

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	30.11.2011		
<b>Application Number</b>	W/11/02357/FUL		
<b>Site Address</b>	Former Bradford On Avon Hospital Berryfield Road Bradford On Avon Wiltshire		
<b>Proposal</b>	Erection of 63 bed Care Home (Class C2) and 14 assisted Living Units (Class C2) with associated access, car parking (40 No. spaces), communal open space, landscaping and relocated sub-station		
<b>Applicant</b>	Castlemead Care/Berryfield House Regeneration Company		
<b>Town/Parish Council</b>	Bradford On Avon		
<b>Electoral Division</b>	Bradford On Avon North	<b>Unitary Member:</b>	Rosemary Brown
<b>Grid Ref</b>	382633 161633		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Rosemary Brown has requested that this item be determined by Committee due to:

- \* Scale of development;
- \* Visual impact upon the surrounding area;
- \* Relationship to adjoining properties;
- \* Design - bulk, height, general appearance;
- \* Issues raised by local residents;
- \* Opportunity to discuss with relevant officers.

### 1. Purpose of Report

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

Neighbourhood Responses:

16 letters of objection, and

20 letters of support.

Bradford on Avon Town Council Response:

No objection / Support

## **2. Report Summary**

The main issues to consider are:

- \* Planning history;
- \* provision of care facilities;
- \* setting of Grade II listed building;
- \* setting of conservation area;
- \* individual and woodland tree preservation orders;
- \* highway safety, access and car parking provision;
- \* neighbouring residential amenity; and
- \* design, scale and materials.

## **3. Site Description**

The application site is the western part of the former Berryfield hospital site which has been allocated as a “housing commitment” in the local plan. The former hospital site has in recent years been subdivided into two halves and the redevelopment of the main house and the associated eastern part of the site is on-going with many of the units now sold and occupied.

This application relates only the redevelopment of the western part of the site. This has a gentle variation in levels sloping generally from the north down to the south. It is undeveloped and has become overgrown grassland. The site has a number of tree preservation orders (TPO), including a woodland TPO on the boundary trees to the north, west and south of the site. The eastern boundary is a mix of residential walls/fences, mature trees, post and rail fencing, immature planting and hedgerows. Access to the site is existing from Berryfield Road; this was the original access to the hospital, but that building is now served by a new access created for the residential redevelopment.

To the east of the site is the Grade II listed Berryfield House, to the north, beyond the woodland belt is circa 1970s residential development, to the west are properties that front onto Bath Road and indeed Bath Road itself and the associated conservation area boundary. To the south and south-east are further circa 1970s residential properties.

## **4. Relevant Planning History**

08/00004/FUL - Mixed-use development comprising: new build healthcare incorporating nursing home, assisted living units, and ancillary accommodation (Class C2); conversion of Berryfield House to 3 no. dwellings and erection of 8 no. new dwellings (Class C3); conversion of the Coach House and Bothy to offices (Class B1); and associated landscaping and access works – Permission at committee on 20.01.2009

## **5. Proposal**

This is a revised proposal for the provision of a nursing home and assisted living units (Class C2) with ancillary development including roads, car parking, landscaping and re-location of an electricity substation.

In 2008 part of the planning permission for the redevelopment of the whole Berryfield site included (on the area subject to this current application) a 42-bed care home and 27 assisted living units. This revised application has increased the care home to a 63-bed care home facility and reduced the assisted living units down to 14.

Access to the site would be via the existing access onto Berryfield Road. Upon entry to the site it is proposed to erect the first of two blocks of assisted living accommodation. This would be a staggered terrace of 4 units over 2 storeys each with 2 bedrooms. Then to the north of this and the first of the

TPO constraints would be 10 more assisted living units with an irregular U-shaped footprint. This would be a further 2-storey block and include a mix of flats and houses with a mix of 2 and 3 bedrooms.

The assisted living units would be constructed from render to the walls with stone details, and natural slate to the roofs.

The ancillary development connected to the assisted living units is allocated car parking for 16 car parking spaces and 7 garage spaces, communal bin storage, private patios/balconies and communal landscape gardens.

The assisted living units have been submitted as Class C2 development consistent with the 2008 approval. A counsel opinion to confirm the use class has been submitted as part of the application. Part of that counsel assessment has been on the basis of the demonstrated link between the care home operator and the assisted living operator. Occupiers of any assisted living units would have to be 55+ years and at least one of the occupiers would be in need of a significant element of care. The occupiers of the assisted living units would have access to communal facilities provided within the care home. This matter was previously controlled by use of a condition to require the assisted living units be class C2 only.

Continuing north along the internal access road to the site and beyond the substantial Oak subject to a TPO a 63 bedroom care home facility is proposed. This is generally a 3 storey building with much of the ancillary development such as kitchen, plant and staff facilities located within the roof of the principal block. In addition to this the proposal details ancillary facilities for residents including 6 lounges, 3 dining rooms, hairdressers, activity room, treatment room, nursing stations and drugs rooms and managers/administration/waiting areas.

The care home would have walls constructed from a mix of render and natural stone, the roof would be natural slate and grey coloured single membrane metal.

The ancillary development connected to the care home is allocated car parking for 22 car parking spaces, 2 disabled bays and an ambulance space, cycle store, bin storage, maintenance store, and communal landscape gardens.

In addition the proposals include the relocation of an existing electrical substation at the site because reasonable access is required for servicing permanently and in perpetuity. In its current position the development would not facilitate necessary access, so its relocation is a requirement.

