

Date of Meeting	12 October 2016
Application Number	16/05078/FUL
Site Address	16 St Thomas Passage, Trowbridge, BA14 8SE
Proposal	Erection of 6 apartments and associated access works following the demolition of the existing dwelling
Applicant	Mrs S.I. Pike
Town/Parish Council	TROWBRIDGE
Electoral Division	TROWBRIDGE ADCROFT – Cllr Nick Blakemore
Grid Ref	385796 158354
Type of application	Full Planning
Case Officer	Matthew Perks

Reason for the application being considered by Committee

This application is brought to Committee at the request of Councillor Blakemore for consideration of the scale of development, the design (bulk, height, general appearance), environmental and highway impact and parking.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues to consider are the principle of the proposed development in this locality, highway access, impacts on the Conservation Area and the amenity of neighbouring properties and future occupants.

Trowbridge Town Council – No objection.

Neighbourhood Responses: Thirteen letters of objection and one letter of support were received.

3. Site Description

The application site of approximately 675m² in extent comprises the curtilage to no.16 St Thomas' Passage, which is a detached, two storey dwelling. Boundaries comprise natural stone walls, blockwork and close boarded wooden fencing. The dwelling is of fairly modern appearance with rendered walls and uPVC windows and doors. There are large gardens to the front and rear and parking spaces for approximately 5 vehicles. Access is provided via an archway off Timbrell Street with the roadway being an adopted highway up to the site boundary. There are no significant trees on the application site, although a number are situated close to the site boundaries. The site sits within the Conservation Area.

4. **Planning History**

None directly related to the proposed development on this site.

5. **The Proposal**

The proposal is to demolish the existing dwelling and to erect a new apartment building to provide 6 apartments of two bedrooms each. Nine parking spaces would be provided within the existing courtyard area. Also included in the plans are spaces for cycle parking, a bin store, communal gardens and external areas. Additional tree planting is proposed to the rear garden. The building would be 3 storeys in height and of a traditional architectural style. Materials would include brick quoins, cast stone cills, natural stone walls and through colour render, with double roman tiles for the roof. Improvements to the pavement at the exit to Timbrell Street are proposed, including widening the footpath at this point and the introduction of safety bollards in order to improve pedestrian safety.

6. **Planning Policy**

The National Planning Policy Framework 2012 (NPPF)

The Adopted Wiltshire Core Strategy

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 – Infrastructure Requirements

CP29 – Trowbridge Community Area

CP41 – Sustainable Construction and Low Carbon Energy

CP57 – Ensuring High Quality Design and Place Shaping

CP58 – Ensuring the Conservation of the Historic Environment

CP60 – Sustainable Transport

CP61 – Transport and New Development

National Planning Practice Guidance

Wiltshire Car Parking Strategy

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

7. **Summary of Consultation Responses**

Trowbridge Town Council - No objection, noting that car parking should be allocated to each flat.

Wiltshire Council Ecologist (in relation to demolition) - There is a low risk that bats may occur at the development site. In this case, no conditions are recommended, nor objections raised to the proposal, as bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2010 (as amended).

Wiltshire Council Highways - The principle of the development and the quantum of parking are accepted. In pre-application discussions requested that any application includes details of works on Timbrell Street to improve visibility. These details were included in the Transport Statement submitted in support of the application and no objections are raised, subject to a condition regarding those details.

Wiltshire Council Rights of Way - No objections

Wiltshire Council Education - Since the development comprises fewer than ten units, there are no contribution requirements.

Wiltshire Council Tree Officer - The Officer supports the application but notes that the trees situated within the open space to the south east of the area of proposed

development are covered by TPO/W/07/00044/GRP/G1 and therefore should be afforded consideration to the protection of the roots. The main concerns are the offsite self-sown. Conditions in relation to protection of trees and an Arboricultural method Statement are recommended.

Wiltshire Council Environmental Health Officer - The Officer notes the presence of "Challenge Tyres" adjacent to the site and the existing vent box attached to the wall adjacent to the site. The Officer initially recommended that an acoustic survey and mitigation prior to determination but, following clarification of the redundant nature of the vent and recent planning history in the vicinity, agreed that relevant conditions could be imposed (discussed in more detail below).

