The Halve itself, and is also at significant detriment due to the existing building on the application site. The ‘half mansard’ roof and parapet wall would help soften the impact on the additional floor, screening the visual presence of the new windows. It is therefore considered that the settings of the most immediate listed buildings would be preserved.





9.4.8 No's 30-34 Union Street to the west of the application site are grade II listed buildings, and their setting extends beyond Union Street, to its rear and over the application site. The image above illustrates a view from the Union Street/Timbrell Street junction. The photo has been amended to include a red line (drawn by the case officer as a guide only) to show the approximate ridge height of the upward extension. The extension to create an additional storey would not result in a built form that extends above the ridge or chimneys of No's 30-34 and it is submitted that the proposal would not result in a built form that would dominate or harm the setting of the nearby listed building.

9.4.9 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in the exercise of any functions, with respect to any buildings or other land in a conservation area, under or by virtue of any of the provisions mentioned in this Section, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

9.4.10 The character of the conservation area is defined by a mixture of uses, combining predominately residential properties and a range of businesses. Officers are of the opinion that the proposed development would deliver an improvement to the character and appearance of the conservation area and by maintaining the commercial uses on the ground floor the mixed character of the conservation area would be preserved. The development granted by application 13/06678/FUL could be implemented instead which would introduce a contemporary design. The 16/08406/VAR permission, although expired would have introduced a Georgian design aesthetic but still retain a large flat roof. The proposed roof treatment included under this present application is considered an improvement and the appearance of the conservation area would be preserved.

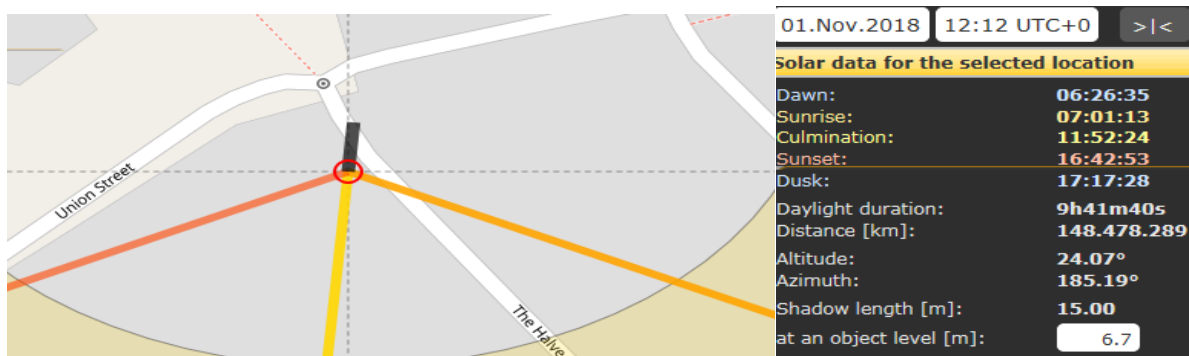
9.4.11 During the course of the consultation exercise, concerns were raised by the Council's tree officer regarding the preservation of the large pine tree within the site (which can be seen in the previous photo). The pine tree is a significant landscape feature; and as such, it has been given detailed consideration along with an appraisal on its longevity and value. The decision to move the cycle store to the communal garden area was heavily influenced by the need to protect the tree and to retain the dropped curb around it. The Council's tree officer confirmed his satisfaction with this revision and recommends a planning condition to ensure that any car park re-surfacing works do not harm the root system of the pine tree.

## **9.5 Impact on Neighbouring Amenity**

9.5.1. The neighbour representations raise loss of sunlight, overshadowing and overlooking and a loss of privacy as key concerns. In regard to loss of sunlight and overshadowing concerns, No 37 The Halve is separated by the road and is approximately 15 metres away from the application