The application has been submitted with the following supporting information over and above the usual detailed plans:

- \* Design and Access Statement;
- \* Arboricultural Method Statement;
- \* Statement of Community Involvement;
- \* Flood Risk Assessment;
- \* Ecological Assessment; and
- \* Counsel opinion on the Class C2 use of the development.

During the course of the application discussions have been had with the developers in light of the consultation responses. A number of suggestions and requests were presented by officers, and some alterations to the scheme were possible. It is accepted that these do not address the full extent of the public objection to the scheme, but they have been listed for clarity:

- \* Substation has been repositioned;
- \* Use of natural stone has been used more strategic ally, so increased on the east and south elevations and reduced on the west elevation;
- \* Levels for care home lowered to 91.05 (dependent upon bed rock conditions); and
- \* Alterations to site entrance and pedestrian facilities.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004)

C17 Conservation Areas

C23 Street scene

C31A Design

C32 Landscaping

C35 Light pollution

C38 Nuisance

C40 Tree planting

E4 Premises outside employment policy areas

T10 Car parking

T11 Cycleways

T12 Footpaths and bridleways

CF1 Community facilities

CF2 Re-use of community facilities

U1A Foul water disposal

U4 Groundwater Source Protection Areas

I1 Implementation

I3 Access for everyone

Wiltshire and Swindon Structure Plan 2016

DP1 Priorities for sustainable development

DP2 Infrastructure

DP3 Development strategy

DP5 Town centres, district centres and employment areas

DP9 Re-use of land and buildings

T5 Cycling and walking

T6 Demand management

C1 Nature conservation

C5 The water environment

HE2 Other sites of archaeological or historic interest

HE7 Conservation Areas and Listed Buildings

RLT1 Recreation, sport and leisure

Supplementary Planning Guidance (SPG)

Design Guidance - Principles (Adopted July 04)

Affordable Housing (Adopted July 2004)

Bradford on Avon Character Assessment (Adopted Jan 2001)

Wiltshire Local Transport Plan 2011-2026

Car Parking Strategy

National guidance

PPS1: Delivering Sustainable Development

PPS4: Planning for Economic Growth

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS23 Planning & Pollution Control

PPG24 Planning & Noise

PPS25: Development and Flood Risk

## **7. Consultations**

Bradford on Avon Town Council

No objection – "...accordingly the Town Council welcomes the proposals and considers that the merits of the project and its importance to the town should be seen as important considerations in favour of approval. It is also the Council view that the differences between the approved scheme and the present proposal are not sufficient reasons to prevent the revised scheme from proceeding. The

Council therefore supports the present proposals and urges Wiltshire Council to approve the application.”

Conservation Officer

14 November 2011

No objection.

Earlier comments prior to final and revised plans:

No objection subject to revisions on east elevation materials and substation location:

“Of these proposals the main building of conservation concern is the care home itself that would be to the west of the listed building.

There is an extant 2008 permission for a care home on this site. The principle of a large building in such a close proximity to the listed building has therefore been established.

This current scheme proposes a larger building due to the functional need of the use, but it is nevertheless of a similar bulk and mass of building when compared to the previous approval. The height of the current proposal is approximately 2 metres higher than the previous one at 12 metres.

The north eastern section of the building would be raised from the lower height of the previous scheme up to the full height, but this has been justified as part of the need to get a certain amount of floor space for the use. Being a former hospital site, a care building on this site would fit in with the character of the area and this involves a minimum amount of development to make the project viable. Therefore, the increase in height of the north eastern section is acceptable in historic terms. The setting of Berryfield House would not be unduly harmed.

In terms of siting, a comparison of the approved and the proposed layouts show that the currently proposed building would be, at points, one metre closer to the listed building, but at other points would be the same distance as previously approved. This is considered to be a minimal change that would not affect the setting of the listed building.

The design of the care home is acceptable, the east elevation being the most important for the setting of the listed building. The fenestration is rhythmic and yet has enough variation in the vertical treatment to give an interesting and non-monotonous appearance.

However, the materials rely too heavily on render. Natural stone is shown as being used on two large projecting bays, almost as a border to render within. These projecting bays should be entirely dressed in stone. This would effectively break up the render on the rest of the building.

The proposed siting of the electric substation, shown at position G on AL(51)002 Rev B, is unacceptable. This would bring an unsympathetic and intrusive feature into the setting of the listed building. Vegetation cannot be used to screen a feature that is otherwise unacceptable. This substation needs to be resited to a more discreet location, away from the setting of the listed building.

Recommendation: Negotiate materials and substation as above.”

English Heritage

“The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”

Tree and Landscape Officer

No objection subject to conditions.

Ecologist

No objection – “Thank you for consulting me on the above application. I have reviewed the Ecological Assessment report (Aspect Ecology, August 2011) in conjunction with the proposed plans (Landscape Proposals drawing no.920, Ward Associates, August 2011). The site is predominantly over-grown amenity grassland, with several mature trees and a belt of woodland habitat along the western boundary; the latter is likely to be a locally important wildlife corridor. The mature trees are considered to have some bat roost potential, and the marginal woodland habitat is likely to be used by

foraging/commuting bats. Bat roosts of several species, including the rarer Lesser Horseshoes, have been recorded at the Berryfield site, although this is not acknowledged in the Ecological Assessment. Nonetheless, these habitats will be retained within the proposals and providing that lighting is restricted along the woodland edge, there will be no significant impact from the development. With the retention of these ecological habitats, and additional native species planting along the woodland edge (as shown in the landscape plan), the site will retain its functional connectivity and provide habitat opportunities for mammals, reptiles and breeding birds. The incorporation of bat roosting opportunities into the new building (i.e. 1FR Bat Tube / 2FR Bat Tube /N27 Bat Box Brick by Schwegler) would be welcomed and would provide biodiversity enhancement in line with the requirements of PPS9.”

