

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

Date of Meeting	13 April 2022
Application Number	18/04656/FUL and 18/05278/LBC
Site Address	Courtfield House, Polebarn Road Trowbridge BA14 7EG
Proposal	Conversion and alteration of former school principal building to 4 No. dwellings, and associated external works; and the erection of 16 No. dwellings and associated works following the demolition of the Polebarn Hall, Pine Hall and external WCs, and partial demolition of the Wool Store; and comprehensive landscaping.
Applicant	Doric Developments (Bath) Ltd
Town/Parish Council	TROWBRIDGE
Electoral Division	Trowbridge Central. Cllr Stewart Palmen
Grid Ref	385975 - 157832
Type of application	Full Planning and Listed Building Consent
Case Officer	Steven Sims

When this application was submitted it in 2018, the site fell within the unitary ward of Trowbridge Park, which prior to the May 2021 election was held by former unitary Cllr Peter Fuller. In June 2018, the former unitary Cllr requested that the applications be called-in for the elected members of the Western Area Planning Committee to determine, should officers be supportive of the submission.

The key issues identified by Peter Fuller for members to consider were listed as follows:

- The scale of development
- The relationship to adjoining properties
- The environmental or highway impacts
- Car parking
- The proposal (at the time of the call-in) was identified as failing to fully satisfy adopted Wiltshire Core Strategy Core Policies 57, 58 & 61.
- The loss of the current car park would result in unsafe traffic movements and potential conflict with the pedestrian and vehicular traffic already experiencing problems in this very restricted area, which, in places, is unlikely to allow for two-way traffic.
- The loss of much of the historic apple orchard should be resisted.
- A reduction in the number and density of dwellings and car parking could produce safer access/egress and allow for more of the trees in the orchard to be kept.

It should be noted that following the May 2021 local election and the boundary changes, Cllr Stewart Palmen was elected as the ward member for Trowbridge Central and in January 2022, he confirmed that he wished to maintain the committee call-in to primarily open the applications to public debate and allow concerned members of the public to attend and participate.

1. Purpose of Report

This is a joint report that considers the relevant planning considerations of the above listed development proposal, and considers the consultation and public responses alongside local and national planning policy and guidance. The report identifies various planning constraints and opportunities; and crucially recognises that the subject listed

property is listed on the 'heritage at risk' register (details of which can be found here: [Courtfield House, Polebarn Road, Trowbridge - Wiltshire \(UA\) | Historic England](#))

Following significant officer/developer negotiations that culminated in revisions being submitted firstly in May 2020, then through the autumn months of 2021, and again in January 2022 (which were subject to re-consultation and public notification), this report sets out the reasons why officers are supportive of the application and recommends that the applications be approved subject to conditions, and require the applicant/landowner to enter into a Section 106 (S106) legal agreement.

2. Report Summary

The key issues for consideration are:

- The principle of development
- Impact on the character of the listed building/Conservation Area
- Ecology issues/impacts on Orchard/UK BAP Priority Habitat
- Highway safety issues
- Impact on the amenity of neighbouring residents/future residents
- Drainage issues
- Archaeology issues
- Other issues
- S106 obligations
- Conclusion (The Planning Balance)

3. Site Description

The application site extends to about 0.67 hectares and is located to the immediate east of and adjacent to Trowbridge Town Park within central Trowbridge and the site parameters is illustrated below using the Council's aerial imagery which dates from circa 2015.



Access to the site is via Polebarn Road to the south.

The site falls within the Trowbridge Conservation Area and as mentioned above, the subject property at Courtfield House is a grade II* listed building, which is a two-storey dates back to circa 1754 and was previously used a preparatory school before it closed in 2012; and in the subsequent years, fell into very serious decline and in 2018, was designated as a 'heritage asset at risk', which was around the time the following site photo was taken.



Since 2018, and following the successful purchase of the site by the applicant, the property, the location of which, is illustrated below, has had scaffolding erected to help stabilise the ever-deteriorating structure, which has now been vacant for a decade and has been subject to vandalism and arson in recent years.

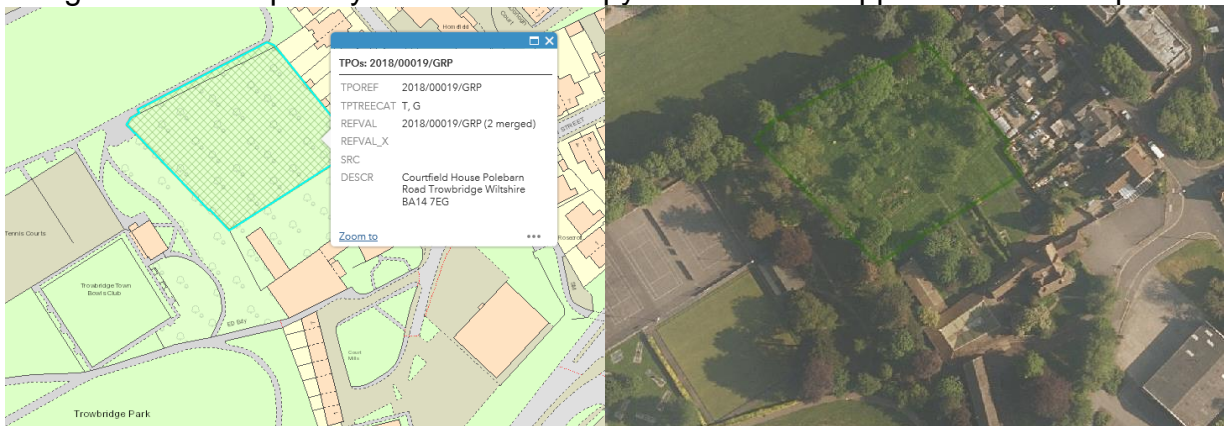


As shown above, the Trowbridge Town Park abuts the site to the west and north with neighbouring residential properties fronting Polebarn Road, located to the east. The majority of the neighbouring and nearby Polebarn properties are grade II listed buildings (refer to previous plan insert above). The semi-detached properties shown above at No's 16 and 17 Polebarn Road are not listed with No.17 being a designated nursery/creche.

The rectangular building located to south-west of Courtfield House is known as Court Mills was subject to its own planning approvals for a residential conversion in 2018 to create 7 dwellings. The irregular shaped building located to the south of Court Mills is the Roundstone GP surgery.

The square building located to the south-east of the Courtfield House site is used as commercial warehousing, which is also accessed via Polebarn Road.

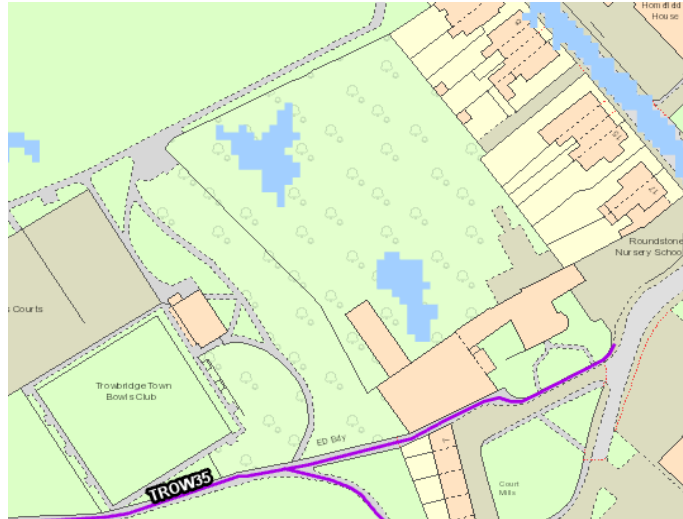
The application site is enclosed by various walls and fencing and topographically, is generally level. As the below inserts reveal, trees within the old orchard to the rear and north of Courtfield House are subject to a group Tree Preservation Order (TPO) and are designated a BAP priority habitat. A full copy of the TPO is appended to this report



Public footpath TROW35 is located directly south of the site connecting Trowbridge Park with Polebarn Road, along with there being a connection with another footpath (TROW037) as shown below.



Parts of the application site and to the rear of Courtfield House is subject to surface water flooding risk as shown below.



In terms of the Trowbridge Bat Mitigation Strategy (TBMS) the site is considered to lie in area of medium risk for increased recreational pressures.

Courtfield House is a grade II* listed building of predominantly 18th and 19th century build which occupies the southern part of the site. A 19th century extension attached to the eastern elevation of Courtfield House, known as Polebarn Hall, is thought to be a former coach house and stables. Other structures within the Site include an 18th century Workshop (or Dye-House), which adjoins the western elevation of Courtfield House and is a Grade II listed building. An associated lead water pump is also included in this list entry. Extending to the west of the Workshop, and occupying the south-eastern corner of the site, is the Wool House (or Wool Store), which was built in the 19th century. Pine Hall, a modest single storey structure situated immediately north of the Wool House, was built in 1975 as a dance studio. A small toilet block was also added as an extension to the eastern elevation of the Wool House. The southern boundary of the site is bounded by a garden wall with gate piers which are also Grade II listed.

Courtfield House was in use as a school until its closer in 2011. Part of the site continued to be occupied by a dance school until 2017. The buildings are currently vacant. Following changes to the Use Classes Order in 2020 the lawful use class for the Courtfield House vacant property is considered F1(a) 'Provision of education'.



Aerial view of Courtfield House and rear grounds with the properties fronting Polebarn Road to the east.

4. Planning History

W/10/02467/LBC: Courtfield House – Rebuilding to front boundary wall and structural repairs to loggia – Approved

W/96/00780/FUL - The Old Wool Store – Change of use of wool store to gymnasium and dry play area – Approved

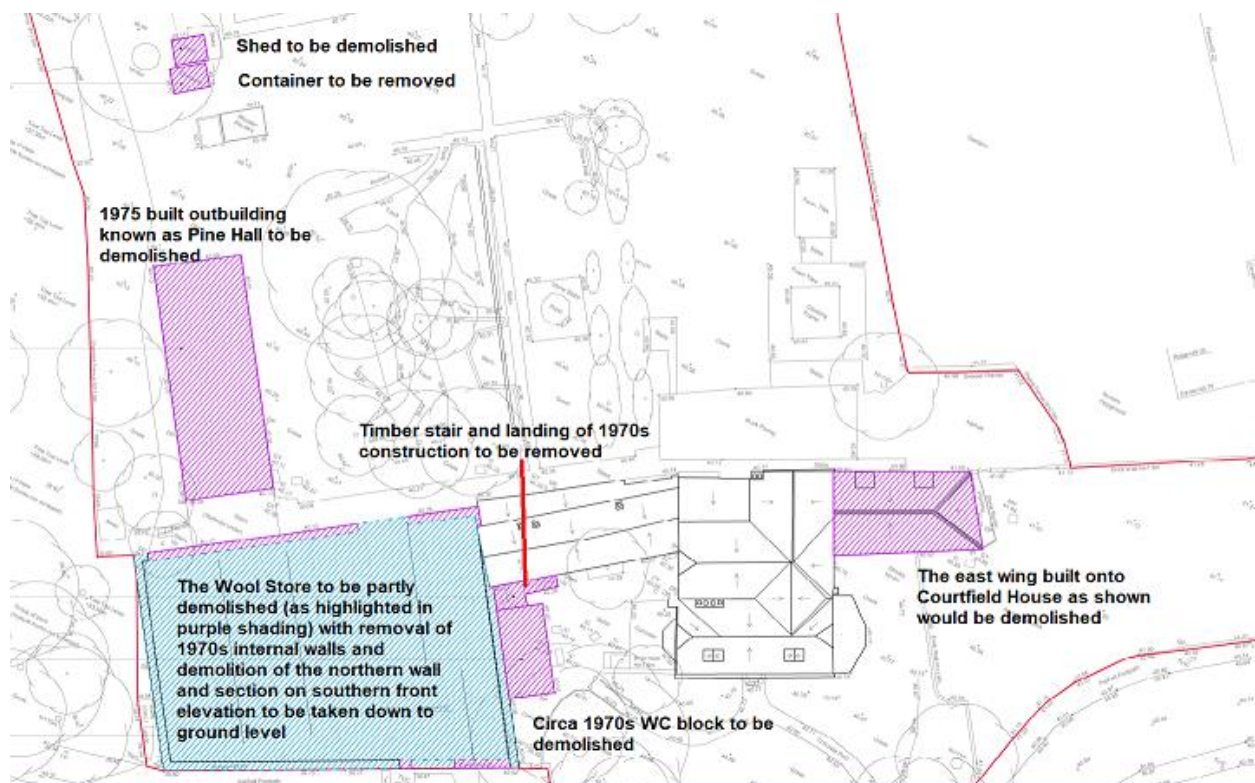
W/91/00847/FUL – The Old Wool Store - Change of use and alterations to form children’s play centre – Approved

W75/00401/HIS: Pine Hall - Construction of Dance Studio – Approved

5. The Proposal

Following extensive officer/developer negotiations the revised full planning and listed building consent applications are summarised below with the aid of several illustrations.

In total, the proposed development would deliver 20 dwellings, comprising four apartments that would be created by the proposed conversion and alterations to Courtfield House and the erection of 16 dwellings within the grounds, which would be accommodated following the demolition of the colour coded structures in the following insert.



