

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	18 January 2023
Application Reference	PL/2021/10237
Site Address	The Old Vicarage and Staverton House, 51a New Terrace, Staverton, BA14 6NX
Proposal	Demolition of existing care home with replacement building providing 9 bedrooms on lower ground floor, 9 bedrooms on ground floor and 14 bedrooms on first floor, all with auxiliary space, & together with the existing home would provide 52 bedrooms in total.
Applicant	Mr. Ashley Jones
Town / Parish Council	Hilperton Parish Council
Electoral Division	Holt – Cllr Trevor Carbin
Grid Ref	385853 - 160236
Type of Application	Full Planning Application
Case Officer	David Cox

Reason for the application being considered by Committee

This application has been called into Committee at the request of Cllr Trevor Carbin should officers be minded to approve the application to enable the elected members to consider the following:

- The scale of the development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design
- Environmental and Highway impact

1. Purpose of Report

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

2. Report Summary

The key determining planning issues are considered to be:

The principle of development, the scale and design of the proposal and its impact on the street scene, the impacts on neighbouring amenity, and upon non-designated heritage assets. The drainage, ecological and highway implications are also material to this application.

3. Site Description

The application site is approximately 0.38 hectares (or 0.93 acres) and measures approximately 36m wide by 97m deep. The site slopes down approximately 2.16m from the main road (New Terrace) to the southwest (measured using the submitted site topography plan). The Old Vicarage is a large Victorian two storey building built with stone under a slate roof, set back approximately 24 metres from New Terrace highway as shown by the site location plan and Council mapping images on the next page. The site also has two existing vehicular accesses onto New Terrace which serve an area of hardstanding used as informal car parking area and also an internal access road. The application form states that there are a total of 16 spaces in two car parks within the site.

The Old Vicarage became a care home in circa 1984 and was extended on the rear elevation with a fairly large single storey extension, that due to the sloping ground is elevated above the internal access road which is on the eastern side of the property. The internal access road (which aligns adjacent to No 50b) leads to a small car park of 8 spaces in front of Staverton House – which is a detached 2 storey building at the southern end of the property which was granted planning permission in 2003 and in 2005.

As illustrated in the following inserts, the surrounding area is principally residential, with many of the nearby properties having large residential curtilages. It is also important to note that the internal road and parking area adjacent to No 50b are broadly at the same ground level as the house and garden.



Site Location Plan/Existing Block Plan and Council Mapping image of the application site



March 2019 Google Street View Image of the site and both neighbouring properties on New Terrace Road

Staverton House is a care home that provides specialist dementia care home to the residents. The care home used to have 40 beds split across both the Old Vicarage and Staverton House properties (with 20 in each). However, last year the Old Vicarage accommodation closed down because it was no longer fit for purpose.

Officers have been advised that the (Old Vicarage) building was closed due to it being on multiple levels with no lift, and there being no reasonable prospect of installing one. Furthermore, the rooms were considered too small (to accommodate the essential modern equipment and furniture and provide acceptable space for residents and carers to move effectively around the rooms. In addition, the corridor circulation space was

found to be restricted, which in combination, renders any retrofit option to satisfy modern standards of care, as impractical.

The modern standards for room size seek a minimum of 16m² and to be of a standard shape – whereas many of the existing rooms are constrained with chimney stacks reducing the internal space that is available. The building is also physically separated from the rest of the care home (contained within Staverton House) which is not conducive to allowing residents to use the Old Vicarage in any capacity. Staff wellbeing and care home efficiencies have also been cited as additional reasons to redevelop the site and enhance the facilities within the care home.

Officers are also appreciative that retaining care workers is an important aspect of providing a continued high quality care service, and given the limitations within the Old Vicarage, there is a need to improve the on-site accommodation.

The current care provider only uses Staverton House for residential care purposes and a viable future use of the Old Vicarage is being sought through this application.

The application site is not within a conservation area and the nearest listed building is approximately 215m away (the grade II listed Kennet and Avon Canal Bridge).

Due to its architectural detailing and Victorian form and design, the Old Vicarage is considered to merit having non-designated heritage asset status for the purposes of assessing this application.

4. Planning History

*W/84/01256/FUL - Residential home for nine elderly persons – **Approved with conditions***

*W/86/01380/FUL - Extension to existing residential home for the elderly – **Approved with conditions***

*W/88/02085/FUL - Erection of conservatory – **Approved with conditions***

*W/98/01660/FUL - Extensions and alterations to form additional en-suite facilities and car parking – **Approved with conditions***

*W/03/02197/OUT - New 16 Bed care home in grounds of The Old Vicarage – **Approved with conditions***

*W/05/01212/FUL - Erection of new two storey care home – **Approved with conditions***

*W/11/00790/FUL - A single storey link building between the rear extension to The Old Vicarage and Staverton House to provide internal access and a shared entrance from the car park – **Approved with conditions***

Note: The above permission was never implemented on site. After reviewing the plans, the link would be akin to a two-storey extension and would have required an internal staircase and lift in order to effectively link Staverton House to the rear extension of the Old Vicarage.

5. The Proposal

This application seeks permission to demolish the Old Vicarage and its rear extension (the outline of which is illustrated by a red dotted line on the site plan which is reproduced on the next page), and to erect a replacement building that would connect and integrate into Staverton House. The proposed building would be set back a further 9.5m from New Terrace Road to allow for an enlarged 20 space car park at the front (within the northern part of the site). The existing accesses would be turned into a specific one-way system with one site entrance and exit.

The proposed replacement building would have a three-storey form with a traditional pitched roof at the northern (and front) part of the site, and would have a basement level (referred to as the lower ground floor level). This would require partial site excavation (as illustrated by a red dotted line on the elevation plans which are reproduced on the following pages), and would also require the raising of the external ground level (at the entrance to the building) across the frontage of the site ranging from approximately 0.5m to 1.1m.

Behind the front section, and as the site levels fall, there would then be a three storey, 9.6m tall flat roofed section (where the roof height would be approximately 0.9m above the ridge roof height on Staverton House), which would connect directly into Staverton House at the 'lower ground floor' and 'ground floor' levels. The reason why the external ground level at the front (i.e., the northern end) of the replacement building is proposed to be raised over the existing ground level is to ensure that the basement is then at the same floor level as the 'lower ground floor' level of the flat roofed section behind it (and also at the ground floor level of Staverton House). This would ensure there is good connectivity across the whole building.

The new building would have a total of 32 care rooms (plus a kitchen, laundry, visitor waiting, reception, office, staff room, as well as dining and lounge rooms), and thus would increase the overall number of care provision beds to 52.



The initial 2021 submission raised a number of officer concerns regarding the accuracy of the site plan (which did not accurately represent Staverton House) and the accuracy of the proposed site levels and corresponding elevation plans. Officers were also concerned about design aspects and the neighbouring impacts through overlooking to the east and west. This led to a number of negotiated changes to the proposal, which were subject to fresh public consultations.

Understanding the existing and proposed site levels and those of the immediate neighbouring properties is critical to assessing this application to appreciate the immediate surroundings and to inform any decision with respect to neighbouring impacts, and officers consider it essential that before members meet to determine this application, a pre-committee member site visit is arranged and completed. The applicants have submitted an existing site topography plan (which includes neighbours boundary ground levels and eaves and ridge heights, which have helped inform the elevation plans.

On the front elevation, the site levels (and existing Old Vicarage roof heights) were not shown accurately on the original (now superseded) plans. Additionally, it was originally proposed to have red bricks (to match those on Staverton House) with reconstituted stone quoins and stone detailing around the windows.

In the revised plans, the existing natural stone on the Old Vicarage is to be salvaged and re-used. Additionally, an original stone surrounds and window from the Old Vicarage would also be salvaged and incorporated in the middle section of the first floor as shown below.

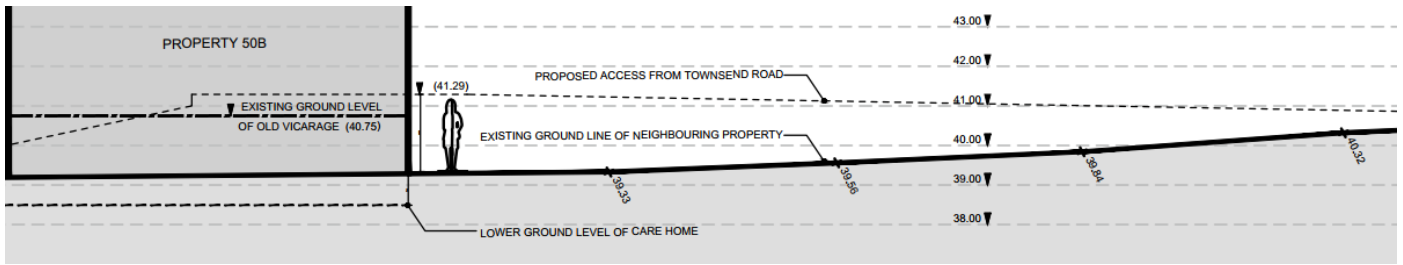


Superseded 'Elevation B' New Terrace Road Elevation



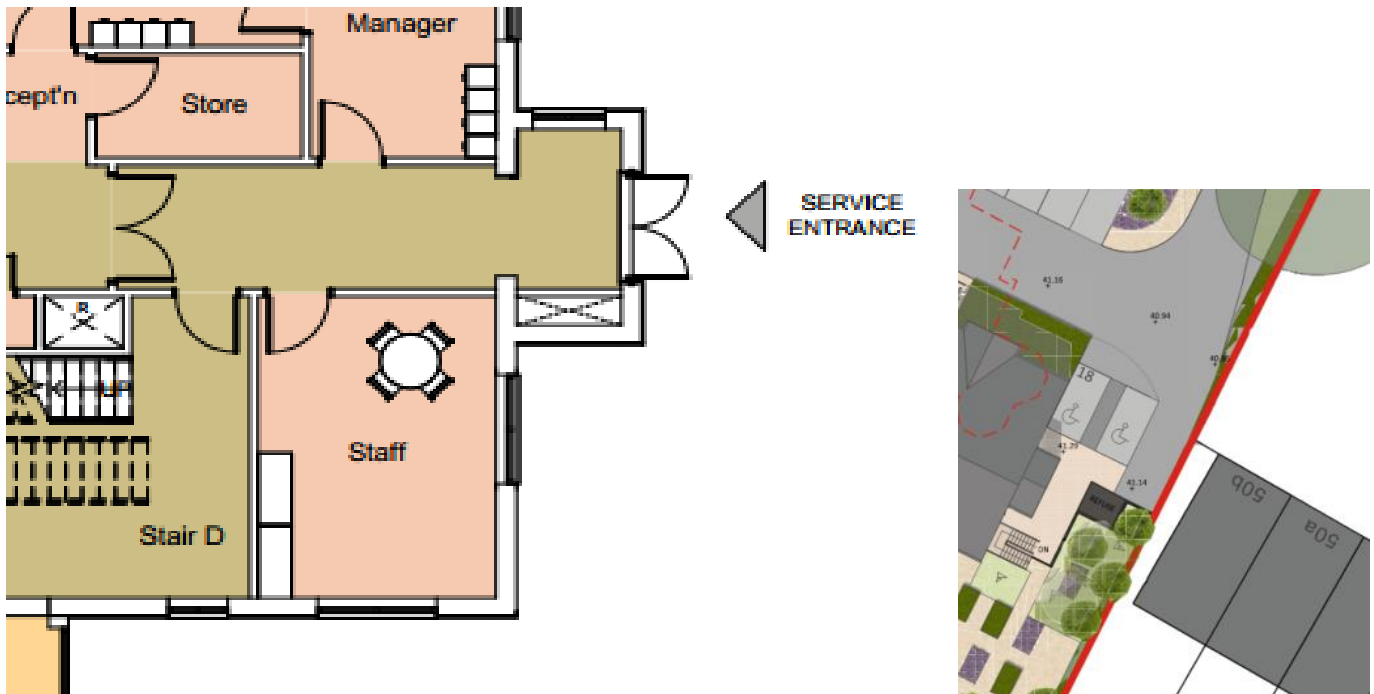
Revised Proposed 'Elevation B' New Terrace Road Elevation

