

## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	04.01.2012		
<b>Application Number</b>	W/11/02019/REM		
<b>Site Address</b>	Durlston Hilperton Road Trowbridge Wiltshire		
<b>Proposal</b>	Amendment to granted reserved matters W/11/00271/REM approved 04/04/2011.		
<b>Applicant</b>	Mr Ian Butler		
<b>Town/Parish Council</b>	Hilperton		
<b>Electoral Division</b>	Hilperton	<b>Unitary Member:</b>	Ernie Clark
<b>Grid Ref</b>	386952 158680		
<b>Type of application</b>	Reserved Matters		
<b>Case Officer</b>	Mr Matthew Perks	01225 770344 Ext 01225 770207 matthew.perks@wiltshire.gov.uk	

### Reason for the application being considered by Committee

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

- \* Relationship to adjoining properties
- \* Design - bulk, height, general appearance
- \* Environmental/highway impact; and
- \* Car parking

The Councillor also raises the further issues:

- "a) There will be loss of amenity to the owners of plot 3 and also residents of 115 and 115a Hilperton Road.
- b) There will undoubtedly be issues connected with parking. Has Highways been notified about the increase in traffic which will be caused by members of staff travelling to and from the site?
- c) The changes to the fenestration are inappropriate.
- d) There could be problems connected with drainage which Wessex Water should be made aware of.
- e) The size and scale of the conservatories is unacceptable.

I do not consider that these are 'minor' alterations. A new planning application would be more appropriate."

### 1. Purpose of Report

To consider the above application and to recommend that the revision to reserved matters is granted approval.

Neighbourhood Responses

No neighbour comments received.

Parish/Town Council Response

Hilperton Parish Council objects to the proposal for the reasons shown in the "Consultations" section below.

## **2. Report Summary**

This report assesses revisions to plans approved under application Ref: W/10/02449/REM for reserved matters details in respect of the Outline Planning permission 08/01089/OUT (Replacement of existing dwelling and erection of 2 additional dwellings).

The revisions are proposed so as to enable two of the three permitted dwellings to be utilised in the care for people with autism. The proposals involve alterations to the internal room layouts and certain exterior changes. The report assesses the impact of the proposed changes as well as the issue of whether or not a change of use would arise, and recommends approval.

## **3. Site Description**

The site is currently under development in terms of Permission granted under 08/01089/OUT and the Reserved matters approved under W/10/02449/REM. That scheme involved the replacement of a then existing dwelling and the erection of two additional dwellings. It measures some 0.4 ha in extent and is elongated in shape, with a depth of approximately 150m from Hilperton Road. Open space lies to the north east, whilst to the south west there is residential development characterised by fairly large family homes on generous plots. A further characteristic of the area is a corridor of open space approximately 70m wide to the south east of Hilperton Road, partially formed on this site, but also extending westwards towards Trowbridge town. Access is gained via the original entrance to the site, modified in accordance with the approved plans.

## **4. Relevant Planning History**

08/01089/OUT: Replacement of existing dwelling and erection of 2 additional dwellings : Permission : 12/05/2008

W/10/01742/DEM : Prior notification in respect of demolition : Details approved : 14.07.2010

W/10/02449/REM : Application for approval of reserved matters: 3 dwellings granted permission under application 08/01089/OUT : Approved : 20.09.2010

W/11/00271/REM : Amendment to granted reserved matters W/10/02449/REM - alterations to fenestration, addition of summer house and shed on Plot 3 : Approved : 04.04.2011

## **5. Proposal**

The proposal is for alterations to the dwellings on Plots 1 and 2 of this three unit development only (Plot 3 development has already commenced in terms of the original permission/approval). The changes are proposed to meet the specific needs of the applicant, "Homes Caring for Autism." The applicant aims to use the dwellings on plots 1 and 2 as homes for people with autism including care provided for the residents. The approved internal layout of the dwellings was for 4 bedroom dwellings. This has been revised on plots 1 and 2 to allow for 5 and 6 people respectively to live within the dwellings.

