

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	17.08.2011		
Application Number	W/10/03791/FUL		
Site Address	Carpark Mill Lane Bradford On Avon Wiltshire		
Proposal	Erection of 6 terrace dwellings with associated car parking, enclosures and tree felling and planting		
Applicant	Fortdene Limited		
Town/Parish Council	Bradford On Avon		
Electoral Division	Bradford On Avon South	Unitary Member:	Malcolm Hewson
Grid Ref	382768 160979		
Type of application	Full Plan		
Case Officer	Mr Kenny Green	01225 770344 Ext 15174 kenny.green@wiltshire.gov.uk	

Reason for the application being considered by Committee

Councillor Hewson requested that this item be determined by Committee due to the following:

The proposed development makes no positive contribution to the long-term preservation and enhancement of the Conservation Area.

The proposal represents an overdevelopment of the site in a use and form that have a detrimental effect on its immediate surroundings and the town centre.

The proposal does not provide for the proper development of this site as assessed with regard to Policies HE 6.1, HE7.5, HE9.5 and HE10 of Planning Policy Statement 5 and District Plan Policy C18.

The form of development is inappropriate in terms of bulk, scale and visual intrusion. It also has an adverse effect on the views from Mill Lane and the setting of the Manvers House (grade II*) and The Hall (grade I) and its Registered Park and Garden.

During a telephone conversation with Cllr Hewson with the case officer on 22 July, the ward member confirmed his wish for the application to be reported to committee to allow the elected members to determine all the material considerations relative to this application.

1. Purpose of Report

To consider the above application and to recommend that planning permission be refused.

Neighbourhood Responses

27 letters of representation received

Parish/Town Council Response

Objects to this application for the reasons cited within section 7 below.

It should also be duly noted that the Town Council reaffirmed its objection following the submission of revised plans.

2. Main Issues

The main issues to consider are:

Principle of Further Residential Development Within Town Policy Limits
Impact on the Conservation Area / Heritage Assets
Loss of Car Parking / On Site Servicing / Environmental Considerations
Landscape / Loss of Trees (including TPO'D tree)
Impact on surroundings / residential amenity / privacy
Archaeological and Ecological Issues
Education Contributions

3. Site Description

The application site measures about 0.12ha, located within Bradford on Avon's Conservation Area and the defined Commercial Area Boundary. The adopted District Plan identifies this site (along with the former Kingston Mills site), for new housing allocations and urban mixed use brownfield allocation under Policy H4A. The site is also identified as an area of archaeological interest.

The car park site is positioned to the immediate west of Mill Lane, a one-way carriageway which has an approximate 1 metre wide footway, introduced by the Kingston Mills developer and prohibits on-street parking. Historically, the land subject to this application was associated to Manvers House, a Grade II* Listed Building, located along Kingston Road, but it has been used for car parking for many decades.

The site is predominantly laid as tarmac hardstanding and is walled on four sides. The northern boundary is marked by a high (5.8 metres) brick wall that separates the car park and residential gardens associated to properties located along Silver Street. At the eastern end, the stone wall drops down in height to about 3 metres and has an existing 6 metre wide vehicular entrance served off Mill Lane, which has an automatic barrier. Further to the east, and about 100 metres from the application site, the 17th Century built Grade I listed property known as The Hall is positioned within its protected historic park and garden landscape.

At the foot of Mill Lane, on the far side of Kingston Road is Kingston House, another substantial listed property dating from the 18th Century, which was directly related to the development of manufacturing on the Kingston Mill site.

Manvers House and its rear yard/car park are situated to the immediate south. A 4.3 metre high wall defines the southern boundary. A flight of steep, narrow steps link the application site with Manvers House. Four well established trees are located along the southern and south western corner of the car park site. Since these trees are located within the Conservation Area, they are protected. The large poplar tree located in the SW corner of the site is TPO'd in its own right.

To the west, a solid stone wall measuring about 2.7 metres encloses the site and separates it from rear gardens associated to Silver Street properties, service yards and outbuildings.

In recognition of anomalous information contained within the applicant's submitted statements, the applicant's agent advised on 14 January that the Mill Lane car park has 42 spaces in total. 15 have latterly been used by local businesses, 10 by the Railway Engineering Company, the previous tenant of Manvers House. A further 10 spaces are used by Linden Homes, in association with the redevelopment of the Kingston Mills site. 7 spaces are considered vacant. Members are advised that following receipt of several third party representations covering loss of residents parking, the case officer requested on 26 January that the applicant obtains written confirmation from the owner of the site to clarify lease arrangements/entitlements. It is disappointing to note that no such confirmation was submitted.

4. Relevant Planning History

97/01455/CON - Removal of 2 metres of wall and widen entrance to car park - Withdrawn - 17.02.1998

97/01665/FUL - Widen entrance and reconstruction of stone pillar and security barrier - Withdrawn - 17.02.1998

08/00917/FUL - Conversion of Manvers House to form 6 dwellings and one office suite (Class B1) and erection of 7 new build dwellings and associated works - Refused 10.09.2008

08/00918/FUL - Conversion of Manvers House to form 6 dwellings and one office suite (Class B1) and erection of 7 new build dwellings and associated works - Refused 10.09.2008

W/10/03792/CAC - Partial demolition of boundary wall - Withdrawn 17.05.2011

5. Proposal

Under this application full planning permission is sought for the erection of 6 no. dwelling houses to be formed as part of a 2.5 storey, 10 metre high terraced block to be orientated east-west across the central part of the site. The attic space accommodation would be served by wall head dormers. The exterior walls of the proposed terrace would be constructed using a mix of rubble Cotswold limestone, bath stone and lime render, with sandstone and stone lintels and cills. Fenestration finishes would be of timber joinery in oak or painted. Bespoke porches with lead canopies are also proposed. The terraced property would have clay pantile and natural slate roofs.

At the western end of the terrace, the roofscape serving two of the six units has been deliberately kept different in form and height than the rest of the terrace. The applicant's agent submitted this as a material revision to the initial proposals (which included the deletion of the detached residential studio unit) in an attempt to address the respective concerns raised by the case officer and conservation officer. Amendments were also made to the scheme to address tree and landscape and highways concerns.

During the course of the application, revised plans were also submitted showing the eaves and chimneys being amended, as well as making adjustments made to the car ports, cycle and bin stores proposed on site and the kerb line. As a consequence of the revisions, 10 car parking spaces and the cycle storage facility would serve the 6 residential units.

Following lengthy negotiations and meetings with the applicant's agent, a Unilateral Undertaking was issued on 12 July covering the calculated necessary education contributions pursuant to this development. Should permission be granted for this 6-house development, the owner of the site is legally bound to pay an index linked contribution to the Council to the sum of £25,196 to be applied for the provision of two primary school places.

In support of the application, the applicants agent has submitted a Planning Statement, a Design and Access Statement, an Arboricultural Impact Assessment, a Transport Assessment including vehicle swept path analysis along with 3D visual and sketch contextual photographs and drawings.

6. Planning Policy

Government Guidance

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS4 - Planning for Sustainable Economic Development

PPS5 - Planning for the Historic Environment

PPS6 - Planning for Town Centres

PPS9 - Biodiversity and Geological Conservation

PPG13 Transport

PPG24 Planning and Noise

Wiltshire and Swindon Structure Plan

DP1 - Priorities for Sustainable Development
DP2 - Infrastructure
DP4 - Housing and Employment Proposals
DP5 - Town Centres, District Centres and Employment Areas
DP7 - Housing in Towns and Main Settlements
DP8 - Affordable Housing
DP9 - Reuse of Land and Buildings
T1 - Integrated Transport Plans
T3 - Public Passenger Transport
T5 - Cycling and Walking
T11 - The Strategic Transport Network
HE7 - Conservation Areas and Listed Buildings

West Wiltshire District Plan - 1st Alteration

C6a - Landscape Features
C15 - Archaeological Assessment
C17 - Conservation Areas
C18 - New Development in Conservation Areas
C20 - Change of use in Conservation Areas
C21 - Planning Permission in Conservation Areas
C23 - Street Scene
C30 - Skylines
C31a Design
C32 - Landscaping
C35 - Light Pollution
C38 - Nuisance
C40 - Tree Planting
H1 - Further Housing Development Within Towns
H2 - Affordable Housing Within Towns and Villages
H3 - Urban Brownfield Allocations
H4 - Urban Mixed Use Brownfield Allocations
H24 - New Housing Design
T10 - Car Parking
TC2 - Traffic Management and Pedestrian Priority
U1a - Foul Water Disposal
U2 - Surface Water Disposal
S1 - Education
SP5 Secondary Retail Frontages
I1 - Implementation

Supplementary Planning Guidance

Kingston Mills Development Brief
Residential Design Guide
Design Guidance

7 Consultations

Bradford on Avon Town Council - Objects.

The Design and Access Statement explains the Architect's approach to the scheme in considerable detail but fails to put the proposal in the wider context.