Natural England

No objection.

Wiltshire Wildlife Trust

The biological records screen details pipistrelle, long-eared & lesser horseshoe bat records from hospital.

Environment Agency

No objection subject to conditions.

Wessex Water

No objection subject to condition on foul and surface waters.

Highways Officer

14 November 2011

No objection subject to condition.

Earlier comments prior to final and revised plans:

No objection subject to some revisions:

“The proposal is to develop the site of the former Berryfield Hospital site pursuant to an outline application reference W/08/0004 for the hospital and its grounds. The proposals are for a 63 bed care home and 14 assisted living units on the western part of the wider hospital grounds.

In principle, I have no highway objection to the proposals although there are a number of matters, as follows, that will need attention before I would be prepared to formally make such a recommendation

- The visibility for drivers looking left when leaving the site is restricted by vegetation located between the footway and No. 5 Berryfield Road. I am seeking advice as to whether this vegetation can be cleared to significantly improve this situation.
- The various documents supporting the application provide differing information on the level of parking to be provided. Whilst I do not consider the ultimate numbers would be inadequate, it is important that a breakdown of spaces and garages is provided. It appears the parking provision is weighted towards the assisted living units and whilst this is not unacceptable, it will need to be confirmed that there would be flexibility so that any overflow from one facility would be accommodated in the other facility.
- I consider the wide bell mouth site access junction with Berryfield Road is inappropriate for the proposed use of the site and the presence of pedestrians. The junction should be modified to form a crossover junction over which pedestrians will have a continuous footway. It would still then be appropriate to have a footway along the western side of the access road and a short section of footway initially on the eastern side.
- A 6m wide aisle will be required for all car parking spaces.
- A continuous footway should be provided from Berryfield Road to the entrance to the care home by introducing crossovers to car parking.

Subject to the above matters being resolved and conditions relating to the access detail, parking and turning on site and the emergency access, I will have no highway objection to the application.”

## Community Services

Support in principal – “A comprehensive assessment of the care market in Wiltshire conducted in 2008 indicated that there was an under supply of specialist care home placements for people with dementia and nursing home provision across Wiltshire. Additionally, the older population within Wiltshire was predicted to increase by 55.7% between 2007 and 2026, and within the Bradford on Avon community area, the older population was predicted to increase by 48% over the same timeframe. Our most recent population projections indicate that the older population will increase by 26% more than was originally estimated.

The Department of Community Services is supportive of this proposed development; however we would request that the developer reconsider the tenure mix of the extra care apartments to provide a proportion (30%) of affordable rented units so that it is in line with the tenure profile of older people across Wiltshire.”

## Housing Officer

“A formal response from housing is not required”.

## **8. Publicity**

The application was advertised by 2 site notices on Bath Road and Berryfield Road, a press notice in the Wiltshire Times and neighbour notification cards to 66 properties.

Expiry date: 11 November 2011

Summary of points raised:

16 letters of objection (including 1 from the Bradford on Avon Preservation Trust)

- \* Care home impacts on setting of Grade II listed Berryfield House;
- \* Increased height to 3 storeys – development should be restricted to 2 storeys;
- \* Increased footprint;
- \* Dominate private residential gardens – overlooking – loss of light;
- \* Too much render and not enough stone to walls;
- \* Form of proposal too complex and lacking reference – at odds with adjacent listed building;
- \* Relocated substation unacceptable – too close to residential gardens;
- \* Levels above extant scheme;
- \* Overdevelopment of the site;
- \* Proposals are misleading and understate impact;
- \* Light pollution;
- \* Noise from vehicles including ambulances;
- \* Consultation has been inadequate and location of site notice is not close enough to site;
- \* Access is dangerous – proximity to school – suggest using Bath Road;
- \* Trees are an ineffective screen for 6 months of the year;
- \* Monstrous flat roof building;
- \* Distances to neighbouring property misrepresented;
- \* wandering paths invade residential privacy;
- \* the residential scheme has been carried out with respect, what was the point if this is allowed;
- \* eye sore to those visiting town from Bath Road conservation area;
- \* there is a need in the town for more homes for the 55+;
- \* should return to the extant permission and withdraw this application;
- \* reminiscent of a wayside Travel Lodge;
- \* what are the windows and doors made out of;
- \* Lack of information;
- \* A helicopter pad would be unacceptable.

20 letters of support

- \* Nursing home is much needed;
- \* There is a covenant on land to allow only a health care facility to be built;
- \* Principal has been established by planning history;
- \* Additional employment – supporting economic growth;
- \* Design is sympathetic to surroundings / Attractive well designed;

- \* Sympathetic to listed building;
- \* Careful landscaping required;
- \* Benefit to local area;
- \* Sure developer will deal with building work in same sensitive manner as the residential redevelopment.

Furthermore a letter from Duncan Hames MP has been submitted which in summary is supportive of the principle but reiterates some of the detailed concerns represented through the consultation phase urging that they be addressed and/or considered in the planning committee decision.

## **9. Planning Considerations**

### \* Planning history

Whilst every planning application must be assessed on its merits, there is a planning permission extant on this application area for a 42 bed care home facility in the northern section of the site and then 27 assisted living units in 3 blocks over the southern portion. All of the extant development was over a mixture of 1-3 storeys. This planning approval was granted up to January 2012 at planning committee in 2009.

