

## AGENDA

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**Meeting:** Western Area Planning Committee  
**Place:** Ridgeway space - County Hall, Trowbridge BA14 8JN  
**Date:** Wednesday 14 August 2013  
**Time:** 6.00 pm

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Please direct any enquiries on this Agenda to Kieran Elliott of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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### Membership:

Cllr Trevor Carbin	Cllr Christopher Newbury
Cllr Ernie Clark	(Chairman)
Cllr Andrew Davis	Cllr Horace Prickett
Cllr Russell Hawker	Cllr Pip Ridout
Cllr John Knight	Cllr Jonathon Seed
Cllr Magnus Macdonald	Cllr Roy While (Vice Chairman)

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### Substitutes:

Cllr Nick Blakemore	Cllr David Jenkins
Cllr Rosemary Brown	Cllr Gordon King
Cllr Terry Chivers	Cllr Helen Osborn
Cllr Linda Conley	Cllr Jeff Osborn
Cllr Dennis Drewett	Cllr Graham Payne
Cllr Keith Humphries	Cllr Fleur de Rhé-Philippe

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# AGENDA

## Part I

### Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

To receive any apologies or substitutions for the meeting.

2 **Membership Changes**

To note any changes to membership of the Committee.

3 **Minutes of the Previous Meeting** (*Pages 1 - 14*)

To approve the minutes of the meeting held on **12 June 2013**.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Public Participation and Councillors' Questions**

The Council welcomes contributions from members of the public.

#### Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register in person **no later than 5.50pm on the day of the meeting**.

The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

#### Questions

To receive any questions from members of the public or members of the Council

received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda **no later than 5pm on Wednesday 7 August 2013**. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

## 7 **Planning Applications** (*Pages 15 - 16*)

To consider and determine the following planning applications:

7a **W/13/00644/FUL: Saracens House, Corton, Warminster, Wiltshire**  
(*Pages 17 - 24*)

7b **W/13/00781/FUL: Land At Beaglers Green, Kingsfield Grange Road, Bradford On Avon, Wiltshire** (*Pages 25 - 36*)

7c **W/12/02347/FUL: Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire** (*Pages 37 - 46*)

7d **W/12/02348/LBC: Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire** (*Pages 47 - 52*)

7e **W/12/02346/FUL: Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire** (*Pages 53 - 60*)

## 8 **Urgent Items**

Any other items of business which, in the opinion of the Chairman, should be taken as a matter of urgency

### **Part II**

*Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed*

None

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## **WESTERN AREA PLANNING COMMITTEE**

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### **DRAFT MINUTES OF THE WESTERN AREA PLANNING COMMITTEE MEETING HELD ON 12 JUNE 2013 IN THE COTSWOLD SPACE - COUNTY HALL, TROWBRIDGE BA14 8JN.**

#### **Present:**

Cllr Trevor Carbin, Cllr Andrew Davis, Cllr Dennis Drewett (Substitute), Cllr Russell Hawker, Cllr Gordon King (Substitute), Cllr John Knight, Cllr Christopher Newbury (Chairman), Cllr Graham Payne (Substitute), Cllr Horace Prickett, Cllr Pip Ridout and Cllr Jonathon Seed

#### **Also Present:**

Cllr Ian Thorn

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#### **43 Apologies for Absence**

Apologies for absence were received from Councillors Ernie Clark, Magnus Macdonald and Roy While.

Councillor Clark was substituted by Councillor Dennis Drewett.

Councillor Macdonald was substituted by Councillor Gordon King.

Councillor While was substituted by Councillor Graham Payne.

#### **44 Minutes of the Previous Meeting**

The minutes of the meeting held on **22 May 2013** were presented for consideration and comment. It was,

#### **Resolved:**

**To APPROVE as a true and correct record and sign the minutes.**

#### **45 Chairman's Announcements**

There were no Chairman's Announcements.

#### **46 Declarations of Interest**

Councillor John Knight declared a non-pecuniary interest in application W/13/00618/FUL - *Land Rear of 90 and 88a and 88b Dursley Road, Trowbridge* - by virtue of being a member of Trowbridge Town Council, where the

application had come before its Development Control Committee. He declared that he would consider the application on its merits and debate and vote with an open mind.

Councillor Jonathan Seed declared a non-pecuniary interest in application W/13/00050/FUL - *Land at Farleigh Rise, Monkton Farleigh* - by virtue of being acquainted with the applicant. He declared that he would consider the application on its merits and contribute to the debate and vote with an open mind.

#### 47 **Public Participation and Councillors' Questions**

No questions had been received from councillors or members of the public.

The rules on public participation were noted.

#### 48 **Planning Applications**

The Committee considered the following applications:

#### 49 **W/13/00496/REG3: Fitzmaurice Primary School, Frome Road, Bradford On Avon, Wiltshire, BA15 1LE**

##### Public Participation

Mrs Louise Weissel spoke in objection to the application.

Mr Simon Hetzel spoke in objection to the application.

Mr Andrew Gough, agent, spoke in support of the application.

Mr Shane McCracken, Chair of Governors Fitzmaurice Primary School, spoke in support of the application.

The Area Development Manager introduced a report which recommended approval. It was noted that as a Wiltshire Council application, in the presence of objections being received the application had automatically be called into Committee for consideration.

The key issues were stated to include the impact upon the host building and the conservation area from the proposed extension, and the impact upon landscaping and amenity. An additional condition to ensure a scheme for the discharge of surface water from the site was submitted and approved was detailed.

The Committee then had the opportunity to ask technical questions of the officers.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Ian Thorn, then explained that while the need for additional classrooms at Fitzmaurice was accepted, there remained concerns with several aspects of the application around landscaping and impact upon local amenity that required resolution.

A debate followed, where details of temporary access to the site for construction purposes was raised, along with the extent or remaining greenspace at the school and appropriateness of the design. Details on proposed fencing was sought, along with details of potential restrictions on hours of work and delivery to minimise its impact.

Following debate, it was,

**Resolved:**

**To APPROVE the application for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C17, C19, C31a and C38.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to ensure that there would be no harm to the character and appearance of the Conservation Area or the neighbouring amenity.**

**Subject to the following conditions**

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

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

- 2 Prior to the first use of the approved extension a School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.**

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

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

**120938 P(0)00 received on 14.03.2013  
120938 P(0)01Rev B received on 14.03.2013  
120938 P(0)02 Rev A received on 14.03.2013  
120938 P(0)03 received on 14.03.2013  
120938 P(0)05 Rev D received on 14.03.2013**

120938 P(0)10 Rev C received on 14.03.2013  
120938 P(0)12 received on 14.03.2013  
120938 P(0)13 received on 14.03.2013  
120938 P(0)14 received on 14.03.2013

120215-FMP-TCP-LI received on 14.03.2013

Construction Traffic Management Plan dated May 2013 submitted by Entran environmental and transportation.

Design and Access Statement prepared by Kendall Kingscott Limited received 14.03.2013

Habitat Survey \_ Options Appraisal prepared by Johns Associates environmental consultants received 14.03.2013

**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.

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

**REASON:** To ensure that the development can be adequately drained.

**Informatives:**

- 1 **Sprinkler Protection in Schools:**

It is advised that you contact the Wiltshire Fire and Rescue Service for more information regarding the risk assessment regarding the installation of sprinkler systems within new nasd refurbished schools.

- 2 Prior to the commencement of the development the applicant shall ensure that the residents of Paulton have been informed of the intended use of the road for construction traffic, and mitigation measures to be employed, in the form of a local letter to reduce potential for obstruction to construction traffic.

- 3 It is an offence under the Highways Act 1980 to allow mud to be deposited on a highway. The applicant should ensure that the contractor is aware of his legal requirement to keep Paulton free of any material dragged by lorries onto the road, and to have measures in place to immediately clean up any material so deposited.



- 4 You are advised that should you require a new water supply or waste water connection from Wessex Water to serve the development you should contact Wessex Water at [www.wessexwater.co.uk](http://www.wessexwater.co.uk)**

**50 W/12/00697/FUL: Land West Of Codford Station, Station Road, Codford, Wiltshire**

Public Participation

Mrs Sarah Kennedy spoke in objection to the application.

Mr George Leaze, agent, spoke in support of the application.

Mr Stephen Boxall, Upton Lovell Parish Council, spoke in objection to the application.

The Planning Officer introduced a report which recommended approval be granted. The key issues were stated to include the principle of the development, and impact on amenity and the highways.

The Committee then had the opportunity to ask technical questions of the officers. It was confirmed that despite the address, the site lay within the parish of Upton Lovell, and details were sought regarding the previous use on the site.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Christopher Newbury, then detailed the local objections to the application.

A debate followed, where the amount of parking on the site and impact upon the highways network was raised, along with discussion surrounding the current classification of permitted use on the site and its comparison with a poultry farm in being assessed for suitability. Details were also sought concerning the impact on the nearby rail level crossing.

At the conclusion of debate, it was,

**Resolved:**

**To DEFER the application to a future committee meeting pending the completion of:**

- 1) Consultation with Network Rail regarding the level crossing;**
- 2) A site visit to be arranged for the Committee; and,**
- 3) An exploration of validity of comparison of previous traffic generation with a Poultry farm.**

**51 W/13/00050/FUL: Land at Farleigh Rise, Monkton Farleigh, Wiltshire**

The Area Development Manager introduced a report which recommended approval. The key issues were stated to include the principal of the development within the green belt, loss of agricultural land and highway safety.

Members then had the opportunity to ask technical questions of the officer.

There were no members of the public to make statements in support or objection.

The Local Member, Councillor Trevor Carbin then spoke in support of the application.

A discussion followed, where the suitability of the existing highway to accommodate more traffic was noted, along with the existence of working sites in the surrounding area and limited impact of the proposals.