The important issues that need consideration are:

- the original Brief for the Kingston Mill site and the finally approved scheme
- sustainable development
- the potential contribution to the overall conservation of the town

This site should not be considered in isolation from decisions that have already been made in relation to the Kingston Mill development. Comments made in respect to application 08/00917/FUL are also relevant. The Mill Lane car park remains in the ownership of Avon plc. It is not unreasonable to link the two schemes within the overall employment considerations.

Car parking on the Kingston Mill site is below standard and that some oversell is inevitable. There is an opportunity therefore to address this in relation to the Mill Lane car park site.

The redevelopment of this site must preserve and enhance the Bradford on Avon Conservation Area which needs to be considered in a much wider context than purely visual. Conservation Character is made up of a number of elements, of which appearance is only one part. For many years the conservation and long term viability of the listed buildings on the south side of Silver Street has been made difficult because of the lack of convenient access, and in particular pedestrian safety. Ground levels in the area need to be assessed and development of the car park in isolation is premature pending a thorough investigation of the possibilities of providing links with the surrounding buildings and permeability through the site.

The car park at present doesn't contribute to the visual character of the town but it does make a valuable functional contribution. There is however significant potential for improvement on both counts. This can only be achieved if the development creates interesting and attractive spaces that can be integrated with the town centre and in so doing, preserves and enhances the Conservation Area. The proposal for 100% residential development does not make a positive contribution, either in visual or functional terms.

District Plan Policy C18 states that proposals for new development in a Conservation Area will be permitted only if the set criterion is met.

Of more significance are the policies in Planning Policy Statement 5, regarding the determination of applications that affect Designated Heritage Assets. PPS 5 Policy HE6.1 requires an assessment to be made of the significance of the site being considered for development. This includes the examination of the setting. The PPS also states that there are a number of potential heritage benefits that could weigh in favour of a proposed scheme, these being:

1. It sustains or enhances the significance of a heritage asset and the contribution of its setting.
2. It reduces or removes risks to a heritage asset.
3. It secures the optimum viable use of a heritage asset in support of its long-term conservation.
4. It makes a positive contribution to economic vitality and sustainable communities.
5. It is an appropriate design for its context and makes a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment.
6. It better reveals the significance of a heritage asset and therefore enhances our enjoyment of it and the sense of place.

Additional policies within PPS 5 and the accompanying guidance provide further information on how development proposals should be assessed. Policies HE7.5, HE9.5 and HE10 require attention to the extent to which the design of new development contributes positively to the character, distinctiveness and significance of the historic environment. A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:

1. The significance of nearby assets and the contribution of their setting.
2. The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.
3. Landmarks and other features that are key to a sense of place.
4. The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.
5. The topography.
6. Views into and from the site and its surroundings.
7. Green landscaping.

8. The current and historic uses in the area and the urban grain.

Some or all of these factors may influence the scale, height, massing, alignment, materials and proposed use in any successful design.

In assessing all major applications the primary planning considerations are currently focused on the need for sustainable development and on achieving an acceptable balance between uses. Sustainable development is stated as the "core principle" underpinning planning. The planning system has a key role of facilitating and promoting sustainable and inclusive patterns of development, including the creation of vital and viable town centres, which is a key tenet of PPS 6 - Planning for Town Centres.

Any development proposal on the car park needs to address the long-term impact on nearby listed buildings because this is the last remaining opportunity to do so. It is therefore reasonable to argue that a properly integrated and permeable development or use of the car park is essential if the character of the Conservation Area and if the listed buildings in this part of the town are to be properly protected. At present, the car parking used by businesses and residents in the immediate locality provides an essential facility to ensure that buildings in Silver Street and Woolley Street are fully utilised and properly maintained.

The conclusion to be drawn from the matters outlined above is that the proposed development for six terrace houses fails in planning terms to contribute to sustainable development. In addition it does not comply with PPS 5 Policies that seek to protect the long-term conservation of the town and is therefore unacceptable in principle.

In addition to the objections in principle, there are also design issues regarding the bulk, scale and form of the proposed scheme. The Design and Access Statement makes particular reference to "the tradition of terrace housing in Bradford on Avon" as a justification for a two-storey plus attic development on this site. This however ignores the fact that terraces in Bradford on Avon are a key feature of the southern hillsides, and some of the surrounding areas, but are not typical of development in Silver Street and Woolley Street. Here buildings sit along the road frontages or in courtyards behind.

The overall scale and form of the proposed terrace block represents an over-development of the site. There is at present an attractive view of the hillsides from Mill Lane across the car park and this will be entirely lost if a tall terrace block is built along the contour as suggested. The block will significantly impact on nearby buildings including affecting the setting of the grade II* Manvers House. It may also have an impact on the Hall gardens. The planning application includes considerable design detail. In particular, there is reference to a proposal for the construction of balconies to the south elevation. Balconies are an entirely alien feature within the historic core of the town, and especially so on buildings that are based on historic precedents.

The proposed development makes no positive contribution to the long-term preservation and enhancement of the Conservation Area. The proposal represents an overdevelopment of the site in a use and form that have a detrimental effect on its immediate surroundings and the town centre. The proposal does not provide for the proper development of this site as assessed with regard to Policies HE 6.1, HE7.5, HE9.5 and HE10 of Planning Policy Statement 5 and District Plan Policy C18.

The form of development is inappropriate in terms of bulk, scale and visual intrusion. It also has an adverse effect on the views from Mill Lane and the setting of the Manvers House (grade II*) and The Hall (grade I) and its Registered Park and Garden.

Following the submission of revised proposals, the Town Council provided the following comments:

The revised proposals is accompanied by a four-page letter from the Architect in which he seeks to justify the height of the proposed terrace and its potentially adverse effect on neighbouring properties. This justification is entirely based on relative levels and distances between properties (especially windows) but makes no reference: to the bulk and form of the development. In this context it is not the distance between properties or the degree of overlooking that is the issue, it is the excessive height

and inappropriate form of the terrace especially when viewed from nearby locations such as Kingston Road and Mill lane.

Fundamentally the application is the same as that submitted in December 2010 and the scheme remains unacceptable.

The development of the site should not be considered in isolation from decisions already made in relation to the Kingston Mill project, historically the Mill Lane car park formed part of a single planning unit including all of the land previously owned and occupied by Avon. It should therefore be seen as a site in employment use or closely related to that use by providing essential car parking. The West Wiltshire District Plan contains policies to protect employment uses and this is now emphasised in the emerging Core Strategy. Specifically the Core Strategy Consultation Document makes particular reference to the need to protect all employment sites in the town and loss of the employment use should be included in amended reasons for refusal.

The historic use of the car park is an integral part of the former employment site. The District Plan and the emerging Core Strategy seek to maintain existing employment sites and in recent times the car park has been used to support business activity. It is therefore an important element in the protection of economic activity in the town. Such activity is essential to maintain the character of the Conservation Area.

Highways Authority - No objections.

The access, layout and parking provision are acceptable, because a discounted parking provision has been agreed at this site. A condition should be attached to any permission attached preventing the enclosure of the car ports to ensure that they do not become used for storage purposes.

During the course of the planning process, the highways team requested the removal of the footway widening either side of the access, and it is noted that this has been addressed within the revised proposals.

It is also noted that the studio dwelling has been removed from the scheme, following discussions with the applicant's agent. In connection with this, one parking space has also been removed and replaced with a new bin store, which in turn provides a better cycle storage facility. The proposed parking provision on site is considered sufficient in this central town location and any loss of parking from the existing car park facility, is parking that has only become available since the industrial use of the former Kingston Mill site became redundant.

On the basis of the above, the proposals are acceptable and as such, I recommend that no Highway objection is raised, subject to conditions and an informative being attached to any permission granted.

Council's Conservation Officer - Objects.

The site and its context:

There is relevant planning history on this site and therefore the current scheme must be put in that context. The 2008 scheme for redevelopment of the car park also included the refurbishment and change of use of Manvers House. This was refused for reasons relating to Manvers House and not relating to the development of the car park. Consequently, the principle of developing on the car park has been previously deemed to be acceptable.

In addition, the Bradford on Avon Conservation Area Character Assessment does not identify the car park as an important open space, it is simply identified as a car park. Therefore, the principle of developing this site raises no objection.

However, notwithstanding the acceptance of development in principle, the current proposals do raise significant conservation issues which must be addressed.

The site is within the Bradford on Avon Conservation Area and any development of the site will affect the settings of Grade II, II* and Grade I listed buildings.

The car park is a hard space bounded by a mixture of stone and brick walling. The area has the appearance of an almost square courtyard and this forms part of its character within the Conservation Area.

Removal of sections of wall along Mill Lane:

The sections of the stone boundary wall along Mill Lane to be removed would be a regrettable loss, however under current legislation these sections could be removed without the need for Conservation Area Consent or Planning Permission and therefore I cannot find any objection to the proposed alterations.