The proposed raising of the external ground level is also evident in this elevation (with the existing ground level shown as the red dotted line – along a certain cross section point). Officers fully note that on the eastern (left) side the proposed ground height adjacent to No 50b is proposed to be raised with a c1.9m high retained wall. However, it is understood that the retained wall would only abut its internal access road and therefore would only be on the actual boundary with No 50b for approximately 10 metres, which would then splay away from the boundary. The height of the retained wall would also then fall as the landform slopes down to the main road.



Extract from a detailed cross section plan

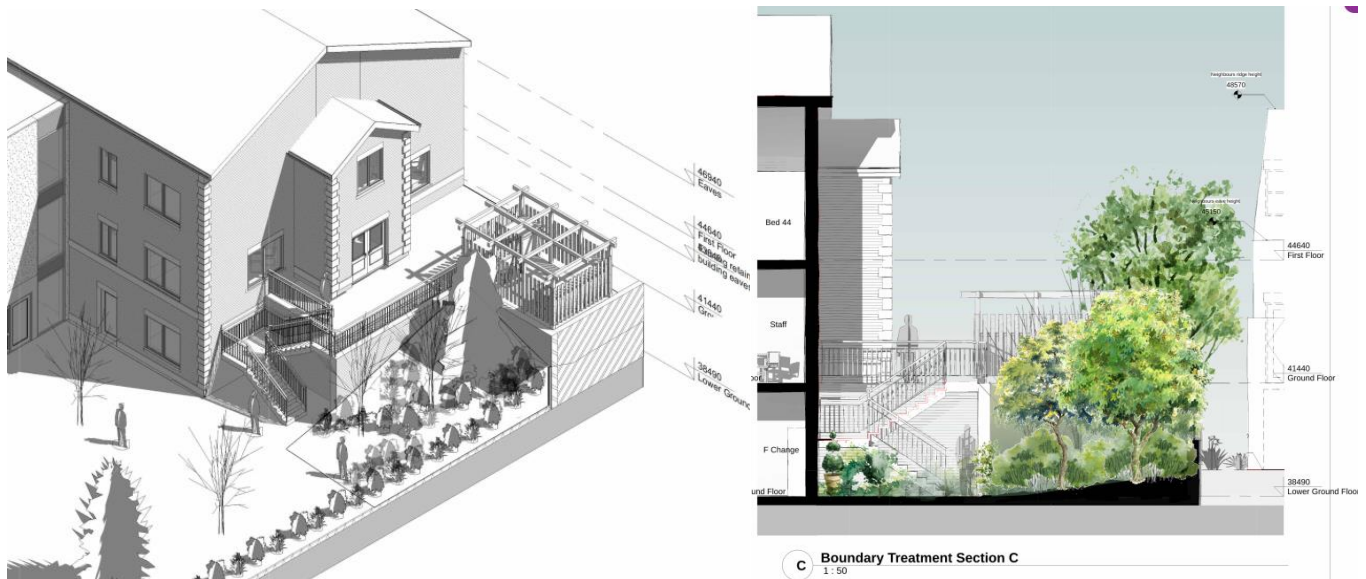
The proposed new external floor level would then continue across the side elevation of No 50b, which would lead to the service entrance at the side of the building which would also accommodate the bin store.



Snip of part of proposed 'Ground Floor' plan and site plan

In one previous set of revised plans, the service yard and bin store would have been flush with the rear wall of No 50b, which officers sought negotiated revisions to cut out a section to move the bins further away. Additionally, the proposed staff room being positioned adjacent to the service yard, this outdoor space could well be a place for staff to congregate. Therefore, increasing the distance from No 50b and introducing a landscaped area was considered essential.

Revisions were made and are illustrated in a snip image of the isometric plan and boundary treatment plan below.



Isometric Plan and Boundary Treatment Plan Section C – adjacent to No 50b

Moving onto the proposed 3-storey central linking section, the revised plans have changed the pitched roof into a flat roof with a stone parapet (as can be seen from reviewing the following inserts).

For the avoidance of any doubt, this was not an officer request and was a design choice made by the applicant responding to 3rd party representations, to try and reduce the bulk and mass of the proposal, and address overshadowing and overbearing impact concerns on neighbouring properties.

It should also be noted that the fenestration design has also been significantly changed. Officers were very concerned about the original proposals for the first and second floors of the central link in terms of overlooking potential on both sides, with the initial solution of having obscure glazing on the lower half of the windows with clear glazing above. In the revised plans, (whilst partial obscure glazing is still proposed on the western elevation) each room on the eastern and western elevations would now only have one (two panel) window and 'visual cones' have been introduced, which help to break up the elevation of the central section but also ensure that the windows now face in certain directions. This particular design option is discussed in detail within the officer appraisal section of this report.



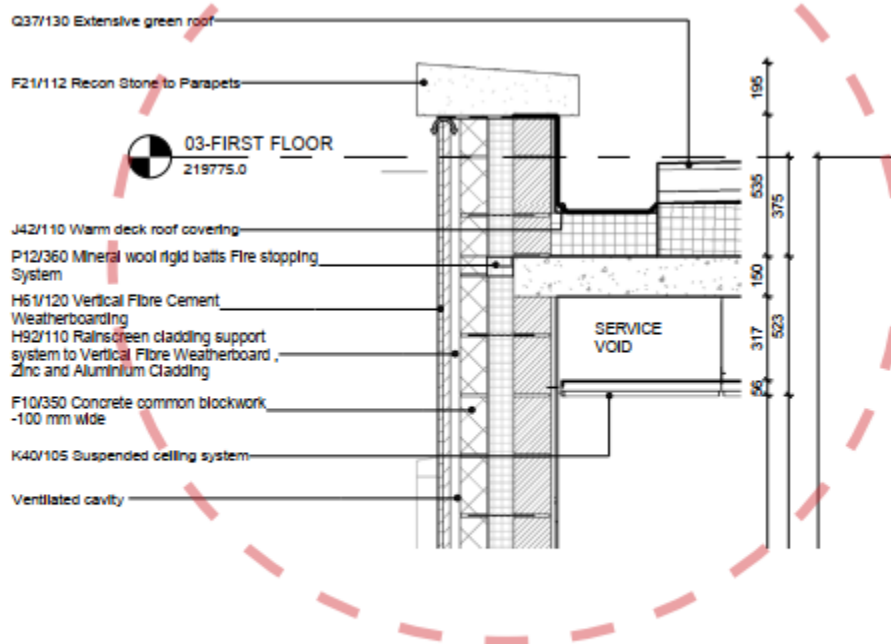
Superseded Eastern 'Elevation A' with existing Staverton House on the left and replacement building to the right facing New Terrace Road. Outline of existing Old Vicarage building shown as dotted line



Revised Proposed 'Elevation A' – The blue line shows the height of the previously proposed pitched roof. Dotted line shows the existing ground level of the boundary with No 50b



Combined photos of existing 'Elevation A' taken from garden of No 50b



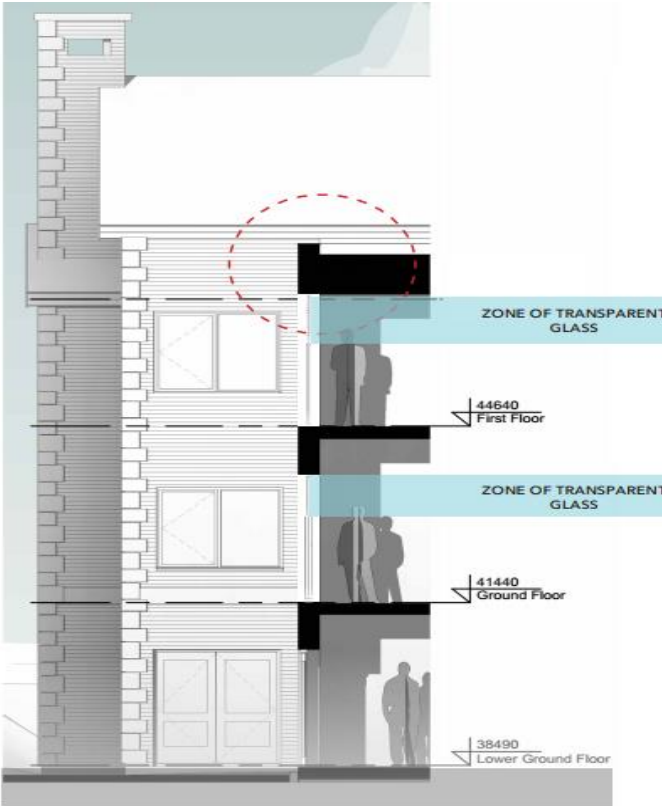
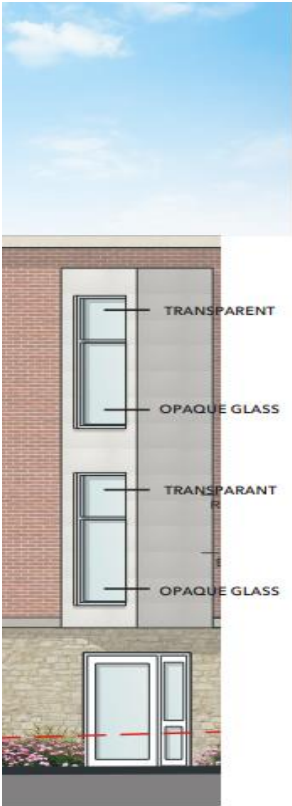
Link section detail ~ parapet detail

Cross section plan of the proposed parapet detailing on the flat roof section

On the western side, there would also be some external ground works within the site and abutting the neighbour at No 52, (and according to the existing topographical survey and provided spot heights on the proposed site plan) raising the height by approximately 200mm immediately alongside its side elevation. Furthermore, the difference in height would be defined by a sloping bank (see elevation B on previous pages) and rather than having a retaining wall which would be provided along part of No 50b's boundary. Additionally, as can be seen from the Elevation C plan (reproduced below), the proposed external ground level would not be raised higher than the existing ground level other than the front part of the site with the proposed car park, with the central section being in fact lower. This means that the ground would slope down from No 52's boundary towards the 'ground level' of the 'lower ground floor' of the central section.