Wessex Water - Notes that new connections will be required to infrastructure. Further, a public sewer is shown on record plans within the land identified for the proposed development and the applicant is advised to contact Wessex Water Sewer Protection Team for further advice on this matter. Agreement with WW is required for any building over or within the statutory existing public sewers under Building Regulations. Diversion of infrastructure requires agreement with Wessex Water subject to satisfactory engineering proposals and a legal agreement subject to the provisions of S185 Water Industry Act 1991.

8. Publicity

The application has been advertised with press and site notices and neighbour notification letters have been sent. Thirteen letters of objection have been received raising the following issues:

- Concern with the additional volume of traffic through The Arches to access 16 St Thomas Passage, causing noise and disturbance;
- Inadequate parking in the area;
- Challenge Tyres occupies the adjacent building which has general industrial planning rights.
- The South West elevation of the proposed new building is hard up against the rear wall of the Challenge Tyre building.
- Possible re-use of the "exhaust vent" on the building in future for car exhaust extraction. Development would prejudice this;
- Tyre Business has never received any complaint about noise in the past but the proximity of this proposed new building would mean occupants are immediately adjacent to the building;
- Prejudice to longer term expansion of the business buildings;
- Other industrial uses could be carried out in future and the proximity of the dwellings would harm this
- Inappropriate to service 6 residential units from St Thomas Passage due to restricted nature and poor access onto Timbrell Street;
- Difficulty for emergency vehicles;
- Overdevelopment of the site;
- Impact of parking shortage on nearby businesses;
- Access should be from St Thomas Road/The Halve;
- Restricted height of the archway, deliveries difficult;
- Noise and vibration for properties adjacent to access;
- Fly-parking at Timbrell Street entrance causes hazards;
- Litter on the lane is a problem that could be exacerbated;

- Not clear how any building contractors could receive delivery of materials to facilitate the building of the proposed development with the only access being the archway and its restricted height and width;
- Danger to dangerous as the main front door to the properties 9A, 9B and 9C Timbrell street located directly midway under the arch which is quite narrow;
- The junction of the Arches onto Timbrell Street should be a definite junction (break in the pavement on Timbrell street, and islands either side of the junction) to prevent unauthorised parking to close to the junction and reducing visibility;
- Proposed road-hump would cause noise and vibration;
- Inadequate visitor parking;
- Building above the Timbrell Streets arch is Grade II Listed building of single skin, solid brick construction, built in the 1850"s. Property underpass was intended for very low volume traffic of that era. Existing underpass vehicular traffic causes more than enough noise and vibration to the property;
- Proposal for a Management Company would be ineffective and of little reassurance if the properties are not all permanently owner-occupied.
- The plan is incorrect, showing a part of the passage way behind No 5 and 6 back entrance narrowed and shown as land belonging to 16, St Thomas Passage which is in a different street. Historically there was a possible opening to this backway space coming from the garden which was then belonging to the shop of 6 Timbrell Street but that opening has been moved to face the garden of No 7 and part of the gate opens out into the space where the objector's car has been parked over the last century. This issue needs to be resolved;

One letter of support was received and some objectors also made the following positive comments:-

- The design of the proposed plan, particularly the attention to detail and the converted factory look with the large arched windows are appropriate We welcome the way in which the design of this proposed development is in keeping with the context.;
- Neighbour who walks through the Arches and St Thomas onto the Halve regularly welcomed the development where the proposed changes to the Timbrell street access would make it safer for all; and
- The overall development would improve the area giving much needed housing and make the neighbour feel safer when walking through at night.

9. Planning Considerations

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

9.1 Principle of Development

The site is located within the limits of development of Trowbridge where the principle for residential development of this nature is supported. The proposal is considered to comply with CP1, CP2 & CP29.

