

REPORT TO THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	28.03.2012		
Application Number	W/11/02971/FUL		
Site Address	Car Park Mill Lane Bradford On Avon Wiltshire		
Proposal	Erection of terrace of 6 dwellings with car parking, enclosures and associated development (resubmission of W/10/03791/FUL).		
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 01225 770251 kenny.green@wiltshire.gov.uk	

Members will recall that this application was deferred for a site visit at the meeting of the Planning Committee on March 7th. The site meeting is scheduled to take place prior to this committee meeting.

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.

1. Purpose of Report

To consider the above application and to recommend that planning permission be approved subject to conditions.

Neighbourhood Responses

15 letters of public representation received together with a petition signed by two people.

Parish/Town Council Response

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

2. Report Summary

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. 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 identified as being located within the Commercial Area Boundary in 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 with an on-street parking prohibition in place. 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 as a private car park 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 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 the rear gardens associated to Silver Street properties, service yards and outbuildings.

The applicant/site owner submits that there are 33 useable parking spaces in the existing car park. 9 of these are let to local businesses, 6 to local residents and 10 are temporarily let to Linden Homes whilst the Kingston Mills site is being developed. The remainder of the spaces were to be let to the Railway Engineering Company if required, but the offer has not been taken up; and thus, the spaces have been kept vacant. As an aside, the site owner has reported that the barrier at the entry point to the car park "is regularly broken by people trying to get out of the car park. When this happens, the car park fills up with non-licensed users".

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 (application not required) 17.05.2011

W/10/03791/FUL - Erection of 6 terrace dwellings with associated car parking, enclosures and tree felling and planting - Withdrawn 15.08.2011

5. Proposal

Full planning permission is sought for the erection of 6 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 green oak framed porches with lead canopies are also proposed. The terraced property would have clay pantile and natural slate roofs. Sedum roofed car ports/cycle stores are also proposed.

Following the withdrawal of application W/10/03791/FUL negotiations took place with the applicant's agent. These negotiations led to the height and fenestration detailing being revised. The proposed ridge height has been lowered (than previously submitted) and the terraced building would be set into the site more through site excavations; and it has been re-sited about 12-14 metres from the boundary wall separating the site and the residential properties and gardens located along Silver Street. The applicant has also reconfigured the internal space and introduced some obscure glazing to address previous concerns raised about overlooking of neighbouring properties to and from habitable windows.

In support of the application, the applicant's agent has submitted a revised Planning Statement, an updated Design and Access Statement, an Arboricultural Impact Assessment, a Transport Assessment including vehicle swept path analysis and an addendum dated November 2011.

A Unilateral Undertaking has been entered into by the applicant/site owner and the Council covering the necessary education contributions pursuant to this development. Should permission be granted for this 6-house development, the owner of the site would be 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.

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

The Emerging Wiltshire Core Strategy

Core Policy 36 - Economic Regeneration

Core Policy 41 - Sustainable Construction and Low-Carbon Energy

Core Policy 45 - Meeting Wiltshire's Housing Needs
Core Policy 50 - Biodiversity and Geodiversity
Core Policy 51 - Landscape
Core Policy 57 - Ensuring High Quality and Place Shaping
Core Policy 58 - Ensuring the Conservation of the Historic Environment
Core Policy 61 - Transport and Development

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

Town Council - Recommends refusal of this proposed development and cites the following reasons:

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 terrace, its balconies and ecclesiastical windows are not characteristics of the area. The open spaces and views towards Woolley Street and Silver Street will be lost as well as the view of Kingston House. The development makes no contribution to the economy of the town. The car park is an important facility to residents and shop owners. The Town Council recommends that a site visit takes place prior to Wiltshire Council's Planning Committee meeting.

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 E18. 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 1) and The Hall (Grade I) and its Registered Park and Garden.

The Architects Planning Statement - Revised submission, sets out in some detail the outcome of discussions held with officers of Wiltshire Council since withdrawal of the earlier scheme and includes the following:

"The Planning Statement assesses the proposals against those of the previous application and highlights the changes that have been made to overcome officers' previous concerns. The remaining issues on the previous application were regarding the overall height of the terrace in relation to neighbouring buildings, and concern regarding privacy and neighbour amenity in relation to 18 Silver Street, which lies on the northern boundary of the application site. In summary these issues have been overcome by proposing to dig out and lower the terrace by approximately 1 m, and an internal reconfiguration so habitable rooms do not face Silver Street, and an additional window looking away from the neighbouring property and the use of obscure glass where a direct line of sight occurs".