Proposed Elevation C – the western boundary of the site



Link section detail

Link Section Detail – Obscure glazing

On Friday 2 December 2022, a late revision was received which was subject to a two-week public consultation (expiring 16 December). The consultation advised that the application description had changed as the total of beds to be provided had been reducing from 55 to 52. Furthermore, a change in window design for bedrooms 30, 32, 34, 36, 39, 41, 43 and 45 on the western elevation has been made. Whilst the vertically aligned windows would remain 2.3m high, the first 1.6m of the window glazing would have opaque glass, leaving c750mm of clear glazing above. These changes have been made to try and address some neighbour objections regarding overlooking.

There are 42 existing staff on site and the applicants have subsequently confirmed that the proposal would have 65 staff (with a mixture of full and part time) upon completion (which is in accordance with the transport statement). The applicants have confirmed that the submissions set out within the originally submitted application form stating that there would be 65 full time and 43 part time staff (full time equivalent of 108) was incorrect.

To support the application, the applicant has submitted a Landscaping Strategy, a Transport Statement, a Travel Plan, a Drainage Strategy and Protected Species Reports.

6. Planning Policy

National Context:

The National Planning Policy Framework 2021 (NPPF) and Planning Practice Guidance (PPG)

Local Context:

The Wiltshire Core Strategy (adopted Jan 2015): CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP29 – Spatial Strategy Trowbridge; CP46 – Meeting the needs of Wiltshire’s vulnerable and older people; CP57 – Ensuring High Quality Design and Place Shaping; CP58 – Ensuring the conservation of the Historic Environment; CP60 – Sustainable Transport; CP61 – Transport and New Development; CP64 – Demand Management.

Maximum Parking Standards of Local Transport Plan 2011-2026

Staverton does not currently have a made Neighbourhood Plan.

7. Consultations

Staverton Parish Council – Objection:

The impact on locals from increased traffic from visitors, staff, services and also from construction/demolition, too few parking spaces, and concern that too few people will use bus and rail public transport. It is felt that the front elevation is too intrusive, and the building will be huge with a 2 m tall fencing around the perimeter to accommodate the additional beds in the application.

Wiltshire Council Adult Services Officer – Supportive.

The Council currently contracts for bed-based care in the general care market via the Wiltshire Care Home Alliance. This will continue to be the route by which majority of care placements are made, however there will be extra demand, particularly for people living with dementia.

Despite an overall reduction in the number of residential placements nationally and in Wiltshire, it is forecast that the demand for residential beds for people living with dementia and behaviours that challenge will increase.

By 2025 a significant percentage of older people who require a council funded residential place will have dementia. Many will require higher levels of specialist care and support. This type of placement is currently the most difficult and expensive placement to find.

POPPI forecasts have been used to provide indicative figures for the volume of LA funded older adults that are likely to reside in residential care homes in Wiltshire up to 2040.

The MEAN average number of Wiltshire residents aged 65+ living within a residential care home for the period 1 January 2021 – 30 September 2021 is **814** (local authority funded placements)

POPPI forecasts that Wiltshire will experience the following increases in people living in care homes over the course of 20 years.

2020 - 2025	2025 - 2030	2030 - 2035	2035-2040
15.86% Increase	15.46% Increase	18.25% increase	9.32% increase

If we apply the same forecasted increases to the MEAN average of Wiltshire residents aged 65+ living within a residential care home (**814**), then the average number of people forecasted to reside in residential care homes (at any one time) is:

2025	2030	2035	2040
943	1,089	1,288	1,408

The number of people potentially needing care and support is due to significantly increase over the next few years. Wiltshire's population of older people is due to rise by approximately 31% from 2014 to 2025.

- Dementia Prevalence (2014 Dementia UK report)

A significant increase in the number of people with dementia is also anticipated.

At the current estimated rate of prevalence, there will be 850,000 people with dementia in the UK in 2015.

The number of people with dementia in the UK is forecast to increase to over 1 million by 2021 and over 2 million by 2051.

The total population prevalence of dementia among over 65s is 7.1% (based on 2013 population data).

This equals one in every 79 (1.3%) of the entire UK population, and 1 in every 14 of the population aged 65 years and over.

The risk of developing dementia increases exponentially with age. As population ageing continues to accelerate in the UK and worldwide, the number of people living with dementia is set to rise sharply in the decades to come (Livingston et al. 2017).

To plan effectively for their care and support, it is important to understand the level of care likely to be required to meet future care needs and the associated care costs.

The likelihood of living in a care home increases with severity of dementia, which means that in future a higher proportion of people with dementia will live in care homes rather than receive care in the community. Given the higher average social care cost and lower cost of unpaid care in care homes, the change in care patterns will result in a faster increase in social care than unpaid care costs.

The following statistics show England as a whole, however if the % is applied to Wiltshire, who's aging population is increasing, the future costs and resources associated with the care and support, based on our current spend can be estimated.

Table 1: Projected number of older people in England with dementia 2019–2040

	2019	2020	2025	2030	2040	% change
Mild	107,100	108,300	118,900	136,100	166,700	56%
Moderate	206,300	198,900	210,100	235,600	276,100	34%
Severe	434,600	461,900	569,400	674,400	909,600	109%
Total	748,000	769,200	898,500	1,046,100	1,352,400	81%

Table 2: Projected costs of dementia for older people in England (£million), 2019–2040

	2019	2020	2025	2030	2040	% change
Healthcare	4,100	4,300	5,300	6,700	10,600	156%
Social Care	13,500	14,500	18,600	24,000	39,200	191%
Unpaid Care	11,700	12,200	15,300	19,400	30,100	157%
Other	150	210	260	340	540	254%
Total	29,500	31,200	39,500	50,500	80,400	173%

Table 3. Projected number of older people in Wiltshire aged 65 and over with dementia (persons)

	2019	2020	2025	2030	% Growth
Wiltshire	7,630	7,900	9,540	11,420	49.6%

NB: current diagnosis rate in Wiltshire is < 66%, (National Target) therefore we expect that as diagnosis rates improves the number of actual recorded diagnosis in Wiltshire will increase. These figures do not include under 65 (early onset) which will also place increase budget and service provision pressure.

Data Source: Projections of older people with dementia and costs of dementia care in the United Kingdom, 2019–2040. Care Policy and Evaluation Centre, London School of Economics and Political Science (funded by Alzheimer’s Society).

- Carterwood Data – Search Area Around Staverton.

Key Market Indicators	Postcode	BA14 6NX
Search details	Address	Staverton, Trowbridge
	Care homes at this location	Staverton House, 51a Staverton (Equality Care Ltd) The Old Vicarage, 51 Staverton CLOSED (Equality Care Ltd)
Bed requirement (wetroom beds)	Existing (wetroom beds)	434
	Existing + beds granted permission	434
	Existing + all planned beds	230
Bed requirement (en-suite)	Existing (en-suite)	331
	Existing + beds granted permission	331
	Existing (all elderly)	229

Bed requirement (all elderly beds)	Existing (all elderly) + beds granted permission	229
Demand & demographics	Total population (people)	97409
	Demand for care home beds (market size)	760
	Age profile: 85+ years (%)	3.1
House prices	Catchment area (£)	304313
	Postcode sector (£)	381678
	Postcode district (£)	264414
Average private fees	N/OP (£)	1297
	N/DE (£)	1272
	PC/OP (£)	1168
	PC/DE (£)	1219
Approximated social grade	AB (%)	23.9
	C1 (%)	29.6
	C2 (%)	21.8
	DE (%)	24.7
Staffing market size	RN market size	747
	CA market size	4065
RN staffing nationality	Domestic (%)	87.6
	EU (%)	6.1
	Rest of world (%)	6.3
Supply quality	En-suite (%)	80.8
	Wetroom (%)	61.4
	Dedicated dementia beds (%)	29.4
Supply quantity	All elderly beds	531
	En-suites (bedrooms)	429
	Wetrooms (bedrooms)	326
	Dedicated dementia (beds)	156

Wiltshire Council Ecology Officer – **No objection subject to conditions**

Bath and Bradford on Avon Bats SAC HRA Appropriate Assessment

The application has potential to result in significant adverse impact either alone or in combination with other projects on the statutorily designated Bath and Bradford on Avon Bats SAC. As required by the Habitats Regulations an Appropriate Assessment has been completed by the Local Planning Authority with a favourable conclusion. The Appropriate Assessment was sent to Natural England on 03/11/2022 and the application must not be determined until they have agreed with the LPAs conclusion.

Natural England – **No comments received and have to date failed to respond to the Council's favourable HRA AA conclusion consultation.**

Wiltshire Council Landscape Officer – **No objection subject to conditions**

Wiltshire Council Conservation Officer – **Objection:**

To the original proposal:

This is a non-designated heritage asset due to its age, design and appearance, and use of materials. It is a good example of a Victorian vicarage and is still legible as such despite the existing extensions. The building is prominent in the street scene and contributes to the local sense of place.

The building is an important part of the history of Staverton, being a good example of a formal Victorian building, its Gothic architectural style contributing to its significance as a non-designated heritage asset despite the later additions to the rear. This part of Staverton was not developed in the mid-19th century and this Vicarage was the first building in the area, as confirmed by the historic OS maps:

The Vicarage was the home of the vicar of St Paul's, the grade II listed Parish Church that was rebuilt on the site of the original chapel, in 1826. Originally the incumbents lived in Trowbridge, until the Vicarage was built between 1860-88 (Source: Wiltshire Victoria County History).

The Vicarage represents an important part of the small village's history, as it is a high status, formal dwelling for the small village, being the ecclesiastical seat for the Parish Church. Despite the development of the site to the rear, and the historic development along this main road from the post-2nd WW, the building positively contributes to the local area, its history and forms an important part of this semi-rural street scene.



OS 1st edition 1844-88

Comment made to the revised plans:

Amended plans have been received, which show very few changes to the main proposal, and nothing significant to overcome the original concerns over the demolition and loss of the non-designated heritage asset: therefore, an objection to the demolition of the heritage asset is maintained from a conservation viewpoint and I refer to my previous comments.

