

**Wiltshire Council  
Western Area Planning Committee**

**17 June 2020**

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**Item 7b – 19/09800/FUL - 12A Frome Road, Bradford On Avon, Wiltshire BA15  
1LE**

*Demolition of an existing dwelling and outbuilding and erection of 5 residential dwellings with alterations to the existing boundary wall to accommodate a widened vehicular access.*

**Public Statement 1 – OBJECTION – Michael Simpson**

Dear Planning Committee,

I write to object in the strongest possible terms to the above proposal, Application No 19/09800/ FUL.

My house stands twenty feet below some of the intended works, namely two of the houses, the expanded road with a turning point and the development of gardens and a pond. The east wall gable end of my building and the wall adjoining my courtyard to the south both form bulwarks (without buttresses) to the land and steep slopes to be developed. It should be made very clear here that this high wall supports and holds back hundreds and hundreds of tons of earth. It is also the back wall of my living room!

I am seriously concerned regarding the stability of the ground, the disturbance caused with the amount of excavation work with heavy machinery that needs to be done for the houses, the pond garden, the access road and its new water and sewer pipes not to mention the disturbance caused by the removal of several mature trees with deep roots.

All this considered, it seems to me that the work will directly threaten the stability of my walls, either by land slippage or egress of water from the road's pipes or the pond. In either case, the damage to my property would be extensive.

Added to this, there is the threat of continuous traffic noise along the wall boundary and directly above my head in an area that has been for thirty years a haven of peace and tranquility. It would also destroy any sense of privacy with people able to peer over the wall and look down into a very private courtyard.

I am also very concerned about the very increased traffic movements into an area already made busy by parents delivering and collecting their children from the fitzmaurice school. This, i believe will create an ongoing danger to children once the development is both underway and completed. In an already condensed area this development will require large plant machinery and constant lorry deliveries for some time.

Taking all these points into consideration, i sincerely hope the committee will understand and support this objection and throw out what is an essentially a destructive and impractical idea.

Yours Sincerely

Michael Simpson

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**Public Statement 2 – OBJECTION – Meryl Phillips**

I am writing as the daughter of Dr and Mrs Tees who live in the adjacent property, at 12b Frome Road.

This page summarises our serious concerns and objections to the above Planning Application.

Firstly the Planning Officer's Committee Report (dated 4th March) does not represent an even-handed view of the situation (our email outlining the omissions dated 24th March refers). In particular, the omission in their Report of the word "about" in the Highways Officer's Statement (see below) is very misleading.

Our principal concerns are as follows;

1. There is no acceptable solution for bin collection. The proposal is clearly not in accordance with Wiltshire Council distance guidelines and could cause further safety issues due to the large number of bins on the pavement.

2. Due to the narrowness of site and the restricted 2.8 meter wide "pinch point" access, there is a lack of turning capability for anything larger than a car or small van. This will mean that during development all entering lorries and larger wheelbase vans will have to reverse out through the 5 meter long pinch point, the access driveway in front of 12b Frome Road, across the pavement and onto the Frome Road in front of the school gates. Once the development has been completed this dangerous situation of reversing vehicles will continue for service vehicles and delivery lorries because the narrow 2.8m pinch point will remain as the only access.

This will result in a considerable risk to the safety of children, pedestrians and local residents in both the short and long term.

In the Highways report this gap is said to, " ..... *just about* [my italics] meet the absolute minimum width for an actual fire appliance to fit through". The use of the phrase "just about" implies that this is very marginal and may not meet the absolute

minimum at all times. A more qualified and definitive statement would have addressed the consequent serious implications for safety. The current proposal does not address these concerns.

3. The school has worked with the local Council to create the Fitzmaurice Primary School Travel plan which already expresses existing concerns for safe pedestrian access for pupils and residents. In the School's objection they have also referred to the need for uninterrupted emergency access for ambulances, the increased congestion and parking both during and after construction, and the impact on the safety of children and residents.