The proposed reduction of 1 m in height is meaningless and other variations, particularly the use of obscure glass, demonstrate a failure of the fundamental design. If the scheme were to be properly related to its setting such inappropriate techniques would not be necessary. This scheme has all the faults of the previous submission; it contains no community benefit to offset the disadvantages and should be refused.

The important issues that require full consideration are:

1. the original brief for the Kingston Mill site and the finally approved scheme
2. sustainable development
3. the potential contribution to the overall conservation of the town neighbourhood issues
4. District Plan policies and the policies in PPS 5 (Planning for the Historic Environment)

The development of this site should not be considered in isolation from decisions that have already been made in relation to the Kingston Mill project. Comments made on the April 2008 application for Manvers House and the Car Park are also relevant. As 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.

It has been recognised that 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.

There is no justification in seeking additional dwellings without providing additional local amenities or community benefit.

With any proposal within the town centre there is a prime requirement to 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 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 existing situation with the car park cannot be said to 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 set criteria are met. Policy HE6.1 of PPS 5 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. 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 characteristics of the surroundings.

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 (PPS 6 - Planning for Town Centres).

Any development 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. 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.

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.

Recommendation: Refuse on the basis that:

The proposed development makes no positive contribution to the long-term preservation and enhancement of the Conservation Area. It represents an overdevelopment of the site in a single use and form that have a detrimental effect on the immediate surroundings (especially the buildings in this part of Silver Street) 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 Policies including those related to the redevelopment of Kingston Mill.

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.

Additional Comment

To be acceptable development on this site needs to:

- * preserve the character of the Conservation Area
- * make a positive contribution to economic vitality and sustainable communities
- * be of an appropriate design for its context and make a positive contribution to the appearance, character, quality and local distinctiveness of the historic environment and to the setting and uses of neighbouring buildings

This traditional form of development in this part of Bradford on Avon is outlined in the Approved Conservation Area Character Assessment as:

"development is generally of a lower density with buildings interspersed with gardens and other areas of open space...Building types are predominantly 2-storey; terrace forms, generally not of a unified design."

The Mill Lane Car Park has considerable potential but not if developed as proposed. It is important that the opportunity is not lost. Much of the comment in this report is based on earlier versions but has been amended to take into account the Planning Statement Revised Submission and accompanying drawings and details.

Highways Authority - No objections, subject to conditions.

Council's Conservation Officer - No objections. The current proposals would not unduly harm the special character and appearance of the Conservation Area and would not result in significant harm to the setting of nearby listed buildings by reason of the scale, form, design and layout of the development. The terrace would represent a new element to the townscape when viewed from the hillside south of the river, however Bradford on Avon is characterised by terraces and tight rows of buildings. Therefore, this scheme would be in keeping with that overall theme of Bradford on Avon's character.

Council's Tree and Landscape Officer - All the previously raised arboricultural and landscape concerns have been addressed. This proposed development is supported, subject to planning conditions.

English Heritage - Previously advised in relation to application w/10/03791/FUL as follows:

This application follows the refusal of previous proposals in the summer of 2008. English Heritage raised no objection in principle to that 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.

English Heritage also confirmed that they were comfortable leaving such an assessment to the discretion and judgement of the planning authority.

In carrying out such an assessment, attention is drawn 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, the planning authority is encouraged to assure itself that the development's scale will not be unduly dominant.

It is appreciated 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.

Council's Education Team - No objections subject to the issuing of a Unilateral Undertaking which requires the owner of the site to provide an index linked education contribution to the sum of £25,196 prior to the commencement of any development.

This development generates a requirement for 2 primary places at £12,598 each. The proposals also generate a need for one additional secondary school place, however, in this particular case, 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, it has been confirmed 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.

Council's Spatial Planning Team - Recognises that this application is a resubmission of W/10/03971, and that the changes made to the application relate to matters of design detail.

The 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 are currently saved. 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.

The key issue in respect to this application is:

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.

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 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.