Whilst it is my remit to assess the impact on the historic environment, the overall impact and planning balance is for the case officer to assess and therefore NPPF paragraph 203, which states that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.

In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

If the application is to be approved, NPPF paragraph 205 should be implemented, which puts the onus on the developers to record the heritage asset: 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted'.

Wiltshire Council Highways Officer – No objection

The proposed development requires a provision of 24 car parking spaces which has been calculated using the maximum parking requirement guidance of 1 space per 4 beds + 1 space per 2 members of staff (as set out within Appendix C Maximum Parking Standards of Local Transport Plan 2011-2026 Para: 3.7 of the submitted Transport Statement).

Domestic staff generally work 08:00 to 14:00 whilst kitchen staff operate a two-shift system, 07:30 to 12:30 and 16:00 to 20:00. As would be expected the busiest period is during the day with up to 20 staff being present on site at any one time. Overnight it is expected that up to 7 staff would be on duty.

The care home has [planning consent for 40 bedrooms and the busiest period of time would require 20 members of staff to be present on site: thus equating to 24 car parking space requirement.

I am aware that the maximum parking standards as referenced above, is guidance and that paragraph 111 of the NPPF has primacy with regard to highway matters, therefore taking this into consideration and the accompanying Travel Plan, the on-site provision of 20 car parking spaces is supported.

Wiltshire Council Archaeology Officer – No objection

This site was the subject of an archaeological watching brief in 2005 when the current care home was constructed. This monitoring recorded a number of shallow features dating from the Romano-British period.

However, as much of the site was heavily impacted by the construction of the current building and as the proposed new structure will be located within its footprint, it is my opinion that the chances of groundworks exposing any archaeological features or deposits on this occasion is slim to non-existent.

Wiltshire Council Drainage Officer – No objection subject to conditions

The application has been supported with a Sustainable Drainage Assessment. The applicant has also provided evidence of infiltration rate tests undertaken in March 2022; these show that infiltration is not viable at this site, as well as observing groundwater seepage at 1.6m below ground level.

The applicant's proposal to connect to the surface water sewer network would comply with the drainage hierarchy as outlined in the Sewerage Sector Guidance. The applicant has provided calculations showing how the greenfield/ brownfield runoff rates have been calculated and has demonstrated that these comply with Wiltshire Council guidance by proposing to limit discharge for all rainfall events up to the 1 in 100-year plus 40% climate change allowance, to the greenfield QBAR rate of 1.9l/s.

The applicant has also provided calculations showing the required attenuation for the 1 in 100-year event plus 40% climate change allowance. The proposed storage tank has been designed to cater for this event.

Wessex Water – No objection

Wessex Water will accommodate the proposed domestic foul flows in the public foul sewer. It is noted that the applicant is proposing to utilise the existing foul sewer connection.

Surface water runoff will need to be managed in accordance with the SuDs hierarchy and NPPF. Wessex Water will be looking for a full suite of SuDS components to be considered and included in the proposals for the capture, storage and discharge of surface water runoff.

The applicant would need to fully investigate all SuDS options within the hierarchy and provide evidence to Wessex Water that these are not viable before a connection to the existing public network will be considered.

There are public surface water sewers located on Cottles Barton and Warren Road to the south of the proposed development site, the potential for a sewer requisition to either of these surface water sewers also needs to be fully investigated by the applicant.

8. Publicity

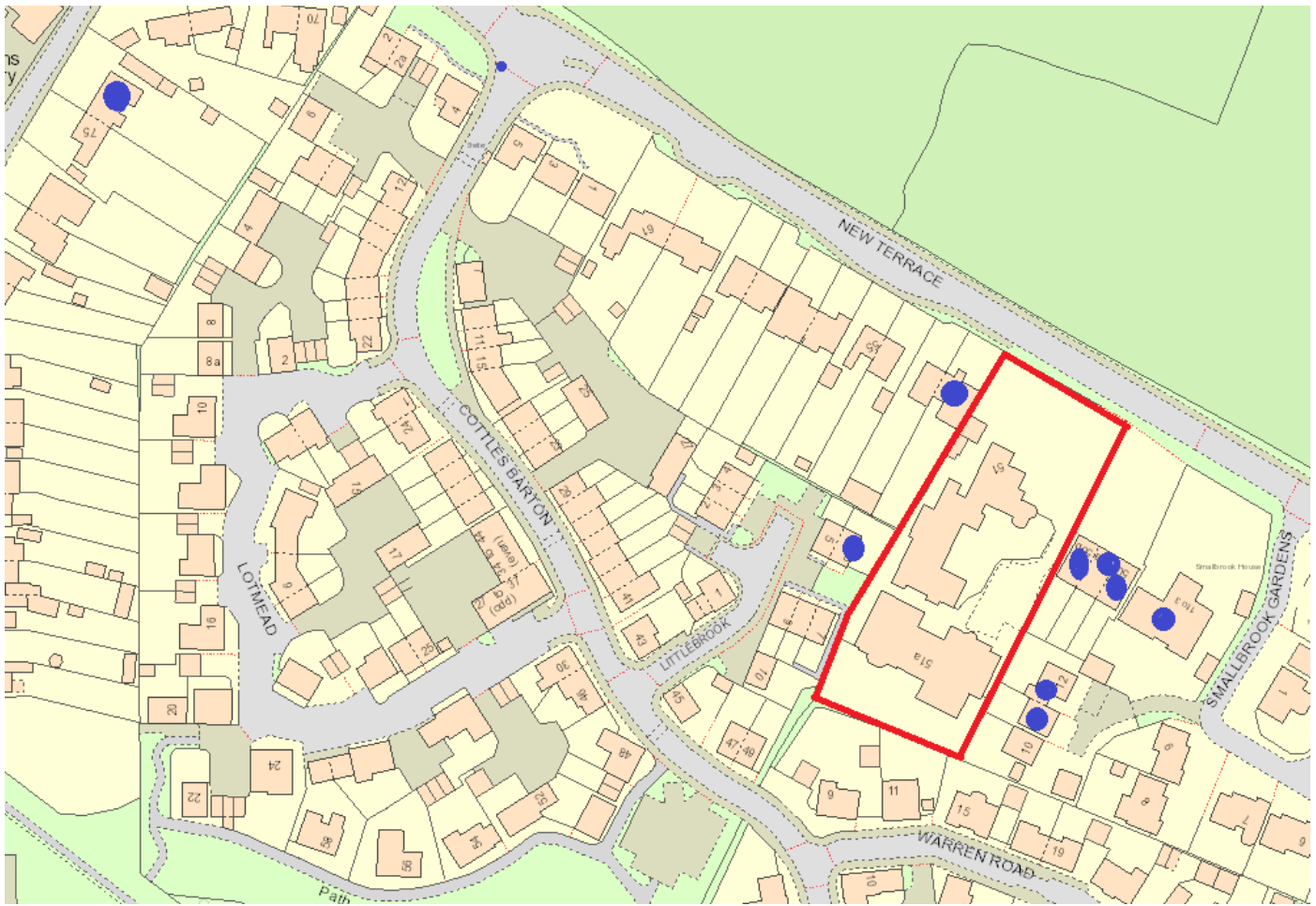
The application was publicly advertised through the display of a site notice at the site frontage as well as 26 individually posted neighbour notification letters to properties located along New Terrace, Warren Road, Littlebrook, Cottles Barton and Smallbrook Gardens.

The first consultation was sent out on 11 November 2021. This was followed by a re-consultation exercise in early May 2022 following the submission of revised plans. A further set of revised plans were re-consulted upon on 14 October 2022.

Most recently in early December 2022, a final public consultation exercise was undertaken bringing notice of the revised description and plan changes.

In response to the public notification exercise, 46 letters have been received comprising 38 letters of objection, 6 letters of support (4 of which from existing staff members) and two letters providing general neutral comments.

Of the 38 letters of objection received, they have come from 14 addresses – the locations of 9 have been represented on the image below.



The objections and comments to the original consultation are summarised below:

- *Significant overlooking from new windows*
- *The proposal would block out morning/afternoon/evening light due to its 3-storey height*
- *The plans show a major change in ground levels, having a likely detrimental effect on neighbours boundary fence, subsidence and drainage problems*
- *Not in keeping with the adjacent building and the other large houses along New Terrace and Marsh Road*
- *The potential for a substantial increase in traffic due to staff shift changes and associated noise from the proposed development*
- *The existing building has security lights which are causing problems with our house at present. The new building will have more security lights, plus streetlights and due to its new increased height will lead to more problems from bright lights spilling through into house windows at night.*
- *Bin stores adjacent to our house back door, patio and boundary fence. This potentially will cause noise and smells at all hours of day and night*
- *Significant pollution from construction*
- *Objection to the loss of the Old Vicarage which is a 'landmark' building identifiable to the village*
- *The replacement building is monolithic and will dominate New Terrace and surrounding streets*
- *Potential adverse harm to bats and habitat*
- *Anticipate overflow parking on neighbouring streets*
- *An overdevelopment of the site and out of scale*
- *Lack of a pavement along the B3105*
- *Demolishing rather than converting will create far more carbon emissions*
- *Flood risk*

The objections and comments to the revised plans are summarised below:

- *Appreciate the efforts made to meet some of the previous objections to the height but the best way forward is still a two-storey extension.*
- *Object to the proposed trees being planted on the southern elevation. The chosen species can grow too tall and wide*
- *Concern over construction traffic*
- *Significant loss of natural light (made worse by a 4m high fence) at No 52 New Terrace*
- *The central section would still be a monolithic and ugly solution that resembles a 1960's office block. The building would still tower over us (12 Smallbrook Gardens)*
- *The triangle shaped windows now appear to be floor to ceiling in height larger than original proposal and from the sight lines plan, the windows are now directly angled towards our house (No 12 Smallbrook Gardens)*
- *My property would be overlooked by a 3-storey building which is already overlooked by the ground floor.*
- *Where has the obscure glazing gone?*
- *Looking at the plans showing the proposed elevations A and B. They suggest land being dug out and built up so that the site becomes two levels. A retaining wall of 1.2m is suggested with a fence on top between the development and the terrace at number 50. The plans don't seem to be that accurate. The proposed ground line looks to be substantially more than the 1.2 metres retaining wall. The built-up part looks more like 2m in depth. So, with a 2-metre fence, there would be a 4-metre barrier between the development and the terraced houses.*
- *The East and North Elevations shown on drawing A-840 now show a new retaining wall of 1.0m to 1.5m high adjacent to our property, to take account of the increased ground levels within the Old Vicarage development with a fence shown on top of this new wall. In our back garden the new Old Vicarage development garden is shown about a 1m below the level of our garden ground level. The existing wooden fence between 50B New Terrace and the Old Vicarage development was built by our builders and is constructed on our land, inside the boundary and not on the Old Vicarage land. At no point has permission has been asked for the change this fence. How can the Old Vicarage development construct this wall?*
- *There is not enough staff car parking*
- *Would like to reiterate all previous objections*

The five letters of support can be summarised below:

- *This is a desperately needed resource*
- *Pleased this is keeping the original purpose of the care home and extend the on-site facility*
- *The plans are not over imposing (NB the given address is not from an adjacent dwelling)*
- *The opportunities that this proposed build will bring for future employees are endless.*
- *Dementia is a disease that appears to be ever expanding due to the longer lives that we all live. This a major opportunity for Trowbridge to have a specialised dementia home that matches the size of Trowbridge and the residents that live here.*
- *The existing Old Vicarage is not fit for purpose*

The general comments received are summarised below:

- *Swift bricks should be included to help meet net biodiversity gain*
- *The proposal should co-operate some of the old bricks around the frontage to keep parts of the Victorian building*

On Monday 2 December 2022, the most recent consultation exercise resulted in a further 9 letters of objection raising nothing materially different to the previous lodged concerns as summarised above. The consultation did however result in a representation from Staverton Parish Council which outlined the following:

Committee members should visit the site themselves to understand the site levels and the impacts that there will be on neighbours.