This history does to an extent provide the context for considering this application. It demonstrates that the principle of this type of development is acceptable, and it points to the widespread desire locally to see a healthcare development realised on the former hospital site.

### \* provision of care facilities

The site has been allocated in the local plan as a "housing commitment", there is no policy to require a health care facility on this site. However it is noted that the public consultation process has made it clear that there is a private covenant on the land for the next 35 years which requires this.

Generally the local plan policy seeks to support the provision of community facilities such as health care. Furthermore the consultation with colleagues in community services has revealed a need for this type of development and with demographic trends the need is only likely to increase. In short this proposal is considered to be an important part of the local community facility provision and in principal it has widespread support.

### \* Setting of Grade II listed building

There are nonetheless critical site sensitivities that have to be addressed in order to consider if the scheme is acceptable in detail.

Firstly turning to the impact on the setting of the Grade II listed Berryfield House, which by the standards of a grade II listing is arguably one of the finer examples of architecture and historic interest. It is important to assess the relative value of the heritage asset when assessing the proposals against Planning Policy Statement 5. This is clearly an important building historically to the town and points to the historic use of this site for care provision. Maintaining this relationship (albeit in a different form) is a valuable positive to the scheme within a heritage asset assessment. Further this building is clearly of architectural merit also. It has classic proportions and a number of quality design features, and has been built from traditional local materials.

Defining the setting of any building is always a grey area and this is usually done by looking at historic features including boundary treatments and landscaping. It is clear that the setting of this building has substantially evolved over time including the circa 1970s residential development that largely surrounds it, and more recently the immediate eastern curtilage redevelopment for housing. However to the west of the listed building the setting may be defined in part by the incomplete hedge and then there is an area of 'leakage' to the south west where only recently has a small hedge and post and rail fence been planted/erected. In short the setting of Berryfield House is very subjective.

It is assessed that the care home building may reasonably be concluded to be within the outer edges of the listed building's setting, but the assisted living units are outside of it, by reason of principally their distance from the listed building but also the presence of a large TPO tree.



The care home building proposed is undoubtedly a large structure. It has been designed over 3 storeys through a functional necessity which will be discussed later. It has been designed to reflect some architectural features of the adjacent listed building, e.g. parapet walls and use of stone. It has been sited at a lower ground level than the listed building, reduced after discussion to the same level as the extant scheme. The ancillary development for staff has generally been limited to the roof void in order to keep the overall massing and height of the building as low as the developers consider they reasonably can achieve and keep the scheme viable. The scheme has made a varied use in depths and materials on elevations to add interest and variety to the building and this is considered to be positive. This has allowed the development to avoid being a pastiche of the adjacent listed building and be a contemporary building that is independent to the listed building, but has sufficient context to respect the listed building. The overall height of the development would not be greater than that of the listed building by virtue of having low slab levels. A separation distance of up to 40 metres would be maintained between the care home and the listed building, which is comparable to the extant scheme.

Rather than merely summarise the expert opinions of the Council's conservation officer, they have been repeated verbatim above, and following some relatively minor but important alterations they have no objection to the development. The proposals have been subject to a consultation with English Heritage and some of the "amenity bodies", even though this is beyond statutory requirements. However this has revealed no meaningful responses. The local amenity body, the Bradford on Avon Preservation Trust has objected to the development proposals; they are of the view that the care home element of the scheme needs complete rethinking as it is unimaginative and banal, local lime stone must be used and details on windows are required. More information and a serious revision is required in their opinion. Your officers though take a different view and consider the design, whilst lead from functional requirements has incorporated details that add variety and interest. More stone has been sought on the east elevation with Berryfield House and clarification on windows has been provided (powder coated metal frames) and may be controlled by condition. The overall design of the care home facility is considered to be of a better quality than the extant scheme, albeit it does have a greater mass too.

The proposal would have an impact on the setting of this grade II listed building, however after careful consideration, on balance it is not deemed to create significant demonstrable harm to the setting. The care home building would be a building that would sit alongside the listed building, and having its own character and identity it would not rival it; furthermore it is different and separate enough to avoid competing with the listed building despite its scale. Furthermore it is not considered to cause any greater impact than the extant permission so as to merit refusal of the application. This final conclusion is consistent with expert internal conservation advice and the views of Bradford on Avon Town Council.

A further issue in terms of the setting of the Grade II listed Berryfield House has been the location of a substation. The scheme has been revised in order to have the substation further away from the listed building and remote from its setting.

\* Setting of conservation area

The conservation area is equally an important heritage asset that needs to be handled with care. The site, where it has a boundary with Bath Road abuts the conservation area. The assisted living units have been reduced in number and scale over the extant approval. This combined with the protected mature tree features mean that the development nearest the conservation area would have less of an impact than the extant scheme. The 3-storey care home is set to the northern part of the application site and given the degree of separation would not be prominent. Whilst it would be higher than the extant scheme it is not considered that it would have any significant affect on the character, appearance or setting of the conservation area. For these reasons the proposals accord with conservation area policies.

\* Individual and woodland tree preservation orders

This application has been submitted with a landscaping scheme and an arboricultural method statement. At pre-application stage it was made very clear that any development needed to respect the trees and woodland subject to preservation orders and additional planting to supplement this and complement the built form would be required. This has been achieved. The Council's tree and landscape officer raises no objection subject to conditions which seek implementation of all the

measures detailed within the application and a management plan. Trees subject to protection will not be affected by the development scheme.