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 Economic Development Officer - Objects to this residential proposal on the basis that the town has lost most of its employment sites to residential use in recent years which has increased out commuting. The vision that the Bradford on Avon Development Trust has is supported in terms of identifying the Mill Lane Car Park having potential 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.

Council's Affordable Housing Officer - The proposed development does not trigger a need for any AH contributions.

Council's Archaeologist - No objections. 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 - Previously advised having no objections.

Wessex Water - New water and waste water connections will be required. Separate systems of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer.

Council's Environmental Health - No objections raised.

8. Publicity

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

Expiry date: 23 December 2011

Summary of points raised:

7 letters of representation received raising the following objections:

Duncan Hames MP - Alongside objections raised by constituents about the value of homes on the site, residential privacy and the effect on Manvers House and The Hall are matters of concern. It is further felt that housing on the site would not provide lasting or economic benefits to residents and parking and traffic problems would be exacerbated. Concerns are also raised about whether the development preserves or enhances the Conservation Area.

Alternative proposals exist, such as turning the car park into a public one, which would benefit many more residents.

Constituents 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. (NB - the applicant's agent points out that this application included Manvers House and was rejected because of loss of employment, not residential use on the car park site as proposed here).

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.

Bradford on Avon Preservation Trust - Objects and 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 - 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.

In addition to the above, the following objections were received from 4 local residents:

Local residents agree with the objections raised by the Town Council and the Preservation Trust. The site is a vital future resource with potential to contribute towards the economic growth of the community. Building on this land will permanently block access to the area behind the buildings on the south side of Silver Street.

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 area is underutilised because the current access is extremely difficult and dangerous, but could be developed for commercial use. The balance between commercial and residential property in the centre of Bradford-on-Avon is, sadly, very skewed in favour of the latter.

The car park in its present form is not particularly attractive, though it could be made so. However, even though operated privately, it does make a positive contribution to the town by providing much-needed parking for local residents, shop owners and businessmen.

The proposed development would adversely affect the character and appearance of the Conservation Area.

Whilst the height of the terrace and neighbouring amenities are not the only of concern, the reduction in height by one metre does not alter the fact that the building would be intrusive in both its bulk and its style and lead to overlooking / loss of daylight and loss of privacy to neighbours.

The 2008 application was refused on the grounds that the residential requirements for the Town had been met by the Kingston Mills site. The Town does not need more housing.

This is the only car park on the north side of the town and because most houses have no garages or driveways. Unlike residents on the south side of the town, locals residents have no residents' parking permits.

It will adversely affect existing properties, by way of privacy loss, inferior spatial resolutions, together with a cumulative impact on the immediate locale.

It is contrary to Policy PPS5 (HE6.1; HE7.5; HE9.5; HE10 and District Plan Policy C18.

The proposal is contrary to the spirit and specifics of the Development Brief.

The submitted Design & Access Statement is entirely spurious.

The proposed design, layout and appearance of the development will not contribute to the historical structures around or the grain of character of the wider Conservation Area.

This is a purely profiteering proposal that would not benefit residents and businesses.

Insensitive overdevelopment of the site.

9. The Applicant's Case

The applicant recognises that whilst the 2008 applications were refused, there was no in principle objection raised or reasoned grounds 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 has been 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. 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's architect argues that "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 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 Lane. 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. A photographic montage 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.

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 previously 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 used to produce this design and is common throughout the town. However, it was decided for this application 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.

Close Quarter Views

As 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 on Avon 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.

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 prepared in support of this application, it has been demonstrated that the proposed revised terrace 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.

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, the character contribution to the town would be much less. 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 and it must be recognised that 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 given the site's proximity to and the status of The Hall.

10. Planning Considerations

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. Notwithstanding the fact that the Kingston Mills redevelopment has led to an increased number of residential units beyond what the Policy initially identified, under Policy H1 proposals for new housing development in this area may be appropriate 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 stresses 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 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 and would not conflict with established Policy. Within the Emerging Core Strategy for Wiltshire, the Town is "not identified as a strategic location for employment". Instead, the "economic self containment of Bradford on Avon will be addressed through delivering employment growth as part of strategic development and retaining all existing employment sites" (page 49 of the Wiltshire Core Strategy).

Whilst each application should be assessed on its own merits, the abovementioned 2008 planning application 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 not result in any loss of employment buildings/land or floorspace. It is also important to stress 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.