9.2 Highways and parking

As noted above, the site is accessed from Timbrell Street via a roadway which passes below a residential property above. The underpass width is 3.6m, with a clearance height of 2.6m and a length of 5.3m. The underpass emerges at the rear of the Timbrell Street

footway which is 1.9m wide. The nature of the underpass and the close proximity of the buildings to the back edge of the footway are such that driver visibility when emerging from St Thomas' Passage is currently restricted. This is particularly the case in respect of pedestrian inter-visibility. Beyond the underpass, the road widens such that two cars can pass in certain areas. It provides access to residential parking areas on both sides. The access road to the site then passes through a second underpass (road width of 3.7m with an adjacent footway width of 0.9m, a clearance height of 2.8m and a length of 6.1m) before a sharp bend to the southwest before entering the site itself. This final section of the access road has a carriageway width of 3.1m with an adjacent footway of 1.2m width. The full length of the access road from Timbrell Street through to the gate to the 16 St Thomas' Passage site forms part of the adopted highway network and is therefore maintained by Wiltshire Council. The full length is also designated as part of the Public Rights of Way network and is designated as Public Footpath TROW70.

The applicant had pre-application discussions with the highway officer. A key issue for the highway officer was pedestrian safety at the Timbrell Street entry point (albeit that this access is also utilised by other developments within the area, including the parking courtyard for the flats around the courtyard just off Timbrell Road). A plan submitted with the Transport Statement accompanying the application provides for safety measures that are accepted by the Highway Officer.

Parking provision in this town centre setting is also to the satisfaction of the highway officer.

The access and vehicular movements are issues raised by a number of objectors. As noted, the public highway is adopted to the site boundary. It is acknowledged that there would be an increase in movements between the archway onto Timbrell Street and the site parking area, but the restricted nature of the access and the need for caution at the Timbrell Street access mean that speeds would be very low. The NPPF in Para.32 states that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* The proposals are not considered to give rise to any severe cumulative impacts, in particular where the site is close to town centre facilities and pedestrian access to shopping and recreation would be a likely feature of future patterns of movement. The provision of cycle parking facilities would provide further options in this regard. The proposal would utilise the existing adopted highway with alternative routes (e.g. off of the Halve) not having that status.

In view of the above it is considered that the application can be supported from the highways perspective.

9.3 Conservation Area Impacts

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 allocates a general duty to pay special attention to the desirability of conservation Areas.

This site is located within a Conservation Area, though not visible in public views from either Timbrell Street or St Thomas's Road. A public footpath follows the line of the access road (underneath the underpass off Timbrell Road) and passes along the north eastern boundary of the site through to St Thomas' Road.

The proposed block of 6 x 2 bedroom apartments would have a traditional design to the exterior whilst having contemporary interiors. The flats would be accessed via a new front entrance door off the public footpath. The surrounding area is characterised by a mix of uses, ages of buildings and architectural design. Uses in the vicinity include commercial premises, residential properties, shops and a local public house. Arch Yard (also accessed via the archway off Timbrell Street) is a relatively modern residential

development near the application site at a distance of approximately 20m. It comprises a mix of semi-detached two storey dwellings and a 3 storey apartment building. New houses and apartments lie to the south east. Open space and St Thomas' Church and grounds lie to the north east of the site, at a distance of approximately 60m. The tyre/exhaust fitting/MOT centre commercial building is situated close to the south west boundary of the site and is approximately 3 storeys in height and constructed primarily of red brick.

The design and the chosen materials would be in keeping with the surrounding properties and character of the area including a number of the more recent residential dwellings erected on York Buildings and to the south east of the site. Materials proposed include brick and through colour render with stone cast cills.

At present a portion of the site is occupied by double storey dwelling of nondescript appearance. Beyond the garden area to the south west the largely blank wall with upper-level office windows to the gable end of the adjacent tyre-fitting service provides a bulky and relatively unappealing elevation facing towards the public walkway.

The proposed design is of an appearance and proposed material mix wholly acceptable in this context. The building would not impact the setting of any listed building and would partially obscure the overbearing impact of the commercial building gable end. To the south west of the site, a portion of the existing open garden area would be retained, with landscaping to further soften the harsh appearance of that building. An appropriate landscaping scheme could be secured by a planning condition to detail the proposed planting.

It is considered that the proposals would constitute an enhancement to the appearance of the Conservation Area given the above factors.

9.4 Amenity of neighbouring properties and future occupants.

The proposed building would not have windows directly facing any neighbouring residential properties in the immediate proximity. Separation distances are also such that no new overlooking as a result of the proposals. No overbearing or significant loss of light would arise, also given the separation distances that apply. A communal outdoor space would be provided for future occupants.