For the record, officers fully concur with the above submission and the Chairman of the Area Planning Committee will be invited to agree to the scheduling of an officer led pre committee member site visit.

9. Planning Considerations

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

9.1 Principle of Development –

9.1.1. Paragraph 6.53 of the adopted Wiltshire Core Strategy (WCS) recognises that *“Wiltshire has an aging population, more so than the national average, and this needs to be taken into account when planning for new housing. This strategy plans for the care of the elderly within their local communities, so people can continue to enjoy lie in their own homes for as long as possible. If and when this is no longer possible, there is a need to ensure that there are alternative facilities where people can continue to enjoy living in their local area with the level of care they require provided.”*

9.1.2. WCS Core Policy 49 states that *“the provision, in suitable locations, of new housing to meet the specific needs of vulnerable and older people will be required.....The provision of sufficient new accommodation for Wiltshire’s older people will be supported including residential homes.”*

9.1.3. The subject property for this application is an existing care home within the limits of development of Trowbridge, which is a Principal Settlement as set out by WCS Core Policy 1. Furthermore, the existing care home specialises in dementia care, that merits substantive weighting in the planning balance. As set out by the Council’s Adult Services Officer the demand for dementia beds will increase locally, especially given Wiltshire’s higher than national average aging population. Officers particularly note that *“by 2025 a significant percentage of older people who require a Council funded residential place will have dementia. Many will require higher levels of specialist care and support... [which is] currently the most difficult and expensive placement to find.”*

9.1.4. Whilst the Adult Services Officer did not provide the data on how many specialised dementia care homes there are in the local area and across Wiltshire, Staverton House does at least provide this specific care within the principal settlement area of Trowbridge, and the limitations which had led to the Old Vicarage property (and loss of 20 beds) being closed merits material weight, in recognition that part of the existing facility is not considered fit for purpose, which forms part of the supportive representations made by staff members. This proposal aims to replace the 20 ‘lost’ beds and increase the overall number of beds from 40 (before the closure of the Old Vicarage) to 52.

9.1.5. A number of representation letters have stated that the proposal should only be two storey and not three storeys. This option was put to the applicants, but it was discounted as it would result in the loss of 9 bedrooms. Officers advise that the application should be judged on its own merits.

9.1.6. As the Wiltshire Core Strategy encourages the provision of residential homes and that there is a clear ongoing demand for specialist dementia care, the principle of development is therefore supported and merits significant weight in the planning balance.

9.2 Design and Impacts on the street scene

9.2.1. The Old Vicarage is essentially a large square building with 5 long ridge lines and has a series of dormer windows, projecting gables and central chimneys. Officers acknowledge that the proposed replacement building does not have the same footprint, dimensions and general Victorian design of the Old

Vicarage but it is submitted that the proposed design does not deviate excessively with its rectangular (front section) shape and also has two storey bay windows and reclaimed stone and reclaimed windows. It is submitted that the proposal still represents a high standard of design. Furthermore, it is submitted that effective and efficient care home design requires straight line corridors and connectivity across the building, which is realised in the proposal. This in turn limits the opportunity to mimic or replicate the dimensions and layout appearance of the Old Vicarage (whilst also trying to take into account car parking and internal road circulation).

9.2.2. The proposed front elevation would also be quite long, measuring nearly 25m wide (and much wider than the c13m of the Old Vicarage) but it is submitted that on a plot that's approximately 36m wide and that the building would be approximately 30m from the road, it would not look unduly constrained, tight or out of character with the rest of the street scene.

9.2.3. Officers have secured revisions to secure the re-use of the existing stone and recreation of the stone window casements to replicate some of the existing vernacular of the original building and to help break up the elevation and use of the red bricks. The two proposed bay windows are also considered respectful of the Victorian design of the Old Vicarage, and these would further help break up the 25m elevation.

9.2.4. On the latest set of revised plans, the ridge of the existing Old Vicarage has now been accurately shown on the plans (noting here that the superseded plans illustrated it to be much higher than it is). It is submitted that it can now be used as a comparison as to how the replacement building would look within the street scene. The proposed ridge of the replacement building (which scales at approximately 9m high) would actually be slightly lower than the existing ridge of the Old Vicarage. Officers submit that whilst the frontage of the building would be wider, this would be mitigated by the ridge being lower than the existing and would appropriately assimilate into the street scene.

9.2.5. Officers did not specifically seek the removal of the roof from the central section, although note that this reduces the bulk and mass and would help reduce the potential impact on neighbouring amenity in terms of the stated overbearing concerns.

9.2.6. Officers asked the applicant to redesign the eastern and western (side) elevations and to break up the facades as much as possible by use of materials or other design features. This led to the revised plans with the proposed provision of the (triangular shaped) 'visual cones' that would project out from the main face of the elevation and be rendered. The provision of reconstituted stone parapets would add some interesting design treatment, albeit at a relatively high level.

9.2.7. Whilst officers fully accept that the flat roof section could be considered as being stark and bulky, it has to be taken into account that it would only be seen in general public context of being hidden behind the new front section and attached to Staverton House. Furthermore, as the flat roof of the central section would be less than a metre higher than the ridge at Staverton House (and physically attached by a two-storey subservient section), it is not considered to have an overbearing or adverse massing impact on Staverton House.

9.2.8. In addition to the above, in order for the basement to be at the same level as the ground floor of Staverton House, the ground upon which the central flat roof section would be constructed, would be slightly below the ground garden levels of No 50b and No 52 New Terrace and No 6 Littlebrook. This would help reduce the visual impact of the proposed development, which latter revisions resulted in the removal of the pitched roof.

9.2.9. Therefore, it is submitted that the proposed design of the proposal and the impacts on the street scene are acceptable.

9.3 Overdevelopment Concerns

9.3.1. The red dotted outline in the snip image below outlines the existing footprint of the Old Vicarage as compared to the proposed replacement building. Officers calculate that the increase in the ground floor

footprint would be approximately 85m² (with the old Vicarage having approximately 540m² footprint and the proposed replacement building being approximately 625m²). The overall application site is approximately 3800m², which means that the proposal (in footprint terms) would represent approximately 16% of the overall plot, which is not considered excessive officers by officers, and given that the front elevation of the replacement building would be set back a further 9.5m from the main road than the current arrangement, this increase would not be materially noticeable.

9.3.2. Adequate provision would be made for 20 car parking spaces with enhanced garden and external circulation spaces around the buildings for the residents to use.



Closer view of the proposed site plan

9.3.3. The proposal would result in a material increase in terms of the proposed additional storey (from a two-storey property to a three storeys central link structure (with a basement)). However, it is important to note that from viewing the site from New Terrace, there would not be a material increase in overall height over the Old Vicarage’s existing roof and the road facing replacement building would not be materially higher than the adjacent terraced row of three dwellings (No 50, 50a and 50b) to the east as previously seen on the ‘Elevation B’ plan. The central link section at three-storeys would bring about the most change within the site and for neighbours, which officers are satisfied is policy compliant in design terms.

9.4 Impact on neighbouring amenity

9.4.1. The impact on neighbouring amenity has to be carefully considered given the proposed changes to the site levels, the size and bulk of the proposed replacement building and the introduction of first and second floor windows between the Old Vicarage and Staverton House.

9.4.2. Objections have been received from No 50b, which shares approximately half of the eastern boundary with the application site. On its front garden boundary with the application site, which is slightly below the existing internal access road, it is proposed to have a 1.96m high retaining wall which would slope down to the existing level of the access onto New Terrace Road. However, the retaining wall should only follow the proposed line of the access road meaning it should splay away from the boundary, allowing the existing trees to be retained. The revised Elevation B plan has also removed reference as to how the retained wall would then be enclosed (previously stating a fence would then be installed) although it is still shown on the proposed landscaping plan. For the avoidance of any doubt, a 1.9m high retaining wall with a further fence would be not only overbearing on No 50b but also potentially harmful to the street scene. Therefore, the applicants have agreed to a specific pre-commencement condition that requires the details (as to any enclosure on top of the retaining wall) to be submitted (and for it to be a low-level open metal railing enclosure). It is submitted that with a metal railing on top of the 1.9m high retaining wall, this would allow for daylight to permeate through and not have an overbearing impact.

9.4.3. Officers also fully acknowledge that the proposal would elevate the internal access over No 50b's front garden and also have the service yard adjacent to the dwelling itself. The proposed one-way system should help ensure that cars only pass once upon their visit to the care home and the proposed landscaping scheme should help mitigate against direct views of the passing vehicles. Additionally, the access road should also only be elevated from the service yard area and for approximately 20m as it would then slope down to the existing road level at the northern end of the site.

9.4.4. Officers are also mindful that the existing front garden is defined by a low boundary wall to which passing traffic and pedestrians on the footpath on the other side of the road are able to view into the garden. Furthermore, the front garden is in full view of the other occupants in the terrace as their front doors and parking spaces are located in the same area. Officers submit that the front garden does not have the same amenity value importance as the rear garden space, given that at the front, it does not have the same level of privacy or security.

9.4.5. Whilst the proposal would cause some harm to the front garden of No 50b, through potential noise, overlooking and car fumes, given the above circumstances it is not considered that the impacts would be sufficient to warrant the refusal of the application.



Google street view image of No 50 b's front garden and the Old Vicarage behind and part of Elevation B

9.4.6. The retaining wall for the service yard would continue across approximately half of No 50b's side elevation and would be elevated approximately 1.9m above the garden of No 50b. It is important to note that No 50b does not have any windows on its side elevation and would not therefore, be overlooked from the service yard.