The proposed scheme would include the formation of a new vehicular access off Polebarn Road and the provision of a communal public open space to the rear of Courtfield House that would include the part-retained and accommodate a partly replanted traditional orchard and additional landscaping as well as an area of hardstanding for vehicle parking. Of the 20 proposed dwellings one would be a

Discounted Market Unit and would be an affordable housing unit to be secured by s106 and provided at plot 17 – a 1 bedroom apartment to be offered to the market at 75% open market value. Readers should refer to the appraisal section on site viability and developer obligations to appreciate the planning reasons as to why only one affordable housing unit is considered viable and deliverable for this scheme.



Proposed Site Layout (Dwg No. 020 rev M)

The new build dwellings (Plots No's 1-13) would be positioned to the west and north-west (and the rear of) Courtfield House.

As detailed below, plots 1-5, would comprise five three-storey 4-bedroom terraced dwellings. To minimise the encroachment and extent of hardstanding, five parking spaces are allocated for these plots within the scheme which are illustrated as being located adjacent to the communal open space and the access road. Materials to be used on external surfaces include coursed rubble stone at ground floor level, stretcher bond multi blend brickwork to the upper floors and blue/grey slate roof tiles.



Front Elevation - Plots 1-5

1 : 100



Rear Elevation - Plots 1-5

1 : 100

Front/rear elevations Plots 1-5 (Dwg No. 01 rev D)

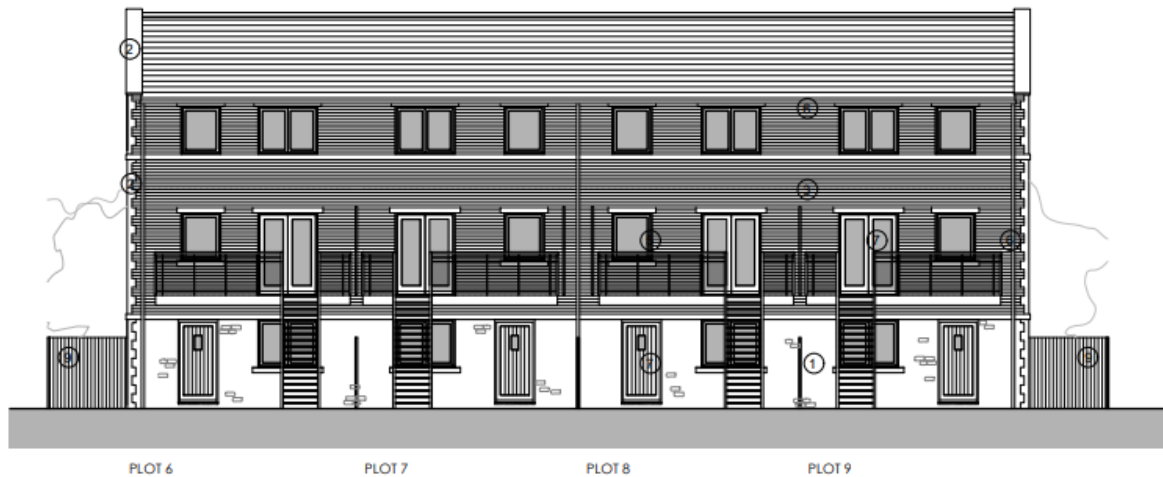


Plots 6-9 would be provided as a terrace that would broadly equate to the building orientation of Pine Hall and under this application, the applicants would deliver four 4 bedroom three-storey terraced properties with integral garaging at the ground floor level, as well as provide one parking space to the front of the garage for each unit (2 car parking spaces per dwelling) along with an amenity area to the rear. These properties include a rear (west facing) screened balconies at first floor level. External materials comprise rubble stone cladding at ground floor level and stretcher bond multi blend brickwork to the upper floors with roofs having blue/grey slates.



Front Elevation - Plots 6 - 9

1 : 100



Rear Elevation - Plots 6 - 9

1 : 100

Front/rear elevations plots 6-9 (Dwg No. 02 rev E)

Plots 10-13 would be accommodated utilising in part, the existing footprint of the Wool Store, and would deliver of four 2-bedroom apartments each with access to an integral garage at the ground floor level. The proposed building would be a split of 2 and 3

storeys with the front elevation overlooking Courtfield House. The external materials would comprise rubble stone at ground floor level, stretcher bond multi blend brickwork to the upper floors and blue/grey roof tiles.



Front Elevation - Plots 10 - 13

1 : 100

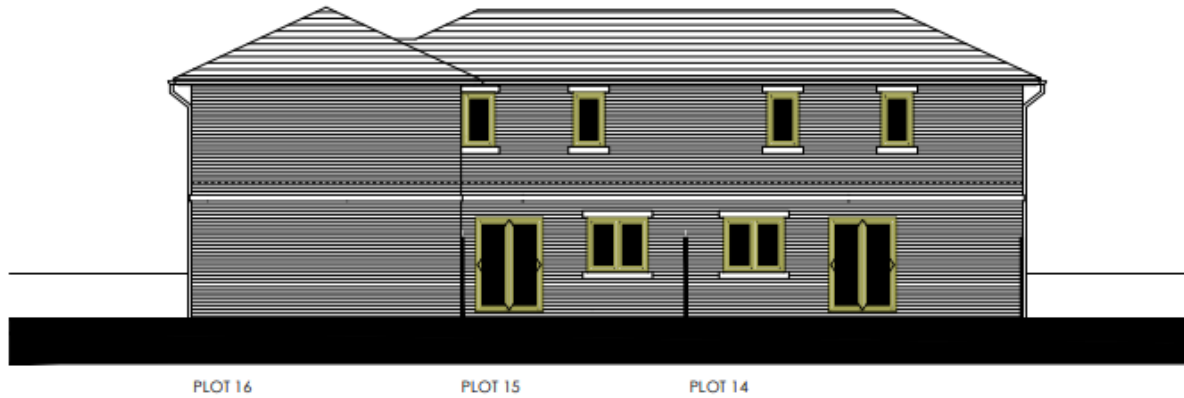


Rear Elevation - Plots 10 - 13

1 : 100

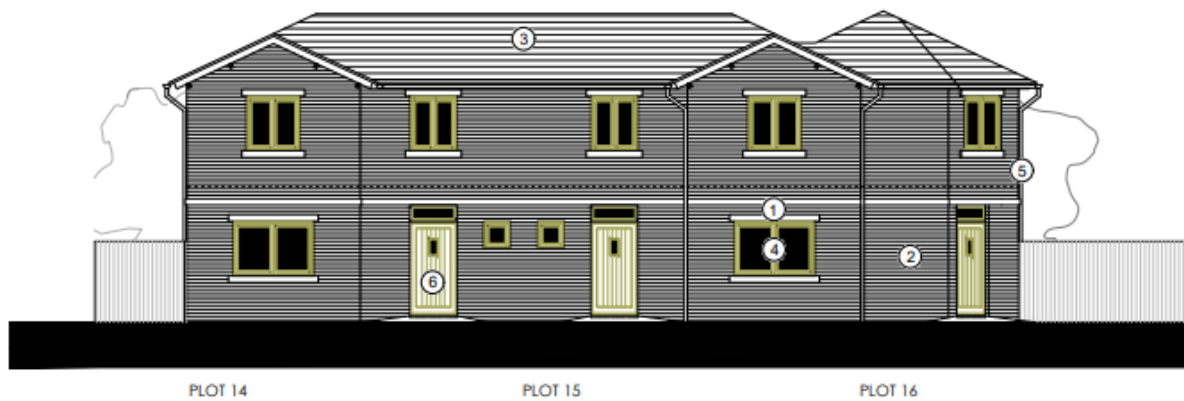
Front/rear elevations plots 10-13 (Dwg No. 03 rev E)

The proposed residential properties at plots 14-16 would be delivered on land to the east of Courtfield House, and directly south of No. 17 Polebarn Road at the junction of Polebarn Road / Ashton Street. This part of the scheme comprises three 2-bedroom terraced dwellings. Each property would have one car parking space provided in the communal parking area to the west as shown on the following page as well as rear and side amenity space. The external materials would consist of stretcher bond multi blend brickwork on all elevations while the roof would be clad with blue/grey slates.



North Elevation - Plots 14 - 16

1 : 100



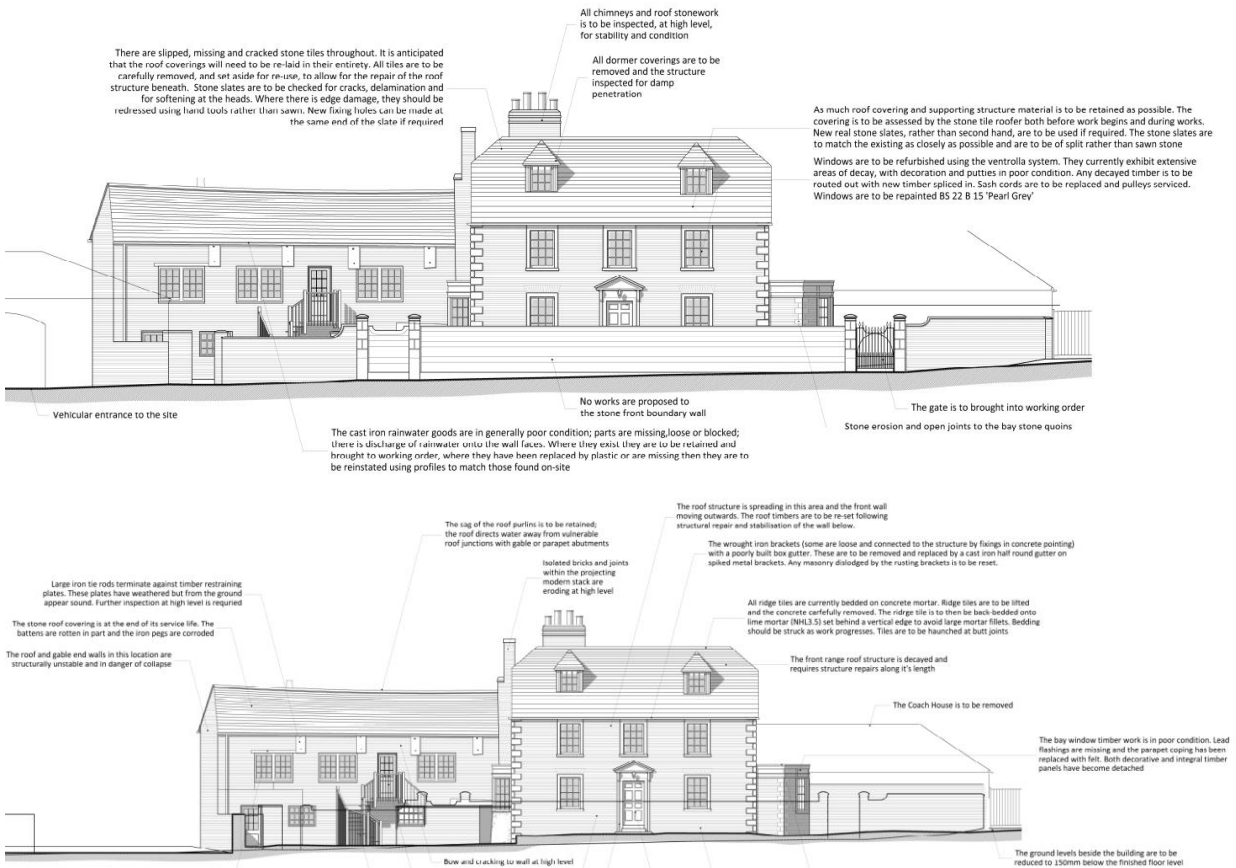
South Elevation - Plots 14 - 16

1 : 100

Front/rear elevations plots 14-16 (Dwg No. 04 rev I)

Courtfield House itself, which is grade II* listed, would be converted into 4 residential units (plots 17-20) comprising two 1-bedroom apartments and two 3-bedroom homes.

These properties would have access to the communal gardens adjacent the building; and each property would also have access to 1 parking space located within the communal parking area to the east.



Courtfield House proposed front elevation (Dwg No. 032 rev E)

In summary, the following sets out the totality of the proposed dwellings across the scheme:

9no. 4-bed dwellings (plots 1-9); 7no. 2-bed apartments/houses (plots 10-13 apartments and plots 14-16 houses); 2no 3-bed apartments (Courtfield House) and 2no 1-bed apartments (Courtfield House).

6. Local Planning Policy

Adopted Wiltshire Core Strategy (WCS) - Relevant policies being: Core Policy 1: Settlement Strategy; Core Policy 2: Delivery Strategy; Core Policy 3: Infrastructure requirements; Core Policy 28: Spatial Strategy – Trowbridge Community Area; Core Policy 41: Sustainable construction and low-carbon energy; Core Policy 43: Providing affordable housing; Core Policy 49: Protection of rural services and community facilities; Core Policy 50: Biodiversity and geodiversity; Core Policy 51: Landscape; Core Policy 52: Green Infrastructure; Core Policy 57: Ensuring high quality design and place shaping; Core Policy 58: Ensuring conservation of the historic environment; Core Policy 61: Transport and Development; Core Policy 62: Development impacts on the transport network; Core Policy 64: Demand management and Core Policy 67: Flood Risk

West Wiltshire District Local Plan (saved policies) - U1a Foul Water Disposal
National Planning Policy Framework 2021 (The Framework or NPPF)
Planning Practice Guidance

Wiltshire Local Transport Plan 2011-2026 Car Parking and Cycling Strategy

The Trowbridge Bat Mitigation Strategy (TBMS) (adopted February 2020)

Sections, 16, 66 and 72 of the Planning (Listed Building and Conservation Area) Act 1990

Wiltshire Council's published Housing Land Supply Statement Dec 2020 (with baseline date of April 2019)

Historic England's Advice Note 2 – Making changes to Heritage Assets

Historic England's 'Heritage at Risk' Register

The Emerging Trowbridge Neighbourhood Plan (area designated June 2018) but no substantive Plan with material weight.