\* Highway safety, access and car parking provision

The proposals would make use of the existing access onto Berryfield Road. Some objection has been received regarding this approach stating it would be prejudicial to highway safety. It has to be accepted that this was once the only access to the hospital site and would have been subject to significant movements of traffic. The original redevelopment scheme of the wider Berryfield site created a new access for all the residential and office development that is now substantially complete. It was always intended that the old access would remain for the care home and assisted living units. It is appreciated that the care home has increased its accommodation substantially, but the level of assisted living has also reduced substantially which arguably balances this out. There would be no demonstrably greater harm using this access for the proposals over and above the extant scheme.

The proposals have been subject to consultation with expert highway officers who in principle raise no objection. They have, in acknowledgement of the presence of the school to the east and the proximity with a junction with Bath Road to the west noted an opportunity to use Council owned land to increase the eastern visibility splay. This involves the removal of some landscaping but that is not of such amenity value so as to raise an objection, moreover it is not subject to any protection. This has been confirmed by the Council's tree and landscape officer. The loss of planting would be compensated for by the improvement to visibility and suitable low level planting that should be part of any landscaping scheme approved by condition. The visibility splay has been stipulated by the highways officer and reflected in a condition.

The highway officer has sought other alterations to the scheme and clarification which the applicants have partially incorporated into the final scheme. This includes providing enhanced pedestrian facilities over the existing bell mouth access. Furthermore, within the site, provision of a continuous footpath with crossovers has been provided and also minor changes to car parking to ensure standard manoeuvring have also been incorporated. A condition on this matter has been suggested to allow on-going discussion on the finer details of these improvements, and ensure that the works are carried out prior to occupation of any development.

For the sake of clarity it is reiterated that 16 parking spaces and 7 garages are provided for the assisted living units and 24 (including disabled, plus one more as an ambulance bay) are provided for the care home. This is acceptable and will be controlled by the approved plans condition.

It is stressed that this is unlikely to remove objection from local residents, however it is an improvement on a scheme which would ultimately cause no significant harm anyway. To move the access to Bath Road (as some residents have suggested) is not considered to be necessarily a better solution; moreover it is not what is being applied for and may have harmful impacts on TPO trees.

Within the site the arrangements for parking etc are deemed to be acceptable. These are ultimately care home and assisted living units, so the movement of vehicles of occupiers are likely to be quite modest. Staffing and visitors will be able to make use of walking, cycling and convenient public transport in addition to the limited on-site parking. The proposals accord with the newly adopted car parking strategy for Wiltshire.

\* Neighbouring residential amenity

The proposed development has resulted in objection from residents that would adjoin the site to the north, east and west. Concerns range in terms of amenity loss from noise in connection with vehicles and residents using the gardens, to overshadowing, overlooking and loss of light.

There are no minimum distance requirements between windows of new development and garden boundaries and habitable room windows which are strictly applicable to this scheme. The Council however does have adopted guidance on house alterations and extensions that stipulate a habitable room window should be 10 metres or more from an adjoining garden boundary and 21 metres from a neighbour's habitable room window. The proposals would generally respect this guidance. There is one area where the care home's windows would be less than 10 metres from the boundary of the site. However the area to which it would overlook is part of the communal parkland setting of Berryfield House. It is understood that in the residential redevelopment of Berryfield this may have been sold as

private garden area, and if that is the case it is part of a very large garden area. To have overlooking of a proportionately small area of garden is not considered to be significantly harmful, and would not merit refusal of the scheme. It is appreciated that local residents may feel, given the amount of time that they have been able to enjoy a vacant and open site next to their homes, that the level of overlooking proposed is unacceptable. However this is a subjective judgement and given modern development standards, the need to make the most efficient use of land and the long held plans to redevelop the site for health care then the level of amenity impact is not considered to be harmful in planning terms.

In terms of loss of light then proposals are of sufficient separation distances from and to existing properties to avoid demonstrable harm.

As existing landscaping should not be considered as a permanent feature in assessing development, then its presence as a screen to the development has been afforded little weight. However in reality there is mature landscaping to the north and west of the proposals, which for several months of the year (when many would want to enjoy their gardens) would provide a natural screen. To the east it is appreciated that this screen is not mature and it is agreed that the submission arguably overstates the value this would have in terms of reducing amenity impacts. Furthermore it is noted that the proposals are now a bank of 3-storey development at this point rather than a tiered 3, 2 and then single storey, albeit the revised scheme's footprint is set further away from the boundary than the extant scheme. However the proposals are not considered to create demonstrable harm in terms of residential amenity.

In terms of noise, it is inevitable that the proposals will have a level of noise from residents using the facilities, visitors, servicing etc. However it is not considered that this would cause any significant harm given the degree of separation from existing residential property.

The suggestion that residents will be wandering through the woodland has been refuted by the applicants. There will be hard landscaping features such as retaining walls to prevent this. The point of the 'wandering paths' is to encourage outdoor recreation for residents in a structured and accessible manner.

#### \* Design, scale and materials

The proposals have been redesigned so that the scale of development as you enter the site is at 2-storeys and becomes progressively higher as you move through the site and reach the terminus of the 3-storey care home. This follows the natural topography of the site also. The proposals make use of the site's tree constraints to add a sense of maturity to the scheme and ensure that it fits around these defining natural characteristics. The assisted living units are in a smaller block at the front of the site, and then a far larger block in the middle in terms of footprint. This progression in scale is logical. The care home has been sited to the rear of the site for a number of reasons, including the need for occupiers to have safe and secure outdoor space, tree constraints, parking requirements, to allow for a graduation of scale from the entrance, and because assisted living occupiers generally prefer not to have to go past the more intensive level of care that they may have to move into. It is considered to be a reasonable and logical approach.