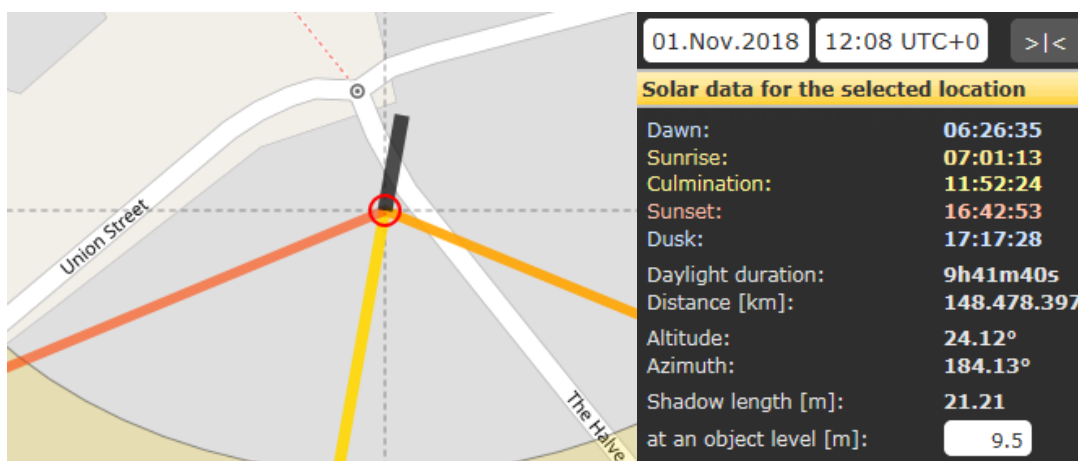
site, which is similar to the other distances along The Halve. It is also noteworthy to reflect on existing relationships which include No 1c (a three storey building) being approximately 16.5 metres from No 29 The Halve and represents a typical building to building relationship in the street. Representations have been received from No 36 which is approximately 19.5 - 20 metres from the application site. Both No 36 and No 37 are to the north east of the application site. Using a sunlight calculation website ([www.suncalc.org](http://www.suncalc.org)) it is possible to examine the existing overshadowing and potential overshadowing of the proposal on each neighbouring property. The below insert is taken from part of the completed calculation.



9.5.2 Whilst the website does not allow for the target (the red circle in the image) to be placed exactly over the position of the existing building, through using the Council's mapping system the distance from the southern corner of the existing building to No 37 is measured to be approximately 27 metres. As recorded in the recorded calculation, a 6.7 metre tall building (the height of the existing building), on a sunny day on 1 November (which is used as a test example) the sun would create a 15 metre shadow, which would only create shadow up to the road edge in the early part of the afternoon.

9.5.3 During summer months, the sun would be higher and it would not be until around the autumn equinox when the shadow would start to get long enough to cross the street. The overshadowing would progressively worsen until the shortest day on 21 December until the sun starts to rise again until the spring equinox when no overshadowing would occur. Along The Halve, existing buildings overshadow on each other for approximately 4-6 months over the course of the winter.

9.5.4 The proposed extension would increase the height of the building to approximately 9.5 metres, which would increase the shadowing extent and officers can confirm that No 37 would experience more overshadowing as a result. It is important to appreciate that the sun calculation tool can only demonstrate ground floor shadow and it cannot be used to examine how 'high' the shadow would extend above ground floor level.



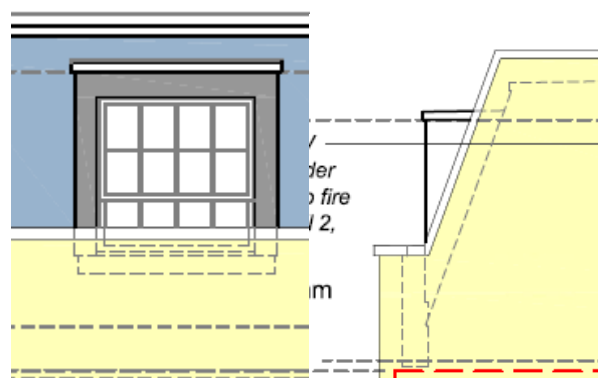
9.5.5 Officers appreciate that evening overshadowing would increase for No's 30-37 The Halve during summer months as the sun sets behind the application site. However, officers submit that there would still be a 15.5 metre gap between the subject building and No 37 (and other buildings on the Halve), and separated by the highway. No 37 would still benefit morning sunlight, and as described above, overshadowing would essentially start from 12-1pm depending on the time of the year. The severity of the overshadowing would be at its worst in December and would lessen between March and September.

9.5.6 The 3<sup>rd</sup> party representations also assert that the 25 degree 'rule of thumb' would be broken by the proposal on properties on the other side of the Halve (No's 32 and No 37). Officers have assessed the distance between the application site and the two buildings and found that a 9.6 metre tall building would not breach the 25 degree line.

9.5.7 It is submitted that the neighbouring/nearby properties on the opposite side of the Halve would still receive sufficient ambient daylight during overshadowing events and the impact on their amenity would not be sufficient in which to warrant the refusal of the application.