The Proposals:

The Conservation Officer initially argued that the proposed terrace of six properties would not reflect the characteristics of the site in that the terrace would bisect the square courtyard and remove all sense of that courtyard space. The interpretation of the space would be fundamentally altered as there would be no views through from the northern side to the southern and this would be to the detriment of its character within the Conservation Area. Following further discussions and consideration, the concerns raised over the interpretation of the space were withdrawn. The revised development would retain a sense of a courtyard, albeit in a different shape, but a courtyard would remain nevertheless.

The car port designs are now acceptable and therefore there is no objection to those structures. The use of a flat sedum roofs is a good solution in this location.

The scale of the development would be a three storey terrace with steeply pitched roofs. The third storey would be partially within the roof space but the floor level would be a metre below the eaves and therefore the block would appear as a three storey building.

This site is flat although it is on a hill where a difference in ridge heights would be expected between the buildings at the top and those at the base. However, this proposed block would not fit in with that rhythm of descending ridge heights and it would appear too tall for the area. The terrace would dominate the surrounding areas as the height of the proposed terrace would not be in keeping with the surrounding buildings, even given the topography. This is shown quite clearly on the Site Sections plan (Dwg. No. 10056(L)022 Rev B). The ridge of the proposed terrace would be 1.5 metres above the height of the two storey rear extension of No. 18 Silver Street. The ridge heights should be stepping down in height as the hill descends, not rising back up to the degree proposed.

Elevation Plan (Dwg. No. 10056(L)018 Rev F) shows units 1 and 2 redesigned to appear more as cottages. These are still large buildings of a similar scale to the rest of the proposed terrace. The change in roof type has removed some of the bulk from the top storey, and the ultimate height has only been reduced by 500mm (excluding chimney). The redesign of the end two units would soften the impact of the terrace from the long views to the site. However, the dominant effect of a large building would still remain in views from Mill Lane and Kingston Road.

The architect has made a point over drawing a line from the ridge of the Silver Street properties across to the top of Manvers House on Kingston Road in order to give the ideal height of buildings on this site. This is still not adequately shown on the plans (Dwg. No. 10056(L)022 Rev C section DD) - the most useful section to demonstrate this - does not include Manvers House at all). The line that is being referred to, at best inference from the current plans, is quite a shallow angle compared to the angle of Mill Lane.

Manvers House is a large and impressive Georgian Grade II* listed building that has a high status. The buildings on Silver Street at the top of Mill Lane are domestic buildings that have a lower status. I would argue that in trying to create further residential dwellings on the Mill Lane site, the ridge heights should correspond the fall of Mill Lane, rather than a notional line drawn between buildings of different statuses. It would be expected that Manvers House would be proportionately taller than the lower status buildings in the surrounding area, due to its own high status. Therefore using the top of

Manvers House as a benchmark to inform the height of a lower status building is not accurate. The proposed terrace remains too tall for this site.

In conclusion, the scale of the proposed terrace would result in harm to the special character and appearance of the Conservation Area and to the settings of surrounding listed buildings and therefore would be contrary to criterion B of Policy C18 of the LDF and Policies HE7.4 and 7.5 of PPS5.

Council's Tree and Landscape Officer - No objections.

Following the submission of revised plans, the previously raised concerns about tree loss/replacement planting and landscape issues have been addressed and there is therefore, no arboricultural or landscape reason to refuse this application, subject to conditions.

Council's Economic Development Officer - Objects.

Bradford on Avon is a town that has lost most of its employment sites to residential use in recent years which has increased out commuting. I am therefore in support of the vision that the Bradford on Avon Development Trust has that the area surrounding the Mill Lane Car Park could be unlocked for employment use with better access being provided for the vacant units on Silver Street and the potential to create additional workspace surrounding the car park. In this vision, the car park would remain to serve the northern side of the town where there is very little parking space available. I therefore am opposed to the redevelopment of this car park for residential use.

Council's Environmental Health - No objections.

English Heritage - This application follows the refusal of previous proposals in the summer of 2008. English Heritage raised no objection in principle to the application, but drew attention to the relationship between new build dwellings and the residential conversion of Manvers House which was then included in the proposals.

Manvers House and its immediate car park is now excluded from the current proposals, but there is a need to ensure that its sustainable and viable future, whatever that may be, is not compromised by the current scheme.

We have had no involvement in any pre-application negotiations, and the timing of the application's submission over the Christmas period made it difficult for us to give more detailed consideration to the issues posed by the proposals in the time available. We have no details of the previous application remaining in our possession and they are not accessible via your authority's website. We cannot therefore make a comparison of the new build proposals as they are now relative to what was proposed previously and must leave such an assessment to the discretion and judgement of your authority.

In carrying out such an assessment we would draw attention to the provisions of PPS5 which have come into statutory force since the previous application was considered, and the need to provide evidence on the significance of the heritage assets likely to be affected, their importance, the degree of impact which will result, and the public benefits which might justify such proposals or provide adequate mitigation.

In this case, the contribution made by the site to the special interest of the Grade II* listed Manvers House, in its spatial relationship as well as in its openness, the role of the site in defining the historic character and appearance of the conservation area, and the setting of the Grade I listed Hall, all need to be considered. While the design and footprint of the main block may accord with prevailing townscape character, we would encourage your authority to assure itself that the development's scale will not be unduly dominant. We appreciate that the site may be part of a "brownfield" area identified for development within extant planning policy, but this does not obviate the need for any set of specific proposals to justify their acceptability in compliance with statutory planning policy guidance.

Recommendation:

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.

Council's Drainage Engineer - As the site is located within a sewered area for both storm and foul drainage, it would be up to Wessex Water to accept and agree to additional connection flows from the site.

Council's Housing Services - No affordable Housing contribution is necessary for this proposal.

Council Education Officer - No objections following the issuing of a Unilateral Undertaking on 12 July 2011 which requires the owner of the site to provide an index linked education contribution prior to the commencement of any development.

This development generates a requirement for 2 primary places at £12257 each. The proposals also generate a need for one additional secondary school place, however, it has been agreed not to pursue the one secondary place. As far as secondary school contributions are concerned, pupil numbers and school capacities do change over time and so s.106 requests must vary accordingly.

In relation to primary school contributions, I can confirm that the current numbers of pupils, and pre-school children will mean that both primary schools, serving the area will be full in the coming years. There is, therefore, a clear need for additional accommodation in relation to any new housing, irrespective of the size of the development.

Following discussions with the applicant's agent, even after the detached studio unit was deleted from the scheme, the requirements listed above remain relevant. If the studio unit was the one bed property, then its deletion would have no impact on our assessment as we exclude one bed units anyway, (on the basis that they are unlikely to be occupied by a family). If it was one of the larger properties then its deletion reduces the pupil product very marginally, but not enough to reduce the actual number of places required i.e. 1.55 at primary still rounds up to 2 as before, and 1.1 at secondary still rounds down to 1, as previously.

Council's Archaeologist - The site was evaluated in 2007 ahead of an expected application and no significant archaeology was recovered and no further action is recommended.

Council's Ecologist - No objections.

Wessex Water - The development is located within a sewered area, with foul and surface water sewers. The developer has proposed to dispose of surface water to mains sewer, we would not accept storm flow from the site to the fould system as it would cause major issues with overflows etc downstream. If there is any positive drainage from the existing site we would need to see drawings of the existing.

If the planning goes ahead we would raise an objection/seek a condition that storm flows do not go to the foul system as there are alternative options. With respect to water supply, there are water mains within the vicinity of the proposal. Again, connection can be agreed at the design stage.

It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a point of connection onto Wessex systems.

The developer should also be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications.

Spatial Planning Officer - The current strategic and local planning policy for Bradford on Avon is provided by the Wiltshire and Swindon Structure Plan 2016 and the West Wiltshire District Plan First Alteration (June 2004). The majority of the policies in the Structure Plan and District Plan have been

saved until further notice. District Plan Policy H4A (urban mixed use brownfield allocations) is particularly relevant to this proposal. Policies C15 (archaeological assessment), C17 (conservation areas), C18 (new development in conservation areas), H1 (future housing development within towns) and SP5 (secondary retail frontages) also apply.

The Wiltshire 2026 consultation was undertaken between October and December 2009 to inform the development of the Wiltshire Core Strategy. Relevant material from the consultation document and responses to this are discussed below.

Background:

The site is located within the Kingston Mills urban mixed use brownfield allocation, as identified by policy H4A of the District Plan. The site is within a Conservation Area, and is within an Area of Archaeological Interest. The site is also within the Commercial Area boundary.