7. Summary of Consultation Responses

Trowbridge Town Council: No objection (confirmed in mid-November 2021) although it should be noted that the Town Council objected to the initial application submission.

Wiltshire Council's Conservation Officer: No objection. The central car parking area has been adjusted to give Courtfield House a better line of sight through the site to the garden and orchard beyond. This helps maintain the connection between the listed building and the wider grounds. This helps to protect the setting of the listed building. The surfacing would need to be subject to a condition to ensure that a visually soft or non-intrusive material is used.

The scale of the new build has not been adjusted following the last iteration, but this has been justified as being the minimum limit of development – and it is accepted that to reduce the new build elements any further would make the whole scheme unviable. This is a scheme where we are actively trying to rescue the Grade II* listed building, and accordingly, the wider scheme must be viable to fund that rescue. Given the level of officer negotiation and involvement of the Council's Conservation team and Historic England, this revised scheme has heritage office support.

The NPPF confirms that when considering the impacts of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation (and the more important the asset, the greater the weight should

be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

It is accepted that the proposed development would result in less than substantial harm to the setting of the Grade II* listed Courtfield House due to the new buildings being erected in relatively close proximity to the listed building. However, due to the current condition of the Grade II* listed building – which is in a very poor state of repair with elements already collapsed – it is accepted that some level of harm is justifiable.

The wording of the NPPF and the ‘special regard’ as set within Sections 16 and 66 of the Act, requires that any level harm caused should be taken seriously. NPPF Paragraph 196 allows that a level of harm may be offset by public benefits, which in this particular case extends to safeguarding the heritage asset and delivering conservation benefits through its rescue and re-use.

Here we have a significant conservation benefit that the listed building, Grade II* and currently in a very poor state, would be rescued and restored. The setting harm as identified above, has been negotiated down to a level that minimises the impact to acceptable parameters. The conversion proposals are considered acceptable subject to conditions and a s106 legal agreement should bind the developer to deliver the heritage asset safeguarding at the earliest possible and reasonable opportunity. Consequently, the identified harm is considered to be justified under the provisions of the NPPF.

Wiltshire Council’s Ecologist: No objection subject to conditions. At the end of January 2022, the Councils ecologist confirmed that the ongoing management of the traditional orchard priority habitat is laid out within a Traditional Orchard Management Plan (TOMP) which would be funded by a service charge to be levied against future occupiers of all 20 properties - who would be invited to become members of the Courtfield House Management Company. The legal and funding mechanisms regarding the long-term implementation of the TOMP needs to be secured via a S106 Agreement.

It is acknowledged that the TOMP has been updated to include details of the bat roosting potential of trees within the orchard and a plan with relevant tree numbers have been included. In terms of bats, an EPS licence would be required before any works to Courtfield House are undertaken which would require updated surveys for the building – since day and transitional roosts for common pipistrelle were recorded in previous surveys.

Wiltshire Council’s Highways Team: No objection subject to conditions

Wiltshire Council’s Drainage Team: Supportive subject to conditions

Wiltshire Council’s Arboriculturist: No objections subject to conditions

Wiltshire Council’s Archaeologist: Requested that the site be subject to an archaeological evaluation prior to development commencing (which can be suitably conditioned, should members endorse the officer recommendation).

Wiltshire Council’s Housing Team: Accepted the viability assessment conclusions and agreed to Plot 17 being identified and provided as 1 bed DMU A/H apartment (to be

provided as a 75% discounted market unit) and to be secured by a s106 legal agreement.

Wiltshire Council's Urban Design Officer: No comments received on the amended plans.

Historic England: Supportive of the revised submission and advised as follows:

'The amendments respond to our most recent correspondence on this case (letter dated 21 September 2021) in which we welcomed the principle of the proposed development but highlighted concerns about the proposed car parking arrangements and the design of the proposed housing at plots 14-16. We felt the proposed car parking to the rear of Courtfield House would sever the Grade II listed building from its historic gardens, and we felt the proposed housing at plots 14-16 failed to respond to the character and appearance of the conservation area.*

In response to these concerns, the applicant has amended the car parking proposals to maintain a clear line of sight from the listed building to the end of its former gardens. This addresses our concerns in respect of the car parking.

The design of the proposed properties at plots 14-16 have also been revised. While there is some room for further design improvement, In our opinion the proposed modifications at least ensure that the properties at plots 14-16 will have a recessive character, in the context of the Grade II house alongside and the wider townscape of the conservation area.*

It is important that works to the Grade II listed house, which is included on Historic England's register of Heritage at Risk, proceed without delay. If you are minded recommending approval of the application, we suggest you include a planning condition (or legal agreement) requiring restoration work to the listed property to be completed before occupation of the new-build homes.*

Historic England supports the applications on heritage ground".

The Georgian Group: Objects for the reasons set out below:

'Historic Context: Courtfield House is a Grade II house of c.1762 by John Cokes, a clothier. It is of two storeys with attics and cellars, built of brick on a projecting plinth with moulded stone capping and chamfered stone quoins. To the rear are workshops, including the separately listed Workshop (Grade II) of 1773. The building was later amended in the nineteenth century and was remodelled extensively between c.1860 and 1887. To the rear is an orchard dating from the latter half of the nineteenth century. The Garden Wall and Gate Piers are both separately listed as Grade II.*

Comments: The application originally sought to subdivide Courtfield House into five dwellings, and the erection of 16 dwellings in the rear orchard, the conversion and alteration of the Wool Store Building and comprehensive landscaping. The application was then amended to subdivide Courtfield House into four dwellings with the erection of 17 dwellings. This latest iteration proposes to subdivide the house into four dwellings with the erection of 16 dwellings. We initially objected to the construction of 16

dwellings and continue to do so. Our objections in our letter (dated 15th June 2020) are maintained. We shall not repeat them here, but should this correspondence be unclear we will happily forward them on again.

We maintain our objection and believe that our original comments still apply. We strongly recommend that the application is refused on heritage grounds.'

Wessex Water: No objection subject to a planning informative.

8. Publicity

This application was publicised via press advertisement and the display of site notices as well as individually posted letters that were sent to all neighbouring properties within close proximity of the site. As a result of the publicity, 170 representation letters were received commenting on the application with 7 petitions objecting to the proposal:

Comments received following the revised application re-consultation exercise carried out in Jan-Feb 2022

- There is no plan that would prevent the orchard from becoming an extension of residents gardens
- Poor access to site
- The road serving the site is not suitable to support the increase in vehicular use resulting from the proposed development
- An agreement with the residents of Courtfield Mills has not yet been reached
- Management plan needs to be followed
- Orchard needs to be separated from the development and should be maintained in trust for the town as a community orchard
- Would result in a net loss of biodiversity
- Orchard management plan should be 25 years rather than 10 years
- Lack of clear ownership and responsibility for orchard site upkeep
- Inadequate bat conservation measures
- Alterations to boundary plans
- Encroachment on land at Court Mills.

Comments on previous plan iterations -

Orchard/ecology issues

- Loss of orchard
- Orchard part of heritage of Trowbridge
- Lack of green space
- Loss of habitat
- Adverse impact on ecosystem
- Important habitat/should be preserved
- Site has a Tree Preservation order imposed
- Orchard not a brown field site
- Badger sets and bats have been found onsite
- Orchard should be a community space
- Inspection of historical maps shows that the orchard area has never been built on
- Orchard should be accessible by local community
- Garden should be incorporated into adjacent park

- Orchard is an asset to the town/should be given to local community
- In addition to the submission of a management plan, robust controls are put in place for the orchard's ongoing protection and enhancement
- Lack of a Mitigation Strategy, as well as outstanding information regarding BAP Habitat, bats and trees
- Concerns that the orchard would become a poorly and inappropriately managed extension of resident's gardens
- Loss of protected trees

Listed building Impacts

- Restoration should include green spaces
- Excellent use of a long neglected private site
- To bring a private property which has fallen into such disrepair over a protracted period into public use would require disproportionate public expense
- No objection to school being converted into flats
- Trowbridge has already lost much of its historic heritage already

Housing/Design Concerns

- Housing unnecessary
- Lack of affordable housing
- Trowbridge does not need luxury housing
- Development should be on 'brown field' sites
- Too much building works
- Lack of infrastructure/overstretched Doctors surgery
- Scheme not considered overdevelopment
- Scheme not viable or sustainable
- No impact on housing shortage
- The three storey elements of scheme would dominate street scene to its detriment
- Poor quality housing design inappropriate and unconsidered use of materials
- Plans needed to cover the upkeep and maintenance of the orchard
- Proposed buildings would harm setting of listed building
- Widening of access would involve loss of parking to Court Mills

Highway safety/parking Issues

- Parking issues in area and along Polebarn Road
- Adverse Impact on highway safety/driving along Polebarn Road is very difficult due to parked cars
- Lack of parking
- Increased traffic/pollution
- Poor access to site
- Plenty of parking on site
- Developer does not own access road
- Measures to be taken to protect pedestrians going to both the surgery and the Park
- Access opens onto public footpath/cycle path and is considered unsuitable
- No vehicular access rights afforded to Ashford Homes at frontage with Court Mills
- Highway safety issues for pedestrians and cyclists at access
- Traffic assessment does not take into consideration other development sites in area

- Lack of parking would increase pressure on-street parking on Polebarn Road and the surrounding area
- Garages are now infrequently used for car storage, given that they typically do not comfortably house a modern-sized car
- The proposed access road is a narrow, one-way road providing exclusive access to Court Mills
- Nearby road infrastructure is unsuitable to support the traffic flows from a housing development of the size proposed
- Traffic issue in area exacerbated by other developments in the area such as Court Mills
- Issue of construction vehicles accessing site

Other Issues

- Would lower house prices
- Italian sunken garden and Roman remains need to be saved for the town
- Site of value to the entire Trowbridge community
- Overdevelopment of the site
- Will the developer fund renovation of Courtfield House?
- Increased risk involved with walking our children to and from the park
- Loss of access to 17 Polebarn Road
- Lack of consultation
- Inadequate ecological survey
- Additional bat surveys are required
- Wiltshire Wildlife Trust and The BIG Community Grow (the organising charity for the annual Apple Festival) have independently expressed serious interest in opening up the site to the wider community
- Represents a serious safety and environmental hazard
- Viability balance is swung too far in favour of the developers interests to maximise profits
- Additional noise
- The Council must adequately consult the Woodland Trust, Archaeology UK, English Heritage, DEFRA, Society for Ancient Buildings etc
- Adverse impact on local archaeology
- Development out of keeping
- Adverse visual impact
- The Government should introduce an urban green infrastructure target
- Urban areas may well need all the cooling green spaces they can get as climate changes
- The original ecology report has been shown to be incomplete and biased
- Building and site neglected
- Red line boundary showing ownership is incorrect
- Revised proposals do not address the issues raised in previous representations

9. Planning Considerations

9.1 Principle of development

9.1.1 Use of the site for residential purposes – Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act

2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the Wiltshire Core Strategy, including those policies of the West Wiltshire District Plan that continue to be saved in the WCS form the relevant development plan for the area.

Trowbridge is defined within Core Policy 1 as a Principal Settlement, based on an assessment of its role and function. Principle Settlements are defined as settlements that have the ability to support sustainable patterns of development through their current levels of facilities, services and employment opportunities, and have the potential for significant development that can improve self-containment.

Core Policy 2 sets out the delivery strategy for growth for the period 2006 to 2026 and aims to distribute development in a sustainable manner. Within the defined limits of development there is a presumption in favour of supporting sustainable windfall housing development. The settlement limits for Trowbridge were comprehensively reviewed through the Wiltshire Housing Site Allocations Plan (WHSAP) examination, which was adopted in February 2020.

In other locations across Wiltshire, certain Neighbourhood Plans have reviewed the settlement limits in accordance with Core Policy 2 of the WCS, however at the time of writing this report, does not apply to the Trowbridge as the emerging Neighbourhood Plan has not yet reached Regulation 14 stage, and as such, little to no weight can be given to it in the planning balance).

The site lies within central Trowbridge and the principle of development for housing at this location is supported by WCS policy and officers. However, it is important to appreciate that in recognition of the aforementioned constraints and impacts, the following sections set out in detail the material considerations and officer conclusions.

9.1.2 Loss of a Community Facility - Courtfield House was last used as a Preparatory School between 1970 and 2011 that catered for up to approximately 120 pupils, but prior to the 1970s, it was a private residence. It is understood that part of the site remained in use as a dancing school until 2017, however since then, it has become more derelict with each passing year and has been exposed to some extreme weather and vandalism.

The Courtfield House property is designated as a heritage asset at risk and as stated earlier within this report, and as set out by the applicant's own submissions, significant discussions have taken place between the developer, their appointed agent, officers of Wiltshire Council and Historic England, and substantive effort and officer time has been dedicated to balancing site viability and delivering a viable future for the heritage asset.