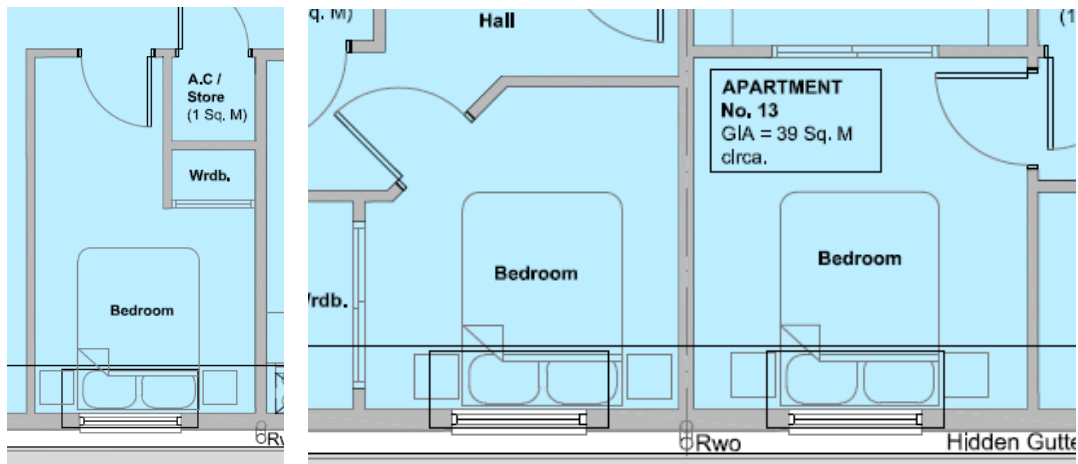
9.5.8 With regard to overlooking and loss of privacy, officers are satisfied that the development would not result in adverse harm to the immediate neighbours. As a 'general 'rule of thumb', officers seek to achieve a separation distance of 21 metres between habitable windows and 10.5 metres from first floor habitable windows to neighbouring garden boundaries. In this particular case, there would be a 15.5 metre separation between the proposed building and No's 32 and 37 The Halve on the opposite side of the road, however this is considered an acceptable distance in an urban setting. It also must be appreciated that the applicant can build out the consented flat development by implementing 13/06678/FUL. Therefore it is submitted that is only reasonable to appraise the impact of the 11 new second floor windows forming part of this application in terms of their relationship with nearby dwelling. Two of the windows would serve bathrooms and the use of obscure glass can be controlled by condition – and would thus remove any overlooking / loss of amenity concern.

9.5.9 Officers acknowledge that the remaining 9 habitable room windows would be approximately 8.4 metres above ground level, and despite not satisfying the 21 metre separation distance guide, it is submitted that there are mitigating factors. The windows would be relatively small measuring 1.15m x 1.15m and would be partly set back behind the proposed parapet wall.



9.5.10 Officers also submit that occupants don't always stand at a window and for the majority of the time are stood within the room, and if they look out, it is from within the room, thereby limiting the amount of overlooking that could occur. Furthermore due to the layout of the proposed flats, there are limited places where a bed could be positioned in each bedroom. As seen in the images below, due to the shape of the room, the location of the door and wardrobes, the beds are designed to be located in front of the window. When one also takes into account the sloping roof limitations, achieving a head height of 1.7 metres, the occupier in the uppermost rooms would have to stand approximately 30cm back from the window. In combination, occupants

would be able to use the window to observe outwards but only from within the room; and, it is submitted that this would be sufficient mitigation to overcome the lack of a 21 metre separation distance to No's 32 and 37.



Typical bedroom layout on the second floor

9.5.11 With regard to the overlooking concerns affecting No 1a the Halve, the additional floor rear wing section has been removed from the proposed development and therefore this part of the building would now remain as the existing two storey building. The first floor of the rear wing would also remain within unit 3's D1 use. The new flat on the first floor would have 3 habitable windows on the end elevation of the building facing No 1a, however it would only look directly onto No 1a's blank side elevation.

9.5.12 Although no stairwells are proposed to enable access to either the main flat roof on the new floor or the existing rear wing first floor flat roof, a planning condition is considered necessary to prevent both flat roofs from being potentially used as a roof garden. Introducing such a high level feature approximately 9.5 metres from the boundary with No 1a for example would adverse overlook neighbouring properties.

9.5.13 With regard to the potential overlooking impacts affecting No 34 Union Street (Waterloo Terrace) the two buildings are at a 90 degree angle to each other so there would be no direct window to window impact. The second floor windows would however look over their rear gardens. The general rule of thumb assumes that the 10.5 metre distance is from first floor windows and not second floors. As this application has an additional second floor which elevates it higher, there should be a greater distance of separation to ensure that new windows do not cause an adverse loss of private amenity. The new second floor windows would be approximately 15 metres away from the boundary, and it is submitted that the extra distance is considered to be sufficient to mitigate against the elevated height of the building. The same internal design issues as described above would also be a further mitigating factor.