There was a previous planning application at this site in 2008, with proposals including the conversion of offices at Manvers House into residential dwellings and the provision of new build residential dwellings on the Mill Lane car park (ref. 08/00917/FUL). This application was refused. The planning policy response to the 2008 application raised concerns about the loss of employment use at Manvers House and this was one of the reasons for refusing the application. With regards to the proposed development on the car park site, the 2008 policy response stated that "the provision of new build housing should be considered in relation to other matters such as traffic, conservation and amenity matters"; and that, in particular, "the implications for traffic flow and parking within this part of Bradford on Avon should be investigated given the existing degree of congestion". It was also noted that a separate application for 170 dwellings on the Kingston Mill site (ref. 06/02394/FULES, since permitted) would already provide more than the 130 dwellings indicated for the Kingston Mill site by policy H4A.

Key issues:

The key issues are considered to be whether residential development on this site would be acceptable in principle, and whether matters of traffic flow, parking, conservation and amenity have been sufficiently addressed.

As noted above, the Mill Lane car park forms part of the Kingston Mills development site identified by policy H4A as suitable for about 130 dwellings and "small scale retail, further education, financial services office and leisure/arts". Permission has already been granted for comprehensive mixed use redevelopment of a large portion of the Kingston Mills site (not including the Mill Lane car park), to include provision of around 170 dwellings. Any proposal for residential use on this site would therefore need to be considered within the wider context of the redevelopment of the whole Kingston Mills site. However, as the car park is not currently in employment use, and is located within the town policy limits, it is considered that small-scale residential development would be acceptable in principle (policies H1 and SP5 of the District Plan refer).

The policy comments relating to the new build proposals in 2008 are still relevant, and the implications for traffic flow and parking, and conservation and amenity matters should be considered. The Wiltshire 2026 consultation document noted that "poor air quality as a result of high traffic volumes and congestion in the town centre" is one of the key issues in Bradford on Avon, and responses to the consultation indicated that traffic problems are an issue in the town.

There appears to be some confusion within the application material as to the number of car-parking spaces which are currently provided in the car park. The application form states that there are currently 60 spaces; the Planning Statement indicates that there are 42 spaces, of which 25 are let to local businesses with the remainder (17) let to contractors on the Kingston Mills site; and the Transport Statement states that there are approximately 42 spaces, of which 25 are currently leased, including 10 which are associated with Linden Homes and the Contractors working on the Kingston Mills development. The applicants also state that "the private nature of the car park is such that this arrangement could be terminated at any time without recourse to planning" (p.8, Transport Statement).

The Council will need to be satisfied that issues of traffic and parking are sufficiently addressed. In particular, there is a question over where the current users of the car park will park, should the application be permitted.

The site is located within an Area of Archaeological Interest, and an archaeological assessment is therefore required under policy C15 of the District Plan. The applicant states that an assessment was carried out to support the 2008 application, and that this found no below ground archaeology.

The Council will also need to be satisfied that matters of conservation and amenity have been sufficiently addressed.

Policy Recommendation: It is considered that residential development on the Mill Lane car park site is acceptable in principle, as indicated by policies H1 and SP5 of the District Plan. The Council will need to be satisfied that matters of traffic flow, parking, conservation and amenity have been sufficiently addressed. In particular, it is noted that there is some confusion about the current level of parking provision at the site, and it is suggested that the implications on the surrounding area of the loss of parking at the site should be considered.

8. Publicity

The application was advertised by site notice / press notice / neighbour notification.

Expiry dates: 31 December 2010 (in respect to the initial proposals) and 17 June 2011 (in respect to the revised proposals)

Duncan Hames MP - Objects.

I have recently been contacted by a number of my constituents with concerns about the planning application submitted to build residential housing on the existing Mill Lane Car Park in Bradford on Avon. They have informed me that even though the land is covered by the Kingston Mills Development Brief, the current planning proposals will not bring any "lasting benefits to the town, its workforce and residents". My constituents feel that there are a number of alternative proposals that could fulfil these conditions, but that the construction of residential housing on Mill Lane is detrimental to the future of Bradford on Avon. I have also been advised that the proposals breach Policies HE 6.1, 7.5 9.5 and 10 of Planning Policy Statement 5 and District Plan Policy C18.

Members of the Bradford on Avon Development Trust feel that residential housing on this site will not provide any positive contribution towards efforts to preserve or enhance the Conservation Area, as well as having an adverse effect on the views from Manvers House and The Hall - both of which are listed buildings. A similar planning application in the same area was rejected by the planning authority in 2008, and my constituents are unable to find any changes in the last two years that would invalidate the reasons given for the refusal.

Additionally, it is felt that residential housing will only have the capacity to benefit the families living there, although there are a number of alternative proposals that could increase employment or alleviate parking problems for many more residents.

The Mill Lane Car Park, although currently in need of regeneration, has the potential to bring lasting positive contributions to the residents and local businesses of Bradford on Avon. A number of residents feel that the current proposals to build residential housing will not provide lasting or substantial economic benefits to residents, as well as exacerbating existing parking and traffic problems.

Bradford on Avon Preservation Trust - Objects.

The Preservation Trust argues that the site is totally unsuitable for further housing development and must be used to encourage business development. With the commitment of the owner of the yard above the site, this car park could afford a convenient access up into Silver Street and parking for customers who need to do business there through the archway of the old brewery. The turnover of

the shops and other businesses in Silver Street has been tragically fast in recent years because of the difficulty of getting there and the lack of parking.

This whole area immediately to the north of the river has been the industrial heart of the town from time immemorial and has been deprived of that possibility by the redevelopment of the Kingston Mills site. The Preservation Trust recommends refusal in principle and confirmed having no interest in details of design in this case, so further revisions to the design carry no weight.

The Trust fully concurs with the Town Council's recommendation for Refusal and its comprehensive account of its reasoning. The Trust, however, would like to add a further reference to PPS 5.HE 3.1 which gives advice on maintaining economic vitality in historic areas. Silver Street is already under serious threat with no less than three premises being vacated in the past six months.

There is no off-street public parking north of the river in Bradford and this site offers the last opportunity to create some in the commercial and historic centre of the town, which is already a Conservation Area with numerous listed buildings. Silver Street suffers from very narrow footpaths, or none at all. This car-park, if retained and made public, would greatly add to the economic viability of this street and the commercial buildings being built within the Kingston Mills redevelopment.

The Traffic Assessment with the approved planning application for the Kingston Mills redevelopment admitted a shortfall of on-site parking spaces. On street space for parking eleven vehicles has been lost by the creation of a footpath along Mill Lane. The subsequent raising of the Social Housing units on the redevelopment from 17 to 53 is expected to increase the demand for residential parking, and thereby cause even greater overspill of demand to nearby streets and the north side of the town centre.

In sum, housing on this site would be unsustainable by aggravating rather than mitigating the existing problem of inadequate parking for residents and businesses. Anyway, further housing is accepted by Wiltshire Council to be no longer needed within the town.

This proposal must not be decided under delegated powers, but refused by the Planning Committee of Wiltshire Council on principle, not just because of poor design. The proposals will not benefit the character of the town and will add nothing to the activity, amenity or visual quality of the Conservation Area.

Wiltshire Heritage - Objects.

On behalf of the Council for British Archaeology (CBA) and the Wiltshire Archaeological and Natural History Society (WANHS), the following comments are made:

The site is well known to us and it is argued that the revised proposals would be detrimental to the surrounding landscape of the protected buildings by introducing structures that impose on the sight lines from existing buildings as they exceed the roof lines and are of totally different architecture.

The courtyard is bounded by walls which predate some of the surrounding listed buildings and the ground will certainly hold archaeology relating to the Saxon occupation of the town north of the River. The proposal seeks the removal and demolition of parts of the retaining walls (measuring over 2 metres in height). The walls should not be removed and the archaeology should be preserved in an accessible way.

This development would be contrary to HE3.4 of PPS5 and thus undermine the local distinctiveness of this courtyard and its place in the historic environment of the town.

The dense development would not be in line with HE7.4 and HE7.5 as it does not make a positive contribution to the surrounding heritage assets nor bring sustainable economic development to the town. It could be argued that the loss of parking for local shops, restaurants, offices would have their economic sustainability impeded by the loss of such facilities, especially since that they are the only facility on the north side of the River.

Bradford on Avon Development Trust - Objects.

Others have highlighted the specifics of planning policy. Bradford on Avon Town Council's objections include the assertion that the scheme will not "contribute to the long-term preservation and enhancement of the Conservation Area" and that it does not provide proper development "as assessed with regard to the criteria set out in Policies HE6.1, HE7.5, HE9.5 and HE10 of PPS5 and District Plan Policy C18".

The Trust wish to stress that "if allowed, the change of use involved in this application would have an adverse impact on the economic viability and the conservation of the town quarter bounded by Silver Street, Mill Lane and Kingston Road".

This includes a number of retail stores as well as 6,000 sq ft of employment space, currently un-let because of problems of access. It will also impact on the success of the retail element of the Kingston Mills site, since there is no public parking provision within the Kingston Mills development.