Impact on Conservation Area / Heritage Assets

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.

The site is within the Bradford on Avon Conservation Area and any development of the site has the potential to affect the settings of Grade II, II* and I listed buildings. There is relevant planning history on this site and it is argued that the principle of developing on the car park site has been previously accepted. 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.

Throughout the planning process, the Council's Conservation officer has been involved with the negotiations held with the applicant's agent. As reported above, the Conservation officer is supportive of this revised proposal. The proposed terrace of six properties have been lowered in height compared to the previous submissions. The car park is a hard space bounded by a mixture of stone and brick walling. The area has the appearance of a courtyard and this forms part of its character within the Conservation Area.

The current proposal is a straight terrace of six dwellings along with two car port structures against the north boundary wall. This follows a withdrawn 2010 scheme for a taller building. 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, no objections can be justifiably raised.

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. The lowered height of the proposal (in relation to the previous submission) would now fit in with that rhythm of descending ridge heights and the terrace would not appear too tall for the area. It would relate to the height of the rear projection of No. 18 Silver Street without visually dominating that structure.

As such, the scale of the proposed terrace would not result in harm to the special character and appearance of the Conservation Area or to the settings of surrounding listed buildings.

The layout would mean that the development would retain a courtyard, albeit in a different shape, but a courtyard would remain nevertheless. This element of the character of the area would therefore be somewhat retained.

The car port designs are acceptable and the use of a flat sedum roofs is a good solution in this location.

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 the private car park and cause 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 on 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 is 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 took part in the early discussions held with the applicant's agent. Following a site inspection and review of the proposals, no environmental objection was raised.

Landscape / Loss of Trees (including a 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 includes 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.

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 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. Following the withdrawal of application w/10/03791/FUL, the applicant has amended the siting of the terrace, lowered its previously proposed ridge height, re-configured the internal space and introduced obscure glazing to windows which would otherwise potentially cause demonstrable harm through overlooking or loss of privacy.

In addition to the revisions made to the design and detailing, it is recognised that a high wall separates the lower level car park site from the Silver Street properties and gardens. This will in part, afford neighbouring residents a degree of privacy. The applicant's architect makes a cogent 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.

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, the setting of or amenities enjoyed by the listed Hall property.

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.

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 £12,598 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 had been the subject of lengthy discussions between planning officials, the education service and the applicant's agent during the course of application w/10/03791/FUL, which was ultimately withdrawn in mid August 2011. Under that application, the applicant was initially 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.

For the avoidance of any doubt, the Unilateral Undertaking was issued on 20 February 2012 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. If this application is granted permission, a directive covering the Unilateral Undertaking is required.

Alternative Scheme

The Town Council have suggested that there is a much better form of development that could take place that includes a wider area of Silver Street. They have submitted a single side A4 plan marked 'ideas and aspirations'. However, it is important to note that no planning application has been submitted for such a scheme and no detailed plans have been presented for the Council or the committee to consider. The views of the respective landowners on such 'ideas and aspirations' are not known, and neither are the views of any statutory consultees. In these circumstances, whilst it can be acknowledged that there may be more than one form of development that could be acceptable on the site, the Council cannot give anything other than very limited weight to such suggestions and must consider the application before it on its own merits. The Council cannot refuse the current scheme on the basis that another alternative may exist.

CONCLUSION

The site is a brownfield site identified in the adopted development plan for redevelopment. The residential use proposed is one of the uses identified as suitable for this area. The design represents a form of terraced development that is in keeping with the character of the area and uses traditional materials that are appropriate for this location. The proposal will enhance the appearance of this part of the conservation area by replacing an undistinguished private car park with carefully designed houses. The proposal is therefore in accordance with the Council's planning policies for the area, and with the educational contribution, addresses the demands on local infrastructure imposed by the development. Accordingly, planning permission is recommended.

Recommendation: Permission

For the following reason(s):

This proposed application would be an appropriate form of development within the Conservation Area and within the setting of Listed Buildings; and through negotiations, the revised scheme overcomes previous grounds for refusal; and any additional concerns can be overcome by planning conditions.