At the conclusion of debate, it was,

**Resolved:**

**To APPROVE the application for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely Policies C1, C2, C31a, C38, E10 and TO4.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**Subject to the following conditions:**

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

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

- 2 The development shall be carried out in accordance with the following plans:**

**Drawing: Location map;**

**Drawing: Site plan (received on 8 April 2013);**

**Drawing: Equestrian, wash facilities and access plan (received on 8 April 2013);**

**Drawing: Cross section A-B existing;  
Drawing: Cross section A-B proposed;  
Drawing: Washing facility elevations;  
Drawing: Stables elevations; and  
Drawing: Stables floor and roof plan.**

**REASON: In order to define the terms of this permission.**

- 3 In accordance with the details submitted and assessed under this application no more than 10 pitches (either tents or pods or caravans) shall be sited and in use on the land at any time.**

**REASON: In order to define the terms of this permission, highway safety and protect the rural scene.**

**POLICY: West Wiltshire District Plan 1st Alteration (2004) Policies C1, C2 and TO4.**

- 4 The development hereby permitted shall only be used for the private stabling of horses and the storage of associated equipment and feed and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.**

**REASON: In the interests of highway safety.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10.**

- 5 Any gates shall be set back 10 metres from the edge of the carriageway, such gates to open inwards only, in perpetuity.**

**REASON: In the interests of highway safety.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and TO4.**

- 6 No development shall commence on site until visibility splays have been provided between the edge of carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 90 metres towards east and to the north-western corner of the site frontage towards the west. Such splays shall thereafter be permanently maintained free of obstruction to vision above a height of 900mm above the level of the adjacent carriageway.**

**REASON: In the interests of highway safety.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and TO4.**

- 7 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.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C2, E10 and TO4.**

**8** No development shall commence on site until a detailed scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- retained historic landscape features and proposed restoration, where relevant.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C1, C2, E10 and TO4.**

**9** No development shall commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved refuse storage has been completed and made available for use in accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

**REASON:** In the interests of public health and safety.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: TO4.**

- 10 No development shall commence on site until details of a scheme for the enhancement of ecological interests on the site has been submitted to and approved in writing by the local planning authority. The enhancements shall be carried out in accordance with a timetable that shall be submitted as part of the scheme.**

**REASON: In order to maintain and enhance nature conservation interests on the site.**

**West Wiltshire District Plan 1st Alteration (2004) POLICY TO4 and the National Planning Policy Framework (2012).**

- 11 No development shall commence until details of a pedestrian access to the existing public footway on Farleigh Rise has been submitted to and approved in writing by the Local Planning Authority. The camp site shall not be first brought into use until the pedestrian access has been provided in accordance with eth approved details.**

**REASON: In the interests of highway safety.**

**West Wiltshire District plan 1st Alteration (2004) POLICY: TO4.**

- 12 No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the local planning authority. The scheme shall include details to demonstrate that no surface water will be discharged to the highway. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.**

**REASON: To ensure that the development can be adequately drained.**

**West Wiltshire District Plan 1st Alteration (2004) POLICIS: E10, TO4 and U2.**

- 13 Before the development is first brought into use, the manure clamp shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.**

**REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.**

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: E10 and C38**

- 14 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the**

completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

**REASON:** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and C32**

- 15** No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details thereafter and no additional external lighting shall be installed.

**REASON:** In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and protect nature conservation interests.

**West Wiltshire District Plan 1st Alteration 2004 - POLICY: TO4 and the National Planning Policy Framework 2012.**

**Informatives:**

- 1** The applicant should note that there may be badger setts in the vicinity of the site, and as a consequence compliance with certain requirements and provisions of the Badgers Act 1991 may be necessary. If this is the case the applicant is advised to contact Natural England who are responsible for issuing licences relating to development on the site of badger setts.
- 2** The applicant should note that under the terms of the Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000, it is an offence to disturb nesting birds or roosting bats. You should note that the work hereby granted consent does not override the statutory protection afforded to these species and you are advised to seek expert advice if you suspect that the demolition would disturb any protected species. For further advice, please contact the district ecologist at Wiltshire Council.

- 3 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:**
- the use of plant and machinery
  - oils/chemicals and materials
  - the use and routing of heavy plant and vehicles
  - the location and form of work and storage areas and compounds
  - the control and removal of spoil and wastes.

**The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:  
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.**

- 51 W/13/00618/FUL: Land Rear of 90 and 88a and 88b Dursley Road, Trowbridge, Wiltshire**

Public Participation

Mrs Christine Jennings spoke in objection to the application.

Mr Brian Toogood, agent, spoke in support of the application.

The Planning Officer introduced a report which recommended approval be granted. The key issues were stated to include the scale of the development on the site, impact on neighbour amenity and highways considerations. It was noted that since historical refusals on the grounds of highways concerns, changes in policy had meant that there were no longer any objections from Highways officers.

The Committee then had the opportunity to ask technical questions of the officers, where details of the access and highways issues were sought.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

The Local Member, Councillor Graham Payne, then spoke in objection to the application.

A debate followed, where the width of the access and local parking issues were raised, along with the increased pressures on the area from two properties on the site rather than the current permission for one. The footprint of the proposed bungalows was considered, as well as drainage.

Following debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed dwellings by reason of their location, single storey nature and design would not have an impact upon the existing street**

**scene or neighbouring amenity and would not cause any significant harm to interests of acknowledged importance having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C31a, C38 and H1 and guidance found in Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**Subject to the following conditions:**

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

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

- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 2013-16: 01, 02, 03, 04 received on 8th April 2013 only**

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

- 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated in the application form received by the Local Planning Authority on 8th April 2013 unless otherwise agreed in writing by the Local Planning Authority.**

**REASON :In the interests of visual amenity and the character and appearance of the area having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004**

- 4 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), there shall be no additions to, or extensions or enlargements of any building forming part of the development hereby permitted.**

**REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements having regard to Saved Policy C31a and C38 of the West Wiltshire District Plan 1st Alteration 2004**



- 5 **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 drawing number 2013-16 03 received on 8th April 2013 unless otherwise agreed in writing by the local planning authority. The parking and turning areas shall be maintained for those purposes only at all times.**

**REASON: In the interests of highway safety having regard to advice in the National Planning Policy Framework and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy.**

**Informative**

- 1) **The applicant is advised to contact Wiltshire Fire and Rescue Service for further information regarding the risk assessment for the installation of sprinkler systems within new dwellings.**

52 **W/13/00578/FUL: 1 Foxglove Drive, Hilperton, Trowbridge, Wiltshire, BA14 7SQ**

**Public Participation**

Mr Brian Cullern spoke in objection to the application.

The Planning Officer introduced the report, which recommended approval be granted. The key issues were stated to include the impact upon the main property, visual impact and relationship to adjoining properties.

The Committee then had the opportunity to ask questions of the officers, and the orientation of the property and its neighbours was clarified.

Members of the public then had the opportunity to present their views to the Committee, as detailed above.

A statement from the Local Member, Councillor Ernie Clark, detailing his reasons for calling in the application on behalf of the objecting Parish Council, was read to the Committee.

A debate followed, where the impact of the proposed extension was assessed, with the lack of overshadowing and overlooking noted.

At the conclusion of debate, it was,

**Resolved:**

**That Planning Permission be GRANTED for the following reason:**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in**

the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C31a and C38.

In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to ensure that there would be no harm to the character and appearance of the neighbouring amenity.

**Subject to the following conditions:**

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

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

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

**Drwg No. 1073-P01 received on 2 April 2013**  
**Drwg No. 1073-P02 received on 2 April 2013**  
**Drwg No. 1073-P03 received on 2 April 2013**  
**Drwg No. 1073-P04 received on 2 April 2013**

**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.

#### **54 Urgent Items**

There were no Urgent Items.

(Duration of meeting: 6.00 - 7.45 pm)

The Officer who has produced these minutes is Kieran Elliott, of Democratic Services, direct line 01225 718504, e-mail [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications, direct line (01225) 713114/713115

## WESTERN AREA PLANNING COMMITTEE

### INDEX OF APPLICATIONS ON 14 August 2013

	<b>APPLICATION NO.</b>	<b>SITE LOCATION</b>	<b>DEVELOPMENT</b>	<b>RECOMMENDATION</b>
6a	W/13/00644/FUL	Saracens House, Corton, Warminster, Wiltshire	Demolition of existing outbuilding and erection of car port and stores with office accommodation over	APPROVAL
6b	W/13/00781/FUL	Land At Beaglers Green, Kingsfield Grange Road, Bradford On Avon, Wiltshire	Erection of 2 bedroom bungalow	APPROVAL
6c	W/12/02347/FUL	Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire	Change of use of the first floor of Building T (also known as the Lamb Building) from Class B1 Offices to Five residential units and associated internal works comprising sub-division and associated works	APPROVAL
6d	W/12/02348/LBC	Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire	Change of use of the first floor of Building T (also known as the Lamb Building) from Use Class B1 Offices to Five residential units and associated internal works comprising sub-division and associated works	APPROVAL
6e	W/12/02346/FUL	Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire	Change of Use of Building N from Class B1 offices to form three residential units	APPROVAL

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	14.08.2013		
<b>Application Number</b>	W/13/00644/FUL		
<b>Site Address</b>	Saracens House, Corton, Warminster, Wiltshire		
<b>Proposal</b>	Demolition of existing outbuilding and erection of car port and stores with office accommodation over		
<b>Applicant</b>	Mr Robin Thomas		
<b>Town/Parish Council</b>	Boyton		
<b>Electoral Division</b>	Warminster Copheap And Wylve	<b>Unitary Member:</b>	Christopher Newbury
<b>Grid Ref</b>	393639 140722		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr Steve Vellance	01225 770344 Ext 01225 770255 steven.vellance@wiltshire.gov.uk	

### **Reason for the application being considered by Committee**

Councillor Christopher Newbury has requested that this item be determined by Committee due to:

- \* Design – bulk, height, general appearance
- \* Relationship to adjoining properties

### **1. Purpose of Report**

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

#### Neighbourhood Responses:

Three emails of objection received, commenting as follows:

- Saracens House bound by a restrictive covenant to not incur any loss of light to the neighbouring property known as East View Cottage.
- Concern that the proposal would overshadow a part of neighbours land.
- Increase in height of buildings at this location within this garden area.
- Site is within AoNB
- Demolition would involve loss of party walls - Neighbour not consulted.
- Unnecessarily large proposal.
- Precedents where large garages become habitable dwellings.
- Building still too large, following drop in ridge height.

#### Boyton Parish Council:

No Responses received.

The Parish Council were consulted twice, initially on the original application on the 17.04.2013 and on 28.05.2013 following the submission of revised plans.

## 2. Report Summary

The main issues to consider are:

- Replacement building
- Impact on neighbouring amenity
- Impact on AoNB/Conservation Area

## 3. Site Description

The site is known as Saracens House, Corton, it is a detached residential property set within its own grounds and is accessed off the lane to the south. The house sits within the North West corner of its grounds and fronts the street.

The existing single storey office structure currently in place, has a lean to and a store attached to it. It is proposed to be demolished to accommodate the proposal.

## 4. Relevant Planning History

13/00645/CAC Demolition of existing outbuilding and erection of car port and stores with office accommodation over Pending. (To be determined on the outcome of this current application).

## 5. Proposal

The proposal is for the demolition of the existing office building and for the construction of a new timber building, which would serve as a car port, with storage facilities, with office accommodation sited above. A non connected, existing garage block to the north of the site would also be removed.

The proposed replacement building would consist of an oak clad building, which would have plain clay roof tiles, its proposed dimensions would be:

11.5 metres (length) by 6.2 metres (width) and a maximum pitched roof height of 4.9 metres.

The original scheme had a pitched roof height of 5.24 metres, which was subsequently reduced to the current 4.9 metres.

## 6. Planning Policy

West Wiltshire Local Development Plan, as adopted 2004

C2 AoNB

C17 Conservation Area

C31a Design

C38 Nuisance

## 7. Consultations

### Boyton Parish council

No responses received.