In more detail:

1. The car park remains an essential part of the employment fabric of the town. Virtually all spaces are currently let to employers within the town, to retailers and to Linden Homes (whose requirement will continue for another 2-3 years). In addition, the company based in Manvers House has an option on use of the car park as an essential overflow for its own parking area.
2. The land is covered by the Kingston Mills Development Brief (adopted as WWDC Council Policy in December 1994) which states that "the aim of the brief is to ensure that the opportunities afforded by the site's redevelopment are realised in a way which will bring lasting benefits to the town, its workforce and residents'. It has been acknowledged that there is an insufficient amount of parking provided within the Kingston Mills site. Since the Mill Lane car park was always included within the Development Guidance for the Kingston Mills development, it has always been implicit that this site could provide some relief, if it could be brought into public use.
3. If the present application is passed and change of use is permitted, the land will be sold and the town will lose the only available parcel of land for a public car park north of the river.
4. The car park is part of the ancient fabric of the town, a former walled garden that has maintained its contiguity and never been built on. It has always been an open space. Although in its current form it is unkempt and in need of attention, its situation is part of the heritage of the town and an important element within the conservation area.
5. A similar application (including reversion of Manvers House to residential) was rejected by the planning authority in 2008 under delegated powers. The Officer Appraisal was detailed and thorough. It included the following comment:-

"The site is shown as part of the Kingston Mills site which sets the policy framework for the redevelopment of a mix of uses to include about 130 dwellings... The submitted application on this site which is the subject of a resolution to grant dated 29 November 2007 provides for 170 dwellings, including 53 affordable dwellings... As this will meet the residential requirements of this policy it is considered that there is no imperative for the scale of residential use proposed on this site".

We do not believe that there has been any material change in the past two years that would nullify the 2008 reasons for refusal.

6. On behalf of the community, the Bradford on Avon Development Trust is proposing an alternative vision for the car park. It will regenerate this quarter of the town, unlocking the potential for the employment of 30-40 people in B 1 accommodation, providing a boost to the retail environment and contributing to an improvement in town centre traffic congestion. Our plan will also greatly enhance the setting of the historic buildings that surround the space, creating a unity of place.

7. We have the support of the BoA Town Council, BoA Preservation Trust, the BoA Chamber of Commerce, Dr Alex Moulton (The Hall) and adjoining residents.

We understand that this vision is not sufficient in itself to form the basis for a rejection of the planning application from Fortdene Limited. However, we believe it is important for the planning authority to appreciate the full impact on the town if change of use is allowed. If the speculative London developer is successful in getting his plans accepted, then the value of the land will deliver a one-off profit to the developer.

However, if the application for change of use is rejected, the land can be acquired as a community asset, unlocking the opportunity and the space for several dozen new jobs, delivering vitally needed public car parking to the benefit of local people and retailers, and in so doing also provide a public space that reflects the heritage of the area.

The alternative vision for the Mill Lane car park

In more detail, our proposal is based around:

- acquisition of the land for use as a public short-term pay-and-display car park
- the creation of a number of artists' studios within the car park
- the consequential unlocking of stalled employment space in Silver Street
- the landscaping of the car park to echo its original status as a green area.

1. Public short-term pay-and-display car park

If we are able to accommodate 25-30 cars to the north of the river, it will help reduce the number of journeys people make by car across the town bridge to find a parking space before crossing back over the bridge to do their shopping. It will be a real boon to local traders and will provide a welcome bonus to efforts through the Historic Core Zone initiative to improve the balance between people and traffic in the town.

As a first stage we will furnish the car park appropriately and then open as soon as possible.

There will be 35+ spaces, with 8-10 spaces available to rent/lease. (For comparison, the library car park has 26 spaces, St Margaret's has 59 spaces).

The car park will be owned and operated by the Development Trust or a subsidiary. We will seek an arrangement whereby parking enforcement will be handled by Wiltshire Council. All profits will be used in support of the work of the DT.

The cost of short-term parking will be the same as in other comparable car parks in the town.

2. The unlocking of stalled employment space in Silver Street

The commercial premises at 24 Silver Street have been on the market for a considerable time. The units offer 6,000 sq ft of employment space, including important frontages onto Silver Street. Entry to the units is via an archway (leading to a yard) that opens directly onto Silver Street on a corner. The difficulty of access is a key reason that the units have remained largely empty for so long.

The yard at 24 Silver Street is adjacent to the Mill Lane car park and ground levels are relatively similar. If we are able to acquire the Mill Lane property and open it as a public car park, we propose creating a traffic opening from the car park into the 24 Silver Street yard. We are currently in discussion with the owner of 24 Silver Street (Chris Bowyer) on the detail of this element, including the demolition of one prefab building. Both parties are excited about the opportunity it would provide to revive this significant part of the town centre.

3. The creation of a number of artists' studios within the car park

As a second stage following the opening of a public car park, we propose building a small number of artists' workshops on part of the north and west sides of the car park, including undercroft parking so that no parking spaces are lost.

There is a known demand for artists' workshops in the town. We anticipate up to half a dozen workshops that would be available to residents on an easy-in/easy-out basis and at an economic rent. The design of the building will be geared to creating a small community feel for tenants, creating additional employment space and adding further character to this quarter of the town.

We are looking at the cost of timber-frame workshops with slate-like solar tiles on a mono-pitch roof that would peak at or below the high wall level on the north side (the building would not extend in front of the lower part of the north wall).

4. The landscaping of the car park to echo its original status as a green space.

Stage two would also include the landscaping of the car park, including suitable trees, paving etc, in order to turn the car park into an attractive public space that complements its location, including the vista across the completed Kingston Mills site. The car park will also provide a perfect complement to the future Historic Core Zone streetscape.

In addition to the above, 27 individual letters of representation received raising the following concerns:

- This application does nothing to enhance the vitality of the Town Centre and nor does it preserve its unique character.
- The applicants design statement is shrewdly presented, however, design considerations are one thing, contextual (i.e. traffic, arboriculture, conservation etc) issues also require consideration.
- The applicant has failed to consider the emerging Wiltshire Core Strategy and its determinations for the vital community concerns and priorities of the Town.
- The proposed terraced building is too large and visually intrusive for the site. Surrounding listed buildings would be overwhelmed and detrimentally affected.
- Overlooking / loss of daylight and privacy to neighbours
- The application disregards the urgent community need for sustainable economic provision/enhanced employment opportunities. Given the site's position, it should principally be considered as a priority site / resource for small businesses. It is essential that the site is used efficiently. This housing proposal fails in this regard.
- There is a serious lack of parking in the Town already. The closure of Mill Lane for on-street parking has had significant impacts on local residents and businesses. Since 2004, local residents and businesses have paid an annual fee to Avon Rubber (owners of the site) for parking spaces. Why should locals suffer for the inappropriate financial gain of one developer?
- Since the 1970s, the Town has seen much change and car ownership and traffic levels have increased significantly, conversely, parking spaces have dwindled, especially north of the river. Why make a bad situation worse?
- Noise pollution.
- Increased traffic and the associated pollution will dirty the natural stone on ancient buildings and at worst, undermine their very fabric.
- The recent removal of parking in Mill Lane and now the removal of available parking on the proposed site, together with the increase likely to result from the proposed build of six properties, will further increase the problems of parking in the restricted area available in Woolley Street. Whilst the residents in this area, that have no off-street parking, have constantly requested residents' parking no response has been provided. They are now forced to park elsewhere in town.
- The commercial and business life of the town is currently being stifled by the lack of public car parking throughout the town. This will make it worse on this side of the town bridge.
- The car park is basically within an industrial area behind commercial buildings. This does not provide a pleasant or desirable outlook. Nor does it sit well with other listed buildings in the immediate area.
- Access to the site is restricted
- The proposals conflict with PPS5 and Local Plan policy C18.
- When Avon Rubber closed its operations on the Kingston Mill site and the car park was no longer required for the workforce, we were invited to park there. Since 2004, we have paid an annual fee to Avon Rubber for two spaces in the Mill Lane car park, along with neighbours and local business owners. This is the only car park on the north side of the town and because most of our houses have no garages or driveways, we are very reliant on the spaces. Unlike residents on the south side of the town, we have no residents' parking permits.