Subject to the following condition(s):

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

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

- 2 No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 3 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- (a) the parking of vehicles of site operatives and visitors;
 - (b) loading and unloading of plant and materials;
 - (c) storage of plant and materials used in constructing the development;
 - (d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (e) wheel washing facilities;
 - (f) measures to control the emission of dust and dirt during construction;
 - (g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - (h) measures for the protection of the natural environment.
 - (i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

POLICY: PPG24 - Planning and Noise and West Wiltshire District Plan 1st Alteration 2004 policy C38

- 4 No development shall commence on site until details of the proposed ground floor slab levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

POLICY: West Wiltshire District Plan 1st Alteration 2004 policies C18, C31a and C38.

- 5 The development hereby permitted shall not be occupied until the first five metres of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 6 Any gates shall be set back 4.5 metres from the edge of the carriageway, such gates to open inwards only.

REASON: In the interests of highway safety.

- 7 The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

- 8 No part of the development hereby permitted shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

- 9 No part of the development shall be occupied until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 0.6 metres above the nearside carriageway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of highway safety

- 10 The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

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

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the car port(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To safeguard the amenities and character of the area and in the interest of highway safety.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: T10

- 12 Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the dwelling houses hereby approved have been brought into use. Development shall be carried out in accordance with the approved details.

REASON: In the interests of preventing light pollution and nuisance

POLICY: West Wiltshire District Plan - 1st Alteration policies C35 and C38.

- 13 The development hereby permitted shall not be occupied until provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway. Details of such provision shall have first been submitted to and approved by the Local planning Authority.

REASON: In the interests of Highway safety.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order with or without modification, no development falling within Schedule 2, Part 1 Classes A-E of the Order, shall be carried out without the express planning permission of the Local Planning Authority.

REASON: In order to protect the amenity interests of neighbours and to safeguard the character of the Conservation Area and to enable the local planning authority to consider individually whether future additions and alterations should be granted.

POLICY: PPS5 - Planning for the Historic Environment and West Wiltshire District Plan - 1st Alteration policies C18, C31a and C38.

- 15 No development shall commence on site until details of the obscure glazing to be used throughout the scheme for all wc and bathroom windows have been submitted to and approved in writing by the Local Planning Authority. The obscure glazing shall be installed as approved and prior to the first occupation of the development hereby approved and thereafter shall be maintained in accordance with the approved details.

REASON: In the interests of residential amenity and privacy.

POLICY: West Wiltshire District Plan 1st Alteration 2004 Policy C38.

- 16 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

LOCATION PLAN drawing no. 10056(L)001 Rev A received on 11.11.2011
BLOCK PLAN drawing no. 10056(L) 002 Rev H received on 09.02.2012
TOPOGRAPHIC PLAN drawing no. 10056(D)003 Rev A received on 11.11.2011
EAST ELEVATION drawing no. 10056(D)009 Rev E received on 11.11.2011
WEST ELEVATION drawing no. 10056(D)017 Rev G received on 11.11.2011
NORTH ELEVATION (UNITS 5 & 6) drawing no. 10056(L)010 Rev F received on 09.02.2012
SOUTH ELEVATION (UNITS 5 & 6) drawing no. 10056(L)011 Rev G received on 09.02.2012
FULL ELEVATIONS drawing no. 10056(D)018 Rev G received on 11.11.2011
SITE SECTIONS 1 / 2 drawing no. 10056(D)022 Rev D received on 11.11.2011
SITE SECTIONS 2 / 2 drawing no. 10056(D)023 Rev D received on 11.11.2011
CAR BARN PLAN drawing no. 10056(L)021 Rev E received on 11.11.2011
PORCH DETAIL PLAN drawing no. 10056(D)001 Rev C received on 09.02.2012
CONTEXT PLAN drawing no. 10056(L)014 Rev F received on 09.02.2012
GROUND / FIRST FLOOR PLANS drawing no. 10056(L)015 Rev F received on 09.02.2012
SECOND / ROOF PLANS drawing no. 10056(L)016 Rev E received on 09.02.2012
WINDOW DETAIL PLAN drawing no. 10056(D)002 Rev A received on 11.11.2011
BALCONY DETAIL PLAN drawing no. 10056(D)003 Rev A received on 11.11.2011
TREE CONSTRAINTS PLAN received on 11.11.2011
TREE PROTECTION ZONE BARRIER PLAN received on 11.11.2011

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

Informative(s):

- 1 The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway

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