However, the proposed dwellings themselves are located in the same position as that previously approved and are of the same height and general appearance. The main external alterations are the addition of single storey conservatories to plots 1 and 2 and alterations to the fenestration, with more rooflights added.

## **6. Planning Policy**

West Wiltshire District Plan - 1st Alteration

H1: Further housing development within towns.

C38 : Nuisance

C31a : Design

C17: Conservation Areas

PPS3Housing

## 7. Consultations

### Town/ Parish council

Hilperton Parish Council objects to the proposals on the following grounds:-

- a) There will be loss of amenity to the owners of plot 3 and also residents of 115 and 115a Hilperton Road. Could you let the Parish Council know if these neighbours have been fully informed of the proposals.
- b) There will undoubtedly be issues connected with parking, and the Parish Council would wish to know if Highways have been notified about an increase in traffic which will be caused by members of staff travelling to and from the site.
- c) The changes to the fenestration are inappropriate.
- d) There could be further problems connected with drainage which Wessex Water should be made aware of.
- e) The size and scale of the conservatories are considered unacceptable."

The Parish Council also considers that these are not 'minor' alterations and that a new planning application should be submitted. The Parish further advised that the Local Member had been requested to call the application in to Committee.

### Highways

The proposed amendments do not affect the approved layout of the site, therefore, no Highway objection is raised.

### Wessex Water

No comment received.

### Landscape Officer

No further comments.

## 8. Publicity

The application was advertised by site notice and neighbour notification.

Expiry date: 06.12.2011 - No neighbour comments were received.

## 9. Planning Considerations

### *Use Class considerations*

The first set of plans submitted for this application included en-suite bathroom facilities for all "service users" plus other facilities that gave rise to concerns about the C3 (Dwelling House) use being changed. Whilst Use Class C3 (b) does allow for up to 6 residents living in a single dwelling, including those living together as a single household and receiving care, the originally proposed internal configuration as well as the nature of the management and training facilities to be provided indicated that the proposal potentially moved beyond a C3 Use to a C2 (Residential Institution) use.

Class C2 is described as a 'use for the provision of residential accommodation and care for those in need of care'. Class C3(b) refers to the use of a dwellinghouse (b) by not more than 6 residents living together as a single household (including a household where care is provided). C2 thus implies accommodation which by its very nature is linked to the provision of care. The emphasis of C3(b) implies situations where there is an element of care, but which is incidental to the use of the property for residential purposes.

Case law further suggests that the greater the level of care provision and less able the residents are able to function independently as a viable unit, the more likely the use is to fall within C2. In this instance the residents would be supported by carers who are non-resident, while the residents would

be living as a household whilst attempting to progress to greater independence. It would equally be wrong and counter to public policy or government guidance if there was a principle that those who suffer disability and who are in need of care to enable them to function (e.g. supported living) could never constitute a household.

Following negotiations with the applicant a revised set of plans was submitted. Changes to the revised plans include the removal of 1 bedroom from Plot 1 to form a 5 bedroom dwelling, although Plot 2 would remain a 6 bed dwelling. Other changes are the introduction of a shared bathrooms and the removal of 2 of the en-suites per dwelling, the removal of the offices to be replaced by a "study" area for residents, the removal of staff training and activity facilities and the retention of a single garage per unit.

In addition to the drawings the agent has clarified the nature of the use. The level of care proposed would be as follows:

- residents would require only a limited amount of care, limited to staff numbers of 1 per 2 residents, on a 2 shift pattern during the day;
- one additional member of staff will be present on site at the handover between shifts;
- formal management responsibility will be by way of an Area Manager based in Somerset;
- each dwelling would operate with a senior staff member in charge on a day to day basis;
- each resident will be allocated help and assistance as opposed to full time care from a carer during the day, with carers being non-resident, present from 07.45 am to evenings to help and assist the residents including accompanying them in their daily lives off-site as well;
- the level of staff support may reduce over time as independent living skills improve.

In view of the above it is considered that the proposal qualifies under a C3(b) use.