- This profit from property proposition will lead to serious over-development of what is a tightly constrained site and, given the over-development of the Kingston Mills site, it is unlikely to complement the area in the foreseeable future.
- If the Proposal put forward by Nash Partnership is permitted to go through, we may regard it as further indication of an insidious 'turning over' of historic core zones to private enterprise. In this congested, north-of-river sector of Bradford-on-Avon, bereft of suitable parking, nobody knows what this Proposal means better than I who - as retailer, resident, foreman, car-owner, family man - is in a position to witness the real causes that now bring frustration and anguish to those of us who have taken Bradford-on-Avon as our home.
- A local resident has been approached and asked as to who controlled the Mill Street Car Park; and to whom they need apply to secure a personal parking space. In both instances, the enquirers were new homeowners, very recently installed within the new mixed-use Kingston Mills Development - commenting that the on-site parking allocation seemed inadequate for those of us with joint car ownership and visiting family and friends.
- This indisputable fact sadly compounds a conspicuous problem. Many of us, within our responses to the Planning Proposal, repeatedly have been at pains to articulate not only our material concerns but also to stress the threat of contradiction to the District Planning Policies (Planning Policy Statement 5 HE 6.11, HE 7.5, HE 9.5, HE 10 ; District Plan Policy C 18; et al).
- At the granting of Planning Permission for Kingston Mills, by West Wiltshire District Council's Special Planning Committee, on 29th November 2007, the following (abbreviated) conditions/provisos were imposed upon the Architects and Developers:
 - a) ... "to increase off site parking capacity"
 - b) ... "to manage off-street car parking demand"

In attendance, Edward Nash (and Chris Beaver) of Nash Partnership: representative as Architect and Agent for the Developer Linden Homes. It is reprehensible then - with the threat of an essential community parking amenity being eradicated in favour of another Residential 'profit from property' scheme - that the Architect and Agent for the Developers (Fortdene) should be none other than Edward Nash of Nash Partnership - acting in blatant contradiction to the provisos.
- The bin location and their proximity to neighbouring properties will lead to unpleasant smells and nuisance.
- Loss of healthy, beautiful trees.
- No need for more housing.
- Access to commercial properties along Silver Street could be opened up if the site were to be alternatively developed.
- There is no affordable housing provision.
- The site, along with the Kingston Mills site, would be overdeveloped.
- Historically, the site was an open space, giving adjacent properties views across the Town. This development would obliterate these views/vistas.
- This development would ruin the aesthetics of the Town and de-value adjacent properties.
- The site should become a public car park, be tidied up and landscaped. This would encourage more visitors and business to the Town.
- Allowing this development will further the existing bad feeling local residents have towards the Council in terms of its consistent unsympathetic decisions affecting the Town.
- The 2008 application was refused on the grounds that the residential requirements for the Town had been met by the Kingston Mills site.
- Despite the submission of revisions, the fundamental objections raised above remain. The introduction of a tree in the centre of the site could lead to problems of foundation destabilisation and loss of light as the tree grows.

9. The Applicant's Case

The applicant recognises that whilst the 2008 applications were refused, there was no reason for refusal covering the erection of houses on the car park site. Subject to satisfying adopted District Plan Policy, the site is identified for such purposes and therefore the principle should be seen as being established. The redevelopment of Manvers House no longer forms part of the proposals. It is also stressed that "PPS3 advocates housing development on brownfield land in suitable locations which offer a good range of community facilities and with good access to jobs, key services and infrastructure. As the site is within Bradford Town Centre it is afforded easy access to all of the facilities that it provides. There are also good bus links to nearby towns and cities".

The scheme would be able to "plug-in to the one-way transport strategy devised for Kingston Mills proposals". The parking proposals have been subject to discussions and negotiations with Council highways officials, and it submitted that no highway objections are raised. The design for the car parking allows vehicles to reverse out of parking spaces and leave the site in forward gear.

The applicant further submits that "Mill Lane is characterised by its enclosure on both sides by an almost solid building line, either by buildings or by high boundary walls...This character will not be altered by the proposed development because the terrace [would] continue this solid building line".

"The layout of the dwellings has been reconfigured to create a terrace of dwellings orientated to sit on the contours of the town. This is because throughout the steep slopes of the northern side of Bradford on Avon, the short terraces running along the corridors can be seen as evidence of the incremental pattern of development here over many centuries that, with extreme topography, have created such distinctive urban character. Based on this, the layout has been revised to make it more in keeping with the urban form of Bradford-on-Avon".

"All of the buildings beyond the car park turn their back on the site and so there, are no proximate windows overlooking, with one exception. Above the wall at the northern side of the car park is a building with windows directly overlooking the site. Beyond this elevation, there is another building with windows looking over the car park. The design of the proposed dwellings has taken into account the proximity of these buildings to the site. For this reason the terrace has been located closer to the southern end of the site providing a distance of 14.5m between. It is only the attic floor of the proposed development that presents any potential issues with overlooking and this was fully considered in the design process. The windows of the attic floor looking out from the northern elevation belong to a small bedroom and bathroom. These rooms also have roof lights to supplement the intake of light and therefore the windows facing the northern boundary are small; It is considered that adequate measures have been taken to prevent any significant overlooking and amenity issues; however obscure glazing could be used if additional measures were deemed necessary.

Further to this, the window located above the northern boundary wall is clearly not part of a habitable room as its window is partly boarded up. Therefore there are no amenity issues arising from it.

Careful consideration has also been given to the potential for the proposed development to overshadow surrounding buildings. Bradford on Avon is characterised by its topography and by the different orientation of buildings caused by organic, incremental growth of the town.

The proposed building would not be incongruous and overshadow buildings in the vicinity. The buildings have been orientated and located far away enough from the boundaries to ensure this. This is in accordance with Policy C38 of the Local Plan".

The applicant / agent submitted the following comments in response to the Conservation Officer's objections:

"The way buildings are perceived within the wider urban landscape is always determined by the largest buildings there are, inevitably, given the complexity of towns; some lesser buildings will disappear in such views, hidden by others. So it did not seem unreasonable to test the height of the proposed new building against the most significant of the existing as these are the ones that manifest in distant views.

The principle that building heights should, broadly speaking, relate to topography is broadly sound, but in fact, the gradient of Mill Lane is 7 degrees and the gradient of the line I drew between the properties to the north and south of the site only 5 degrees and so the point is a narrow one.

In fact, if topography alone is to be the measure then the important thing to note is that this car park site within Bradford on Avon town is quite a large site, but it is entirely level in an east/west direction (whereas Silver Street falls) and in a north/south direction falls far less than Mill. The gradient across it in a north/south direction is actually only 2 ½ degrees.

Perhaps the best way to judge how the buildings should fit within this location is to look at the way they would lie within a photo montage prepared to a photograph taken from Bradford on Avon's well

known high point, the Scout Hut, south of Bridge Street. The photograph submitted on 18 July was taken after the scaffolding on the Kingston Mills was removed and thus features, for the first time, the effect of the variation of prepared house types with the lower hip roof buildings at the western end.

We believe in overall impact terms this would present an appearance wholly consistent with the character of Bradford on Avon where many terraces present their best face to the valley, but terraces are rarely built of more than 4 or 6 dwellings and within them there is much variation and many eccentricities.

Within Bradford on Avon, there are only a limited number of high points from which issues like this can be considered. East of the Scout Hut the foreground becomes obscured by trees, to the west, buildings and view lines follow the curves of the roads leading out of the town and there are no elevated view points at all to the west from which this site is significant.

Building Hierarchies

The Council's Conservation officer has made a point about the hierarchies of development on the site, compared with that of surrounding buildings. A separate photograph was submitted showing the 3 dwellings running west of Mill Lane. All have attic accommodation of varying degrees and one features a stone fronted gable and eaves line set around one metre above the floor level the gable window serves. This was one of the direct precedents we used to produce this design and is common throughout the town. However, we chose to make the gables more compact and narrower.

One of the notable characteristics of Bradford on Avon is how buildings of different classes and qualities sit cheek by jowl to a very unusual degree. It is a most distinctive feature with fine and substantial 18th century mansions sitting alongside diminutive cottages.

Since the Silver Street buildings are very well hidden behind high rear boundary walls, the true Conservation Area Character context set by this site is that determined by this relationship with the boundary and landscaping of The Hall nearby and Manvers House whose walled garden this once was. The applicant submits that the proposed buildings are not out of scale with the substantial eastern elevation of the property at the top of Mill Lane and the gable end of our terrace will be seen within the generous spatial setting that the grounds of The Hall create. It is common to find that with a building of the substantial scale and status of The Hall that buildings in its vicinity reflect that status and this was a positive consideration within the quite sophisticated and well crafted design we produced here.

Close Quarter Views

As our various 3D illustrations and model photos show, the gable end of Mill Lane adds a note of drama of a kind found all over Bradford, all the more interesting because of the contrasts of street width, building height and variety of form.

The other close-quarter view available is that from Kingston Road where the lower level car park of Manvers House is undeveloped and so reveals the high rubble stone wall behind which this elevated site is located. This wall is around 5 metres high and substantially determines the degree of visibility of the new houses, so for someone walking along Kingston Road, the line of sight and the site's boundary wall would obscure all but a few metres of the walling of the terrace below its eaves line and it would not loom over Kingston Road as the Conservation Officer, argues.

Bradford on Avon is a remarkable town due to the severity of its topography and the way this is heightened and exaggerated by the presence of great variety of structure for the most part displaying craftsmanship in stone and an eccentric variety of form and architectural character. The town's character is all the more remarkable by the fact that, particularly in its centre, it has a large number of buildings of substantial scale whose juxtaposition frames urban views and makes for rich overall visual experience from a multitude of viewpoints.