Parish Council were consulted twice, initially on the original application on the 17.04.2013 and on 28.05.2013 following the submission of revised plans.

### Highways Officer

No objections.

Request that a planning condition be applied in the event that permission is to be granted.

### Cranborne Chase AoNB

No objections and refer the Council to any comments the Conservation Officer may make.

### Conservation Officer

No objections, commenting that the proposal would not detrimentally impact on the Conservation Area.

## **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 27.05.2013

Summary of points raised:

Refer to Section 01 of this report.

## **9. Planning Considerations**

This is a planning application for the demolition of the existing single storey office building which is located within the rear garden of Saracens Cottage. A garage building to the north of the site would also be demolished and such demolition works are the subject of a separate Conservation Area Consent application, which is pending depending on the outcome of this current application.

The replacement building would consist of a traditionally styled oak clad wooden garage building that would include an open car port area, provision for domestic storage and basic domestic office accommodation within the roof space. This office use would rely on four small sized roof lights for light.

The principle of office accommodation at this site location is established and accepted, as the existing office building serving this purpose would be demolished. The replacement office would incorporate car parking and storage; the Highways Officer has raised no objections, subject to the imposition of a highway related planning condition.

The replacement building would be sited to the rear of the garden, away from the street aspect and accessed via the site's private driveway. This distance of approximately 34 metres would be enough to ensure that the garage would be sufficiently distanced from the public realm, so as to not impact on the Conservation area. Importantly the Council's Conservation Officer has raised no objections.

The open nature of the surrounding AoNB would not be harmed as the proposal would be sited within an established residential area; the Cranborne Chase AoNB has been consulted on this application and has raised no objections, deferring to Conservation Officer comments, if any.

A number of neighbour concerns have been raised during the consultation stage of this application. Any restrictive covenants that may be in place are private civil issues and are not planning related, and therefore cannot be taken into consideration during the processing of this application. The same is true of issues relating to the demolition of an existing garage to the north of the site, which relates to party wall issues.

The overall maximum height of the building has been reduced from 5.24 metres to 4.9 metres, whereby following a consultation process, the neighbour still considers that they would incur a loss of light. The garage would be sited alongside, the rear aspect of the neighbouring properties garden, with the roofs highest part (the ridge) being approximately 7 metres away from the neighbouring boundary. It is considered that this boundary distance and orientation of the replacement building are such that there would be no significant overshadowing of this neighbours land.

Concern has also been raised about the possibility of creating a planning precedent, if this application were to be approved. Whilst such concerns are understood, within planning terms every planning application has to be examined and judged on its own individual planning merits, because every planning site is different; therefore any such concerns of creating planning precedents are not warranted.

The proposal complies with policy and is recommended for approval with conditions as attached. Specific conditions in this instance would relate to highway issues and a non severance planning condition for the building.

**Recommendation:        Permission**

**For the following reason(s):**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies C2, C17, C31A and C38.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to ensure that there would be no significant harm to the character and appearance of the dwelling and no harm to neighbouring amenity.**

**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     The materials to be utilised within this development shall accord with the schedule of materials as described within the planning application form, dated 11 April 2013.

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

POLICY: West Wiltshire District Plan – 1st Alteration 2004 – Policy C31A

- 3     The development hereby permitted shall not be first brought into use 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.

- 4     The garage shall remain as permanent ancillary accommodation to the principal dwelling of Saracens House, Corton and shall be occupied by the same household, it shall not be subdivided, let or sold as separate accommodation.

REASON: Because this permission is granted having regard to the particular circumstances advanced in support of the development, by the applicant.

- 5     The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan/s:

Drawing number THOM20-01A received on 29 May 2013

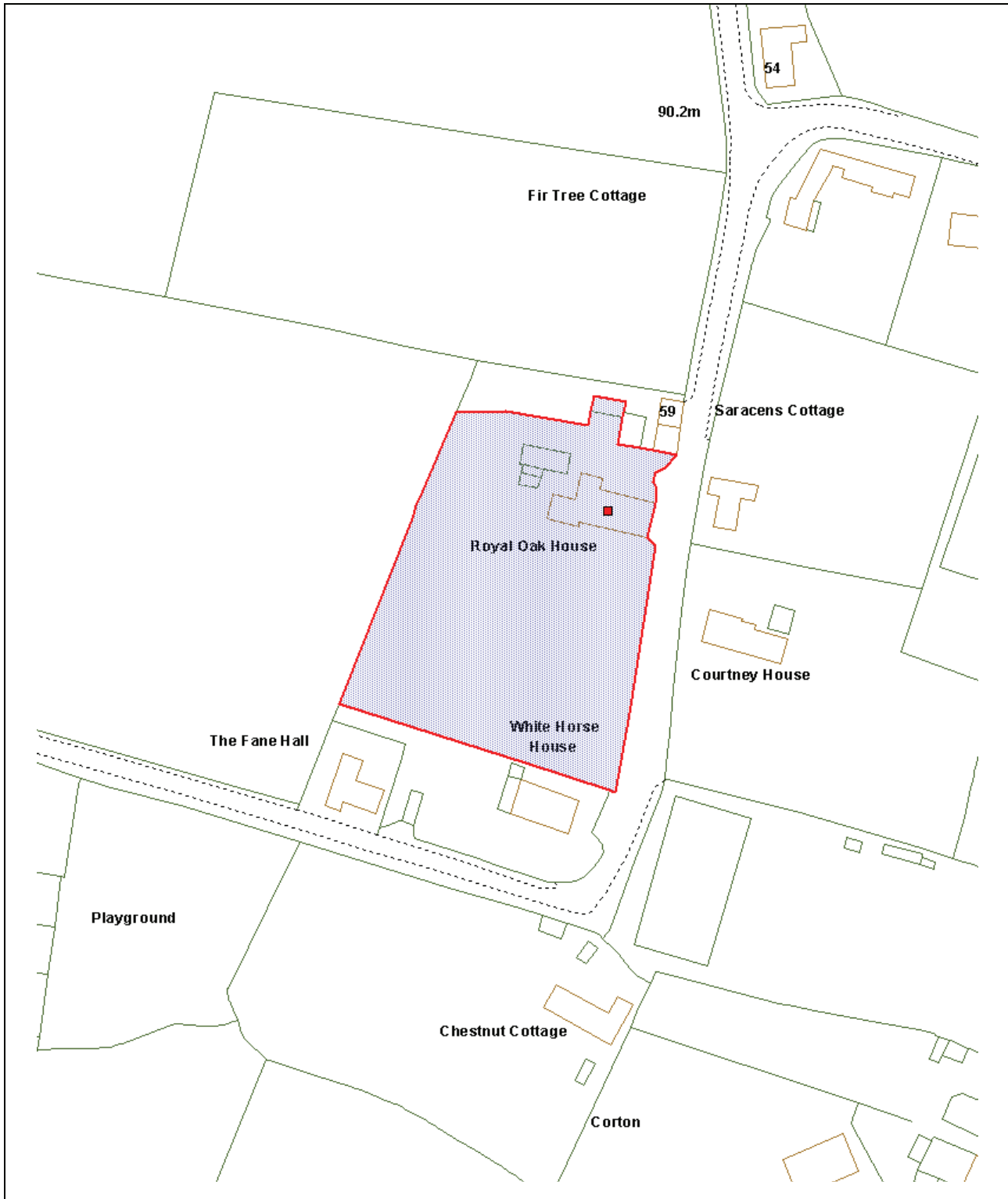
Drawing number THOM20-02 received on 11 April 2013

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.



<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	14.08.2013		
<b>Application Number</b>	W/13/00781/FUL		
<b>Site Address</b>	Land At Beaglers Green, Kingsfield Grange Road, Bradford On Avon, Wiltshire		
<b>Proposal</b>	Erection of 2 bedroom bungalow		
<b>Applicant</b>	Mr And Mrs C Humphrey		
<b>Town/Parish Council</b>	Bradford On Avon		
<b>Electoral Division</b>	Bradford On Avon North	<b>Unitary Member:</b>	Rosemary Brown
<b>Grid Ref</b>	383362 160981		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Mr James Taylor	01225 770344 Ext 01225 770249 james.taylor@wiltshire.gov.uk	

### Reason for the application being considered by Committee

Councillor Rosemary Brown has requested that this item be determined by Committee due to:

- \* Scale of development
- \* Relationship to adjoining properties
- \* Environmental/highway impact
- \* Other:

“I am endorsing the reasons put forward by the Town Council as follows: 1) The site is inadequate in size and configuration to satisfactorily accommodate a new dwelling. 2) The access is substandard. 3) The result of the development is therefore inappropriate backland development. 4) There will be significant adverse affects on neighbouring property. 5) The proposal is contrary to District Plan policy H1, in particular clauses A and B.”

### 1. Purpose of Report

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

Granted subject to conditions.

Neighbourhood Responses:

8 letters of objection.

Parish/Town Council Response:

Objection.

### 2. Report Summary

The main issues to consider are:

- \* Principle of the development;
- \* Impact on the character of the surrounding area;
- \* Setting of the Grade II listed Conigre House;
- \* Neighbour amenity;
- \* Whether inappropriate backland development;
- \* Whether a loss of an important visual gap;
- \* Connection to services;
- \* Nature conservation interests; and
- \* Access, highway safety and parking.

### **3. Site Description**

The application site is part of the residential curtilage of 3B Beagler's Green, a detached chalet bungalow dwelling circa 1970s. The existing dwelling is a backland development with a west facing 'rear' garden and a west facing 'front' garden. The application site is a parcel of land approximately 500square metre in area which is part of the host dwellings front garden.

The development area has recently been altered. It is relatively flat, however the topography more generally is for land to slope to the east and south. Until recently it was laid to lawn and used for growing vegetables. More recently it has simply been stripped to bare earth.

To the east boundary is a fence approximately 2 metres high and the neighbouring private residential gardens. To the south is a Beech hedge over 2 metres in height with private residential garden beyond. To the west is the raised and level parking and turning area of 3B Beagler's Green (which is laid to gravel). To the north is the existing access drive to serve 3B Beagler's Green and the proposal, beyond which is hedging and the gardens of the Grade II listed Conigre House which has been converted to apartments.

The application site is located within the defined town policy limits. There are no other planning designations to the site.

### **4. Relevant Planning History**

74/00885/HIS - Construction of new chalet bungalow with single garage – Permission on 28.10.1974 (Permission for 3B Beagler's Green)

90/00769/OUT - Erection of dwelling – Refusal on 31.07.1990 (Refusal for a dwelling on current application site)

W/12/02337/OUT - Erection of dwelling (chalet bungalow) (Outline application to determine access, layout and scale) – Withdrawn on 01.02.2013 (Withdrawn proposal for a dwelling on current application site)

### **5. Proposal**

This is a full planning application for the erection of a single storey 2-bedroom bungalow. It would be an L-shaped dwelling with a length of 14 metres and a width of 7 metres extending up to 10.5 metres. The gross external floor area would therefore be approximately 115.5 sq.m.