9.5.14 It is therefore duly argued that whilst there would be some impacts in terms of overshadowing and overlooking, it would not be sufficient in which to warrant the refusal of the application.

9.5.15 As part of the revised plan submission, the communal garden area has been removed from the roof on the new floor back to its original position next to the car park as per 13/06678/FUL. Whilst the space could be used by more people than what was envisaged under the 2013 application, it is not considered that the outdoor space would cause adverse harm to neighbouring amenity through increased noise.

## 9.6 Impact on Highway Safety and Car Parking

9.6.1 Approved application 13/06678/FUL permitted the use of 3 dental surgeries and 2 surgery rooms for a GP practice (both D1 use class) and allocated 7 spaces for such uses and did not restrict the car park from being used by staff. This application would result in one extra surgery room but would provide at least 8 car parking spaces (ten if the visitor spaces are included). Planning and highway officers duly submit that 7 spaces are sufficient for the 5 permitted surgery rooms, and having 8 spaces serving 6 surgeries is also considered acceptable.

9.6.2 The applicant has agreed to planning condition which would secure the submission of a travel and site management plan which would prevent surgery staff from parking on site and would leave all the allocated commercial parking spaces for customers.

9.6.3 The Council's highways officer reports no objection to the additional flats being car free and acknowledges that this is a highly sustainable site on the edge of the town centre in close proximity to public car parks. Future occupiers of the flats may choose to buy parking permits and there is no evidence to indicate that being car free, would necessarily lead to hazardous or inappropriate parking elsewhere. There may be some local parking displacement, but no one has a private right to park on the highway in the same parking space every time. It is also considered to be a reasonable assumption that some flat owners/occupiers may not have or need a private motor vehicle.

9.6.4 Following the retention of the dropped curb around the pine tree, the access between parking space no 8 and the rest of the car park would narrow to 3.68m, which is wide enough to allow a single car to pass. The highways officer acknowledges that this would create a pinch point, but it wouldn't create a safety issue, as vehicles would be able to see each other and stop to allow one to pass.

## **9.7 Impact on Ecology**

9.7.1 The proposal would add a first floor on a building that has a very low probability of supporting bats and the Council's ecologist has raised no objection.

## **9.8 Drainage Matters**

9.8.1 The Council's drainage officer recommends the imposition of planning conditions regarding foul and surface water drainage details to be submitted. However, Wessex Water have confirmed that there are foul drains that can be connected to on the Halve. The existing building already has foul drain connections and therefore it is not reasonable to request a foul drainage condition in this particular case.

9.8.2 Wessex Water have also confirmed that some surface water can be disposed via the main sewer, which would already be the current situation on site. There are no changes to the existing layout of the site, which is already predominately hard surfaced and the existing storm/surface water drains into existing systems. Therefore it is also not considered to be reasonable or necessary to require a surface water condition.

## **9.9 Bin Storage and Collection**

9.9.1 The application makes provision for both commercial and residential bin storage. As part of the revised plans the residential bin store has reverted back to being inside the building. The store would measure approximately 5.9 metres long by 4.3 metres wide and would be large enough for 4 'euro bins' and 11 x 180 litre recycling bins. Alternatively 8 euro bins could be stored within the compound. The Council's waste officer has confirmed that Council operatives are able to enter the site and remove and replace the bins once they've been collected which negates the need for the bins to be stored elsewhere on the site on collection days or along the pavement. The only issue is that parking space No 7 (allocated to the dentists) would be in front of the access doors to the bin store.

9.9.2 On collections days, bin operatives would not be able to access the bins should a car be parked in this location. However, whoever obtains control of the site in the future would have to ensure that the business and residential uses do not cause obstructions if they want the bins to be collected and emptied. This issue and potential future conflict could be resolved in part through the imposition of a planning condition that seeks the submission of a revised site layout plan that swaps dentist space No 7 with a visitor parking bay No 9 – both of which are illustrated in the plan insert below.



9.9.3 The travel and site management plan, which is recommended as a condition, could also be used to ensure that the parking space in front of the bin store access is not used at bin collection periods which are currently on Mondays and Wednesdays. The travel and site management plan could also secure the provision of a wall mounted notice advising residents/visitors to keep the space clear that during collections. On non-collection days this would become another usual parking space.