Closing remarks

In the evidence we have prepared in support of this application, we have shown that the proposed terrace here (which consists of two house types) is not in fact out of scale as regard its length, its number of storeys or its height when measured either by reference to surrounding ridge heights, by reference to topography or by reference to its impact within a photomontage from the only significant distant viewpoints the town affords.

We believe in terms of status this is an unusually well-crafted building supported by a large amount of detailed drawing, which has been designed, quite rightly, to reflect the architectural status of The Hall and that of Manvers House, rather than that of the buildings within Silver Street which are substantially screened from it.

If the alternative to the scheme were to be to provide a terrace of ordinary two storey dwellings, such as that previously considered in 2008, we believe the character contribution to the town would be much less than can be achieved with this design. We believe there is evidence that there is no case for concern about loss of privacy for the gardens of the Silver Street properties in view of the relationships of height between the dwellings of those gardens and properties and the functions that will take place within the rooms under consideration.

If the only way to win the support of the Council for development on this site is to revert to a wholly '2 storey to eaves' design the applicant would give this very serious consideration now - but it would have to be more humdrum and risk presenting when done as just another piece of urban infill.

There are times, especially in Conservation Areas where it is right to add something of distinctiveness, especially within the context of a building of the status of The Hall.

10. Planning Considerations

10.1 Principle of Further Residential Development Within Town Policy Limits

Government advice contained within PPS 3 (as revised in June 2010) states, inter alia, that the planning system and decisions should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas and the provision of a sufficient quantity of housing taking into account need and demand and seeking to improve choice. It is also duly acknowledged that PPS3 (as revised) removed the prescriptive minimum housing density requirement.

Whilst having due cognisance of the above, the site is identified in the adopted West Wiltshire District Plan - 1st Alteration as forming part of a 2.18 hectare landholding which includes the Kingston Mills site, which is still being re-developed. For the avoidance of any doubt, both the Kingston Mills site and the Mill Lane car park site are both included within policy H4A - titled 'Urban Mixed Use Brownfield Allocations'. This policy suggests that both the Kingston Mill site and the Mill Lane car park could be redeveloped "to include about 130 dwellings" and "small scale retail, further education, financial services office and leisure/arts".

The car park site is located entirely within the defined Town Policy limits of Bradford on Avon and under Policy H1 of the West Wiltshire District Plan, proposals for new housing development in this area may be permitted provided, inter alia, that the siting, layout and design considerations are satisfactory, and that they are in keeping with the character of the surrounding area and that providing such development does not give rise to highway problems or create inappropriate backland or tandem development.

Policy H24 leads on to state that new housing should face onto, with windows and doors overlooking, the street or other public areas. Whilst offering some innovative design opportunities in new developments, the policy also states that details, materials and finishes should complement the local characteristics.

West Wiltshire District Plan Policy C31a states that all new development, residential or otherwise, is required to respect or enhance the townscape features and views, existing patterns of movement, activity and permeability and historic layout and spatial characteristics. Policy C38 further states that new development will not be permitted if neighbouring amenities and privacy values are significantly detrimentally affected.

Whilst each application should be assessed on its own merits, the recent (2008) planning history for the car park site is a material consideration. It is recognised that Manvers House no longer forms part of the development proposals. It is further submitted that in planning terms, whilst the car park may well service local businesses, it is not considered employment land, and therefore, this development would be not result in any loss of employment buildings/land or floorspace. The applicant correctly states that in refusing planning application 08/00917/FUL, the Council did not raise any principle objection to developing the car park site (which would consequently displace private car parking). Officers argue that since the site has been identified having redevelopment opportunities as enshrined within the Council's adopted District Plan, the loss of a privately owned car park should not be grounds for refusal.

Whilst local residents have raised concerns about the above and referenced the emerging Core Strategy as grounds for refusal, Members are advised that officers, including the Council's Highways Authority and the Spatial Planning team, submit that a small-scale residential development would be acceptable in principle.

Officers however submit that whilst the above principle is established, the submitted proposals are not supported.

10.2 Impact on Conservation Area / Heritage Assets

Throughout the planning process, the Council's Conservation officer has been involved with the negotiations held with the applicant's agent. The Conservation officer recommends that unless the proposed development is reduced in scale, it should be refused.

Planning Policy Statement 5 - Planning for the Historic Environment and Section 66 & 72 of the Planning (Listed Building and Conservation Area) Act 1990 highlights that the Local Planning Authority has a duty to pay special attention to the desirability of preserving and enhancing the setting of a building or buildings of special architectural or historic importance and character or appearance of the Conservation Area.

Whilst the applicant/agent has endeavoured to address officer concerns, the height and scale of the proposed spilt terrace are not considered acceptable, and would detrimentally affect the special character and appearance of the Conservation Area and the setting of surrounding listed buildings.

Even with its western end split, the main part of the terrace would be about 10 metres in height (and over 12 metres including the chimneys) and this is considered to be excessive and detrimental within the local setting and to Conservation Area character. Officers submit that the revised proposals would still present an overtly visually domineering three storey building, with a steeply pitched roof within a relatively confined space and in terms of its impact, the terrace would visually compete with Manvers House, an important Grade II star listed building, which is not considered appropriate.

During the course of negotiations with the architect, officers suggested that the building mass should be broken up and reference should be made to the varying roofscapes of the surrounding properties. These roofscapes, and their varying ridge levels contribute greatly to the special character of the area. In response to this suggestion, the architect redesigned the western end of the terrace. However, whilst the roof mass would be reduced (compared to the initial plans), the end of the terrace lacks architectural coherence with the main building block. Whilst the roof mass would be reduced, the western most "cottage inspired" section of the terrace would still present a large building block in its own right measuring between 9.4 and 10 meters in height, which is considered too high.

Both the Conservation Officer and case officer recognise that the architect has endeavoured to calculate and visualise the impact of the terrace by using the ridge height of Silver Street properties

and that of Manvers House. Whether the site is developed with a terrace (in a reduced form) or as part of a different layout, officers submit that the height of Manvers House should not be used as the benchmark for building on the elevated car park site. The Conservation officer eloquently and correctly stresses that Manvers house is "a large and impressive Georgian Grade II star Listed Building that has a high status". The proposed terraced development, located further up the hill, would visually compete with this building, which is not considered appropriate. Any development on the elevated car park site needs to be more respectful of its surroundings and promote a more subservient form of development.

On the basis of the above, the height, scale and design of the 6-unit terrace would run contrary to PPS5 policies HE7.4-7.5 as well as failing to accord with adopted District Plan Policies H1, H24, C31a and criterion B of Policy C18 and therefore justifies a refusal.

Whilst the above represents a fundamental objection to the scheme, officers do not wish to raise any objection to the choice of materials, or the fenestration treatment.

10.3 Loss of Car Parking / On Site Servicing / Environmental Considerations

As reported above, following lengthy discussions with the applicant's agent, the Council's Highways Authority raise no objection to the revised housing development, subject to conditions.

It is recognised that if approved, this development would result in a displacement of existing car parking. Whilst the concerns raised about the loss of car parking are duly acknowledged, the fact that the Mill Lane car park is in private ownership cannot be ignored. It must also be recognised that the short term lease arrangements/agreements which allow local businesses and local residents to use the car park, could be curtailed without any Council involvement. In addition to the above, adopted District Plan identifies the car park site for residential / urban mixed use redevelopment.

On the basis of the above, whilst the consequences of the development are fully respected, members are advised that it would be unreasonable for the Council to refuse planning permission on the grounds of loss of / displaced parking.

As part of the consultation exercise, Wessex Water advised that surface water run off cannot connect to their foul mains, as it would potentially cause unacceptable overflow issues downstream. After advising the applicant's agent about Wessex Water's comments, the applicant's agent advised that an alternative system would involve the provision of soakaways and possibly incorporating a retention system to stretch the infiltration over a longer period. At present, the car park is mainly in hard standing and served by a couple of gulleys draining the surface water. However, if this development is approved, there would be less hard standing with the provision of gardens and soft and hard landscaping, which could assist in draining future surface water. Should the application be approved, a suitably worded condition would be necessary to cover surface water drainage.

The Council's Environmental Health team were consulted and were part of the early discussions held with the applicant's agent. Following a site inspection and review of the proposals, no environmental objection was raised.

10.4 Landscape / Loss of Trees (including TPO'D tree)

Along with the case officer and the Conservation officer, the Council's Tree and Landscape officer has been party to lengthy discussions with the applicant's agent. Following the submission of the revised plans, which include the felling a Poplar tree which is subject to a TPO, the above officer raised no objections. In tree and landscape terms, the development would be considered acceptable, subject to conditions.