The accommodation provided would include entrance hall, living room, kitchen, utility, family bathroom, study and 2x double bedrooms, one en-suite.

Externally the building would be constructed with oak boarding to the walls and a sedum green roof. Eaves would be approximately 2.5 metres above ground level and the ridge 3.3 metres high due to the scheme having a shallow 10 degree pitch roof.

Access would be from an existing private driveway that serves 3B Beagler's Green and which has a 'right of access' over the frontage car park to Conigre House, as apparently does 3A Beagler's Green.

The proposal includes an area of hard standing and turning to the east of the proposed dwelling and beyond this a modest garden area for the dwelling including patio. Beneath part of the garden is a water harvesting tank with capacity for 3000 litres of water. Indicative details of soft landscaping have been shown on the submission.

### **6. Planning Policy**

West Wiltshire District Plan 1st Alteration (2004) (local plan)

C31a: Design

C32: Landscaping

C38: Nuisance

H1: Further Housing Development Within Towns

U1: Infrastructure

U1a: Foul Water Disposal  
U2: Surface Water Disposal

National Planning Policy Framework 2012 (NPPF)

## 7. Consultations

### Town/ Parish council

Bradford on Avon Town Council: Objection.

“The Town Council recommends refusal. The site inadequate in size and configuration to satisfactorily accommodate a new dwelling and the access is substandard. The proposal therefore results in appropriate backland development. In addition there will be significant adverse effects on neighbouring property. The proposal is contrary to District Plan Policy H, 1 in particular clauses A and B”

### Ecology

No objection.

“This application is unlikely to impact on the bats using the Coombe Mine Quarry to the south. I have no further comments to make.”

### Highways

No objection.

“I acknowledge the residents objections on highway grounds, however, the site is accessed off of Kingsfield Grange Road, which is an unclassified road and vehicle speeds at the access point will be low. The traffic generated from the proposed development would not have an adverse impact on the existing road network and therefore a refusal reason cannot be justified on highway grounds.

Therefore, I raise no highway objection to the proposed development subject to, two car parking spaces being provided within the curtilage of the site.”

### Wessex Water

No objection.

It appears that the development will affect a mains sewer. It is advised that the developer contact Wessex water regarding this. No development within the statutory 3 metre easement will be permitted without agreement from Wessex Water.

### Conservation Officer

No objection.

“This proposed bungalow would be close to the Grade II listed Conigre House, however the listed building is already surrounded by recent dwellings of standard design.

The proposed dwelling, by contrast, seeks to present a minimal impact by keeping a low profile green roof and through the use of timber cladding, which would be left to weather naturally. This would reduce its impact on the setting of the listed building.

Although the proposed building on this plot would effectively complete the surrounding of the listed building with new development, its careful design and low profile would not in my view result in harm to the setting of the listed building over and above that which already exists due to the other houses in the immediate area.

The access is regrettable as it would bring additional vehicles around the listed building, whereas currently vehicles tend to remain at the front. However, vehicles could be directed anywhere on the current site and so I cannot make a formal objection on this basis.”

### Tree and Landscape Officer

No objection.

There is no landscape or arboricultural reason to refuse this application. However, there are trees on the adjacent site to the south that are likely to be impacted on if not considered. For this reason, if consent is to be granted the following condition arboricultural condition must be applied. To ensure

the green credentials of this building can be satisfactorily achieved, a landscape condition must also be applied.

Wiltshire and Swindon Biological Records Centre

"6 bat species recorded in nearby quarry (within c.85m, 1983)"

Wiltshire Fire & Rescue Service

Seeks a developer contribution of £76.13 and advises on building regulations and use of sprinkler systems.

## **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification.

Expiry date: 14 June 2013

8 letters of objection received (including Bradford on Avon Preservation Trust and Friends of Woolley). Summary of points raised:

- \* Cramped overdevelopment of an inadequate sized plot;
- \* "Garden-grabbing" development;
- \* Impact on neighbouring amenity from overlooking;
- \* Loss of existing landscaping and consequent impact on wildlife;
- \* External lighting would harm neighbouring amenity;
- \* Gravel drive would increase noise and harm neighbouring amenity;
- \* Car parking so close to boundary will result in pollution from exhaust fumes;
- \* 115.5 sq.m. is not modest. 2-bedroom bungalow would more typically be 55-80 sq.m.
- \* Lack of private garden and position on the boundary harmful to future occupier's amenity;
- \* Surface water disposal and impact on neighbours with consequent risk of flooding;
- \* Harm to open setting of Conigre House and historic spatial characteristics;
- \* Setting of Conigre House characterised by 4+ bedroom houses with large gardens, not 2-bedroom bungalows with very small gardens;
- \* Inappropriate backland development;
- \* Inappropriate siting and relationship to existing spatial characteristics;
- \* Planning history and refusal in 1990 still relevant;
- \* Access point to the public highway is used by a significant number of properties and to add to this would be dangerous with conflicting movements;
- \* Lack of bat survey, bats are known to be in the area;
- \* Beech hedge would not provide adequate privacy all year round;
- \* Proposed chimney too close to boundary and would result in nuisance;
- \* Covenant prevents development of this land;
- \* Loss of good growing land (former vegetable patch);
- \* Lack of tree survey, trees and hedges exist on or near the site;
- \* Sewers may not be adequate to cope;
- \* Location and storage of refuse/recycling;
- \* Bins etc on collection days are a hazard due to the number that have to be left outside Conigre House
- \* Neighbourhood Planning is advancing and progressing – the proposals are contrary to the emerging plan.

## **9. Planning Considerations**

This is a full planning application that has been submitted following an earlier outline application which was encouraged within informal planning advice by the original case officer. It was acknowledged at pre-application stage that planning permission had been refused in 1990 as the proposal "represents an unacceptable subdivision of an existing residential curtilage, detrimental to the character, amenity and privacy of the immediate locality." However, notwithstanding the planning history, an application was not discouraged and advice was given on how to create an acceptable scheme.

The first planning application was withdrawn following an indication that permission would be refused and because the proposals were in the setting of a Grade II listed building. In locations such as this full details should be required to assess the potential impact. Further negotiation has taken place in



light of the responses to the first outline application and resulted in this full planning submission which, on balance, your officers support.

#### Principle of the development.

The principle of the development is acceptable because the site is located within the town policy limits of Bradford on Avon as defined within policy H1 of the local plan. Policy H1 details a permissive approach allowing infill housing subject to detailed criteria.

In addition the NPPF is a material consideration and whilst this states that local authorities should consider developing policies to resist inappropriate garden development it does not exclude all development proposals on garden land. It is therefore considered that a case by case judgement is appropriate. The NPPF represents an unashamedly pro-growth agenda from the government; however it also details the need for quality design.

#### Impact on the character of the surrounding area.

The proposed development is considered to have an interesting and unconventional design which seeks to address the constraints of the site. It is acknowledged that it is unlike any other dwelling within the immediate area, and it is also acknowledged that it is backland development and so does not form part of a street scene.

The area is generally characterised by larger 2-storey and chalet bungalow development from 1960s and 1970s. The dominant material is reconstructed stone faced blockwork. All of the existing development within the setting of Conigre House, a Grade II listed property, is considered, in hindsight, to be at odds with the special architectural and historic context of this building. Whilst this proposal would be very different to any of the existing development in terms of siting, form, materials and scale it would be a very unassuming structure having a minimal height, low profile sedum roof and timber clad walls. It is considered that as it weathers the proposal would blend into the environment.

It is noted that whilst the proposal would have a smaller curtilage than some other properties to the east and south of Conigre House, it is very comparable to site area to numbers 7-17 Kingsfield which are to the west of Conigre House and greater in scale and mass than this proposal.

The NPPF places weight on the need to encourage economic growth and development placing an emphasis on house building to help stimulate wider economic growth. This however should not be at the expense of quality. The proposal is considered to be a quality design that addresses the constraints of the site. Whilst the proposal would not have such a spacious arrangement as other dwellings in the immediate locality, it is quite comparable to other property in the locality more generally, 3b Beagler's Green would continue to have a large plot and the new dwelling's plot would not be perceived from any public vantage point.

The site is not located within any special designation such as a conservation area.

On the basis of all these considerations it is assessed that no harm would occur to the character of the area. Whilst the area's spaciousness will be eroded over the existing arrangement this would not result in significant harm, the area is resilient enough to accommodate this change.

#### Setting of the Grade II listed Conigre House.

As detailed above it is considered that the setting of Conigre House has been fundamentally altered with the development in the 1960s and 1970s. The development proposals now presented are considered to be far more unassuming and modest in comparison to the existing development that virtually encircles the listed building. Furthermore whilst of a different design it is considered to represent a quality design with oak frame, oak cladding and an interesting sedum roof design. Furthermore the development proposal is at a substantially lower level compared to the imposing and grand Conigre House. It is noted that the Council's conservation officer raises no objection.

#### Neighbour amenity.

The proposed development would be single storey and given that it is considered that it would not cause overlooking of neighbouring property. The concern that the boundary treatment to the south would merely be a Beech hedge which would not afford privacy year round is noted. This boundary

could be replaced by or supplemented by a 2 metre high fence or other planting without the need for planning permission. As such this is not considered to be a significant concern. Furthermore the windows to habitable rooms would be obscure glazed and this can be ensured in perpetuity by condition.

The proposals would not be directly overlooked by the neighbouring properties to any unacceptable degree.

It is noted that the proposals would increase the level of vehicular activity and that this has been positioned to the rear boundaries of several neighbouring properties' rear gardens. Whilst the objections on these grounds are noted it is not considered that the noise, or fumes etc would cause any significant harm.

It is also noted that a chimney has been proposed close to the south boundary of the site. This is again not considered to cause significant harm to residential amenity from a planning perspective.

The occupiers of 3B Beagler's Green would continue to enjoy a spacious and enclosed private rear garden. The proposals would benefit from a modest garden area, which due to its backland location would be relatively private and self-contained. It is considered to be an adequate amenity area for a dwelling.

#### Whether inappropriate backland development.

The proposals are a classic form of backland development as are many of the dwellings in this location that do not have active street frontages. It is considered that the proposals would create a dwelling that is not inappropriate though as it would not cause any significant harm to residential amenity and can be adequately accessed and serviced.

#### Whether a loss of an important visual gap.

It is noted that to the south of Conigre House is an open green wedge extending nearly to Holt Road. These are the residential gardens of several properties and do form an open visual gap in the built environment. However as the dwelling proposed is very modest and unassuming in scale and form and would weather into its setting it is not considered to significantly erode this visual gap.

#### Connection to services.

The proposals would connect to the sewerage and water supplies of Wessex water. These are available and Wessex Water raises no concern with this. Wessex water have highlighted that they have records of a public sewer running through the site, but that is not an insurmountable issue in planning terms. It has been raised with the applicant, mindful of the potential cost implications it could have on their scheme. An informative on any decision notice would be prudent.