The issue of nuisance arising from increased traffic movements is discussed above. Given anticipated low speeds and the separation distance of the proposed parking area (which already exists) it is not considered that impacts on amenity would be of an extent that would justify refusal. The proposed enhancements to the safety aspects at the Timbrell Street access would be a positive outcome.

One objector has raised the possibility of bringing an existing duct to the adjacent tyre/exhaust fitting/MOT centre back into use for exhaust emissions. Planning decisions cannot be made in the light of speculative events. Investigation has shown that the duct is redundant but was in fact an air intake for the earlier industrial use on the site. With regard to possible alternative uses on the site that might in future be of a heavier industrial nature it is noted that the current use (most recent planning approval W/96/00647/FUL) was for the "*Change of use to tyre exhaust and MOT centre with car sales offices and forecourt*". This would constitute a mixture of uses on site which can be argued to be "*Sui Generis*" requiring planning permission for any alternative industrial activity. That notwithstanding, again, a decision on a planning application must be based on the current circumstances that apply. In this regard and following discussions with the Environmental Health Officer, it is considered appropriate that, prior to the commencement of any development, proposals for any necessary mitigation in respect

of noise that may become apparent in the light of an acoustics study, should be imposed. The windows facing the building would be to bathrooms and the secondary bedrooms to the apartments. It is noted that acoustic studies were not a requirement with regard to other recent residential development in the proximity of the tyre/exhaust fitting/MOT centre, with dwellings near to the proposed site as near to the front of the business with uninterrupted space between them and the workshop floor. It is also noted that internally, the commercial building has offices in the space between the workshop floor and the external wall facing the application site.

A second neighbour raised concerns about a gate that opens from the rear of the application site onto her property and affecting a parking space. The site plan accuracy was also questioned. This aspect was investigated during a site visit, and whilst the gateway was pointed out, it apparently falls on an established site boundary. Documentation was also provided confirming that the applicants have control over the red-line site area. A dispute in relation to the gate is apparent but matters of private treaty and land ownership are not planning considerations. As far as the LPA has been able to ascertain, the plans and application form are correctly completed.

9.5 Other Matters

WCS Core Policy 41: Sustainable construction and low carbon energy requires that new dwellings achieve a level of Energy Performance at or equivalent to Level 4 of the Code for Sustainable Homes. Any approval should include a condition to that effect.

10 Conclusion (The Planning Balance)

The proposal is in principle acceptable and the design is considered to contribute positively to the Conservation Area and highway safety at the Timbrell Street intersection. Whilst the access road is restricted it is nevertheless an adopted road. The extent of additional traffic is not considered to be at a level that would justify refusal on nuisance or road safety grounds. Permission is therefore recommended.

RECOMMENDATION - Grant planning permission 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 materials to be utilised in the development hereby permitted shall accord with those annotated on the approved drawing AL(1)02 REV D registered on 20 June 2106.

REASON; In the interest of the appearance of the Conservation Area.

- 3 No part of the development shall be first occupied until the improvements to the junction of the access with Timbrell Street, shown on the approved plan A095925 - GA01 A, have been completed.

REASON: In the interests of highway safety.

- 4 The parking spaces as shown on the approved plans shall be provided and the access arrangements created prior to the first dwelling being occupied.

REASON: In the interests of road safety.

- 5 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

The protective fencing shall be erected in accordance with the approved details. The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, at a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later]

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, to enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

- 6 No demolition, site clearance or development shall commence on site 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 arboriculturally 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, should this be necessary.
- 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.
- Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992Light for buildings Part 2 -code of practice for day lighting.
- 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 monthly 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.

- 7 Prior to the commencement of development, a noise survey for the proposed dwellings shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person and identify appropriate noise mitigation measures. Such detail and appropriate consequential noise mitigation measures as shall have been agreed in writing by the Local Planning Authority shall be implemented prior to the first occupation of any dwelling unit and shall be maintained as agreed thereafter.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

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

AL(1) 01 REV E registered on 16 June 2016; AL(1) 02 REV D registered on 16 June 2016; AL(1) (03) REV B registered on 16 June 2016; and A095925-GA01REV A registered on 16 June 2016.

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

INFORMATIVES TO APPLICANT:

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.

Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228, email enquiries@bats.org.uk or visit the Bat Conservation Trust website