4. There is no alternative pedestrian or vehicular access to and from the site. Were a vehicle to get stuck in the pinch point (this is reasonably likely with wing mirrors not being usable on large lorries) or hit the protruding gas pipe for 12b Frome Road there would be no access to or escape from the houses. This could lead to a serious emergency with no alternate way in or out of the site.

5. No provision or mitigation has been made to ensure unrestricted, safe passage and access for emergency vehicles for my elderly parents in 12b Frome Road. The need for unloading of construction materials outside the pinch point (due to vehicles not being able to transit the pinch point), for lorry deliveries (eg for grocery or mail order delivery) once the site becomes residential, and the extensive work needed on the access driveway to 12b for new mains and waste water drainage, will result in many occasions when the driveway is impassable and my parents could effectively be trapped.

Whilst we agree that the site at 12a Frome Road needs to be developed in some way, it seems to us that this current proposal represents a significant overdevelopment of a restricted site leading to a very stressed situation, in particular as a consequence of no turning possibilities for construction vehicles and lorry deliveries in the future. There is already a challenging traffic and parking situation outside the school gates and this proposed development would only further accentuate this.

Mrs M J Phillips

12th June 2020

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Western Area Planning Committee**

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**Public Statement 3 – SUPPORT – Tim Mellor**

Councillors, thank you for your time this afternoon.

My name is Tim Mellor and along with my wife and my business partner Peter Cavill, we are the owners, investors and site managers for this proposed scheme.

We are a small family business, based in Bath, known as 'Avonvale Developments'. Our overall ethos is to create high quality homes that our prospective residents will be proud to live in. We employ a large number of local tradesmen, small businesses and consultancies and are very proud of the working arrangements and employment opportunities that we have created. We hope to have the opportunity to continue and expand these, particularly given the difficult times that many people and businesses are facing both now and in the future as a result of the Covid-19 pandemic.

We have worked very hard over the last 18 months to create a well considered scheme that will complement the surrounding area of Bradford-on-Avon. We chose to work with Coombes Everitt Architects on the project, who are an award winning practice based in Cheltenham, as they have a breadth of experience in preparing outstanding designs for small sites like this. We are very pleased to note that the Council's Conservation Officer is supportive of the proposed design.

We fully understand the sensitivities of the site and the concerns initially raised by Fitzmaurice primary school, Tiddlywinks nursery as well as some local residents. During the last few months, we have liaised with the headteacher and deputy head of the school along with the owner of the nursery. As part of these discussions, we have looked to provide solutions to address the concerns of the school regarding the safety of school children during construction. We have prepared an initial Construction and Traffic Management Plan. This was presented to the school and they took the opportunity to input into this document. This engagement has also given the school a chance to get to know Peter and I and to understand how we operate.

Overall, I would like to reiterate that during this project our highest priority would be the safety of the school and nursery children along with that of all local residents. Both Peter and I have elderly parents and primary school aged children, making us demographically well placed to appreciate these concerns and we hope you will see that we have worked to allay the potential issues raised. We also hope that the level of detail we have gone into during both the planning and pre-planning application demonstrates how thorough and conscientious we are. We would endeavour to continue our comprehensive approach during the construction phase and beyond.

Finally, we would like to reiterate that we have had no technical objections from any Statutory Consultees to the planning application and we therefore hope you can support your Planning Officer's recommendation to approve this application.

Thank you for your time.

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**Public Statement 4 – Tara Maizonnier (Agent)**

I write on behalf of the Applicant, Avonvale Developments Ltd, in respect of the above planning application for the demolition of the existing dwelling and outbuilding at 12a Frome Road, Bradford on Avon and its replacement with 5 residential dwellings.

The planning application is now due to be heard at the Western Area Planning Committee on Wednesday 17 June, following the cancellation of the March Committee meeting due to the Covid-19 pandemic. Ahead of the meeting, I thought it would be useful to provide you with a refresher of the proposals and some additional clarification on matters raised by the Town Council, Bradford on Avon Preservation Society and some local residents.