In terms of surface water drainage, there are no records of problems in the locality from the Environment Agency. The site is within flood zone 1 in fluvial terms, the lowest probability of flooding. The scheme will have a modest urbanising affect on this otherwise permeable garden space. The proposals though do include a sedum roof which will slow the discharge of water from the roof. This will then be discharged to the 3000 litre rainwater harvesting tank located under the lawn area. This will be used to provide grey water to the dwelling (for irrigated the roof, garden and washing cars) and help alleviate any potential surface water flooding issues in storm events. In the event that the tank is insufficient the applicant has confirmed water would go to a soakaway. There is sufficient space for a reasonable soakaway to be provided as part of the development and a condition would be prudent to control this. The rest of the site would remain largely permeable. This is considered to be a commensurate sustainable drainage solution given the scale of development proposed.

#### Nature conservation interests.

It is noted that bats are present in this area. This is a known fact. The Council's ecologist however has been consulted and stated that they have no objection to the proposals which are unlikely to harm bats. On that basis then it is not considered to be a significant issue and no further information is required.

The site may well have some potential for other species to be present such as nesting birds or foraging foxes or hedgehogs. However the indicative landscaping details do show potential for

enhancing biodiversity opportunity on the site through the development including the sedum roof. A detailed landscaping scheme should be able to enhance biodiversity opportunity.

Access, highway safety and parking.

The site will make use of the existing private shared drive that goes over the car park of Conigre House and then access the public highway. This arrangement is well established and a modest intensification of this is not considered likely to cause demonstrable harm. The proposal details 2 car parking spaces and hard standing for turning. This is considered adequate to serve the property. The arrangements for 3B Beagler's Green would be unchanged. The highway officer raises no objection.

Other materials considerations.

It is noted that a significant collection of refuse and recycling bins occurs at the front of Conigre House on collection days. This is far from ideal. The proposal will inevitably add to this. However whilst not ideal this of itself is not grounds for refusal. The site contains sufficient space for the storage of refuse and recycling bins without impact on the neighbouring property.

The proposals indicate the retention of existing soft landscaping features, save for the felling of a tree over the access. This would be replaced by a new tree. Existing hedging and trees on the boundary or nearby the site are shown as being retained. A new hedge on the west boundary over and above the bank would also add to the landscaping over and above the existing situation. The Council's tree and landscape officer advises that there are no landscape or arboricultural reasons to refuse the application. They do recommend conditions and these are now recommended to committee. This also addresses the concerns raised by the public.

Summary and conclusions

This is a finely balanced case. The planning history is noted, however it is also noted that this is over 20 years ago and was merely for an outline development. This proposal is a bespoke full planning application that addresses the significant constraints to development on this site in terms of planning considerations. It is considered to be an interesting design that has some significant sustainability and design qualities. The local objections are noted and have been given lengthy and careful consideration, however on balance planning permission is recommended subject to conditions.

**Recommendation:        Permission**

**For the following reason(s):**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies in the West Wiltshire District Plan 1st Alteration (2004), namely Policies C31a, C32, C38, H1, U1a and U2.**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**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 a final scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority.

The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: U2

3 No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:-

- \* A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- \* A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- \* A schedule of tree works conforming to British Standard 3998: 2010;
- \* Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- \* Plans and particulars showing the sighting of the service and piping infrastructure;
- \* A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works, the method of construction of the access driveway and extent of the areas of the driveway to be constructed using a no-dig specification;
- \* Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits;
- \* Details of all other activities, which have implications for trees on or adjacent to the site.
- \* Day and sunlight calculations must be submitted in accordance with Building Research Establishment guidance and British standards 8206 Part 2:1992 Light for buildings Part 2 -code of practice for daylighting;
- \* In order that trees to be retained are not damaged during the construction works and to ensure that as far as possible the work is carried out satisfactorily no demolition, site clearance or development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.; and
- \* Subsequently and until the completion of all site works, site visits should be carried out on a monthly basis by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- \* location and current canopy spread of all existing trees and hedgerows on the land;
- \* full details of any to be retained, together with measures for their protection in the course of development;
- \* a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- \* finished levels and contours;
- \* means of enclosure;

- \* car park layouts;
- \* other vehicle and pedestrian access and circulation areas;
- \* all hard and soft surfacing materials;
- \* minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); and
- \* proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc).

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 5 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 6 The window(s) in the south elevation serving the living room shall be glazed with obscure glass only [to an obscurity level of no less than level 4] and permanently fixed shut prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

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

- 7 No part of the development hereby permitted shall be first 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.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: C31a and H1.

- 8 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 those Orders with or without modification), no development within Part 1, Classes A-E shall take place on the dwellinghouse hereby permitted or within its curtilage.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements.

West Wiltshire District Plan 1st Alteration 2004 - POLICY: H1, C31a and C38.

- 9 The development shall be carried out in accordance with the hereby approved plans:

- Drawing: 1030 – SLP Revision B;
- Drawing: 1030 – BP Revision B;
- Drawing: 1030 – SK1 Revision A;
- Drawing: 1030 – SK2;
- Drawing: 1030 – SK3; and

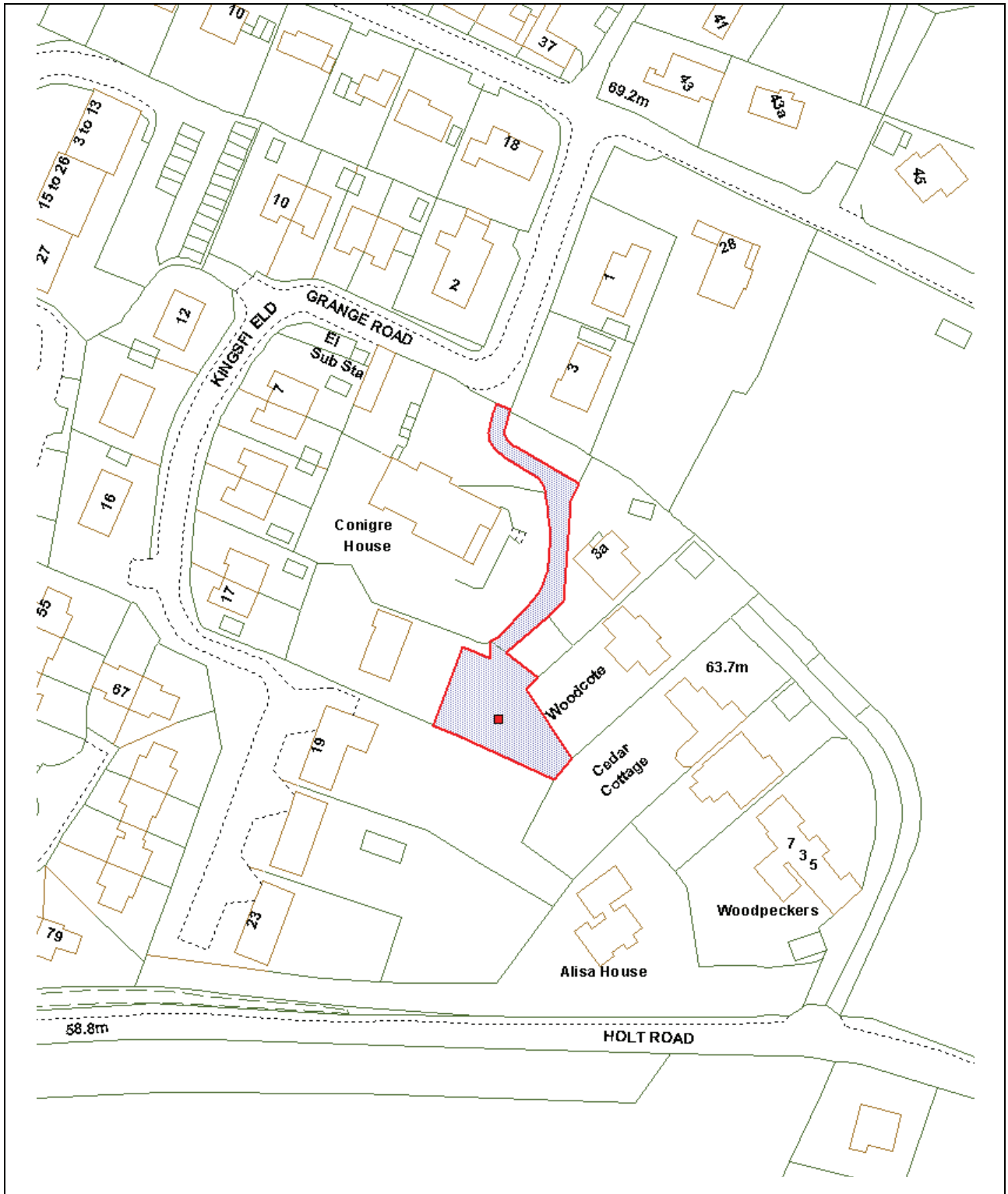
Drawing: 1030 – SK4.

REASON: In order to define the terms of this permission.

**Informative(s):**

- 1 The developer is advised to contact Wessex Water at an early stage regarding the potential presence of Wessex Water infrastructure (public sewer) under the site and the potential need for diversion works and/or easement in order to facilitate the development. Wessex Water can be contacted on 01225 526000.

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	14.08.2013		
<b>Application Number</b>	W/12/02347/FUL		
<b>Site Address</b>	Kingston Mills Kingston Road Bradford On Avon Wiltshire		
<b>Proposal</b>	Change of use of the first floor of Building T (also known as the Lamb Building) from Class B1 Offices to Five residential units and associated internal works comprising sub-division and associated works		
<b>Applicant</b>	Linden Homes Western Ltd		
<b>Town/Parish Council</b>	Bradford On Avon		
<b>Electoral Division</b>	Bradford On Avon South	<b>Unitary Member:</b>	Ian Thorn
<b>Grid Ref</b>	382748 160897		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

### REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Ian Thorn has supported the previous Division Member, Councillor Malcolm Hewson's request that the application be called to the Planning Committee for the following reason:

The change of use would have a significant and deleterious effect on the commercial vision for the site and the town that was accepted by the developer in the originally granted application for this site.

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to consider are:

- principle of development
- design issues, impact upon the immediate area and listed building
- impact on amenity
- highway and access considerations

#### 3. Site Description

This application relates to the Kingston Mills Development in Bradford on Avon. The particular site in question is the unit above the existing restaurant to the rear of Budgens shop.