The assisted living units would have rendered walls, stone details and natural slate to the roofs. They are well proportioned buildings, which are considered to be reasonable in the context, given the proximity of the conservation area and its period dwellings, but on the other hand the proximity of 1970s suburban homes made with reconstructed stone faced block over 2-storeys. The buildings have a simple design but sufficient details such as roof terraces to add the variety and interest required of good design standards.

The care home proposals are a graduation from this, both in terms of scale, massing, design details and materials.

There are some apparent functional requirements to a care home building which the extant permission did not acknowledge and for this reason would never realistically have been built. In the current market the developers are insistent that a 63 bed scheme is a minimum development level to be financially viable. For the sake of efficiency and therefore also to be financially viable again this needs to be provided within one building, and due to site constraints the northern portion of the site is

the only place where this could be reasonably sited. This has been clearly set out in the supporting information. In the interests of efficient nursing and patient care it is also highly desirable to have all floors of virtually identical layout. This necessarily impacts on the external elevations because the building must be 3-storeys without the variation in heights that the extant approval had. The extant 42-bed approval was a speculative application which did not have an end user's input, and therefore concessions were made in its design in order arguably to gain planning permission without knowledge as to its viability.

The architects have been open to suggestions on how to provide variety and interest in the building despite these functional demands. The proposals have added variations in depth and materials in order to add interest, create a separate building, but also supply some context and acknowledgement to the quality of the adjoining Grade II listed building. The plans have been varied through the application process in order to address, in part local residents concerns, but also to satisfy your officers that all reasonable efforts have been made to create a building that will not compete with its neighbour and will be of an acceptable and good design within the setting of a Grade II listed building. Within the constraints of planning, and wider considerations the proposals are considered to be an acceptable compromise. Moreover the design, scale and materials are in accordance with planning policy making use of a varied materials palette and using quality design approaches to generate a varied and interesting building.

On the most important two elevations (south and east) extra stone has been added to the elevations to help break up the render. A necessary concession to achieve this was the use of less stone on the west elevation, which was not considered to be a prominent elevation within a historic context.

\* Other material considerations.

The proposals have been subject to discussions on the lawful use of the assisted living unit again. The application has been submitted with a counsel opinion to clearly identify them as a C2 use class as per the 2008 permission. There is no reason to reach a different conclusion here than in 2008. To do otherwise would be inconsistent.

In the former West Wiltshire District Council area there is no policy requirement for any social contributions over and above the extant scheme. The comments of community services in regards to the application are noted. They support the scheme but would have liked to see a 30% contribution of the assisted living units to be affordable. However in this area there is no planning policy to support this and so the request cannot be reasonably followed through. In short no commuted sums are necessary from this development.

Issues of ecology have been given detailed consideration and there would be no harm. In order to enhance wildlife opportunities as required by PPS9 a condition in regards to provision of bat boxes has been included. This accords with the ecologist advise.

The necessary relocation of an electricity substation has proven to be a matter of contention through the application process. It has to be relocated as the care home would block the existing access. Access must be maintained for servicing so it needs to be relocated. This was initially located to a point most remote from residential properties (it is currently abutting a home on Bath Road), however due to the impact on the setting of Berryfield House it has been resited to within the care home car park area. This final location poses no significant concerns and would not affect any amenity interests. It has been stated that cabling will run up the driveway of the site and therefore not affect protected trees and their roots.

The public consultation process has raised concern over the level of consultation that has been carried out. There are two stages to the consultation process. Firstly the developer independently carried out consultations, the extent of this was limited though and below that suggested by Council officers. It is regrettable, and in discussion with the developers they have accepted the criticism; however it does not represent any reasonable grounds for refusal or delay of the application.

The second stage is carried out statutorily by the Council once the application has been accepted as valid and is the start of the formal application process. In this case the proposals were advertised in the Wiltshire Times, 2 site notices were erected and 66 local residents were sent letters. It is acknowledged that erroneously some letters were not sent out. This error was pointed out by the

public and swiftly addressed, with those affected allowed a full 21 days to comment. A further criticism has been that one of the two site notices was erected opposite the entrance rather than at the entrance to the site and that it is the same size as any other planning site notice whether it is for a conservatory, works to a tree or some sort of major development. This is not considered to have prejudiced anyone and the sign was at a location and of a size which was perfectly acceptable. Overall the public consultation process for the formal application has been greater than statutorily required and moreover it has been proportionate and reasonable relative to the scale of development. There have been mistakes in the process, however these have been amended swiftly when realised and no human rights have been affected.

The application has been subject to some minor non-material revisions during the application process. These revisions are deemed to be very minor and given that, that they would address some of the objection and in the interests of having an expedient decision no further public consultation has been conducted.

\* Summary and conclusions

Ultimately the determination of this application is a balancing exercise. It is clear that the principle of the development is not at issue, rather it is the detail that needs to be assessed and these details are largely subjective assessments. The main areas of concern have been related to the setting of a Grade II listed building and the numerous protected trees. In regards these two matters the Council's experts have raised no objections to the final proposals. These final proposals have been reached after further negotiations with the developers who have made very modest concessions within their functional and financial limitations.

The scheme has been given very careful consideration and on balance your officers recommend that the application be granted permission subject to conditions. This is because the scheme would not cause any significant, demonstrable harm to acknowledged planning interests. This decision has been reached within the context of the extant approval, which albeit had a smaller care home facility in terms of scale would also of produced a substantial building. Further the extant scheme would have provided larger and more assisted living units than is now being proposed.