Adopted Wiltshire Core Strategy Core Policy 49 titled 'Protection of rural services and community facilities' states that "*proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use*".

The policy states that the "*redevelopment for non-community service/facility use will only be permitted as a last resort and where all other options have been exhausted*".

The policy leads on to state that *“in order for such proposals to be supported, a comprehensive marketing plan will need to be undertaken ...[and] only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered”*.

A marketing exercise was submitted in support of the application detailing the marketing of the site from April 2016 to February 2017 when the site was purchased by Doric Developments for £650,000. The property was regularly advertised in the local press and with estates agents. From the review of the robust marketing campaign only 7 viewings were schemed with interested parties. In each instance the Grade II* listing, its poor condition and the costs of refurbishment proved to be the significant determining factors in terms of all of the other interested parties (apart from the applicants) not pursuing any further interest.

Prior to the site marketing, it is noted that the property was offered to Trowbridge Town Council at no cost as a potential site for a museum, but this offer was not taken forward.

Policy CP49 is designed to protect communities against the loss of local facilities and services including local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. The marketing exercise established that there was no substantive commercial or non-residential interest in the building and site.

Given the length of time that this property has been vacant, and its perilous condition and the costs associated to bringing it back into a viable use, officers are satisfied that with the results of the marketing campaign, this development can be supported, and the loss of the former school premises is fully justified.

9.1.3 Viability of the Development - The proposed development seeks permission for a total of 20 dwellings including a mix of apartments and new houses. Following a lengthy viability assessment exercise, it has been confirmed that the proposed development would include one affordable dwelling in the form of one Discounted Market Unit (on plot 17 and would comprise a 1bed apartment to be provided within Courtfield House) which would be offered at 75% of the open market value.

For a 20-house scheme which comprises 16 new builds, one A/H unit would represent as a material under provision when assessed against Core Policy 43. However, the Council must be mindful that in 2014, the Government introduced the ‘vacant building credit’ (VBC) to incentivise developers to redevelop brownfield land and properties and remove *“disproportionate burdens on small scale developers, custom and self-builders”* (quote source ministerial statement dated 28 November 2014). The VBC effectively offers a credit which is based on the extent of vacant building floor space and with respect to affordable housing provision requirements, the Council must issue a credit which is equivalent to the gross floor area of the vacant building(s) that are to be demolished or brought back into lawful use as part of the proposed housing scheme, then deduct from the affordable housing requirement.

The NPPF sets out within paragraph 64:

"Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may

set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount." (Officer, emphasis added).

Moreover, the Government produced planning practice guidance under paragraphs 26-28 (Reference IDs: 23b-026-20190315) advises further, as quoted below:

The inclusion of vacant building credit in the NPPF seeks to incentivise developers to regenerate and build on brownfield sites, and without the vacant building credit, brownfield sites would be overlooked by developers due to the high level of abnormal costs that are associated with developing such land.

This emphasises the importance of reasonable planning decision making that fully considers site viability implications of regenerating constrained sites and demolishing buildings to accommodate new development and growth.

In applying the vacant building credit, there is some discretion given to local planning authorities in terms of when and how it should apply. To assist local planning authorities, the Government advises that consideration should be given to:

- Firstly, whether the building has been made vacant solely for the purpose of re-development, and,
- Secondly, whether the building is covered by an extant or recently expired planning permission for the same (or substantially the same) development.

It is important to appreciate that the VBC applies so long as the property has not been deliberately abandoned and left vacant. In this case, officers are satisfied that the applicants have, since purchasing the property over four years ago, continuously engaged with the Council and Historic England to progress these 2018 lodged applications and that when tested against the following case law, there is no substantive evidence to suggest that the property has been deliberately left vacant or abandoned.

It is important to appreciate that a property and site falling into dereliction is materially different to abandonment. The following passages set out some case law references and its application for planning purposes:

‘Abandonment’, is a legal concept used by the courts to describe the circumstances in which rights to resume a use which has been lawfully carried on in the past, may be lost because of the cessation of that use. It was established in **Panton and Farmer v SSETR & Vale of White Horse DC [1999]**, however, that a use which was merely dormant or inactive could still be ‘existing’ so long as it had already become lawful and had not been extinguished.

To understand what abandonment constitutes, in **Hartley v MHLG [1970]**, Lord Denning found that if a building or land remains “...*unused for a considerable time, in such circumstances that a reasonable man might conclude that the previous use had been abandoned, then the Tribunal may hold it to have been abandoned*”.

In **The Trustees of Castell-y-Mynach Estate v Taff-Ely BC [1985]**, four criteria were established for assessing whether a use had been abandoned. These were: (1) the physical condition of the buildings; (2) the period of non-use; (3) whether there has been any other substantive use; and (4) the owner's intentions.

In **Hughes v SSETR & South Holland DC [2000]** the Court of Appeal held, on the authority of **Hartley**, that the test of the owner's intentions should be objective and not subjective. In this regard the test was the view to be taken by "*a reasonable man with knowledge of all the relevant circumstances*".



In terms of responding to the above 4 'tests', officers acknowledge that the physical condition of Courtfield House in particular, is poor (and in some respects very poor as confirmed by Historic England) as illustrated in part, by the above photos, which has been brought about as a consequence of water ingress, collapsed sections, vandalism and theft and the condition is worsening year on year.

However, given its status as a grade II* listed building and mindful of the costs that would be incurred to bring it back into a safeguarded and viable use, and the need for listed building consent (that itself, requires member approval given the confirmed call-in), the worsening condition of the building is not entirely a failure by the applicants.

In terms of vacancy, the period of non-use in planning terms, is relatively recent with the last use at the site being in 2017, and in officer opinion, this does not correlate with long term vacancy or abandonment. The last known active use at the application site was an ancillary use linked with the former school premises and there has not been any known other lawful use since.

The applicant's intentions are clear and as set out above, there is a strong commitment to save this building at risk, renovate it and bring it back into a viable use with the redevelopment of the site funding the associated costs.

As set out within Core Policy 3 titled 'Infrastructure Requirements' it is recognised that for some sites and properties, the expected infrastructure provision and developer obligations may not be achievable or reasonable, and in such cases, an open book viability assessment is mandatory.

The policy furthermore sets out that when viability is adequately demonstrated and the full range of infrastructure requirements cannot be funded by the developer, the policy allows for the prioritising of particular developer contributions that firstly deliver essential infrastructure above place making infrastructure as well as allowing some flexibility when drafting any required legal agreement to defer certain developer contributions, as appropriate.

Ordinarily, adopted Core Policy 43 titled 'Providing affordable homes' requires 30% (which for a 20-house scheme would equate to 6 A/H net provision) for qualifying new build residential development in areas such as Trowbridge (appreciating that some parts of Wiltshire have a 40% A/H policy requirement).

However, with the vacant building credit applied to this site and property, the residual affordable housing requirement is calculated as being 3 A/H units as the following summary calculation sets out:

Total proposed residential floor space through conversion and new building
(20 No. units) = 2,166 sqm (GIA)*

Average size of unit = **108.3 sqm (GIA)**

Total existing vacant floor space = **994.20 sqm (GIA)**

Difference between proposed/existing floor space = **1171.8 sqm (GIA)**

VBC multiple = $1167.80/2162.00 \times 100 = 54.09\%$

Core Policy 43 compliant Affordable Housing provision (30%) = **6 units**

54.09% of 6.3 units = **3.25 units**

Affordable housing requirement adjusted for VBC rounded to nearest unit = **3 units**

When the application was submitted in 2018, it was supported by a Financial Viability Appraisal (FVA) which claimed that the 20-house scheme could not provide any affordable housing (or any s106 contributions) due to the need to subsidise the listed building conversion works and to provide a Benchmark Land Value (BLV) to the owner/developers.

It is important to appreciate that 'Benchmark Land Value' is the term used within the RICS Guidance "Financial Viability in Planning" to define what level of return a *notional and willing landowner* would expect to bring the land forward for development – the Threshold Land Value as it is also sometimes referred to. This is the threshold that, if exceeded by the land value of the application proposals, the scheme can be considered deliverable, when all other inputs are allowed, as a reasonable landowner would be willing to sell the property.

The BLV does not necessarily correlate with the sum a landowner paid as this case proves, given that the site was purchased for £650k but the applicant quotes the Benchmark Land Value as being £500k in their own viability assessment i.e., less than

what was paid for the site; and it should be noted that the independent assessor opined that the BLV may well be considerably lower than £500k.

The basic tenet of BLV as defined by RICS, is one based on the Market Value of the site with the NPPF stressing that the Benchmark Land Value should be based on the Existing Use Value of the land (EUV), plus a premium for the landowner (EUV+), and the premium “*should provide a reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to comply with policy requirements*”.

It is submitted by officers and as ratified by independent analysis, that the site has no existing value as an educational or public building, and in recognition of the lack of any other market/development interest generated by the aforementioned marketing exercise, residential development and use of the site is considered the prime and only viable option.

The independent viability assessment (which was commissioned by the Council, paid for by the applicant, and carried out by Bruton Knowles in April 2019), triggered a fresh round of officer/developer negotiations which included a review of comparable evidence from the adjacent Court Mills redevelopment, which resulted in a tri-partite agreement on the BLV for this site and with the substantial costs associated to bringing Courtfield House and redeveloping the Wool Store into viable use – and with the corroborated costs exceeding £1.6million, officers have been advised by independent assessors that the developer can only reasonably be burdened to provide one A/H unit (at nil subsidy) and cover the associated costs of providing each dwelling with the respective waste and recycling infrastructure to ensure this development is viable.

The developer has accepted the Council’s outsourced expert calculation of the site’s Benchmark Land Value and agreement on the financial viability, and, from that, the applicant confirmed their commitment to provide one on-site affordable housing unit as well as be burdened by the developer obligations which are set out within section 10 of this report.

As verified by the independent assessors, the proposed 20-unit quantum of housing is the minimum number of open market housing units required to deliver a viable scheme that would cross subsidise the essential repairs, convert and provide a viable future for the grade II* listed Courtfield House which is on the ‘heritage asset at risk’ register.

9.1.4 Poor Condition of Courtfield House – As reported, Courtfield House is listed on Historic England’s ‘heritage asset at risk’ register where it is considered in a ‘poor’ state of repair and in immediate risk of further deterioration if no financial agreement is secured on its future. As reported and confirmed within the consultation section of this report, both Historic England and the Council’s Conservation Officer fully support this development recognising that the revised, negotiated scheme would provide the financial support necessary to restore the listed building and secure its long-term future, and it is accepted that some demolition and adaptations are justified such as the proposed demolition works to the east wing of Courtfield House and for the outbuildings to the west of Courtfield House as illustrated below.



Photos 9, 10 and 11: Views of the curtilage listed C19 Woolstore Building (south, north and west facing elevations taken in February 2018). The Woolstore roof (1970s covering) is proposed for removal along with the upper parts of the external walls and all internal walls. An aperture of circa 5m will be created in the southern and northern elevations to create a principal vehicular access through to the rear garden area. The internal Woolstore area will provide 13 No. parking spaces, recycling and bin storage.



Photos 12 and 13: The Pine Hall constructed in 1975 (Photo taken February 2018). Demolition and landscape is proposed as part of a comprehensive scheme of landscape enhancement.

9.1.5 Wiltshire Council's Five Year Housing Land Supply – As confirmed by two recent planning appeals, pursuant to land at Green Farm, Chippenham Road, Lyneham (appeal ref APP/Y3940/W/20/3253204 and Land to the south of Chilvester Hill, Calne (appeal ref APP/Y3940/W/21/3275477), the Council cannot currently demonstrate a 5-year supply of deliverable housing land – with the north and west housing market area having a demonstrable supply of 4.29 years, which constitutes as a moderate shortfall.

With this recognition, the tilted balance in favour of sustainable windfall housing delivery as set out within paragraph 11d) ii of the National Planning Policy Framework (NPPF) is engaged. Although, footnote 7 on page 6 applies given the sites protected status as a heritage asset which means that as decisionmaker, the Council could, and notwithstanding the housing supply deficit, in applying NPPF paragraph 11, refuse this application if members considered the development would result in material harm to irreplaceable habitats or designated heritage asset.

It is important to appreciate that the housing supply deficit does mean full weight cannot not be applied to the adopted Wiltshire Core Strategy policies that restrict housing delivery, but that does not mean that they carry no weight, since planning law decrees that the adopted development plan remains the starting point for all decision making.

When the tilted balance is engaged, the NPPF indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

When LPA's have a housing supply deficit, paragraph 11 of the NPPF sets a presumption in favour of housing delivery unless protected areas or assets of particular

importance would be demonstrably harmed by the development proposal and would provide a robust and clear reason for refusing the application.

Given the expert advice and supporting conclusions provided by Historic England, the Council's Conservation officer for heritage matters and the Council's ecologist and tree officer for natural habitat, officers submit that this 20-unit development would be an appropriate sustainable form of development that is supported by the NPPF and the WCS.

WCS strategic policies CP1 and CP2 cannot be given 'full weight' whilst NPPF para 11 is engaged, but these policies can still be given substantial weight in the planning balance as the strategic policies remain of critical importance in terms of directing appropriate, sustainable development to the right locations in accordance with the Framework. In this case, Trowbridge is a designated a Principal Settlement in policy terms, and the delivery of 20 new dwellings within central Trowbridge would constitute as a sustainable development, and would most crucially delivery the required funds to safeguard Courtfield House.