#### 4. Relevant Planning History

06/02394/FULES - Comprehensive mixed use re-development comprising 170 dwellings, commercial floor space and associated works. - Approved 30/10/08

06/2400/LBC - Comprehensive mixed use re-development comprising alterations to Buildings 2, 43-44, 53, 55, 70, 76, 77 second floor extensions to Building 70, demolition of Buildings 41, 42, 61, 62-65, 68, 71, 72, 73, 75, 78 and associated works - Approved 08/02/08

#### 5. Proposal

This application relates to the Kingston Mills Development in Bradford on Avon. The particular site in question is above the existing restaurant to the rear of Budgens shop. This application seeks to

change the use of the first floor from restaurant to residential to form 5 dwellings (3 2-bed and 2 1-bed). No external changes are being made to the dwelling. The floor space of this unit is 1308 sqm.

The building itself is Grade II Listed and as such a listed building application is running in parallel to this application.

It is also important to highlight that there is another planning application for the change of use from business to residential which is subject of a separate report.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004

H1 Further Housing Development in Towns

H16 Conversions of Properties to Flats

C4 Landscape Setting

C15 Archaeological Assessment

C17 Conservation Areas

C19 Alterations in Conservation Areas

C28 Alterations and Extensions to Listed Buildings

C30 Skylines

C31a Design

C38 Nuisance

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

National Planning Policy Framework (NPPF)

## **7. Consultations**

Town Council - Object. The mixed use scheme for this site was subject to extensive consultation and negotiation and needs to be implemented as permitted in order to achieve a properly sustainable development. The Kingston Mill development has been accepted as essential to the regeneration of the town centre and the success of this would be adversely affected by these proposals. The provision of additional residential units will adversely affect the economic, social and environmental balance of the project and is therefore contrary to the NPPF and the emerging core strategy. The proposal is also contrary to Policy E5 and the arguments presented to justify the proposed change of use is flawed. The availability of the space needs to be designed as space available in the town and not in the whole of the Western Wiltshire Area. Similarly reference to Kingston Farm should be disregarded. In addition information regarding the efforts made to market the commercial space indicate a passive approach with no evidence of active promotion. The provision of 8 additional dwellings will add to the already overstretched facilities for parking and refuse on the site.

Bradford on Avon Development Trust - Object - The developers website is not up to date with current photos of the business units and does not do a good job of selling the units. The starting price of £15/sqft is well above the going rate for the town which is more like £10/£12/sqft and therefore it prices people out of the market. In October/November 2012 a considerable number of advertising boards suddenly appeared which were clearly visible to the 20,000 vehicles that cross the bridge every day. This was the first time that such an obvious and low-cost form of advertising have been tried. The loss of employment will not be supported in accordance with Core Policy 35 of the Core Strategy which will help address the historic loss of employment land in the town due to market forces and the attractiveness of Bradford on Avon to retired people, second home owners and commuters which have exerted pressure on former employment sites in the town to be converted to residential use. No proactive record of marketing has been carried out. There is evidence that prospective tenants/purchasers wishing to acquire space but who have withdrawn through a lack of agreement over terms.

Wiltshire Council Conservation Officer - No Objection

Wiltshire Council Economic and Regeneration Officer - Support

Environment Agency - No Objections subject to an informative regarding flood defence

Environmental Health - No Objections subject to conditions

English Heritage - The application should be determined in accordance with your specialist advice

Highways - No Objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 22nd February 2013

Wiltshire Council received 15 letters of objection from the general public raising the following concerns:

- Parking is already a problem on the site and more residential properties will exacerbate this problem.
- Bradford on Avon is a prime example of death by traffic and removing local places of employment is only going to create more traffic.
- For a sustainable future there should be places of work for local people. Planning was granted on the basis of giving balance to the local needs. To ask high rents and the lack of marketing is a not so subtle way of trying to prove there is no need so the Planning Permission can be changed to the commercial advantage of the developers. I trust our councillors and officers can see though veiled attempt to be manipulated and ensure the community are given the balanced development that took so many years to formulate.
- As a local shopper and resident I have heard from a number of sources that when businesses have approached Linden Homes for occupation of business units the developer has ultimately put them off. This is apparently done by not progressing the premises in terms of completing them and generally making excuses to the point where the businesses who wanted to move in, lose enthusiasm. The whole point of the development was that it was mixed use with businesses in town. This echoes National Planning Guidance in the form of the NPPF and town centre vitality and also is in line with Wiltshire's emerging Core Strategy which is about reducing the need to travel to work eg in this case, to Bath.
- Site has not been completed and sold and the estate is already struggling with parking and refuse.
- the retail units attract people to the development and adds interest to a fascinating historic area of the town as well as bringing valuable enterprise and employment opportunities into the centre of Bradford. If the application is allowed to go ahead the development is in danger of becoming yet another bland housing scheme without any activity during the day
- This is our town centre, we need vibrant retail/office space to promote and encourage local shopping, reducing environmental impact and building a stronger community , please do not allow this change of use
- There are more than enough residential units on the Kingston Mill development; allowing change of use on commercial units is completely against the spirit of a mixed use development and should be resisted.
- It is essential for the future of Bradford on Avon that we have commercial space in the centre of town. We do not want to become a dormitory town, but one where small businesses can thrive. Planning permission was originally given for the development of Kingston Mills as mixed use and this was for a very good reason. I see no reason why this should change. The success of the nearby Glove Factory in Holt shows good commercial space is in demand.
- Maintaining commercial property is much more important for the local economy and community of Bradford on Avon than it is for Linden Homes to further fill their pockets.
- Linden Homes were given this contract for a mixed commercial and residential site. It is now utterly cyclical that, within such a short time, they are trying to go back on that agreement. The future of Bradford relies on a proper mix of business. It will kill the town centre if it becomes a mere dormitory suburb.
- The Lambs Yard development is a fantastic addition to the character of the town as long as it grows as a retail/commercial hub. The monthly market demonstrates the community atmosphere that is created when townsfolk gather to shop together. This would be ruined if the development was allowed to become more residential. It has also become clear that the developers have been actively discouraging retail tenants (ask Chandni Chouk) as a means of justifying the change of use. This is cynical at best, fraudulent at worst.

- When we purchased our apartment it as on the basis of the development being "a mixed use site"--it is now in danger of becoming a retirement/holiday home site as plans for offices and shops are cancelled
- Linden Homes and their related parties have been failing in provisioning and ensuring we the residents have been provided with and supplied (having access to) services and amenities we have been duly paying for since March 2011! They sold us an apartment with allocated parking bay, which is not 'enforced' on a regular basis. Furthermore in March 2011 at the point of completion we have been lead to believe that there is a visitors parking space provision. Without any consultation with residents they simply removed these spaces and 'gave' them to affordable housing! This is a nutshell demonstrates insufficient basic amenities on the development, lack of developers corporate, personal, legal and or any other responsibility.

## 9. Planning Considerations

### 9.1 PRINCIPLE OF DEVELOPMENT

The site is located within the settlement boundary of Bradford on Avon where the principle for residential development is considered to be appropriate. As the building is existing and there are to be no external changes it is considered that there would be no implications to flood risk or archaeology or cause an impact to the landscape quality or skyline of the town. The proposal is therefore considered to comply with Policies H1, C4, C15 and C30.

Policy H16 relates to the conversion of buildings to flats. The proposal is not considered to be an over intensive sub division, would not have an adverse affect upon the external appearance of the building, complies with the parking requirements, has suitable recreation facilities within the immediate vicinity, would not cause any neighbouring amenity issues and would not be subject to flood risk. The proposal is therefore considered to comply with Policy H16.

The proposal sees the loss of a business unit and therefore Policy E5 needs to be taken into consideration which states that the loss of any employment floorspace will only be permitted where the following criteria are satisfied:

- (i) there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses;
- (ii) such proposals are compatible with neighbouring land uses and do not create bad neighbour uses;
- (iii) such proposals do not give rise to, or continue existing traffic or environmental problems.

The proposed change of use to residential is considered to be compatible with neighbouring land uses and would not give rise to or continue existing traffic problems. The loss of employment floorspace will be looked at in the following section.

### 9.2 ECONOMIC

Historically there has been a gradual but persistent loss of employment land in the town to the extent that the town now offers a low range of employment opportunities and has a high level of out commuting to Bath. The Kingston Mill site is located within the town centre and is of mixed use and comprises approximately 160 dwellings, 7,322 sq ft retail, 12,064 sq ft restaurants/cafes and 24,524 sq ft office space. The scheme was approved on the basis that it would provide jobs for local people and be a corner stone of Bradford on Avon's town centre regeneration. The historic centre is extremely constrained in terms of development potential and the Kingston Mills site was the only remaining town centre site capable of accommodating office space of a reasonable size. It is a highly sustainable location being within easy walking distance of the train station and all town centre amenities.

Evidence collated by Wiltshire Council and independent consultants suggests that based on growth projections there is a need to deliver between 2 and 3 hectares of new employment land at Bradford on Avon up to 2026. The draft Core Strategy now includes a strategic site for mixed use development to the south east of the town at Kingston Farm. It is a strategic objective of the draft Wiltshire Core Strategy to deliver a thriving economy and also states that the loss of employment land in Bradford on Avon will not be supported.

Extensive negotiations have taken place between the Development Management Team, the manager from Economic Regeneration and the Developers. Subsequent marketing information has been submitted to the Local Planning Authority which shows how the units have been marketed (which includes Newspapers, Estate Agents, websites, Caters Advertisers, Marketing Brochures and on site advertisement), who has had interest in the units and the reasons why they have not been taken up. This particular unit has been marketed since February 2010. The majority of the reasons why offers have not been brought forward relate to parking requirements.

The building under consideration has a restaurant and supermarket on the ground floor and residential on the second floor. It has good views over the river and has only two allocated parking spaces. The entrance to the site is via a side entrance which is shared with the residential element above and the unit in its existing form needs considerable work for conversion as there are a number of columns through the centre of the space. Access to the toilets are also located by the stairs to the residential properties above. There has been interest from a gym operator for this space, however such an operation could adversely affect the neighbours living above.

The cost of the units has been subject of concern by different objectors. The site has been marketed at a price of £15 sq ft and when compared to prices in other towns and the current economic market this is considered to be high. However the Developer has confirmed that the quoting rent is £15 sq ft but is looking to achieve around £12 sq ft and rent free months have been included within any negotiations. Concerns have been raised by the general public that the Developer has been putting potential purchasers off, thereby increasing the potential for residential. The Local Planning Authority have requested through the people that have phoned to highlight this issue that businesses who have apparently had problems in letting premises on the Kingston Mills site should come forward and to date nothing has been received. As such this matter cannot be taken into consideration when making a recommendation on this application.

The Developer has been reasonably successful in letting the majority of the retail units within the development and the remaining available units are considered not to be suitable for residential or office use. The Developer is also confident of their ability to let them. The Developer has also let some office units on the site and therefore there is clearly some market interest in smaller office units in this location and a willingness to pay a reasonably high rate in Wiltshire. The office space in this building could accommodate up to 10 members of staff and due to only 2 parking spaces, many people who have been interested in the site have been deterred.