9.4.7. The proposed service yard would then have a staircase leading to the lower level resident's garden which would be approximately 5m from the boundary with No 50b and have landscaping added in the gap to prevent any adverse overlooking and to mitigate against any adverse overbearing impact. It is submitted that whilst even with the revisions to reduce the size of the service area, it would still have some overbearing (and overlooking impact) on No 50b's rear garden. However, with careful use of mature evergreen trees like

'photinia red robins' (which can be secured by condition) it is submitted that this impact can be mitigated to an acceptable degree.

9.4.8. It is submitted that the bin store would also not result in adverse smells or visual impact on No 50b.



Snips of the site plan and Cross section boundary plan on the service yard and bin store



View from application site to No 50b and from No 50b to the Old Vicarage

9.4.9. There would also be the impact of the new building on No 50b's rear garden amenity areas to consider in terms of potential overbearing and overlooking, particularly from the flat roofed central section. As detailed above the proposed ridge of the front section of the building would be slightly lower than the existing ridge of the Old Vicarage. The flat roofed section would then step down connecting with the eaves and then would be elevated approximately 900mm above the highest ridge of Staverton House.

9.4.10. As can be seen in the images on the next page there is a fair separation of the existing buildings with No 50b. The existing gap from the conservatory of the Old Vicarage to No 50b boundary is approximately 13.5m and 25m from the single storey section. In the proposal, the front section of the building would be brought within approximately 9.6m and the central flat roof section 16.4m of the boundary. Therefore it is acknowledged that the proposal would be getting bigger and closer to No 50b.



Cropped photos from No 50's garden and first floor balcony towards the eastern elevation of the application site

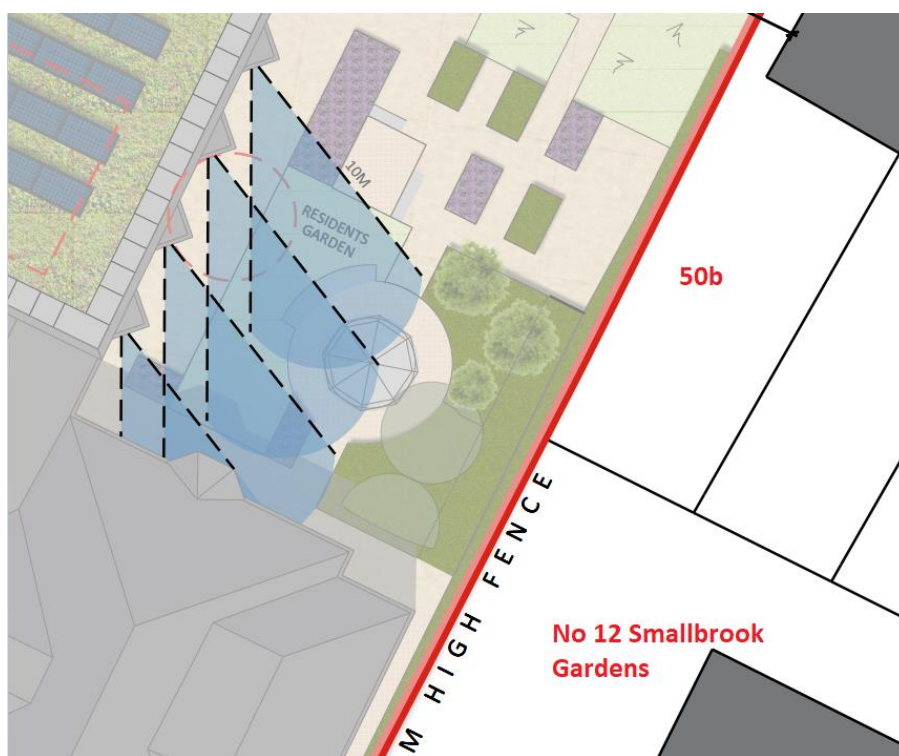
9.4.11. The most significant increase in bulk and mass on No 50b would result from the proposed front section of the building which would come within 9.6m of the boundary. However, the rear wall of the replacement building would only be set back slightly from No 50b's rear wall, meaning that the majority of

the bulk and mass would relate to the side elevation of No 50b rather than over the rear garden (or rear balcony). The central section would then be further away at 16.4m allowing for a decent gap to the boundary. In the photograph image on the previous page one can reasonably visualise the potential impact it would have. Given that the height of the central section would be 900mm above the ridge of Staverton House, the proposal would be more visually prominent than the existing built form, but Officers submit that whilst there would be some resultant harm, it would not be at a level to warrant the refusal of the application.

9.4.12. With regard to potential overlooking from the first and second floors towards No 50b and No 12 Smallbrook Gardens, officers are satisfied that no adverse harm would be caused. With the introduction of the 'visual cones' into the central section 4 of the 5 rooms on each floor for the eastern elevation rooms (which are 2.3m high x 0.75m wide) would be angled 45 degrees off the main wall, which means they face in a south-south-east direction, predominately at Staverton House itself. This can be seen in the snip image below.

9.4.13. In order to look at No 50b would require occupants to look at an obscure angle and at a distance of nearly 16 metres. A general rule of thumb, which is universally used within the planning profession, including the Planning Inspectorate, is that there should be 21 metres between habitable windows and 10.5m from habitable first floor windows and neighbours garden boundaries. Whilst it is acknowledged that the second-floor windows would be higher (and require a greater distance) it is considered that 16m and the obscure angle will be sufficient in which to maintain privacy in relation to WCS Core Policy 57 (vii). It is also considered that this distance would be sufficient for rooms 37 and 46 which would look directly at No 50b and its first-floor balcony (as they do not have the 'visual cone').

9.4.14. In relation to the outlook towards No 12 Smallbrook gardens, it would only be rooms 33, 35, 42 and 44 which would have any direct line of sight into its rear garden. However, at a distance of 18m to the boundary, it is also considered that this is sufficient in which to protect their private amenity. This is why revisions (to include obscure glazing) have not been sought on this elevation unlike on the western elevation.



9.4.15. In regard to potential overshadowing of eastern properties adjacent to the application site, No 50b and No 12 Smallbrook Gardens would continue to receive direct sunlight and natural daylight levels currently enjoyed during the morning and early afternoon hours. There would be little impact during the winter months as the sun already sets to the west down and behind Staverton House. Using the website www.suncalc.org

the level of ground shadow can be calculated. It would only be from late April, when the sun starts to set sufficiently to the west past Staverton House for the proposed central section to start to cause overshadowing itself on No 50b (the black line) in the late afternoon – circa 5.45pm.



Snip from SunCalc.org website

9.4.16. Overshadowing from approximately 6pm over No 50b's rear garden would then continue throughout the summer until the beginning of September when the sun would be setting behind Staverton House again.

9.4.17. Officers duly acknowledge that the proposal would result in some direct overshadowing of No 50b (and No 12 Smallbrook during the summer months as the sun sets) but officers submit that the harm would be limited to the late evenings. With the proposed gaps, (and the removal of the roof over the central section) sufficient natural daylight would also still reach all neighbouring properties on the eastern side of the application site.

9.4.18. The potential impact on properties on the western side also need careful consideration, most notably with regard to No 52 New Terrace and No 6 Littlebrook.

9.4.19. No 52 is located much closer to the New Terrace Road and is positioned approximately only 14m away, meaning the dwelling would be immediately adjacent to the car park rather than the replacement building. Therefore, any potential overbearing impact of the proposal would not be immediately experienced by the dwelling itself but rather by its 30m deep garden.

9.4.20. The built form of the front section would also be getting closer to the boundary with No 52 than the existing Old Vicarage by approximately 3.6m. It also has to be acknowledged that the ground level is also being raised near and down No 52's boundary but it is understood to only be approximately 200mm adjacent to No 52 itself, and with a slope to the boundary rather than a retaining wall as proposed at No 50b. Furthermore, it is understood from the existing topographical survey and the proposed site plan that the external ground levels only have to rise from approximately the tree to the proposed building itself in order to get the basement (lower ground floor) at the same height as the ground floor of Staverton House.



Google Street view image of the Old Vicarage and No 52 New Terrace

9.4.21. It is acknowledged that the built form would be closer to No 52, but as the Elevation C plan demonstrates the building would be similar in scale and height to the existing Old Vicarage and that any additional harm would not warrant the refusal of the application.

9.4.22. Furthermore, No.52 would not readily experience the flat roofed central section at it would start near the rear end of the garden and as the elevation plans show, the central section is at the same height as the eaves of both the replacement building (and the Old Vicarage).

9.4.23. No 6 Littlebrook enjoys both a rear and side garden with the application site and would directly face the 3-storey central section. The distance between the central section and No 6 itself would be approximately 16m and between 7-8m from the boundary itself. Whilst Officers duly acknowledge that an approximate 9m tall building would be built alongside the majority of its boundary, it would at least be approximately 4m further away from the boundary than the existing single storey section.



9.4.24. Additionally, with the applicant's design change by removing the roof from the central section, it is submitted that this would significantly help reduce the massing and the potential overbearing impact on No 6 Littlebrook more than any other adjacent property.



Photo of No 6 (left), Staverton House (right), existing single storey section (centre) with Officer drawn approximate outline of proposed 3 storey central section