If this development is not considered acceptable mindful of the rigorous viability appraisal, the future of the grade II* listed building would be very bleak.

The site lies within the settlement limits of Trowbridge where there is a presumption in favour of sustainable development. The proposed development would result in the loss of a former education facility, however, prior to the 1970s, the building was used for residential purposes, and the proposed return to residential use is justified following the robust marketing exercise.

A robust viability assessment has been carried out which was subject to significant officer/external assessor interrogation and from that, a revised viability case was presented by the applicant which culminated in a commitment to cross subsidise the repair and conversion of the grade II* listed Courtfield House while providing one affordable housing unit (to meet local need) within Courtfield house.

The 1 A/H unit represents 30% of the calculated VBC provision requirement but with the viability assessment, officers are satisfied that the provision is the best viable outcome the Council can reasonably secure. As such it is considered that the principle of development for the conversion of Courtfield house to four apartments and the erection of 16 new dwellings within the grounds of the listed building can be supported subject to a s106 legal agreement and planning conditions.

9.2 Impact on the character of the listed building/Conservation Area/public footpath

NPPF paragraph 199 states that "*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*" Paragraph 200 of the NPPF leads on to stress that: "*Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.*" Paragraph 202 of the NPPF moreover asserts that: "*Where a development proposal will*

lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal...”

Core Policy 57 of the Wiltshire Core Strategy requires: “A high standard of design is required in all new developments, including extensions... Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality. Applications for new development must be accompanied by appropriate information to demonstrate how the proposal will make a positive contribution to the character of Wiltshire through... being sympathetic to and conserving historic buildings”. WCS Core Policy 58 echoes the above national policy in seeking the protection, conservation and, where possible, enhancement of heritage assets.

Courtfield House is a grade II* listed building of predominantly 18th and 19th century build which occupies the southern part of the application site. A 19th century extension attached to the eastern elevation of Courtfield House, known as Polebarn Hall, is thought to be a former coach house and stables and is identified for demolition – which has the support of Historic England and the Council’s Conservation officer.

Other structures within the site include an 18th century Workshop (or Dye-House), which adjoins the western elevation of Courtfield House – which is Grade II listed, and an associated lead water pump is also included in this list entry. Extending to the west of the workshop, and occupying the south-western corner of the site, the outbuilding known as the Wool House (or Wool Store), was built in the 19th century, and is identified for adaptation within this scheme. Further within the rear of the grounds, Pine Hall, is a modest single storey structure erected to the north of the Wool House, and was built in 1975 as a dance studio – which has little architectural merit. The eastern boundary of the site is bounded by a garden wall with gate piers, which are also Grade II listed.

The property was listed in 1950 and the formal List Entry description for Courtfield House reads as follows –

‘Circa 1754 (deeds) in earlier style, with earlier building. 2 storeys, attic and cellars. Brick on projecting plinth with moulded stone capping and chamfered stone quoins. Valley roof with half-hipped gables. Stone tile roof with projecting eaves and wooden gutter on wrought iron brackets. 2 hipped dormers with sashes 3 panes wide. Glazing bar sash windows. 3 on 1st floor with raised stone surrounds, outer edges moulded, inner beaded. 2 similar windows on ground floor and early C19 half glazed door in stone surround of architrave, plain outer framing and stone console brackets supporting cornice and pediment. Two 2-light cellar windows. 3 light bay windows to return fronts. Irregular gabled wing to right hand at back. The rear has a C20 timber framed loggia with brick herring bone nogging which links to the workshop extension (qv). Stone mullion casement windows with stone drips over to gable end. Interior: several features retained; Tudor arch fireplace inserted on ground floor.’

The application is accompanied by a robust Heritage Statement dated May 2020. Following extensive negotiations between the applicants, the Council’s conservation team and Historic England, a revised scheme (as detailed above) was submitted. The main emphasis of the amended scheme was to preserve the views of Courtfield House

through the site and between the listed building and orchard beyond (and save as much of the orchard as possible).

This was achieved by limiting the land take up of the new housing and associated infrastructure as well as restricting development largely to the west and northwest of the Courtfield House grounds and reducing the car parking provision.

These alterations helped maintain the connection between the listed building and the wider grounds and would be far more successful in protecting the setting of the listed building compared to the initial scheme – which the following insert reveals.



Fig 4. The originally submitted landscape masterplan dated May 2018

The above insert illustrates the initial planning application submission for the site that was opposed to by officers and Historic England.

Following the imposition of the group TPO by the Council, which was issued following receipt of these applications, a revised site masterplan was submitted in May 2020 – as shown below – which included: (i) the formation of a new vehicular access through Wool Store, which negated the need to compromise the setting of the principal listed building by utilising the previously proposed access adjacent to the Polebarn Hall; (ii) the provision of a more generous open area to the rear of Courtfield House that would accommodate a part-retained and replanted traditional orchard; and (iii) the demolition of Polebarn Hall and the re-development of the existing forecourt with three new houses (Plots 19-21, noting here that the initial scheme was for 21 units) and landscaping with public realm enhancement along the key point arrival whilst also revealing more of the retained Courtfield House



Fig 5. Extract from the proposed May 2020 landscape masterplan

The most recent revised site masterplan (as shown below) is considered acceptable, and the 20-house development would deliver the essential funding to safeguard and return Courtfield House into a viable use.



The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, **great weight** should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The NPPF makes it clear that any harm to a designated heritage asset requires clear and convincing justification. In this case the proposals would result in less than substantial harm to the setting of the Grade II* listed Courtfield House – created by the erection of the new dwellings within the grounds of the property. However, due to the

current condition of the Grade II* listed building, which is in a very poor state of repair with some elements having already collapsed, been subject to vandalism and theft, Historic England and the Council's Conservation officer accept that some level of harm is justified to secure a viable future for the 'at risk' building.

The wording of the NPPF and the 'special regard' set out within Sections 16 and 66 of the Act requires that any level harm caused should be taken seriously.

NPPF paragraph 196 allows that a level of harm may be offset by public benefits, which can include conservation benefits. In this case the conservation benefit is clearly the restoration of a grade II* listed building that is currently in a poor state of repair. The harm identified above has been negotiated to acceptable parameters and is considered NPPF/WCS policy compliant.

Policy CP57 vi of the WCS encourages development to make efficient use of land whilst taking account of the characteristics of the site and the local context to deliver an appropriate development which relates effectively to the immediate setting and to the wider character of the area. The Council's conservation officer has raised no objection to the finalised revised scheme in terms of quantum, layout and design.

Plots 1-9 would be suitably set back from Courtfield House although the buildings would be visible from the adjacent public park but would be very well screened from Polebarn Road. The new dwellings on plots 10-13 and 14-16 would be visible from the public realm and adjacent public footpaths, however the revised design of the dwellings is considered acceptable.

The dedicated private gardens would be modest, however given that a communal open space is being provided to the rear of Courtfield House the private amenity space would be suitably compensated for by the additional provision being made available; and with the parkland to the immediate west, future occupiers would have sufficient access to external amenity space near their homes.

As reported, officers along with Historic England sought to reduce the extent of hardstanding and car parking to safeguard the setting of the listed building and as a compromise the scheme provides as adjusted an appropriate quantum of car parking provision within central Trowbridge.

Since 2018, the Council's urban designer requested various alterations which have been introduced including the provision of some external facades and the balcony screening. Issues raised with regards to the position of the buildings on site and design were resolved by officer negotiation; and for other urban design related matters, planning conditions can suitably ensure the delivery of a high-quality development.

Although the scheme would cause 'less than substantial harm' to the setting of the heritage assets, when tested against NPPF paragraph 196, the level of harm would be offset by the public benefits that would be secured through the safeguarding and restoration of the grade II* listed building, and in recognising that the development would not directly harm the use of the public rights of way, the development is considered WCS and NPPF compliant.

9.3 Ecology issues/impact on Orchard/UK BAP Priority habitat

Wiltshire Core Strategy Core Policy 50 'Biodiversity & Geodiversity' requires all development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Furthermore, the policy specifies that all development should seek opportunities to enhance biodiversity. Major development in particular, must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services.

The application is supported by an Extended Phase 1 Ecological Survey (dated July 2019) and a Traditional Orchard Assessment (dated October 2018). Further surveys were undertaken and submitted to the Council including additional emergence and re-entry surveys and bat activity/transect surveys. A habitat value calculation was also carried out in October 2021. The Traditional Orchard Assessment concluded the orchard qualifies as a UK Biodiversity Action Plan (BAP) Priority habitat which was supported by an Orchard Management Plan dated January 2022 – all of which were appraised by the Council's ecologist and as reported within the consultation response section of this report, no objections are raised, subject to a s106 legal agreement being sealed and the imposition of planning conditions.

The site is located within the grey hatched area of the Trowbridge Bat Mitigation Strategy (TBMS) and therefore a proportion of CIL money charged to the developer/applicant would contribute towards the Council's adopted scheme for mitigating the associated recreational impacts created by new housing in relation to on the Bechstein's bats.

In terms of safeguarding the orchard, which was a significant ecology concern raised against the initial plan submissions, as the below landscape masterplan now reveals, the majority of the orchard would be retained and safeguarded with a dedicated management burden to be imposed on the developer and consequential owners.



Revised landscape masterplan - Dwg No. 238101 Rev F

The completed bat surveys concluded that the site has day and transitional roosts for a modest number of common pipistrelle bats which were recorded accessing crevices within the roof of Courtfield House. Completed bat transect and static detector surveys recorded high levels of foraging/commuting activity by common and soprano pipistrelle over the site and noctule, serotine, brown long eared and Myotis bats were recorded in lower numbers. A small number of passes were also detected by barbastelle and lesser horseshoe bats. All of which is not that surprising given the proximity of the site to the park and the site's vacancy for a number of years and the construction and deterioration of the subject property.

The ecological report concludes that the site is of County Importance for bats due to the presence of lesser horseshoe and barbastelle bats and lesser horseshoe bats are a qualifying feature of the Bath and Bradford-on-Avon SAC. However, there was no evidence found of bats roosting within the buildings although Courtfield House appears to support day and transitional roosts of low numbers of common pipistrelle bats within the roof. As a consequence, before any works can commence to convert Courtfield House, the applicant/developer would need to apply for and obtain a licence from Natural England.

To mitigate the loss of the common pipistrelle roosts, four bat tubes and three bat boxes would be provided throughout the site. Details of the bat tube / box location would need to be conditioned as part of any approval. The site provides plenty of suitable habitat for a range of bat species to use for commuting and foraging purposes through the wider landscape. As such to avoid disturbance and retain dark corridors for bats and other wildlife no external lighting should be installed along the northern and western site boundaries of the site and where lighting is needed, it would need to be hooded and directional and subject to a compliance planning condition that secures the exact details, specification and illuminance levels.

No badger setts have been recorded within the site boundaries. There are records of great crested newts at locations across Trowbridge but none of these records are for locations within 630m of Courtfield House. Furthermore, all the records are separated from the site by barriers to dispersal for this species (e.g., busy main roads and the town centre).

The habitat on the site is potentially suitable to support common reptile species such as slow worm and there is some suitable habitat within the surrounding area, although busy main roads and the town centre act again as barriers to dispersal.

No reptiles were recorded during the surveying work and therefore the site is not considered to support a population of common reptile species. No evidence of birds nesting in or on the buildings on site was noted at the time surveying, but the trees and scrub all provide suitable habitat for a wide range of bird species. As proposed, the site would be enhanced for a range of bird species through the installation of nest boxes in suitable areas of the site, which requires a suitably worded planning condition.

The arboricultural report produced for the site details all the trees present within the site and lists all those planned for removal. It is proposed to remove eighteen trees in total with 3 from within the traditional orchard. The submitted revised landscape masterplan (Dwg No. 2381 01 Rev F – which is included as an insert on the previous page) details

Construction Environmental Management Plan (CEMP) in order to ensure the long-term management of landscape and ecological features are retained and to ensure adequate protection and mitigation for ecological receptors during the construction periods.