Recent legislation issued by the Government allows units previously used for business uses to be converted to residential uses for a temporary period of three years. The unit subject of this application would not be able to convert to residential under these regulations as the unit is new, has never been used for employment and there is also a condition on the original application that restricts the employment uses changing to any other uses. However it does highlight the concerns of the Government over existing empty B1 units.

Due to the uses below and above the floor space subject of this application and its access to the building alongside the conversion works that need to be undertaken, it is considered that it would not be viable for a business use to be in this particular location. These matters are considered to be a material planning consideration when making a recommendation on this application and therefore as the unit is considered to be unsuitable for office use the proposed change of use to residential is considered to be appropriate.

It is not considered that by approving this application it would set a precedent for other units on the site to change to residential as site specifics have been taken into consideration (namely the siting and location of the unit in question). It has also been made clear to the Developer that no other change of use of business units to residential other than those subject of current planning applications would be welcomed. Due to the number of other available units that are available to let on the site and the units that are already being occupied, the site would still remain as a mixed use site. It is also considered that this proposal would not have an impact upon the strategic employment site at Kingston Farm where the units are larger and there is considerably more room for parking.

### 9.3 DESIGN ISSUES & IMPACT UPON THE WIDER AREA & LISTED BUILDING

There are no external changes being proposed as part of this application and therefore it is considered that there would be no impact upon character and appearance of the Conservation Area and Grade II Listed Building. It is therefore considered that the proposed changes would comply with Policies C17, C19, C28 and C31a of the Local Plan.

### 9.4 IMPACT UPON AMENITY

It is considered that the proposal would not have an impact upon neighbouring amenity in terms of overlooking or overshadowing as the building and windows/doors are existing. There are also no immediate residential properties that can be overlooked or overshadowed.

Noise from the restaurant below is not considered to be a nuisance to the proposed units as there were existing residential properties immediately above the restaurant on the second floor.

Budgens has an existing plant room on the first floor and to ensure that the residential properties would not be affected an acoustic report was submitted. It is considered that the findings of this report are appropriate and therefore should the application be approved a condition should be attached ensuring that the report is complied with. A further condition would also be required to measure noise levels once the dwellings have been completed.

It is therefore considered that with suitable conditions the proposal would comply with Policy C38.

### 9.5 ACCESS AND HIGHWAYS

Access to the site will not be changed as part of this application. 1 car park space is being provided for each of the 2 bed units and no parking for the one bed units. It is acknowledged that parking on the site is difficult and that the proposed level of parking is under the current parking standards, however, the proposed parking is in accordance with the parking provision originally approved at Kingston Mills and therefore is considered to be acceptable.

It is acknowledged that there are current parking problems on the site, however the parking approved would have been made clear when people bought the units and this level of parking has not changed.

### 9.6 OTHER

Many of the objections received relate to existing problems regarding parking and refuse, these issues have been acknowledged however this application is unable to overcome existing problems and therefore are not able to be taken into consideration when making a recommendation on this application.

### 9.7 CONCLUSION

It is considered that as the proposal complies with the relevant policies of the development plan, the proposal is recommended for Approval subject to a supplemental agreement to the original Section 106 to ensure that the residential properties comply with the previous requirements.

#### **Recommendation:**

**Planning permission be granted at a future date subject to the Area Development Manager being satisfied to the completion of a supplemental planning agreement to ensure the residential properties subject of this permission comply with the original Section 106 Legal Agreement attached to 06/02394/FULES**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies H1,**

**H16, C4, C15, C17, C19, C28, C30, C31a, C38 and the Wiltshire Local Transport Plan 2011-2026:  
Car Parking Strategy**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

**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 The development hereby permitted shall be carried out in accordance with drawing numbers 10026(L)410C, 10026(L)411A, 3114(P)001M, 80080(L)243A received on 11th January 2013.

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

- 3 The development hereby permitted shall be carried out in accordance with the noise acoustic report received by the Local Planning Authority on 2nd May 2013. Once the development has been completed but prior to occupation of the residential units hereby permitted a post noise construction assessment shall be carried out and the results, any required remedial works and a timetable for implementation of any such remedial works shall be submitted to and agreed in writing by the Local Planning Authority.

REASON: To ensure that noise from the existing plant room does not impact upon the amenity of future residents having regard to Saved Policy C38 of the West Wiltshire District Plan 1st Alteration 2004.

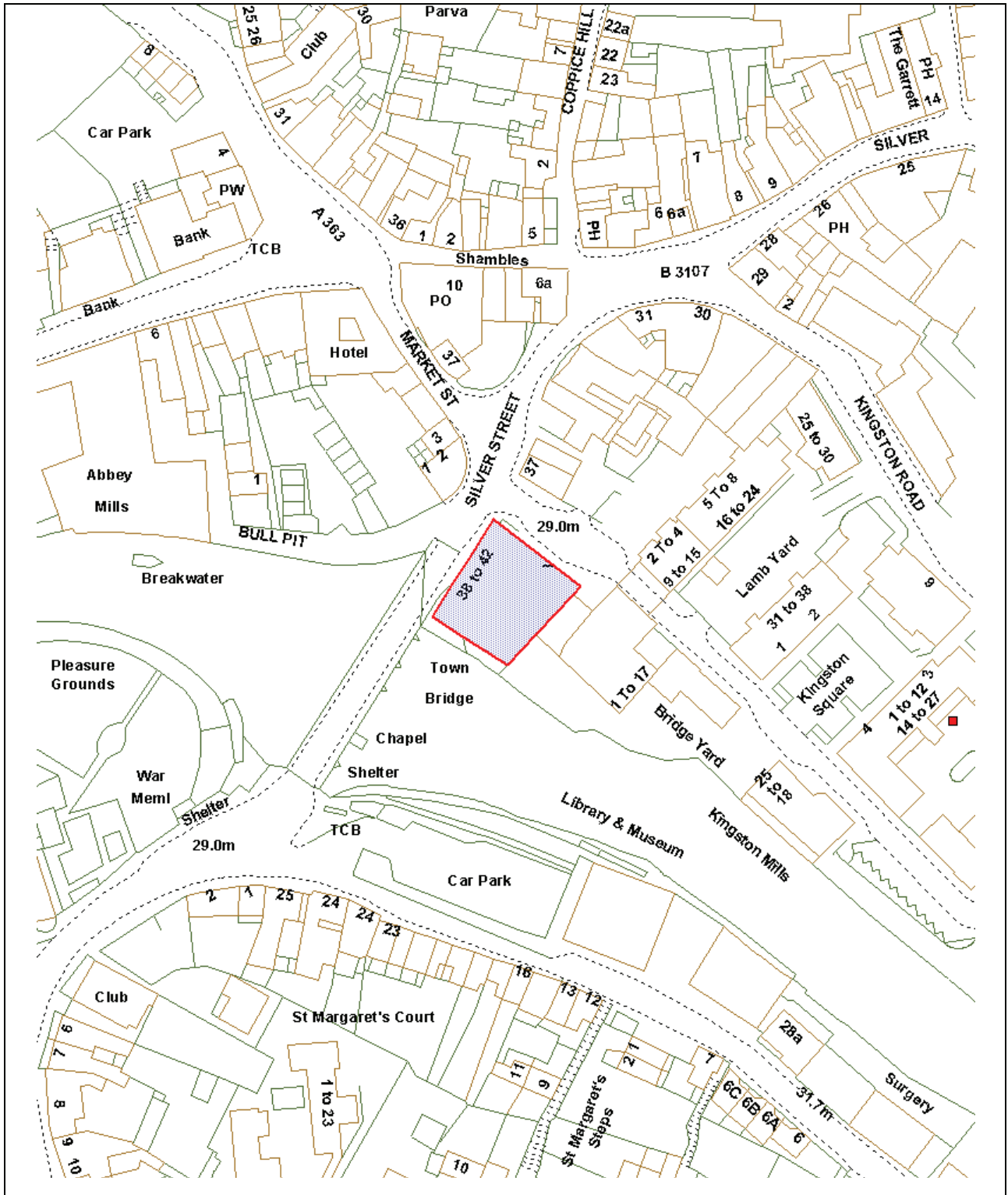
**Informative:**

- 1 This permission shall be read in conjunction with a Supplemental Planning Agreement to the original Section 106 Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated \_\_\_\_

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	

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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>14.08.2013</b>		
<b>Application Number</b>	<b>W/12/02348/LBC</b>		
<b>Site Address</b>	<b>Kingston Mills, Kingston Road, Bradford On Avon, Wiltshire</b>		
<b>Proposal</b>	<b>Change of use of the first floor of Building T (also known as the Lamb Building) from Use Class B1 Offices to Five residential units and associated internal works comprising sub-division and associated works</b>		
<b>Applicant</b>	<b>Linden Homes Western Ltd</b>		
<b>Town/Parish Council</b>	<b>Bradford On Avon</b>		
<b>Electoral Division</b>	<b>Bradford On Avon South</b>	<b>Unitary Member:</b>	<b>Ian Thorn</b>
<b>Grid Ref</b>	<b>382748 160897</b>		
<b>Type of application</b>	<b>Listed building</b>		
<b>Case Officer</b>	<b>Jemma Boustead</b>	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

### REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Ian Thorn has supported the previous Division Member, Councillor Hewson's request that the application be called to the Planning Committee for the following reason:

The change of use would have a significant and deleterious effect on the commercial vision for the site and the town that was accepted by the developer in the originally granted application for this site.

#### 1. Purpose of Report

To consider the above application and to recommend that listed building consent be granted

#### 2. Report Summary

The main issues to consider are:

- whether the proposed change of use would have an impact upon the Grade II Listed Building

#### 3. Site Description

This application relates to the Kingston Mills Development in Bradford on Avon. The particular site in question is the unit above the existing restaurant to the rear of Budgens shop.

#### 4. Relevant Planning History

06/02394/FULES - Comprehensive mixed use re-development comprising 170 dwellings, commercial floor space and associated works. - Approved 30/10/08

06/2400/LBC - Comprehensive mixed use re-development comprising alterations to Buildings 2, 43-44, 53, 55, 70, 76, 77 second floor extensions to Building 70, demolition of Buildings 41, 42, 61, 62-65, 68, 71, 72, 73, 75, 78 and associated works - Approved 08/02/08

#### 5. Proposal

This application seeks listed building consent for the first floor to be converted to residential to form 5 dwellings. No external changes are being made to the dwelling. The floor space of this unit is 1,889 sq ft. The building itself is Grade II Listed.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004  
C28 Alterations and Extensions to Listed Buildings

National Planning Policy Framework (NPPF)

## **7. Consultations**

Town Council - Object. The mixed use scheme for this site was subject to extensive consultation and negotiation and needs to be implemented as permitted in order to achieve a properly sustainable development. The Kingston Mill development has been accepted as essential to the regeneration of the town centre and the success of this would be adversely affected by these proposals. The provision of additional residential units will adversely affect the economic, social and environmental balance of the project and is therefore contrary to the NPPF and the emerging core strategy. The proposal is also contrary to Policy E5 and the arguments presented to justify the proposed change of use is flawed. The availability of the space needs to be designed as space available in the town and not in the whole of the Western Wiltshire Area. Similarly reference to Kingston Farm should be disregarded. In addition information regarding the efforts made to market the commercial space indicate a passive approach with no evidence of active promotion. The provision of 8 additional dwellings will add to the already overstretched facilities for parking and refuse on the site.