As a starting point, we are pleased to note that your Officers have recommended the application for approval. This is accompanied by a comprehensive Officer's report which sets out why the proposed development is acceptable and in accordance with the policies of the development plan.

Avonvale Developments have worked hard over the last 18 months to develop a well-considered scheme that will complement the surrounding area. Detailed pre-application discussions were undertaken with Officers during 2019 before the submission of the planning application. As a result, we are pleased to note that there are no technical objections to the proposals from statutory consultees.

It is acknowledged that there is an objection from Bradford on Avon Town Council, dated 5 November 2019, which appears to primarily relate to concerns regarding the traffic movements generated by the proposals, and the potential consequential impact on the neighbouring Fitzmaurice Primary School. Concerns regarding parking provision and private amenity space have also been raised by the Town Council as well as some local residents.

In addition to the above, we note that the Bradford on Avon Preservation Trust has no objection to the principle of redevelopment at the site, although it has raised concerns in respect of the proposed design and height of the proposals and the potential impact on the Conservation Area. I therefore address these points below.

**1. Construction Management and Traffic**

Avonvale Developments fully understand the concerns raised and would like to take the opportunity to reiterate that the safety of school children is of the highest priority

for them. Since the time of the objection, Avonvale Developments has subsequently met with the Headteacher, deputy head and the owner of the children's centre in both January and March to discuss their concerns, as well as being in regular contact via email.

As part of those discussions, Avonvale Developments has prepared an initial Construction Management and Traffic Plan. This Plan will cover issues such as hours of construction and delivery times, including no deliveries to site during school pick-up and drop off-times; wheel washing facilities on site; erection and maintenance of any security measures at the site and details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development. This has been shared and discussed with the School and they have been actively encouraged to assist with the annotation and amendment of these documents. Overall, we understand they are happy with this document and Avonvale's approach. To provide further comfort on this matter, we note Officers have also proposed that permission is granted subject to Condition 3 which states:

*"No development shall commence on site until a construction management plan, detailing the timing of deliveries, the projected construction hours and erection of fences, the drainage arrangements during constructions hours and erection of fences... has been submitted to and approved in writing by the Local Planning Authority"*

Overall, Avonvale Developments is therefore confident that there will be no issues of safety during construction for school children.

## 2. Parking Provision and Access

Two car parking spaces are provided for each dwelling and the Officer's report identifies that this meets the relevant criteria of the Wiltshire Car Parking Strategy. The Council's Highway Officer has also confirmed in their consultation response that the parking provision is acceptable.

The proposals include for widening the vehicular access to the site to over 5 metres and adding a continuous footway which will give pedestrians priority over vehicles helping to ensure pedestrian safety. The access proposals will also enable 2 cars to pass each other, which is currently not possible. It is worth noting that, as shown on the plan at page 2 of the planning officer's report, the access to the proposed development will be much wider than the access to the development immediately opposite, at Kennet Gardens.

It is noted that some local residents have raised concerns regarding the 'pinch point' of access within the site. The Officer's report and comments from the Highway Officer have responded to these concerns and it is not considered that this is a reasonable ground to refuse planning permission. Access for fire appliances is also controlled through the Building Regulations and appropriate measures will be implemented in line with those requirements.

Overall, the Council's Highway Officer has raised no objection to the proposals. Paragraph 109 of the National Planning Policy Framework (NPPF) 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. In this case, the Highway Officer has not identified that the proposals would cause an unacceptable impact on highway safety.

### 3. Private Amenity Space

In respect of the concerns raised regarding private amenity space, the Officer's report identifies that this is not a sufficient ground to refuse planning permission. Whilst it is acknowledged that the private garden areas are not extensive, the proposals also provide an attractive area of communal open space to the east of the dwellings.