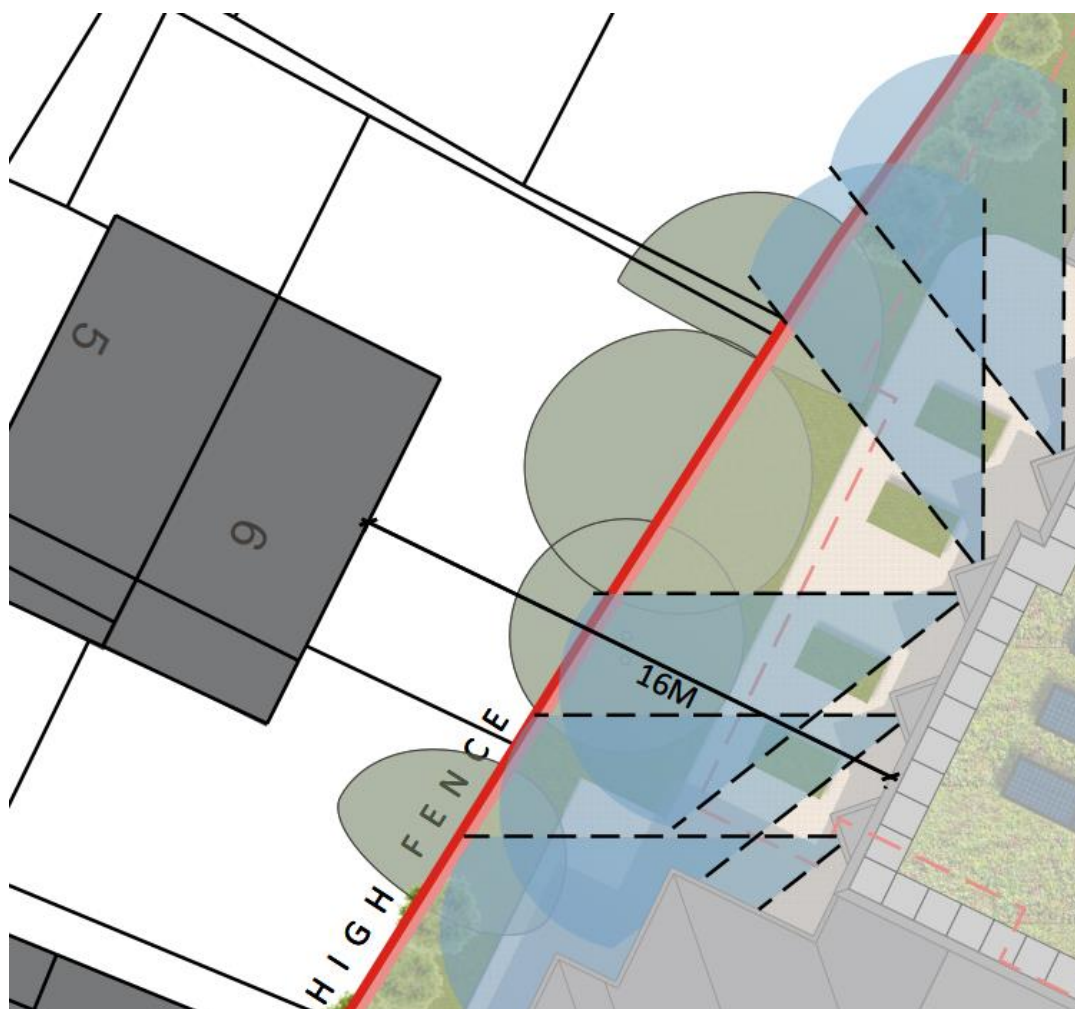


Photo of No 6's side garden adjacent to the proposed central section

9.4.25. Officers fully accept that there would be some massing and overbearing impact on No 6 but submit that it would not warrant the refusal of the application. No 6 has had trees in its garden that aerial photographs have shown to grow quite large, shading the garden. Should the occupant keep that tree, in summer months the tree would largely screen the central section from view.

9.4.26. In regard to overlooking, Officers have sought the final revised plans to windows in the 'visual cones' for bedrooms 30, 32, 34, 36, 38, 39, 41, 43, 45 and 47 (on both first and second floors) would have been within 9-10m of the boundaries (and much closer than the relationship on the eastern side). The 2.3m high windows would have allowed for clear views into No 52's and No 6's rear and side gardens causing a detrimental level of overlooking.

9.4.27. In the revised plans, the windows have re-introduced obscure glazing on the lower 1.6m half of the window. This means that occupants within the room would likely have to stand at the window itself and then actively engage in looking down into the neighbouring gardens in order to be able to adversely overlook. It is submitted that when within the room itself, particularly from the bed, the only clear views afforded would be horizontally outwards and towards the sky. For the most part the staff would be predominately focused on the patients rather than looking outwards towards neighbouring amenity. Therefore, with these revisions, secured by conditions, it is submitted that the potential harm from overlooking has been satisfactorily mitigated.



9.4.28 In contrast to the potential overshadowing of the properties to the east, the proposal would cause overshadowing impacts on the western properties in the morning. It is duly acknowledged that the central section will result in the side garden of No 6 being cast in full shadow virtually all year round during morning

hours, including in June when the sun is at its highest. However, from 12pm when the sun also passes Staverton House, direct sunlight would be received and enjoyed by No 6 for the times when the sun reaches through the existing gaps of other surrounding buildings. Officers duly acknowledge this harm but consider that it would not warrant the refusal of the application.

9.4.29. The impact on No 52 would be different, however. As the building is further to the north it would gain some additional direct morning sunlight and daylight as the replacement building is moved to the south approximately 9m. However, Officers then appreciate that with the additional height, bulk, mass and the moving of the footprint closer to No 52 would also cause more overshadowing of first the middle and rear part of the garden in the morning and then of the rear elevation of the house over that what would have occurred with the Old Vicarage.

9.4.30. However, once 12pm arrives, the sun would have moved round and allowing No 52 the same amount of light as it currently receives from 12pm. It is therefore considered that this provides sufficient direct sunlight and natural daylight and that the amount of actual overshadowing would not be sufficient in which to warrant the refusal of the application.

9.4.31. In the neighbour representations, objections were made about the site causing additional general noise. It is submitted that the car park is not substantially increasing its spaces and that care homes tend to be fairly quiet places. Increasing the number of beds to 52 from the previous 40 is not considered to be harmful to neighbouring amenity through noise.

9.5 Impact on non-designated heritage assets

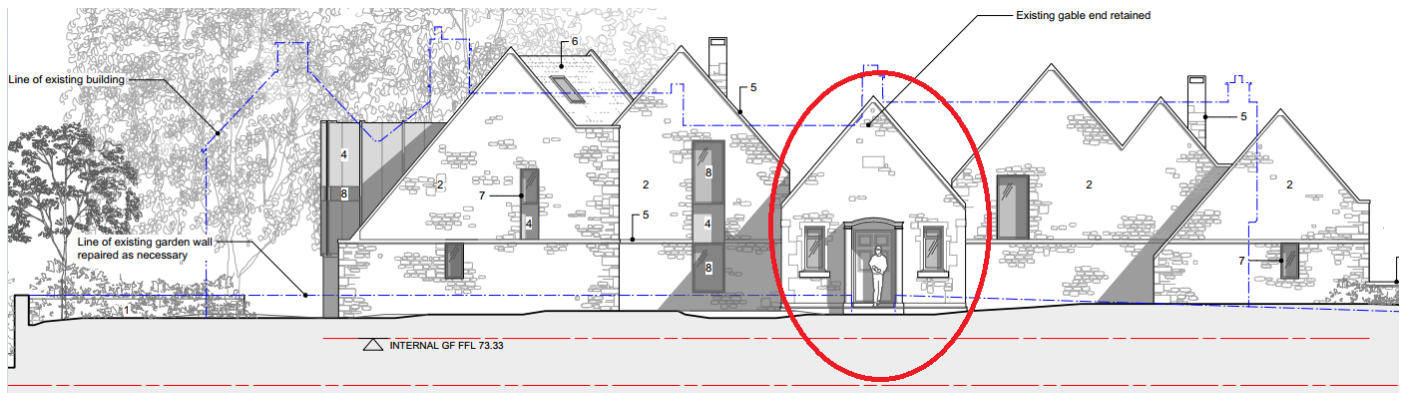
9.5.1. Following the case officer's first site visit and inspection of the subject property it was concluded that the Old Vicarage merited being considered as a non-designated heritage asset. Consequently, paragraph 203 of the NPPF applies, which states that;

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

9.5.2. It has been submitted that the existing Old Vicarage is not suitable for modern care needs, which recently resulted in the closure of twenty bedrooms. In recognition that there is a growing demand for dementia care accommodation, planning judgement is required to weigh up the benefits of providing new enhanced care accommodation against the demolition of the existing building.

9.5.3. In recognition of the non-designated heritage asset status, the case officer negotiated with the applicant's design team and agent to find ways of retaining and incorporating as much of the vernacular of the existing building in the replacement building design, and especially the front northern elevation. Through negotiation, revised plans were lodged (and consulted upon) securing the reuse of the existing stone for part of the replacement front elevation as well as having a stone window which would reintroduce some of the architectural fabric in the replacement building.

9.5.4. Officers sought other revisions including the possibility of trying to retain an elevation (similar to the scheme Members approved for application 17/00738/FUL, *Park Cottage, at 20-21 Lower South Wraxall* at the 26 July 2017 Western Area Planning Committee within the new development, but this was rejected as an option as it would not allow the car park to be increased in size and no effective way could be found to utilise the building to satisfy modern standards and be financially viable.



Snip image of approved elevation of 17/00738/FUL – Red circle shows retained historic section of building

9.5.5. Officers conclude that whilst the loss of the existing vacant Old Vicarage property is not ideal, planning judgement is required to weigh up the benefits of providing more bedrooms and on-site dementia care.

9.5.6. Paragraph 204 of the NPPF states that “*Local Planning Authorities should not permit the loss of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.*” In this particular case, the applicants have put forward a case for the demolition of the Old Vicarage and officers have secured revisions to ensure that the new frontage of the replacement building makes use of the existing building fabric, and the new design reintroduces some of the interesting vernacular. It is clear that the existing building must be demolished to accommodate the new building and given the costs associated to demolition works, and site enabling, it is not considered likely that the applicants would not implement the new replacement building following the removal of the Old Vicarage. It is not considered necessary to burden the applicant in this case with a legal agreement to secure the new development, but this is a matter members may wish to discuss.

9.5.7. Officers are satisfied that the proposal would not result in harm to the setting or historic significance of the Kennet and Avon Canal Bridge, which is a Grade II listed building located some 215m away and is not readily visible from the site.

9.6 Drainage Impacts

9.6.1. No objection has been received from the Council’s Drainage team who also recommend a series of conditions.

9.7 Ecology Impacts

9.7.1. The Council’s Ecologist has confirmed that “*the application site is in a rural location within 4 km of a Greater Horse Shoe bat ‘core roost’ located Gripwood as identified in the Bath and Bradford on Avon Bat SAC guidelines and therefore within a ‘core area’ where the landscape and roosts are likely to be of particular importance to foraging and commuting GHB for which the Bat SAC is designated.*”

The application site lies in the Trowbridge Bat Mitigation Strategy (TBMS) area in the grey hatched recreational zone. This is a replacement for an existing care home, and we note that residents living here are very unlikely to be visiting local woodlands in a recreational capacity therefore there is no mechanism for increased adverse effect. However, the development will involve loss or alterations to existing habitats within the site.

In light of the judgement in Case C 323/17 CJEU “people over wind” the Council has determined that the application should be subject to an appropriate assessment under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.”

9.7.2. The Council's ecologist has carried out the appropriate assessment and has concluded favourably that the application can be supported. The Council still awaits Natural England's response to the HRA Appropriate Assessment consultation which was due back on 5 December. If a response is received ahead of the January meeting, it will be reported verbally.

9.7.3. The Council's ecologist recommends conditions to ensure the mitigation set out in the Bat Mitigation and Enhancements Plan are delivered i.e., the safeguarding of brown long eared and common pipistrelle bats through the provision of bat access tiles and bat boxes on existing trees and to ensure a biodiversity net gain on the site. One representation letter commented that the proposed trees would grow too large, and that no native species are proposed. The applicants have however agreed to a planning condition to secure an appropriate native tree planting scheme to support small and medium and bat friendly species. This would help with the scheme delivering biodiversity net gain. Furthermore, and to further safeguard bat habitat, an external lighting planning condition is considered necessary.