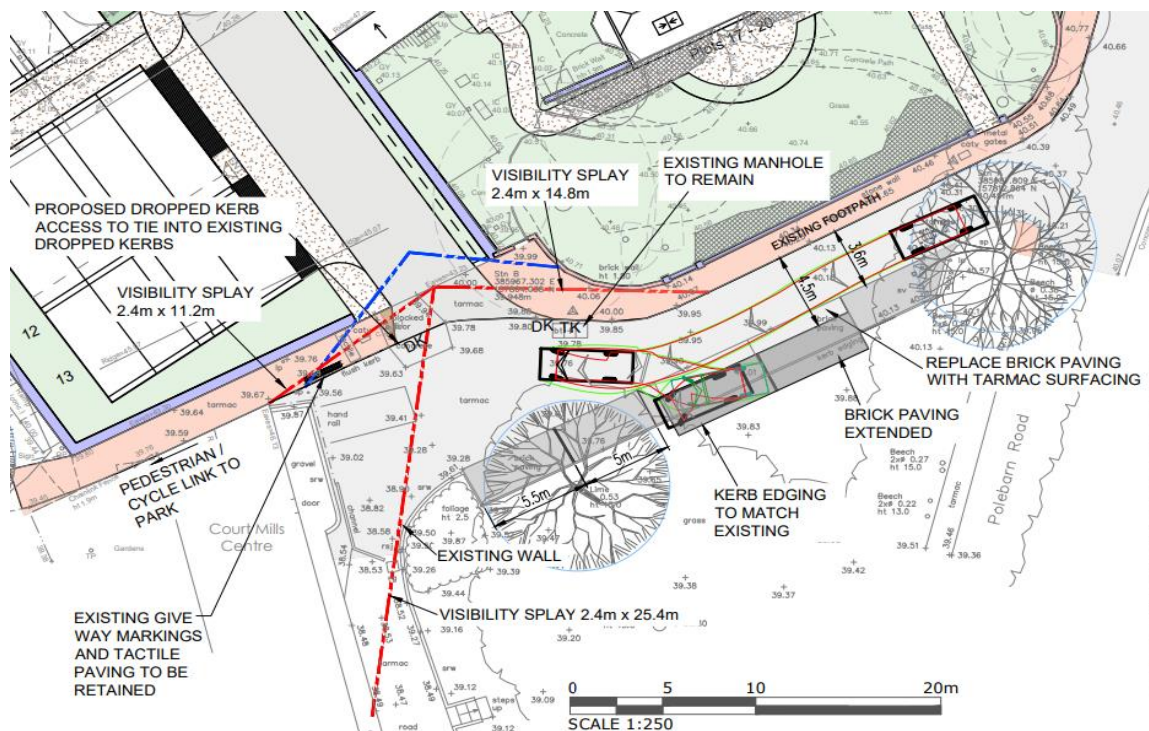
With the negotiated scheme, securing the s106 and imposition of planning conditions with the aforesaid mitigation, and the applicant obtaining a licence from Natural England, the Council's ecologist has concluded that this much revised, significantly negotiated development proposal would not lead to adverse effects to protected species or known habitat.

9.3 Highway Safety Issues

Paragraph 110 of the NPPF states that in assessing specific applications for development, developers should ensure that a safe and suitable access to a site can be achieved for all users. Paragraph 111 furthermore states that “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

Core Policy 61 of the adopted WCS seeks to ensure that all new development is capable of being served by a safe access to the highway network and Core Policy 64 sets out to manage the demand for car parking and sets residential parking standards based on minimum parking standards.

The proposed development would result in Courtfield House being converted to four apartments and elsewhere within the grounds, 16 dwellings would be erected. The scheme includes the formation of a new vehicular access onto Polebarn Road to the southeast of Courtfield House.



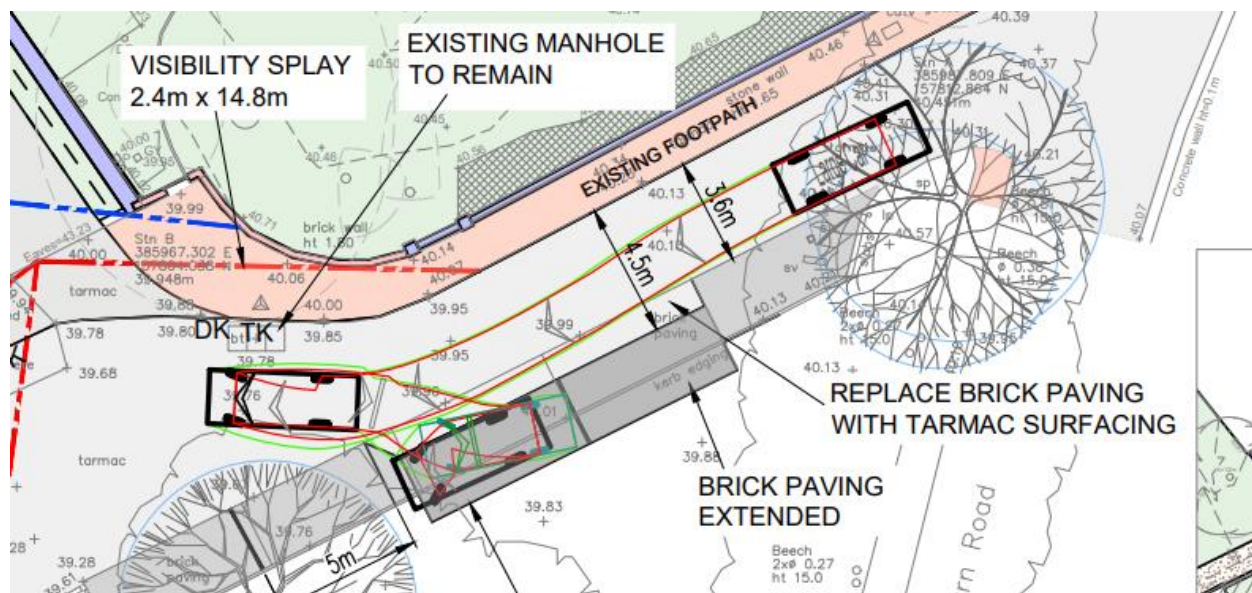
Proposed Access and Passing Arrangements Dwg No. 20032-GA04

It is proposed that the main access to the site would be taken from the unadopted stretch of highway along the southern frontage of the site before to the southwest of Courtfield House and would serve 13 dwellings to the rear of Courtfield House.

As detailed in the plan insert above, visibility splays at the access would be 2.4 metres by 14.8 metres facing east and 2.4 metres by 11.2 metres facing west; and vehicles would cross the existing footway and access the unadopted road. The boundary walls on either side of the access would set back from the carriageway edge to enable footway access to and from the site and to ensure appropriate levels of driver / pedestrian inter-visibility pursuant to a car exiting the site and a pedestrian using the adjacent footway.

This unadopted road currently serves as a one-way system used by residents of Court Mills to access Polebarn Road from the resident's car park. The initial proposal was to make this section of road 2-way to serve the Courtfield House development. However, the section of road was considered too narrow (at approximately 4 metres in width) by the Council's highway team to allow 2-way traffic to pass safely.

Following further negotiations with the applicants, a revised submission was lodged proposing the construction of a passing bay at 4.5 metres in width along a section of the road to allow vehicles to pass safely. In response, the Council's highways officer concluded that with due to the addition of the passing bay, the existing width of the road at 3.6 metres leading to the junction with Polebarn Road would be acceptable in this instance. Due to the low speeds of vehicles traversing the lane and short section of road where this width is applicable (approximately 11.3 metres) and that this arrangement would be acceptable in highway terms. The construction of the passing bay would however require a number of current on street parking spaces belonging to residents of Court Mills being relocated (see passing bay plan below).



Excerpt from Dwg No. 20032-GA04 showing proposed passing bay at the access

The Council highways authority have raised no objection to the revised access proposal subject to imposing a planning condition requiring the road passing bay and site access

as detailed on the access and passing arrangement plan being completed prior to occupation of plots 1-13.

Third parties have raised the issue of whether the applicant has a right to use this unadopted access road however the applicants have submitted evidence that they have legal access rights over this stretch of unadopted highway and should there be any private covenants that affect the land, that would be a civil matter for the respective parties to negotiate outside of the planning regime.

In addition to the above, the existing footway cross-over access to the east of Courtfield House would be retained and adjusted to provide access to a new parking court that would provide seven parking spaces for the occupiers of the proposed conversion of Courtfield House and the new dwellings at plots 14-16. It should be noted that this access point currently operates safely as an access to the existing Courtfield House car park and I recognise that the existing car park has capacity to accommodate up to 15 cars which could well have been used when the property was a school, the proposed new car park for 7 spaces is not cause for highway concern.

Within the site, the access road would be 5 metres wide with a 2-metre-wide footway which would connect with the existing off-site footway to the south of the site that joins Polebarn Road. It is proposed that the on-site roads and parking would not be adopted and that a Private Management Company would be created to maintain all the communal areas of the site including the access road and associated infrastructure.

In terms of car parking provision for the proposed 20 dwellings there would be a shortfall of 25 parking spaces when tested against the Council's expected residential minimum parking standards as set out within the Car Parking Strategy. However, the Strategy allows for flexibility in highly sustainable locations and with the agreement of the local highway authority, car parking standards can be reduced especially for sites on the edge of the town centre such as the Courtfield House site, which has very good access to a wide range of services, employment opportunities and facilities within a short walking or cycling distance. In addition, good public transport (bus and train) options exist, which for heritage safeguarding reasons, led officers and Historic England to support the reduced car parking provision (which itself was an element officers negotiated to secure a better setting relationship for Courtfield House).

The submitted transport assessment concludes that the development would not generate a significant increase in traffic flows over the extant lawful use of the site as a school. Although it is recognised that the development would result in increased daily traffic flows using the unadopted road to the south in order to access the proposed dwellings at plots 1-13, it is considered these vehicle movements would not result in high levels of harm to highway safety, or to pedestrians and cyclists using the public footpath at the front of the site, which would warrant a refusal of planning permission (when tested against NPPF paragraph 111).

There are no objections to the scheme from the Council's highway officer subject to the imposition of planning conditions. It is therefore argued that the development would not result in an unacceptable impact to highway safety and there would be no severe residual cumulative impacts in terms of the use of the road network.

On the basis of the above, the development is considered compliant with core policies CP61 and CP64 of the WCS and in particular, paragraphs 110 and 111 of the Framework.

9.4 Impact on the amenity of neighbouring residents/future residents

WCS Core Policy 57 titled: 'Ensuring High Quality Design and Place Shaping' requires development to have regard to the compatibility of adjoining buildings and uses, the impact achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g., light intrusion, noise, smoke, fumes, effluent, waste or litter).

The nearest residential properties to the site are located directly to the east fronting Polebarn Road and to the south at Court Mills. Properties fronting Polebarn Road are between 40- 50 metres distant from the proposed dwellings at plots 1-13, and by virtue of such separation distances, the owner/occupiers of these neighbouring dwellings would not be materially affected by the development in terms of loss of light/overbearing or loss of privacy/ overlooking impacts.

The southern elevation of plot 13 would be located approximately 5-6 metres from the northern elevation of Court Mill and separated by the public footpath. Within this building, first floor south facing windows are proposed that would serve an en-suite and bedroom. However, it should be noted that there are also north facing windows at Court Mills at first floor level facing the application site. To avoid any issues of loss of privacy to the occupiers of the Court Mills property, a planning condition is recommended that the en-suite window, which would be directly opposite Court Mills, shall be obscurely glazed. In terms of the window serving the first-floor bedroom this would be located further to the east on the southern elevation of the proposed block of apartments and would overlook the front parking area/access drive of Court Mills, which is considered acceptable in planning terms.

The proposed building comprising plots 10-13 located directly to the north of Court Mills would have no significant impact on the living conditions of residents of Court Mills in terms of loss of light/overshadowing or any overbearing impact.



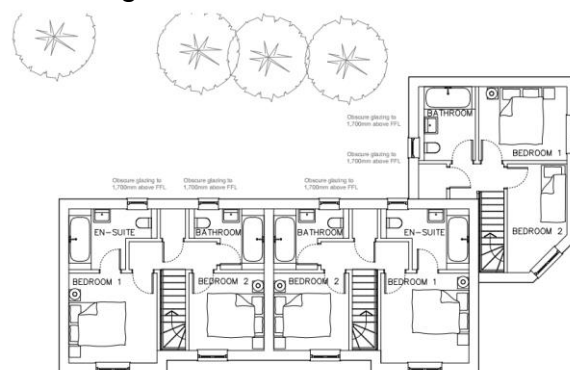
Previous set of photos: showing the northern section and gable of Court Mills and the adjacent existing Wool Store at Courtfield House

In terms of the new building comprising plots 14-16, the northern elevation would be located within a few metres of the boundary with No. 17 Polebarn Road however due to the intervening garage within the curtilage of No. 17 and the separation distance between habitable windows, it is considered the development would not result in overshadowing or loss of light to the residents/users of No.17.

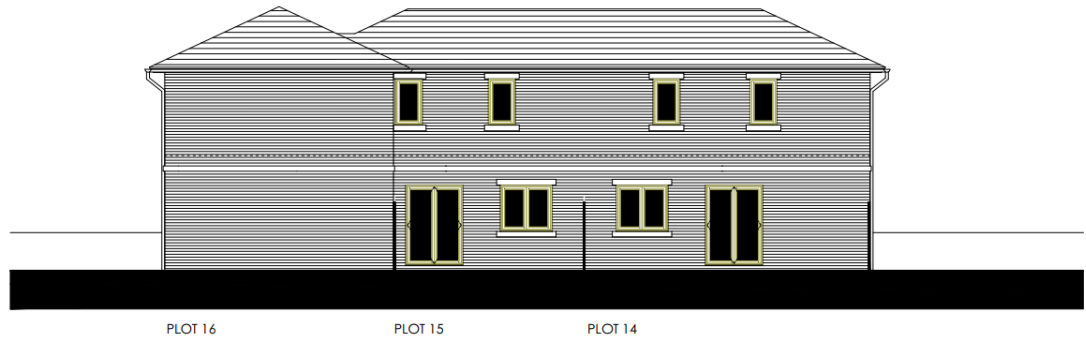


Photo of southern elevation of 17 Polebarn Road from existing car park

Although four windows are proposed within the northern elevation of the building block for plots 14-15 at first floor level all the windows would serve bathrooms and en-suites as shown below and a planning condition could secure these windows to be obscurely glazed. With this compliance condition, officers are satisfied that the development comprising plots 14-15 would result in no harmful overlooking or loss of privacy to the neighbouring residents fronting Polebarn Road and No. 17 Polebarn Road in particular.