### 4. Impact on Neighbouring Amenity

The Officer's report confirms that there would be no issues of overlooking, overshadowing or overbearing issues that would warrant refusal of the application. The rear dormer windows have been designed to be at a high level and serve to provide light to the stairwell. The dormers are above head height and will provide no views of the children's centre's grounds.

### 5. Design and Impact on the Conservation Area

We understand that design is often a difficult and subjective matter, however the Council's Conservation Officer is supportive of the proposals stating in their consultation response:

*"The proposed terrace would make a good use of the somewhat restrictive site...The design is modern but architecturally reflects historic details in the area, such as strong gables and stonework. The materials proposed seem to be of high quality – although I suggest a condition for samples should be imposed. Due to the site being close knit with surrounding buildings, the proposal would not result in a change in the pattern or grain of development and as such, along with the above points, there would be no harm to the character of the Conservation Area."*

In terms of the building height, the ridge line does not exceed that of the highest section of the original existing dwelling, as shown on the elevation drawings. The overall height of the proposals will, therefore, not be dissimilar to the prevailing heights of built development within the area.

We have looked to demonstrate the high-quality nature of the proposals through the preparation of 3D Images. These are enclosed with this letter.

### Conclusion

Overall, it has been identified in the Officer's report that the principle of development is acceptable and accords with the policies of the Wiltshire Core Strategy.

It is important to reiterate that the site constitutes previously developed (brownfield) land. The NPPF requires that 'substantial weight' is given to the value of using

suitable brownfield land within settlements for homes in decision making (Paragraph 118 c).

Paragraph 68 of the NPPF also identifies that local planning authorities should support the development of windfall sites, such as the application site, and that 'great weight' should be given to the benefits of using suitable sites within existing settlement for homes.

We would also like to take this opportunity to reiterate that the Government is now increasingly looking to the construction and development industry to support economic growth and recovery following the pandemic. The Ministry of Housing, Communities and Local Government (MHCLG) issued updated guidance in May which identifies the need to ensure that the planning system in England can 'play its full part' in the national and local economic recovery after the pandemic. The construction of new developments, such as the application proposals, therefore has an important role in contributing to this recovery.

Overall, there are no technical reasons that would warrant refusal of this application. It is therefore hoped that Members will follow the recommendation of your Officers and support this planning application. Should you require clarification on any matters ahead of the meeting, please do not hesitate to contact me.

Yours sincerely

Tara Maizonnier

Ridge and Partners

Encl.

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**Public Statement 5 – Bradford on Avon Parish Council**

Comment following debate at TC Planning Committee meeting 05 November 2019:

Decision Refuse:

The site adjoins Fitzmaurice Primary School which has accommodation for some 300 children plus staff. The position and configuration of the access to the site introduces significant additional traffic movements only 20 metres from the school gates that represents an unacceptable risk to the children and other pedestrians. There is a 2.8 metre pinch point part way into the site and this together with inadequate on-site turning space will result in vehicles either reversing into or out of the access. This is also a serious safety hazard. The lack of on-site casual parking will add pressure onto the access road to the further detriment of highway safety. Refuse and other large vehicles waiting on the access road to serve additional dwellings, as proposed, is not acceptable.

This proposal fails to comply with Policy H1 of the Bradford on Avon Neighbourhood Plan which states that:

Proposals for infill development will be supported where they make a positive contribution to the town and are in keeping with their surroundings. Proposals for development within existing residential curtilages will be required to:

- compliment the scale and development pattern of the locality in which they are sited
- demonstrate that vehicular access and parking are adequate, safe and convenient
- provide private amenity space for existing and new dwellings
- not adversely affect the amenity of neighbouring properties
- ensure that adequate garden space to existing dwellings is retained in relation to setting and amenity

In this case vehicular access and parking are inadequate and unsafe.

There is inadequate private amenity space

The amenity of the school (and number 12 B Frome Road) are adversely affected

Thus the proposal represents significant overdevelopment of the site.