9.9.4 It is considered reasonable and realistic to expect future residents to adhere to such a site management plan. The consequences of not doing so, would only lead to their own disadvantage. The travel and site management plan should also identify those parking spaces allocated to which flats and those dedicated for the dental surgeries. It is not considered that the loss of a single visitor parking space during bin collection times would warrant a refusal of the application.

## 10. S106 / Developer Contributions

No S106 financial contributions are sought for this site. CIL burdens would however apply to the proposed flats.

**11. Conclusion (The Planning Balance)** - The proposal is not considered to be an over development of the site and would provide occupants with satisfactorily living conditions and car parking provision. The proposal would have some impact on neighbouring amenity but it would not be so significant to warrant refusal of application. The proposal would also deliver a significant uplift in the appearance of the building which would preserve the setting of the adjacent listed buildings and enhance the character and appearance of the conservation area.

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

Site Location Plan, Existing Site Block Plan, Existing Ground Floor Plan, Existing First Floor Plan, Existing Roof Plan and Existing Elevations – received 18 July 2018; Proposed Elevations, Proposed Ground Floor Plan, Proposed First Floor Plan, Proposed Second Floor Plan and Proposed Roof Plan – received 26 October 2018 and; Revised Proposed Site Plan – received 14 November 2018

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

3. No development above the existing height of the roof shall commence until full specification details and samples of the wall render, roof slates, and the lead or zinc dressed surrounds for the dormer windows have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 demolition, site clearance or development shall commence until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees 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 must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2012 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- 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 arboricultural 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.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.



- Subsequently and until the completion of all site works, site visits should be carried out on a frequency i.e. weekly, monthly quarterly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to 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.

5. No development shall commence on site until a full 'No-Dig' specification for works within the root protection area/canopies of protected or retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and 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 order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

6. No part of the development hereby approved shall be brought into use, until a Travel and Site Management Plan (which needs to adhere to the requirement set by condition 7), has been submitted to and approved in writing by the Local Planning Authority. The Travel and Site Management Plan shall include the provisions to prohibit surgery staff from parking on site and well as setting out the measures to be employed to encourage staff to reduce private motor vehicle dependency levels. The plan shall also include full details of the plans implementation and its monitoring. Thereafter, the on-site use should operate in accordance with the agreed details. Future monitoring reviews of the Travel and Site Management Plan should be submitted to the Local Planning Authority on request, together with any changes made to the plan arising from the monitoring review.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

NOTE: The applicant should make contact with the Council's green travel plan officer Ruth Durrant to assist with the preparation of the plan and to ensure best practices are employed.

7. Notwithstanding the details contained within site layout plan (plan drawing A0813-A270P) no part of the development hereby permitted shall be brought into use until a revised site layout plan has been submitted to and approved in writing by the Local Planning Authority confirming the measures to be taken to ensure the bin store is not obstructed by parked vehicles on parking space no.7. No part of the extended development shall be brought into use until full details of the proposed site management and allocation and use of the car park spaces along with provision of wall mounted notice have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with such details and be maintained in perpetuity.

REASON: In the interests of road safety and adopting measures to avoid obstruction to the dedicated bin storage compound and to prevent the outside storage of waste bins.

8. No flat shall be 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. No flat shall be occupied, until the cycle parking facilities shown on the approved plans (and subject to the discharge of condition 13) have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

10. No part of the flat roofed areas of the development hereby permitted or on the existing rear wing of the building shall be used as a balcony, roof garden or other form of external amenity area.

REASON: In the interests of residential amenity and privacy.

11. No balustrade or any other form of enclosure (other than those on the approved plans) shall be installed on the flat roofed areas of the building.

REASON: In the interests of residential amenity and privacy.

12. Prior to the development hereby permitted being first occupied, all the bathroom window(s) on the front (north east) and rear (south west) elevations shall be glazed with obscure glass [to an obscurity level of no less than level 4]. Thereafter, the windows shall be maintained as obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

13. Prior to the development hereby permitted being first occupied, full details and elevation plans of the cycle store, planters and any other form of enclosure of the communal garden area from the car park shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and maintained as such in perpetuity.

REASON: In the interests of residential amenity and privacy.

#### **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. Should you require further information or to download the CIL forms please refer to the Council's Website:

[www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy](http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy)

2. The applicant is advised that in order to discharge condition 7, parking space notated as No 7 should become a visitor space and space No 9 should be allocated to the dental practice.
3. The applicant is advised to make contact with Wessex Water to ensure the site is served by appropriate water and foul water connections.