10.5 Impact on surroundings / residential amenity / privacy

Officers recognise that the applicant's agent has endeavoured to address the concerns raised about the impacts the terraced development would have upon residential amenity and privacy. A sketch plan drawing (dwg. no 10056/SK/19/4/2011) was submitted in an attempt to contextualise the likely impacts of the terrace on its immediate neighbours. This sketch plan and its accompanying letter

from the architect dated 11 May implies that there is 22 metre separation or thereabouts between the northern facade of the proposed terrace and the southern rear habitable elevations of residential properties along Silver Street. There is a 22 metre separation in some cases, but some of the Silver Street properties project much closer to the car park than others. For example, No. 18 Silver Street has a rear extension which is understood to be used as a garden room and has two glazed window openings on its rear facade. If this application was to be approved, this accommodation would be potentially overlooked by the terrace some 14 metres away. A 14 metre separation between opposing domestic facades is not considered appropriate and as highlighted by the occupiers of No. 18 Silver Street, residential amenity and privacy would be compromised.

The distance between windows is not the only concern. At 10 metres high, the uppermost floor windows serving habitable rooms within the proposed terrace would have the potential to overlook the rear garden amenity grounds associated to the Silver Street residences located 13-14 metres away. It is recognised that a high wall separates the lower level car park site from the Silver Street properties and gardens, however the submitted sketch plan drawing contextualising the potential impacts does in part, rely upon an existing wattle fence and shrubbery on neighbouring land being retained in perpetuity to prevent overlooking of rear gardens, which is of course something the applicant cannot control.

The applicant's agent makes a point of highlighting a "typical situation" whereby dwellings of two storeys with 12 metre gardens separating each other, and thus have a separation of 24 metres, consequently results in overlooking of 50% of neighbours garden ground from upper floor windows. Whilst the above argument cannot be disputed, the fact remains that the application proposals constitute overlooking/loss of privacy and amenity to properties 13-15 metres away and not 24 metres distant.

Officers note that the owner/occupier of the Hall, the Grade I listed property located 105 metres to the east of the car park site, has raised an objection to the eastern gable window opening. The separation between the site and the Hall and the well established tree planting within the Historic Park and Garden is sufficient to ensure that the proposed development would not detrimentally affect the character, setting or amenities enjoyed by the listed Hall property.

Officer concerns about the impact on neighbours rest with the relationship of the terrace and the Silver Street properties, and most notably with No. 18.

In terms of the above, the proposed terrace would have a demonstrable and detrimental impact on the amenities and privacies enjoyed by the occupiers of neighbours, contrary to the provisions of adopted District Plan Policies C38 and H1 and conflicting with the Council's adopted Residential Design Guide SPG.

10.6 Archaeological and Ecological Issues

The Council's Archaeologist and Ecologist both confirmed that they wished to raise no objections. The application proposals are therefore seen to accord with the respective guidance contained within PPS5 on Archaeological issues and PPS9: Biodiversity and Geological Conservation.

10.7 Education Contributions

The Council's Education Team report that as a result of considerable pressure in Bradford on Avon, contributions would be sought for primary school places. No contributions have been earmarked for secondary places as capacity exists at St Lawrence School. It is understood that the education team remain concerned that following on from representations to the Core Strategy, there is predicted growth of Bradford-on-Avon to the east and therefore they have started anticipating the school places that this will generate.

Adopted District Plan Policy S1 and the Education Services own 'Policy for Requesting Section 106 Contributions for Education Infrastructure' state that where reasonable and appropriate, education infrastructure contributions shall be sought from developers in accordance with the requirements of the Local Education Authority. The Head of the Council's Schools Strategic Planning recommends that if this application was to be approved, the 6 house development would create a need for 2

primary school spaces, calculated at £12, 257 each. This index linked sum of money stated would contribute towards the expansion of Fitzmaurice Primary, together with Council funds to meet the demographic pressures.

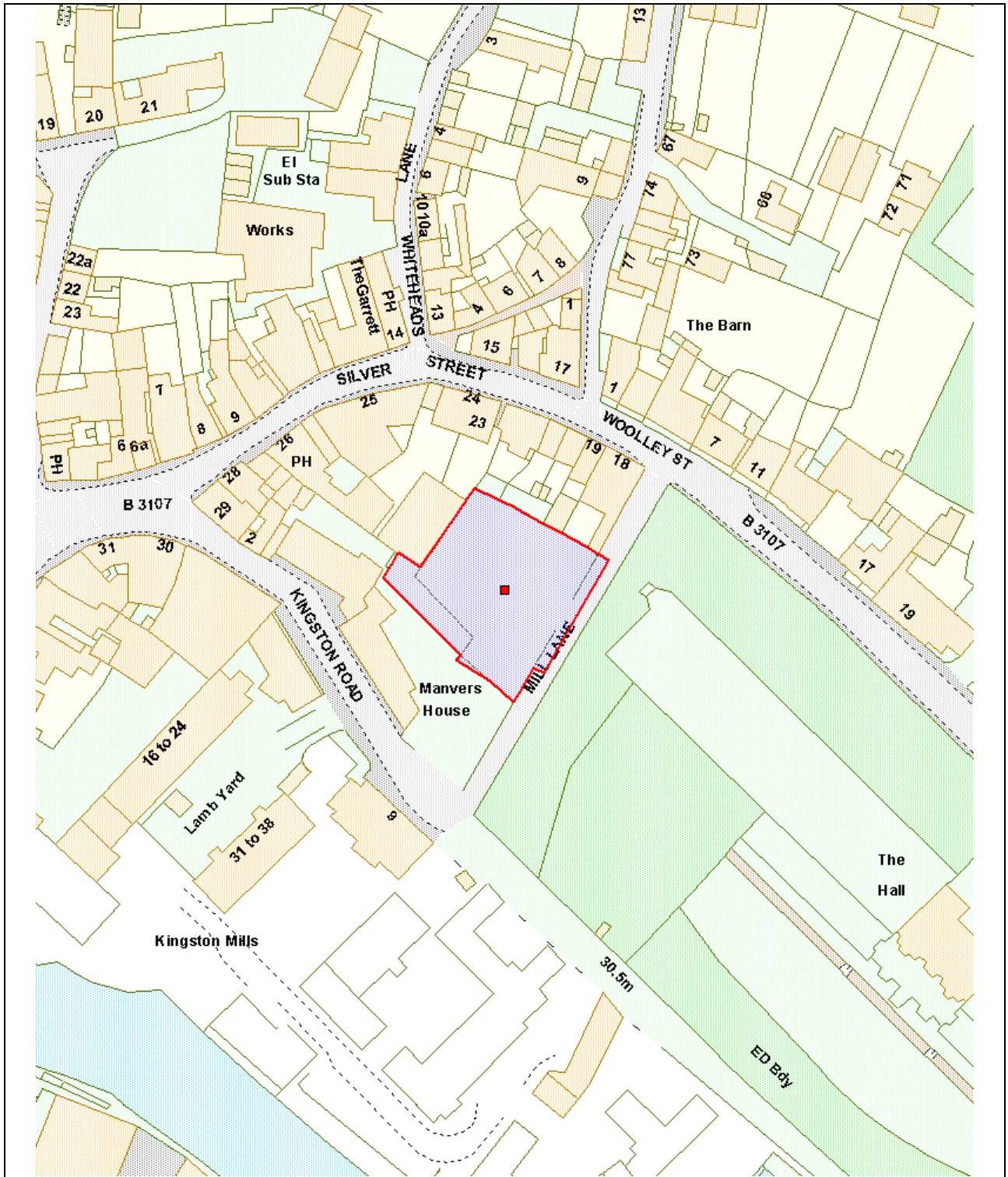
The above contribution requirement has been the subject of lengthy discussions between planning officials, the education service and the applicant's agent. For the first 5 months of this application, the applicant was opposed to being subjected to the above obligation. However, after meeting with Council officials, on 12 May 2011, the applicant's agent confirmed that they would no longer challenge the necessity of the abovementioned contribution, and advised the case officer that they would commence the preparation of a Unilateral Undertaking. As reported within section 5 above, the Unilateral Undertaking was duly issued on 12 July 2011 which legally binds the owner of the site to pay the appropriate index linked sum of monies required prior to any commencement of works on site.

Recommendation: Refusal

For the following reason(s):

- 1 The proposed height, scale and design of the 6-unit terrace would be an excessive inappropriate form of development that would not offer a positive contribution to the surrounding heritage assets and instead, would be detrimental to the special character and appearance of the Conservation Area and to the setting of listed buildings, most notably Manvers House, contrary to PPS5 policies HE7.4-7.5 as well as failing to accord with adopted District Plan Policies H1, H24, C31a and criterion B of Policy C18.
- 2 By virtue of its height, siting and provision of habitable windows on the northern facing elevation, the proposed terrace would have a demonstrable and detrimental impact on the amenities and privacies enjoyed by neighbours, most notably No. 18 Silver Street, contrary to the provisions of adopted District Plan Policies C38 and H1 and the Council's adopted Residential Design Guide SPG.

Appendices:	
Background Documents Used in the Preparation of this Report:	



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