#### *Design and impact on neighbouring amenity*

The siting and height of the 2 dwelling units remains as was originally permitted, i.e. on fairly generous plots on the south western side of the property, set back a minimum of 70m from Hilperton Road and served by a driveway towards the north eastern boundary. The relationship to existing dwellings to the south west (115 and 115a Hilperton Road) is such that side elevations to the proposed dwellings would face those properties. New ridgelines to Plot 1 would not exceed those of the existing No.115a.

In noting the Parish and Local Member comments, the following observations are considered relevant:

The dwelling to plot 1 would be approximately aligned with the side elevation to No. 115a. No upper level openings are proposed to the side elevation to the dwelling on plot 1. The Plot 2 dwelling would be located to the north east of an existing triple garage (now understood to have been partially converted to habitable use) serving the dwelling at No. 115. Although this new building would have a fairly elongated elevation (16m) parallel to the boundary, the 9m length of the existing garage would occupy the intervening space between the new building and the dwelling at No. 115.

There is one window on the first floor (South-West elevation) which serves a bedroom to Plot 2. This window would be orientated such that it would look towards the triple garage building which has no windows other than rooflights to the north-east facing elevation. Views over the garden to 115a would be at a relatively obscure angle to the proposed bedroom window.

The front-facing windows to Plot 2 at first floor level would to a degree potentially overlook the rear garden space to No.115a, with a section of the northern corner being within the 45 angle of view from the nearest bedroom. However, this window is some 8m from the property boundary and would be at least 22m from the rear elevation to the dwelling on that site, with the nearest window in the existing elevation facing Plot 2 serving a bathroom.. No 115 itself has one upstairs side-facing window orientated towards the site, but this serves a bathroom, according to the information available. Furthermore, the side facing elevation to No. 115 would face a gap between the proposed dwellings to plots 2 and 3, with both of the new dwellings at fairly obscure angles to that elevation.

The separation distance between upper level windows to habitable rooms in Plot 2 and the newly built unit on Plot 3 would remain a wholly acceptable 24m.

The buildings would all be located at a minimum of 70m from the street frontage, across the road from the Conservation Area. No harm would arise to the Conservation Area setting.

Given the above context, it is considered that no unacceptable issues of loss of privacy or light, or sense of overbearing would be likely to arise.

With regard to the question of advertising as raised by the Parish records indicate that the neighbouring properties, including those to the south east and the new dwelling on Plot 3, were sent neighbour letters. A site notice was also posted at the entrance to the site on Hilpert Road.

Highways were consulted and have not raised any objections. In terms of parking provision on site, Plot 1 has 6 parking spaces allocated (excluding the garage area). Plot 2 proposes 5 spaces (again excluding the garage area). The applicants advise that residents will not own cars and the site would have a family sized car in order to take residents shopping etc. The parking and manoeuvring areas would be remote from the site access and no public highway safety issues would arise from the on-site movement or parking of vehicles. There would be an increase in use of the actual site access but, again, the highway officer has not raised any objection in that regard.

With regard to issues such as the size of the conservatories and design features such as fenestration, the dwellings would be located on generous plots, and are not seen in the context of a typical "street scene" being arranged beside the private driveway and in a situation screened from both the north east and south west. It is considered that no unacceptable harm to the local setting can be argued in this context, where the dwellings would appear as individual, relatively up-market, units on their own fairly large properties and not as part of a uniform street scene. The conservatories would be light weight glazed structures, enhancing the usability of the outdoor spaces on site.

Boundary treatments, as before, would be either a 1.8 m existing fence or the mature hedgerow towards the southern end of the site. The use remains essentially residential and the applicants advise that a management strategy is in place to address any nuisance issues.

With regard to drainage, Wessex Water was consulted and has made no comment. Checking the site history it is noted that on the previous reserved matters, WW did not wish to comment beyond the outline application. At the Outline stage, no objection was raised.

In short, the proposals are little different from those already approved, and the minor changes to the design and appearance do not give rise to any new issues that justify a different decision to the approvals already given.

**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 Landscaping of the site shall be carried out in accordance with the approved landscaping plan AH2010/31a Sheet 8 of 8 Rev A, following consultation with Landscape Officer on the replacement trees shown on that drawing.