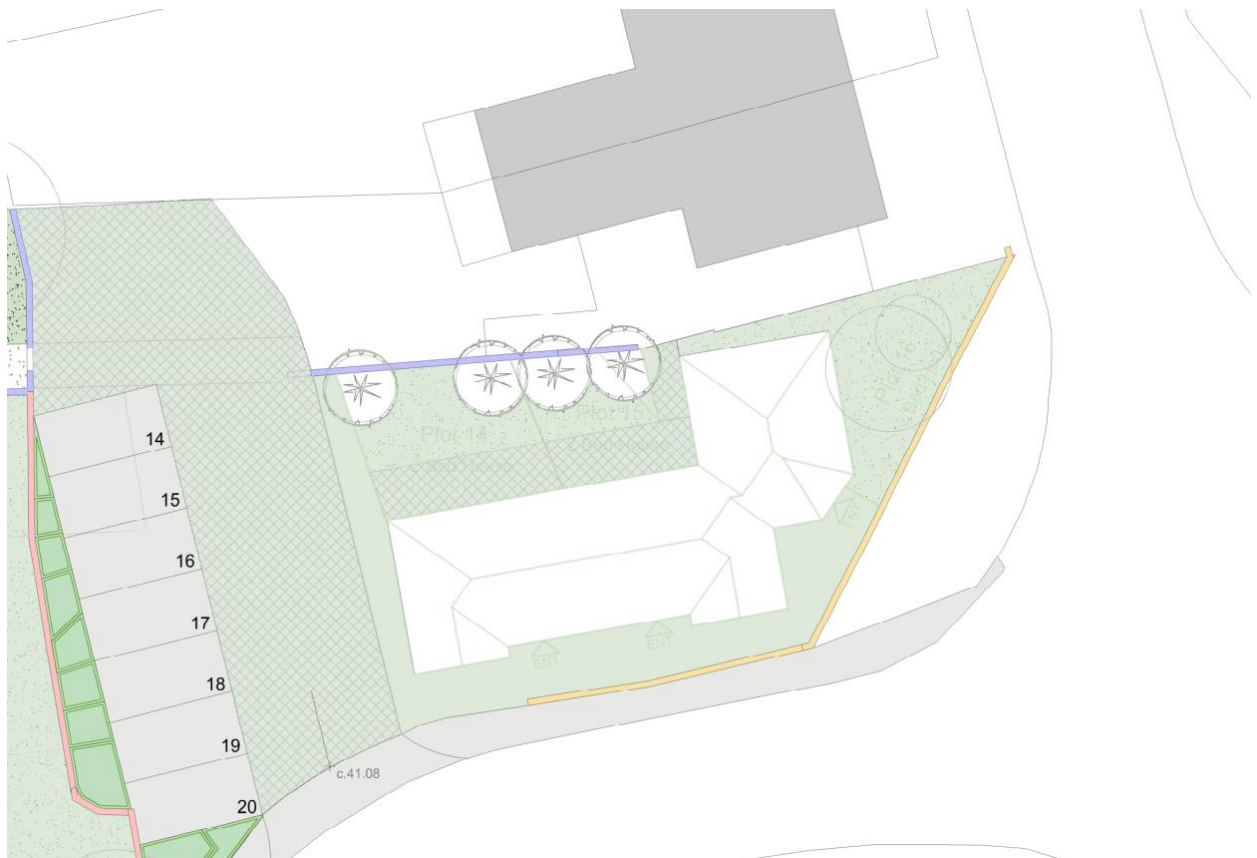


01_ First Floor - Plots 14-16



North Elevation - Plots 14 - 16

1 : 100



The proposed residential conversion of Courtfield House would not result in substantive overlooking or loss of privacy that would harm the amenities of residents of the neighbouring properties.

Although it is recognised there would be additional car journeys associated with using the proposed new access road serving plots 1-13 to be accessed off Polebarn Road, additional noise or light pollution that would potentially affect adjacent residents, would not warrant a refusal of planning permission.

Although the site is constrained due to proximity to the protected orchard located to the north of Courtfield House, the revised scheme is not considered an overdevelopment. The outlook from the proposed properties is considered acceptable and as mentioned above, the provision of external amenity space and car parking has been negotiated and is considered appropriate for this site location and proposal.

On the basis of the above, officers are satisfied that the proposed development would not cause adverse impacts on the living conditions of neighbouring residents, and in particular those residents at Polebarn Road and Court Mills, in terms of overlooking, overbearing, loss of privacy or overshadowing, and the much-revised proposal is considered compliant with Core Policy 57 of the WCS and the NPPF.

9.6 Drainage Issues

Wiltshire Core Strategy Policy 67 titled 'Flood Risk' states that all new development shall include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make these measures unsuitable.

The planning application is accompanied by a Foul & Surface Water Drainage Strategy dated April 2018 which identifies the site being located within Flood Zone 1 (land that has the lowest probability and risk of flooding) with the River Biss being located approximately 200m from the site. In terms of surface water drainage, there are no known existing public surface water sewers within the site boundary and Wessex Water's sewer record indicates that there is an existing surface water sewer running beneath Polebarn Road to the east of the site.

As the ground conditions are considered unsuitable for soakaways, all surface water runoff require to be discharged to the public surface water sewer beneath Polebarn Road via a new manhole connection. Attenuation storage volume for storm events up to the 30-year return period would be accommodated within the proposed surface water pipework.

As part of the applicant's drainage strategy, an underground geocellular storage tank shall be provided in order to store surface water runoff arising from storm events greater than the 30- year return period and up to the 100-year return period storm. This tank would be located adjacent to Courtfield House near the south of the site.

Within the parking areas that serve the site, all parking bays would be constructed with proprietary permeable block paving which is considered acceptable. In terms of foul water drainage, Wessex Water have confirmed that there is an existing public foul sewer running beneath Polebarn Road to the east of the site, and subject to a developer/Wessex Water agreement being reached with respect to the finalised connection, the foul water would be conveyed by a network of gravity-fed foul sewers which would discharge to the existing public foul sewer beneath Polebarn Road.

In terms of site servicing and drainage matters, the proposal raises no substantive reason for refusal.

9.7 Archaeology Issues

The application is accompanied by a Heritage Statement which recognises the site being located just outside of the suspected extent of the Saxon and medieval settlement of Trowbridge, and possibly within the town's historic outer edge and open fields, which suggests that the potential for encountering archaeologically significant buried remains from this period, is relatively low.

From researching historic mapping, the site appears to have been outside of the developed extent of the town during the early post-medieval period, and research has identified no conclusive indications that the site was occupied prior to the construction of Courtfield House in the mid-18th century except for the potential occupation by agricultural buildings. This suggests that the potential for encountering significant post-medieval remains in this area of the site is limited.

Evidence suggests that the highest potential for encountering buried remains relates to the mid-19th century occupation of Courtfield House, and activities associated with textile manufacturing.

The Council's archaeologist has reviewed the supporting submissions and is satisfied that this application can be approved subject to the imposition of a planning condition to safeguard archaeological interests.

9.8 Other Issues

Third parties have raised several concerns that officers submit cannot be afforded material weight in the balance. This includes raised concerns that the development would affect local house prices. Other concerns criticise the developer regarding the level of pre-submission public engagement. In response to that criticism, whilst the Council encourages developers to positively engage with local communities prior to a formal planning submission, it cannot be forced upon a developer. Third parties have also criticised the adequacy and accuracy of the submitted plans. In response to that criticism, officers are satisfied that the submitted plans and supporting statements are accurate and are sufficient to illustrate what is being proposed and to enable the Council to reach a fully informed decision.

Concerns raised about health and safety and noise interference are matters that fall outside of the development management remit and instead are dealt with by other legislation, including building regulations, the environment agency for hazardous materials, the health and safety executive for safe working practices and the Council's public protection team for statutory noise nuisance.

10. S106 contributions

The following summary heads of terms for the required s106 for the planning application are as follows:

- The developer shall be required to provide one affordable house in the form of a discounted market unit (DMU) which is identified on plot 17 – as a 1-bedroom apartment offered at 75% open market value;
- The developer shall pay the appropriate financial contribution for Waste and recycling facilities for the proposed development based on £91 per residential unit
- The developer shall be burdened to create a management company and to establish the legal and funding mechanisms regarding the long-term management and implementation of an Orchard Management Plan;
- The developer shall be burdened to provide a communal open space provision within the site extending to 830m² in the area north of Courtfield House but

excluding the orchard grounds for the benefit of the future occupiers of this development; and

- To secure the requisite developer obligation and triggers for the renovation works to safeguard the listed building at Courtfield House (and to remove it from the heritage at risk register)

11. Conclusion (The Planning Balance)

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case, the proposed site is located within the settlement limits of Trowbridge where there is a presumption in favour of sustainable development, and this merits **significant weight** in the planning balance.

In terms of the positive benefits of the scheme, the development would provide 20 new dwellings of which one would be affordable 1-bed unit that would go towards meeting local need. In recognition of the Council's lack of a 5-year housing land supply this must be given **significant weight** in the planning balance and the delivery of 20 additional houses merits similar weighting.

The restoration of the grade II* Courtfield House property which has in recent years fallen into poor condition and has been listed on the 'heritage asset at risk' register. Through the significant engagement with Historic England and the Council's Conservation officer, the revised negotiated scheme would save a high valued heritage asset and bring it into viable future use, which must be given **significant weight** in the planning balance.

The proposal would bring about the redevelopment of a brownfield site within central Trowbridge and through the s106 developer/landowner obligations, the orchard would be subject to a long-term management, both of which merits **moderate weight** in the planning balance.

There would also be some short-term benefits during the construction phase of the development through direct and indirect job creation which merits **moderate weight**, and the future householders of the properties would pay council tax which can be given **limited weight**.

The development would contribute towards CIL infrastructure funding in the region of £150k, 15% of which would be re-directed to Trowbridge Town Council to go towards funding future projects, which merits **moderate weight** in the planning balance.

In terms of neutral impacts, officers are satisfied that the proposed development would not harm neighbouring residential properties or the amenities of the occupiers and whilst the proposed development comprises some demolition and loss of trees, the delivery of much needed new housing, provision of an affordable unit and the ecological mitigation and the orchard tree planting enhancement plan, would offset any harm created by the proposed on-site development.

Whilst all tree loss is regretted, the orchard has been surveyed as being in poor condition and some of the trees are reaching the end of their lifespan and through the lack of any existing orchard management, the site's nature conservation value can only be realistically secured as part of a consented development and sealed s106 legal agreement. Without that, there would be no planning mechanism to manage let alone enhance nature conservation across the site.

As reported above, the Council's ecologist is satisfied that subject to planning conditions, there would be no net loss of biodiversity, and there are no ecology reasons to refuse planning permission.

The development would be served by a safe access to the highway network and the scheme would not result in severe cumulative harm and the Council's highway authority have confirmed that pedestrian safety would be safeguarded without appropriate visibility splays and road widening. Sufficient parking would be provided for this central town site and suitable drainage connections can be made.

In terms of reported negatives, this development would cause 'less than substantial harm' to the setting of the heritage assets, by virtue of erecting 16 dwellings within the grounds of the listed building. However, when tested against paragraph 196 of the Framework this harm is offset by a public benefit that would be derived by the proposed safeguarding and restoration/conversion of the grade II* listed building as confirmed by Historic England and the Council's Conservation officer.

This summary and the rest of the report summarises a significant amount of work that has been dedicated to these two applications, and readers should appreciate that officers, consultees and the developer and his appointed agents have prioritised a lot of resources (time and money) to progress these applications to this stage which officers recommend members to approve.

It should also be noted that despite these applications being over 4 years in the system, the applicant/developer and his appointed planning agent have engaged very proactively with officers and consultees and there is substantive evidence that Council and public comments have led the applicants to redesign the scheme and that level of cooperation merits public notice.

The development would not be word for word policy compliant. The scheme once the vacant building credit is applied, for viability reasons the scheme cannot deliver the 2 of the 3 A/H units and there would be a shortfall in the car parking provision when tested against the car parking strategy; and some of the units would have relatively small private rear gardens. However, as explained within the above report, officers consider that the scheme should be supported on the basis that the scheme would not result in substantive adverse impacts that would significantly and demonstrably outweigh the benefits that the development would provide. Accordingly, it is recommended that planning permission should be granted, subject to the prior completion of a Section 106 legal agreement and imposition of planning conditions and the listed building consent should be approved subject to conditions.