9.7.4. Officers have also secured the provision of 6 'swift bricks' within the development.

9.8 Parking and Highway Safety Matters

9.8.1. The applicants have submitted a Transport Statement which references 65 members of staff split between full and part time roles. The applicants have subsequently confirmed this is the correct number of staff and that the application form submission (65 full time and 43 part time staff - full time equivalent of 108) is incorrect.

9.8.2. It is expected that care staff would work in three shift patterns of 8am to 2pm, 2pm to 8pm and 8pm to 8am. Kitchen staff would generally work in two shifts 07.30am to 12.30pm and 4pm to 8pm. Therefore, the staff requirements for parking would be spread over the whole day but the busiest period would be during the day, where the Transport Statement states that up to 20 staff would be present at any one time.

9.8.3. However, the Council's parking standards adopts a maximum figure (and not a minimum) to which the Council's Highways Officer equates a requirement of 24 spaces (although this would be higher if more than 20 staff are present at any one time). Nonetheless, an under provision is supported in order to encourage staff to find other means of transport aided by the green travel plan (which has also been submitted in support of the application).

9.8.4. Officers can also confirm a staff room and changing room (with showering facilities) would be provided. However, no cycling provisions appears to have been included in the proposed site plan despite the travel plan stating 3 cycle stands should be provided. Therefore, this should be secured by condition.

10. Conclusion

Officers duly acknowledge that the application site is constrained by its surroundings with some neighbouring residential properties in close proximity. Due regard has been afforded to the delivery of enhanced dementia care at this existing facility and to maximise the number of beds on a viable basis, but at the same time be appreciative of the site circumstances and neighbouring properties.

The proposal would result in the demolition of a non-designated heritage asset to accommodate a erect a larger building on a larger footprint, but in terms of the site parameters, officers are satisfied the new building would not constitute as overdevelopment of the site.

Officers fully accept that some harm would be caused through the loss of the non-designated heritage asset, and in this regard planning judgement is required to weigh up the social benefits of delivering enhanced specialised dementia care on an existing care home site. The proposal would also result in some overbearing and overshadowing harm to the immediate neighbouring properties, but the impacts have been considered as being within acceptable parameters and would not justify a refusal that could be successfully defended at appeal. Officers have secured numerous revisions throughout the planning determination process, and it is

argued that these would mitigate some of the concerns raised by third parties. The application is supported by officers subject to conditions.

11. Recommendation – Approve subject to conditions.

Note: Should Natural England fail to respond to the Habitats Regulation Appropriate Assessment consultation and comment on the favourable conclusions reached by the Council’s ecologist, officers invite the Committee (should the above recommendation be endorsed) to agree to delegate to officers to continue with the consultation liaison with Natural England to finalise the ecology assessment and thereafter, to issue a decision notice.

Planning Conditions:

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

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

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

Existing Location Plan (A-840 100 Rev A); Existing Site Plan (A-840 101 Rev A); Existing retained building elevations (A-840 104 Rev A); Existing retained building floor plans (A-840 103 Rev A); Tree Plan (A-840_210370-P-10) and Sustainable Drainage Assessment (16176/01/HOP/RPT/01, October 2021, HOP) – all received 29 October 2021

Travel Plan (2109-01/TP/01 - dated October 2021) – received 6 December 2021

Technical Note 001 – Drainage Strategy (CTP-11-0246, March 2022, Cotswold Transport Planning) – received 24 March 2022

Existing Topographical Survey Plan (8006-1); Existing Retained Floorplan (Staverton House A-840 - 103 - Rev A) – received 24 May 2022

Swift Brick Details – received 19 May 2022

Proposed Lower Ground floor (A-840 107 Rev D); Proposed Ground Floor Plan (A-840 108 Rev E); Proposed First Floor Plan (A-840 109 Rev F); Proposed Bin Store Drawing (A-840 114 Rev A); Boundary Treatment modelling (A-840 301 Rev B); Boundary Treatment modelling- East (A-840 300 Rev C); Boundary Sections (A-840 210 Rev C); Additional long section (A-840 203 Rev B) and Existing Site Photos (A-840 105 Rev A) – all received 14 October 2022

Bio-diversity Net Gain Assessment (Focus Environmental Consultants ref 2500 – dated October 2022) and Detailed Landscape Proposals Drawing Number TDA.20644.01(B) (TDA, October 2022) – both received 19 October 2022

Proposed Roof Plan (A-840-110 Rev B); Protected Species Report for Bats and Nesting Birds (Cotswold Ecology, October 2022); Biodiversity Metric 3.1 – all received 29 October 2022

Bat Mitigation and Enhancements Plan (Focus Environmental Consultants, October 2022) - Received 31 October 2022

Proposed Site Plan with Sight Lines (A-840 113 Rev E) and Existing Site Levels Plan with Proposed Cross Section Plan (A-840 552 – Rev D) – both received 28 November 2022

Proposed Elevations A and B (A-840 111 Rev G); Proposed Elevations C and D (A-840 112 Rev F) and Proposed Materials Pallet (A-840 202 Rev F) -all received 29 November 2022

REASON: For the avoidance of doubt and in the interests of proper planning and for the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

3. The development hereby approved shall be used as a residential dementia care home and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

4. No development shall commence on site (including any demolition or site enabling works), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials (new and salvaged) used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- h) measures for the protection of the natural environment.
- i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to 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.

5. No development shall commence on site (including any demolition) until a Heritage Report including a photographic record of each external elevation and visible parts of the roofs and internal rooms with original architectural detailing as well as providing some commentary on the significance of the building fabric to be lost and reused (in part) in a manner proportionate to its importance and impacts. All of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of preserving an historic record of the building.

NOTE: As per paragraph 205 of the NPPF, the Council shall publish the report as a means of keeping it publicly accessible.

6. All the stone on the existing building and historic part of the Old Vicarage, including the stone window casements, shall be carefully dismantled and stored in a dry and secure place and be re-used to complete the front elevation (elevation B) of the new development hereby approved. The stone materials shall not be disposed of or otherwise taken off-site without the prior written approval of the Local Planning Authority.

REASON: In the interests of reusing some of the most significant historic fabric of the non-designated heritage asset within the new building.

7. No development shall commence beyond slab level until full details and samples of the bricks, stone quoins, stone parapet, grey roof tiles, rendering details and the laying and setting of the exterior stonework have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out fully in accordance with the approved details.

REASON: The application contains insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences beyond slab level, in the interests of visual amenity and the character and appearance of the area.

8. No development above slab level shall commence on site until the applicant provides a CCTV survey confirming any existing connections to the sewer network, along with a capacity and condition assessment for the surface water network which has been agreed in writing by Wessex Water – full details (including calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the discharge receptor. The current strategy indicates that an attenuation tank will be used which does not necessarily mean adequate treatment will be provided) of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of surface water management on the site

9. No development above slab level shall commence on site until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase.

REASON: In the interests of surface water management on the site

10. No development shall commence beyond slab level until the proposed landscaping scheme has been updated and submitted to and approved in writing by the Local Planning Authority, with the revised scheme including the following;

- Full details of all retained trees, together with measures for their protection in the course of development including no dig details around all retained trees;

- To provide an updated planting specification of native species, as well as the supply and planting sizes and densities;
- All means of enclosure within the site including updated details and elevation plans of the full length of the retaining wall alongside (and adjacent) to No 50b's boundary and the means of enclosure of the access road on top of the retaining wall.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

NOTE: The enclosure on top to the retaining wall should be an open metal railing, no more than 1.2m in height measured from the remodelled ground level.

11. All the approved soft landscaping 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.

12. No external light fixture or fitting shall be installed within the application site unless and until full lighting details including how they would be fixed to any structure, the direction of illumination and LUX levels along with light pollution limitation measures have been submitted to and approved by the Local Planning Authority in writing. The submitted details must also demonstrate how any proposed external lighting shall be mitigated to avoid harming bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

13. The development hereby approved shall not be brought into use until full details of the six swift bricks (and their precise locations) have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the swift bricks shall be installed in accordance with the approved details and elevation plans and be maintained as such for the lifetime of the development.

REASON: In the interests of protected species.

14. The development hereby approved shall not be brought into use until the ecological mitigation works have been completed including the provision of two bat boxes, and the creation of a dedicated bat loft.

REASON: In the interests of protected species.

NOTE: The above condition requires to be discharged prior to the development being brought into use which would require the applicant/developer to submit evidence of the actual installations.

15. The development hereby approved shall not be brought into use until the Travel Plan (reference 2109-01/TP/01 - dated October 2021) has been fully implemented. The results of its implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

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

16. No part of the development shall be brought into use until details of secure covered cycle parking and changing and shower facilities has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved facilities shall be provided on site prior to the development being brought into use.

REASON: In pursuit of sustainable transport objectives.

17. The development hereby approved shall not be brought into use until the foul and surface water drainage connections have been made and are operational.

REASON: To define the terms of the permission and to ensure the site is served by approved drainage connections

18. None of the internal rooms numbered 30, 32, 34, 36, 39, 41, 43 and 45 on the western elevation (elevation C) shall be occupied until the obscure glazing installation has been completed in full and in accordance with the details shown on plan A-840 202 Rev F (the proposed material palette). The obscure part of the windows for rooms numbered 30, 32, 34, 36, 39, 41, 43 and 45 shall also be glazed with obscure glass only (to an obscurity level no less than level 5) and shall be permanently fixed shut units restricting the opening of the window prior to the first occupation of the development hereby permitted. Thereafter, the obscure glazing arrangement shall be maintained for the lifetime of the development.

REASON: In the interests of protecting neighbouring amenity

NOTE: The top part of the window (1.6m above internal ground level) can have clear 'transparent' glass and can be opened at the high level.

19. Rooms 38 and 47 on the western elevation (elevation C) of the development hereby approved shall not be occupied until revised plans have been submitted to and approved in writing by the Local Planning Authority, to incorporate the same obscure glazing details as secured by condition 18. The development shall then be carried out in full accordance with the approved plans and maintained as such in perpetuity.

REASON: In the interests of protecting neighbouring amenity

Informative to Applicants:

1. The roof space of The Old Vicarage is used as a bat roost. Under the Conservation of Habitats and Species Regulations 2017, it is an offence to harm or disturb bats or damage or destroy their roosts. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission. Details of a dedicated roof void roost area suitable to brown long-eared bats will be required unless it can be demonstrated that the bats are not flying within the roof void.

2. The application states that the owner of the property will be responsible for undertaking the maintenance of the surface water mitigations, however, the owner may not necessarily have the knowledge or equipment required to undertake this; adoption should therefore be agreed, or a suitably qualified management company hired.