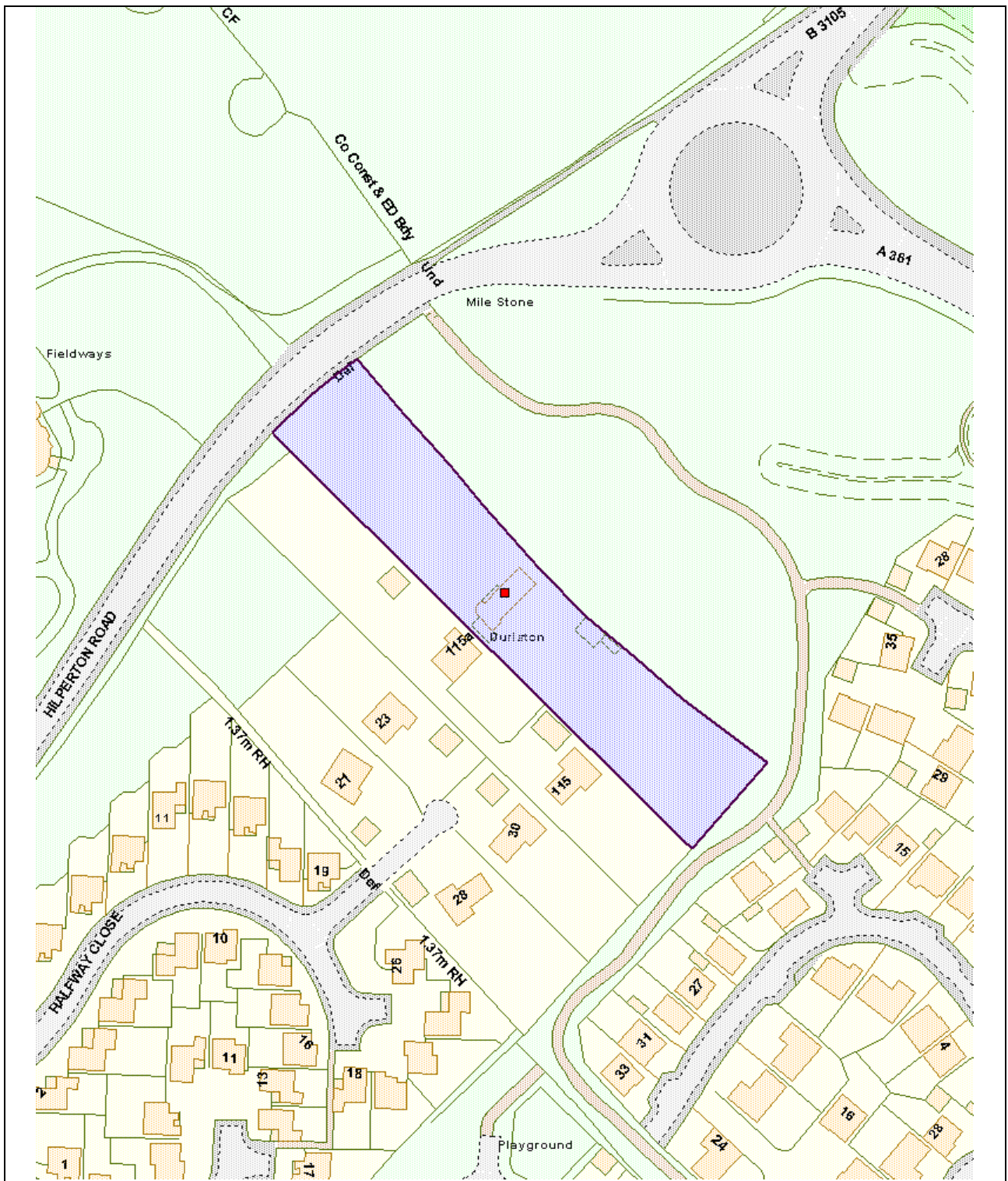
REASON: To ensure a satisfactory landscaped setting for the development.

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

**Informative(s):**

- 1 The applicant is advised that the development must comply with the conditions and planning obligations imposed on Outline Permission reference 08/01089/OUT.

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



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