Beyond the scope of this application there are the wider circumstances that form the background of the application. However it is stressed that your officers are of the view that the proposals, notwithstanding this concern, are acceptable in planning terms. On that basis alone planning permission is recommended.

**Recommendation:        Permission**

**For the following reason(s):**

**The proposed development conforms to the Development Plan and there are no objections to it on planning grounds.**

**Subject to the following condition(s):**

- 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 shall be carried out strictly in accordance with the hereby approved plans:

Drawing: AL(52)001 Rev B – Location Plan - received on 26 August 2011;

Drawing: AL(52)002 Rev C – Proposed Site Plan - received on 14 November 2011;

Drawing: AL(11)010 Rev D – Assisted Living Block X Proposed Floor Plans - received on 14 November 2011

Drawing: AL(13)010 Rev D – Assisted Living Block X Elevations Part 1 - received on 14 November 2011  
Drawing: AL(13)011 Rev D – Assisted Living Block X Elevations Part 2 - received on 14 November 2011  
Drawing: AL(11)011 Rev B – Assisted Living Block Y Proposed Floor Plans - received on 26 August 2011  
Drawing: AL(13)012 Rev C – Assisted Living Block Y Elevations - received on 14 November 2011  
Drawing: AL(12)001 Rev C – Proposed Site Sections - received on 14 November 2011  
Drawing: AL(11)001 Rev C – Care Home Ground Floor Plan - received on 14 November 2011  
Drawing: AL(11)002 Rev B – Care Home First Floor Plan - received on 26 August 2011  
Drawing: AL(11)003 Rev B – Care Home Second Floor Plan - received on 26 August 2011  
Drawing: AL(11)004 Rev B – Care Home Third Floor Plan - received on 26 August 2011  
Drawing: AL(11)005 Rev B – Care Home Roof Plan - received on 26 August 2011  
Drawing: AL(13)001 Rev C – Care Home Proposed Elevations Part 1 - received on 14 November 2011  
Drawing: AL(13)002 Rev C – Care Home Proposed Elevations Part 2 - received on 14 November 2011  
Drawing: AL(52)049 Rev A – Relationship to Berryfield House - received on 14 November 2011  
Drawing: AL(11)020 Rev C – Proposed Substation and Bin Stores - received on 14 November 2011  
Drawing: 920 Rev C – Landscape Proposals Sheet 1 of 2 - received on 14 November 2011  
Drawing: 920 Rev B – Landscape Proposals Sheet 2 of 2 - received on 14 November 2011

REASON: In order to define the terms of this permission.

- 3 The occupation of the development shall be limited to Class C2 Residential Institutions.

REASON: In the interest of proper planning of the area and to ensure that the units remain in perpetuity for those in need of care.

- 4 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a.

- 5 No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied

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

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32

- 6 No works shall commence on site until details of all windows, rooflights and doors have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: In the interests of good design.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a

- 7 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C35 and C38

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

REASON: In the interests of visual amenity.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C38

- 9 Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

- 10 No development shall be commenced until a scheme for the provision of foul and surface water disposal/drainage has been submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the local planning authority as part of any submitted scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied.

REASON: To ensure that the development is properly serviced.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

- 11 Finished floor levels at buildings X and Y must be set at 300mm above immediately surrounding ground levels.

REASON: To protect against existing surface water flooding.

POLICY: Planning Policy Statement 25: Development and Flood Risk.

- 12 Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

REASON: To enable discharges from individual premises or buildings to be inspected and sampled.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies U1a and U2.

- 13 No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building hereby approved being first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C38  
Planning Policy Guidance 24: Planning and Noise

- 14 The development shall be carried out as specified in the approved Arboricultural Method Statement (AMS) dated August 2011, and shall be supervised by an arboricultural consultant.

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

- 15 A pre-commencement site meeting shall be held and attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Authority to discuss details of the proposed work and working procedures prior to any demolition, site clearance and any development. Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required shall be submitted to and approved in writing by the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on-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.

- 16 Notwithstanding the submission of the landscape proposals, 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:-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- A detailed planting specification indicating all species, supply and planting sizes and planting densities, ground preparation, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

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

- 17 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.



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

- 18 No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 19 The development shall not be occupied until a scheme for ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the provision of bat boxes.

REASON: In order to enhance wildlife opportunity at the site.

POLICY: Planning Policy Statement 9: Biodiversity and Geological Conservation.

- 20 No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the west and 29 metres to the east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 0.6 metres above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 21 No development shall commence until full details of any improvements to the site access and pedestrian facilities have been submitted to and approved in writing by the Local Planning Authority. Subsequently and prior to the first occupation of the development, the improvements to the access and provision of pedestrian facilities, parking and turning areas shall be completed in accordance with the approved details.

REASON: In the interests of highway safety.

- 22 During the construction phase of this redevelopment, no plant machinery or equipment shall be operated or repaired so as to be audible at the site boundary outside of the hours of 0730 to 1800 Mondays to Fridays and 0800 to 1300 hours Saturdays, or at any time on Sundays or Bank Holidays.

REASON: In order to safeguard the amenities of the area in which the development is located.

POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C36 and C38.

- 23 Oil or chemical storage facilities should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

REASON: To prevent pollution of the water environment.

NOTE: Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage)(England) Regulations 2001").