12. RECOMMENDATIONS:

1. For 18/04656/FUL - That the issuing of planning permission be delegated and deferred to the Head of Development Management, following the sealing of a s106 legal agreement covering the matters set out within section 10 of this report; and subject to planning conditions.
2. For 18/05278/LBC – That the issuing of listed building consent be delegated and deferred to the Head of Development Management, following the sealing of a s106 legal agreement to secure the requisite developer obligation and triggers for the renovation works to safeguard the listed building at Courtfield House as set out within section 10

Recommended Planning Conditions Pursuant to 18/02656/FUL –

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location plan scale 1:1250 drg no. 021 rev B
Proposed site plan scale 1:250 drg no. 020 rev M
Demolition plan scale 1:250 drg no. 022 rev B
Plots 17-20 Courtfield House ground and first floor plans scale 1:100 drg no. 030 rev B
Plots 17-20 Courtfield House second floor and roof plans scale 1:100 drg no. 031 rev B
Plots 17-20 Courtfield House front elevation scale 1:100 drg no. 032 rev E
Plots 17-20 Courtfield House rear/side elevations scale 1:100 drg no. 033 rev D
House types – plots 1-5 scale 1:100 drg no. 001 rev D
House types – plots 6-9 scale 1:100 drg no. 002 rev E
House types – plots 10-13 scale 1:100 drg no. 003 rev E
House types – plots 14-16 scale 1:100 drg no. 004 rev I
Site section elevations scale 1:100 drg no. 005 rev E
Materials palette drg no. 007 rev B
Landscape masterplan scale 1:500 drg no. 238101 F
Detailed hard landscaping proposals scale 1:200 drg no. 238102 D
Detailed planting proposals scale 1:200 drg no. 238103 G
Landscape specification details drg no. 238104
Proposed access and parking bay scale 1:250 drg no. 20032-GA04
Orchard Management Plan v3 by Johns Associates dated 26 January 2022
Drainage strategy scale 1:250 drg no. D01 rev E
Extended Phase 1 Ecological Survey (Stark Ecology, July 2019)

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any

Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations and in the interests of the character of adjacent listed buildings and the character and appearance of the Conservation Area.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

5. The dwellings hereby approved to be accommodated at plots 13, 14 and 15 shall not be brought into use or occupied until the windows in the southern and northern gable upper floor elevations (plot 13) and northern rear upper floor elevation (plots 14 and 15) that serve en-suite and bathrooms are glazed with obscure glass only [to an obscurity level of no less than level 4] and thereafter, the windows shall be maintained with obscure glazing in perpetuity.

REASON: In the interests of residential amenity and privacy.

6. The dwellings hereby approved to be accommodated at plots 6-9 shall not be brought into use, until the full specification details of the first-floor balcony screens have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved screens shall be erected in accordance with the approved plans and shall be retained, maintained or replaced on a like for like basis in perpetuity.

REASON: In the interests of residential amenity and privacy.

Highway Matters

7. No development shall commence on site (excluding works pursuant to the demolition and site clearance) until full engineering details of the access road, passing bay and site access, as shown generally on plan 20032-GA04, have been submitted to and approved in writing by the Local Planning Authority; and the dwellings hereby approved to be accommodated at plots 1-13 shall not be occupied, until the access road, passing bay and the site access have been completed in accordance with the approved details. Thereafter, the approved arrangements shall be maintained free from other obstructions in perpetuity.

REASON: In the interests of highway safety.

8. The dwellings hereby approved to be accommodated at plots 1-13 shall not be occupied or brought into use, until the visibility splays as shown on the approved plan

20032-GA04 have been provided with no obstruction to visibility at or above a height of 60cm as measured above the nearside carriageway level. Thereafter, the visibility splays shall be maintained free of obstruction in perpetuity.

REASON: In the interests of highway safety.

9. No dwelling hereby approved shall be occupied or brought into use until the associated parking space(s) together with access thereto and as shown on the approved plans, have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

10. No dwelling hereby approved shall be occupied or brought into use until a scheme for the future maintenance of the roads and other communal areas has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that satisfactory arrangements for the future maintenance of those areas are in place.

NOTE: The s106 shall secure the requisite clauses and developer obligations, but a planning condition is required to secure the maintenance scheme that would require officer review and approval before the condition can be discharged.

11. No development shall commence above ground floor slab level until details of secure covered cycle parking has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycling storage provision facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of any associated dwelling and shall be retained for such use in perpetuity.

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

NOTE: The submitted details shall accord with the dimensions, access, location, design and security principles as set out within Appendix 4 of Wiltshire's Local Transport Plan 2011-2026 Cycling Strategy

Ecology Matters

12. No development hereby approved shall commence on site (including works pursuant to the demolition and site clearance), until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature, to be shown on a 1:250 scaled plan within the relevant site boundaries, together with a mechanism for monitoring the success of management prescriptions, and incorporating a review and any necessary adaptive management procedures.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. Thereafter, the approved LEMP shall be implemented in full and shall be a continue to be extant for the lifetime of the development.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

13. The development hereby approved shall be carried out in strict accordance with the Extended Phase 1 Ecological Survey (Stark Ecology, July 2019 or as modified by a Natural England European Protected Species Mitigation licence for bats.

REASON: To ensure adequate protection and mitigation for protected species through the implementation of detailed mitigation measures that were prepared and submitted with the application before determination.

14. No development hereby approved shall commence on site (including works pursuant to the demolition and site clearance), until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall provide details of the full suite of on-site mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas shown on a plan along with the details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Thereafter, the approved development shall be carried out in strict accordance with the approved CEMP.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

15. No external lighting fixture or fitting shall be installed to any dwelling hereby approved or within the respective and associated domestic curtilages or communal open space unless and until detailed specifications of the lighting, the illuminance

levels, mapped lighting direction and any shrouding to limit light exposure beyond the targeted direction, have been submitted to and approved by the Local Planning Authority in writing. The submitted details shall be required to demonstrate how the proposed lighting would impact on bat habitat compared to the existing pre-development lighting circumstances.

REASON: To define the terms of this consent and to avoid potentially harmful light pollution and causing detriment to bat interests.

16. The development hereby approved shall be carried out in strict accordance with the ecological on-site enhancements as shown on the Detailed Planting Proposals Drawing 2381 03 Rev. G (produced by Liz Lakes Associates, dated April 2020).

REASON: To ensure compliance with Core Policy 50 of the Wiltshire Core Strategy and the Framework (2021) and to ensure the long-term management of the landscape and ecological features to be retained.

17. No dwelling hereby approved shall be occupied or brought into use until details and the location of the bat tubes and bat boxes as detailed within the Extended Phase 1 Ecological Survey (Stark Ecology, July 2019) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat tubes and boxes shall be installed in accordance with the approved details and shall be maintained in perpetuity.

REASON: To ensure adequate protection and mitigation for protected species.

Public Protection Matters

18. No development hereby approved shall commence on site (including works pursuant to the demolition and site clearance), until a Construction Method Statement, has been submitted to and approved in writing by the Local Planning Authority which shall include the following:

- a) the parking of vehicles of site operatives and visitors during the construction period;
- b) the locations for the loading and unloading of plant and materials;
- c) the location for the storage of plant and materials during the construction period
- d) the details of any security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) the on-site wheel washing facilities;
- f) the measures to control the emission of dust and dirt during the construction period;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) the measures to be used to protect the natural environment; and
- i) the hours of construction, including deliveries.

Thereafter, the approved Construction Method Statement shall be complied with in full throughout the construction period.

REASON: This 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 minimise detrimental effects to the neighbouring amenities, the amenities of

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

Landscaping Matters

19. No development hereby approved shall commence beyond ground floor slab level until a detailed 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:-

- full scaled elevation details of any enclosures
- all hard and soft surfacing materials
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc)

REASON: In order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to protect the setting of the conservation area and listed buildings.

20. All the landscape planting hereby approved shall be carried out in the first planting and seeding season following the first occupation of the building(s) 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, 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 and to protect the setting of the conservation area and listed buildings.

Archaeology Matter

21. No development hereby approved shall commence on site (excluding works pursuant to the demolition and site clearance) until:

- a) A written programme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority, which shall include on-site work and off-site work such as the analysis, publishing and archiving of the results; and,
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the recording of any matters of archaeological interest.

Drainage Matters

22. No development hereby approved shall commence above ground floor slab level until a detailed scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

23. No development hereby approved shall commence above ground floor slab level until a detailed scheme for the discharge of surface water from the site (including surface water from the access / driveway), incorporating sustainable drainage details together with permeability test results to BRE365 and including all necessary permits, consents and permissions, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner and to ensure that the development can be adequately drained.

Informatives to Applicant:

1. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

2. The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at HighwaysDevelopment@wiltshire.gov.uk.

3. The applicant is advised to make contact with Wessex Water to discuss and agree connections for this development and to consider the following Wessex Water advice:

Some public sewers and laterals drains are not on our maps of public sewers because they were originally privately owned and transferred into public ownership under the Water Act (Schemes for Adoption of Private Sewers) Regulations 2011. We are continuously updating our records as new sewer information becomes available. Where

there are sewers crossing into this site from adjoining properties that have subsequently transferred to Wessex Water, statutory easements will apply. Any sewers entering the site from neighbouring properties should be notified to Wessex Water and must be accurately located on site and marked on deposited plans by the developer.

Proposed Sewerage infrastructure - Foul and surface water shall be drained separately from the site.

Foul Drainage - Wessex Water acting as Statutory Undertaker for sewerage can agree a foul connection to the public foul sewer in Polebarn Road to discharge foul flows from this development. The point of connection to the public network is by application and agreement with Wessex Water and subject to satisfactory engineering proposals constructed to current adoptable standards. Redundant drains and laterals should be sealed at the point of connection to the public sewer.

Surface Water Drainage - Surface water flows shall be disposed of in accordance with Suds Hierarchy and NPPF Guidelines. The Surface Water Drainage Strategy (dated April 2018) proposes a connection to the public surface water sewer in Polebarn Road with a rate of discharge that provides betterment over the pre-development situation. This is acceptable in principle, the final discharge rates must be agreed with Wessex Water prior to any connections being made for this development which should provide evidence of how much of the existing site currently drains directly to the public surface water network.

Wessex Water will require details of the existing SW discharge rate to the public SW sewer compared to proposed rate and a 30% betterment achieved through SuDs arrangements shall be required.

The Drainage Strategy acknowledges that the landscaped areas currently drain overland to the adjoining park and only runoff from roofs and drained paved surfaces that connect to our sewer can be included when comparing pre and post development flows into the public SW system. It is also noted that a CCTV survey undertaken by the applicant indicated surface water downpipes connected to the foul drainage system. If there are any existing surface water connections to the existing foul water system these should be redirected upon re-development.

The Drainage Strategy plan 18004-DO1-Rev B shows a blue note on the surface water system stating "DISCHARGE TO EXISTING PUBLIC FOUL SEWER VIA NEW MANHOLE CONNECTION" which is considered to be typographical error and should be changed to read surface water sewer. Surface Water connections to the public foul sewer network will not be permitted. Land drainage run-off shall not be permitted to discharge either directly or indirectly to the public sewerage system.

Elements of the foul and surface water systems can be offered for adoption where they meet current standards. Where it is proposed to run sewers outside of public areas the applicant should be mindful of the requirements for access and layout by providing satisfactory easements widths with clearance from buildings, trees and root protection zones. The developer should contact the local development team development.north@wessexwater.co.uk to agree proposals and submit details for technical review prior to construction. For more information refer to Wessex Water's

guidance notes 'DEV011G – Section 104 Sewer Adoption' and 'DEV016G - Sewer Connections'.

Water Infrastructure A water supply can be made available from the local network in Polebarn Road with new water mains installed under a requisition arrangement. The point of connection will be reviewed upon receipt of a Section 41 Requisition Application. The applicant should consult the Wessex Water website for further information. www.wessexwater.co.uk/Developers/Supply/Supply-connections-and-disconnections. Buildings above two storeys will require pumped storage.

4. The applicant/developer is required to obtain a bat licence from Natural England for this development proposal and the Council would appreciate receipt of a copy following its issuing.
5. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before the commencement of work.
6. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to the site and inform the Planning Officer where they are to be found.

Recommended Planning Conditions Pursuant to Listed Building Consent application 18/05278/LBC

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

REASON: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location plan scale 1:1250 drg no. 021 rev B
Proposed site plan scale 1:250 drg no. 020 rev M
Demolition plan scale 1:250 drg no. 022 rev B
Plots 17-20 Courtfield House ground and first floor plans scale 1:100 drg no. 030 rev B
Plots 17-20 Courtfield House second floor and roof plans scale 1:100 drg no. 031 rev B
Plots 17-20 Courtfield House front elevation scale 1:100 drg no. 032 rev E
Plots 17-20 Courtfield House rear/side elevations scale 1:100 drg no. 033 rev D
Materials palette drg no. 007 rev B
Landscape masterplan scale 1:500 drg no. 238101 F
Detailed hard landscaping proposals scale 1:200 drg no. 238102 D
Detailed planting proposals scale 1:200 drg no. 238103 G
Landscape specification details drg no. 238104
Proposed access and parking bay scale 1:250 drg no. 20032-GA04
Drainage strategy scale 1:250 drg no. D01 rev E

Extended Phase 1 Ecological Survey (Stark Ecology, July 2019)

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

3. No works shall commence pursuant to the conversion of the Courtfield House property until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- Large scale details of all external joinery (1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, sills and lintels
- Large scale details of all internal joinery (1:5 elevation, 1:2 section)
- Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air
- Details of all new or replacement rainwater goods
- A full schedule and specification of repairs including a structural engineer's report setting out the nature of, and suggested remedial work to, structural defects
- A full schedule of internal finishes to walls, ceilings and floors
- Full details and samples of external materials

The works shall be carried out in accordance with the approved details.

REASON: In order that the development is undertaken in an acceptable manner and in the interests of preserving the character and appearance of the listed building and its setting.