**Informative(s):**

- 1 The surface water drainage scheme shall include:
  - \* Management of all events up to and including the 1 in 100 year plus climate change storm;
  - \* Detail, sizing and location of soakaways;
  - \* Details, sizing and location of any other drainage features (following the SuDS hierarchy);
  - \* Detail of flow routes
  - \* Details of how the scheme shall be maintained and managed after completion;
  - \* Details of how the development will be protected from any existing flood risk from surface water flooding;
  - \* Evidence to show no increase in offsite surface water flooding.

The scheme shall be based on sustainable drainage principles.

For further information you are advised to contact the Environment Agency.

- 2 During the construction phase precautions should be taken to reduce the risk of pollution to the water environment. This should include measures to address contaminated run-off, the storage of oil chemicals and hazardous substances, managing construction waste and the routing of heavy vehicles. Further guidance and advice is available on the Environment Agency's website in the Pollution Prevention Guidelines section – <http://www.environment-agency.gov.uk/netregs/links/63875.aspx>

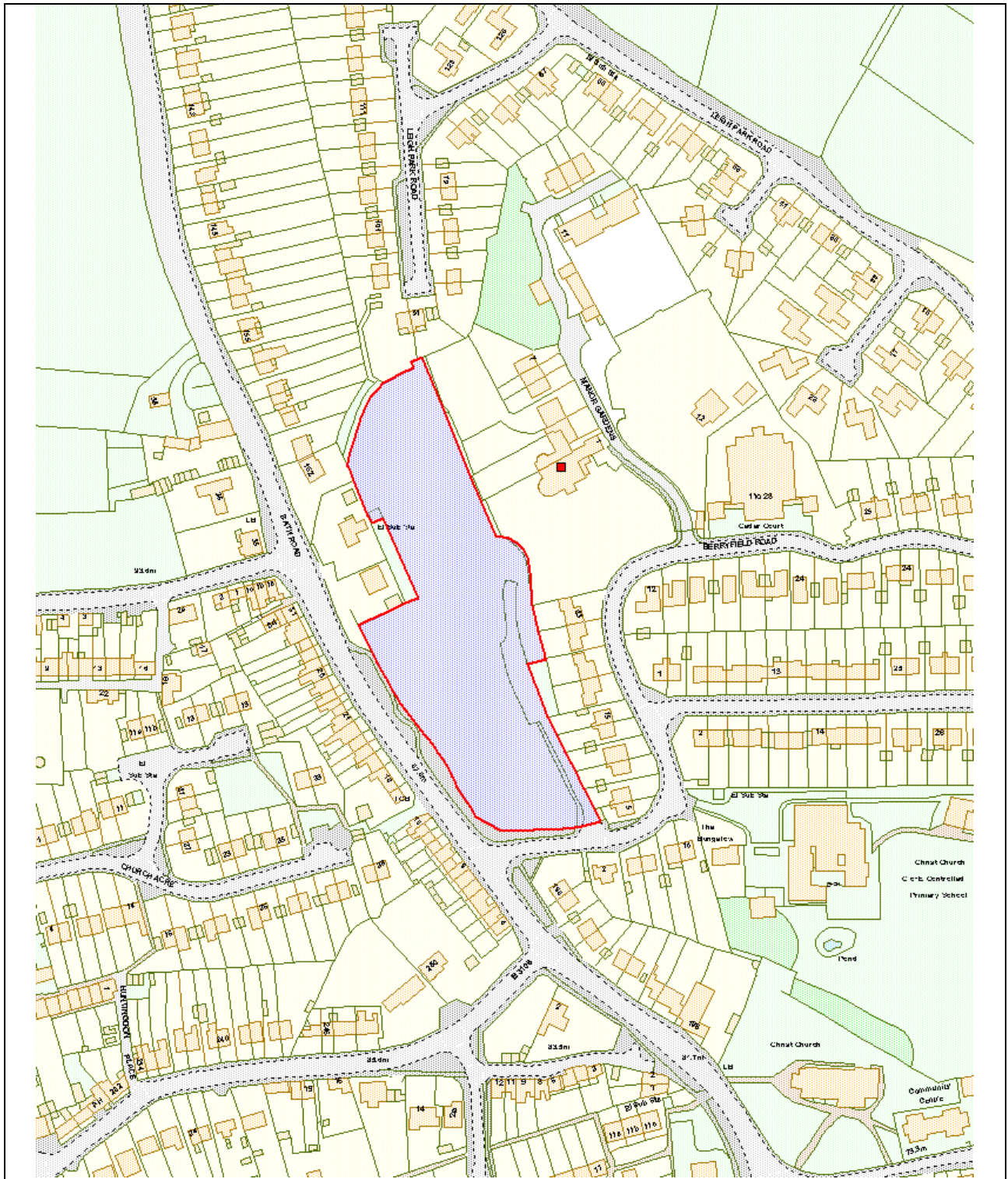
- 3 Wessex Water has advised that:

DEFRA on behalf of the Government, are implementing changes whereby, it will be mandatory that all new foul sewers and lateral drains (where outside the serviced property boundary) will have to be designed and constructed in accordance with a new Mandatory Build Standard (MSB, for which the guidance document "Sewers for Adoption" 7th Edition (SFA 7th) is being prepared.

Any new connection to the public sewerage system under Section 106 of the Water Industry Act 1991, cannot then be made until the applicant has entered into a signed Section 104 Adoption Agreement with the Water Company. Application forms, guidance notes and processes will be suitably amended and available when required.

Buildings higher than two storeys should have pumped storage.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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01225 770344 Fax: 01225 770314 Development Control West Wiltshire Council Bradley Road Trowbridge Wiltshire BA14 0RD  
[www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

MSA: 100022961