Bradford on Avon Development Trust - Object - The developers website is not up to date with current photos of the business units and does not do a good job of selling the units. The starting price of £15/sqft is well above the going rate for the town which is more like £10/£12/sqft and therefore it prices people out of the market. In October/November 2012 a considerable number of advertising boards suddenly appeared which were clearly visible to the 20,000 vehicles that cross the bridge every day. This was the first time that such an obvious and low-cost form of advertising have been tried. The loss of employment will not be supported in accordance with Core Policy 35 of the Core Strategy which will help address the historic loss of employment land in the town due to market forces and the attractiveness of Bradford on Avon to retired people, second home owners and commuters which have exerted pressure on former employment sites in the town to be converted to residential use. No proactive record of marketing has been carried out. There is evidence that prospective tenants/purchasers wishing to acquire space but who have withdrawn through a lack of agreement over terms.

Wiltshire Council Conservation Officer - No Objection

Wiltshire Council Economic and Regeneration Officer - Support

Environment Agency - No Objections subject to an informative regarding flood defence

Environmental Health - No Objections subject to conditions

English Heritage - The application should be determined in accordance with your specialist advice

Highways - No Objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 22nd February 2013

Wiltshire Council received 15 letters of objection from the general public raising the following concerns:

- Parking is already a problem on the site and more residential properties will exacerbate this problem.
- Bradford on Avon is a prime example of death by traffic and removing local places of employment is only going to create more traffic.
- For a sustainable future there should be places of work for local people. Planning was granted on the basis of giving balance to the local needs. To ask high rents and the lack of marketing is a not so subtle way of trying to prove there is no need so the Planning Permission can be changed to the commercial advantage of the developers. I trust our

councillors and officers can see though veiled attempt to be manipulated and ensure the community are given the balanced development that took so many years to formulate.

- As a local shopper and resident I have heard from a number of sources that when businesses have approached Linden Homes for occupation of business units the developer has ultimately put them off. This is apparently done by not progressing the premises in terms of completing them and generally making excuses to the point where the businesses who wanted to move in, lose enthusiasm. The whole point of the development was that it was mixed use with businesses in town. This echoes National Planning Guidance in the form of the NPPF and town centre vitality and also is in line with Wiltshire's emerging Core Strategy which is about reducing the need to travel to work eg in this case, to Bath.
- Site has not been completed and sold and the estate is already struggling with parking and refuse.
- the retail units attract people to the development and adds interest to a fascinating historic area of the town as well as bringing valuable enterprise and employment opportunities into the centre of Bradford. If the application is allowed to go ahead the development is in danger of becoming yet another bland housing scheme without any activity during the day
- This is our town centre, we need vibrant retail/office space to promote and encourage local shopping, reducing environmental impact and building a stronger community , please do not allow this change of use
- There are more than enough residential units on the Kingston Mill development; allowing change of use on commercial units is completely against the spirit of a mixed use development and should be resisted.
- It is essential for the future of Bradford on Avon that we have commercial space in the centre of town. We do not want to become a dormitory town, but one where small businesses can thrive. Planning permission was originally given for the development of Kingston Mills as mixed use and this was for a very good reason. I see no reason why this should change. The success of the nearby Glove Factory in Holt shows good commercial space is in demand.
- Maintaining commercial property is much more important for the local economy and community of Bradford on Avon than it is for Linden Homes to further fill their pockets.
- Linden Homes were given this contract for a mixed commercial and residential site. It is now utterly cyclical that, within such a short time, they are trying to go back on that agreement. The future of Bradford relies on a proper mix of business. It will kill the town centre if it becomes a mere dormitory suburb.
- The Lambs Yard development is a fantastic addition to the character of the town as long as it grows as a retail/commercial hub. The monthly market demonstrates the community atmosphere that is created when townfolk gather to shop together. This would be ruined if the development was allowed to become more residential. It has also become clear that the developers have been actively discouraging retail tenants (ask Chandni Chouk) as a means of justifying the change of use. This is cynical at best, fraudulent at worst.
- When we purchased our apartment it was on the basis of the development being "a mixed use site"--it is now in danger of becoming a retirement/holiday home site as plans for offices and shops are cancelled
- Linden Homes and their related parties have been failing in provisioning and ensuring we the residents have been provided with and supplied (having access to) services and amenities we have been duly paying for since March 2011! They sold us an apartment with allocated parking bay, which is not 'enforced' on a regular basis. Furthermore in March 2011 at the point of completion we have been lead to believe that there is a visitors parking space provision. Without any consultation with residents they simply removed these spaces and 'gave' them to affordable housing! This is a nutshell demonstrates insufficient basic amenities on the development, lack of developers corporate, personal, legal and or any other responsibility.

## **9. Planning Considerations**

### **9.1 IMPACT UPON THE LISTED BUILDING**

There are no external changes being proposed to the property. The first floor is to be partitioned off to create 5 (3 2-bed, 2 1-bed) residential flats which is considered not to have an impact upon the Grade II Listed Building. It is therefore considered that the proposed changes would comply with Policy C28 of the Local Plan.

## 9.2 OTHER

The consultation processes has not raised any issues regarding the listed building consent application and therefore cannot be taken into consideration when determining this application. However the issues raised will be taken into consideration in the planning application currently running alongside this application.

## 9.3 CONCLUSION

It is considered that as the proposal complies with the relevant policy of the development plan and the relevant paragraphs of the NPPF the proposal is recommended for Approval subject to a supplemental agreement to the original Section 106.

**Recommendation:        Permission**

### **For the following reason(s):**

**The decision to grant listed building consent has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policy in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policy C28.**

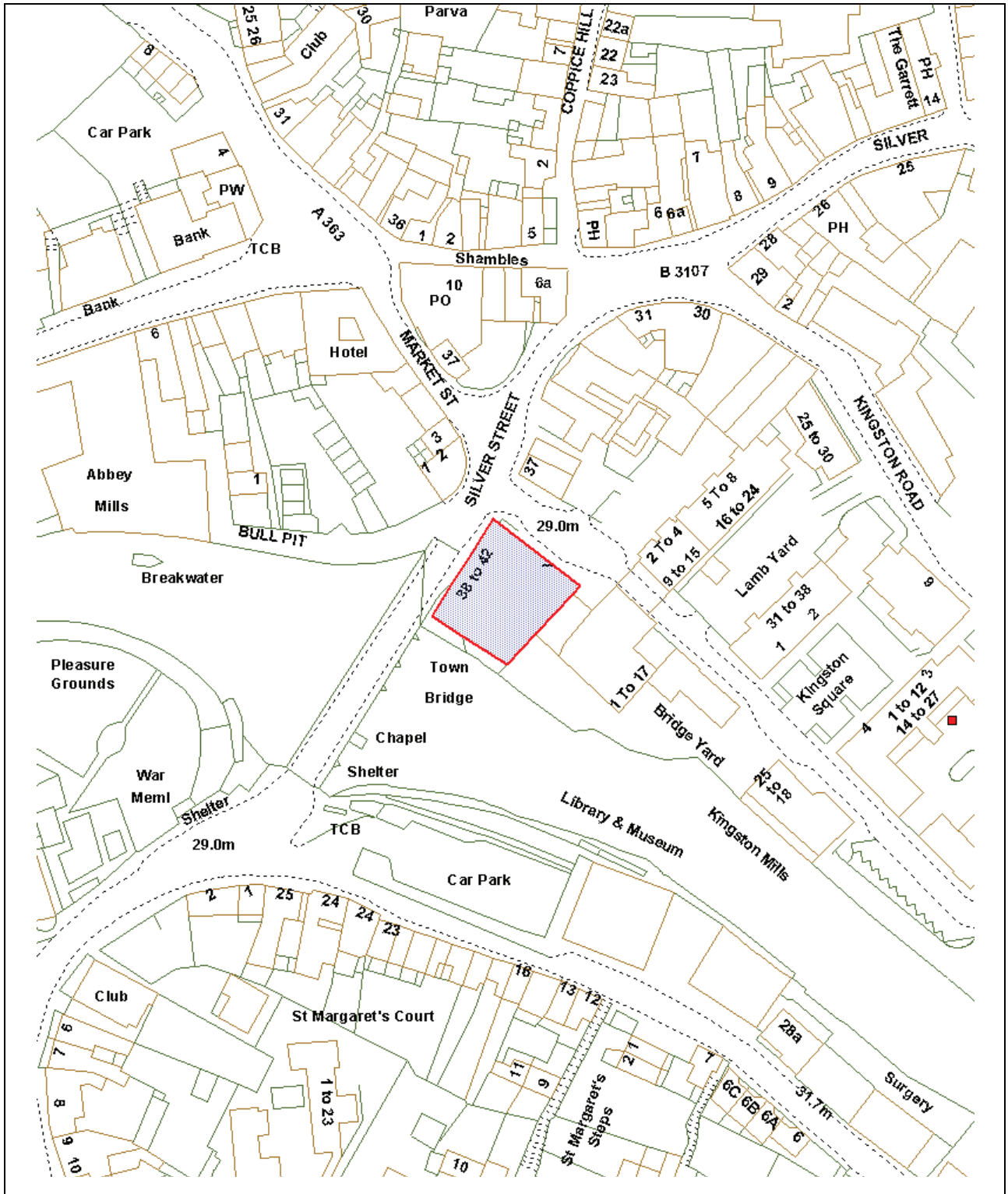
**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

### **Subject to the following condition(s):**

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

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

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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## REPORT TO THE WESTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	14.08.2013		
<b>Application Number</b>	W/12/02346/FUL		
<b>Site Address</b>	Kingston Mills Kingston Road Bradford On Avon Wiltshire		
<b>Proposal</b>	Change of Use of Building N from Class B1 offices to form three residential units		
<b>Applicant</b>	Linden Homes Western Ltd		
<b>Town/Parish Council</b>	Bradford On Avon		
<b>Electoral Division</b>	Bradford On Avon South	<b>Unitary Member:</b>	Ian Thorn
<b>Grid Ref</b>	382748 160897		
<b>Type of application</b>	Full Plan		
<b>Case Officer</b>	Jemma Boustead	01225 770344 Ext 01225 770211 Jemma.Boustead@wiltshire.gov.uk	

### REASON FOR THE APPLICATION BEING CONSIDERED BY THE PLANNING COMMITTEE

Councillor Ian Thorn has supported the previous Division Member, Councillor Malcolm Hewson's request that the application be called to the Planning Committee for the following reason:

The change of use would have a significant and deleterious effect on the commercial vision for the site and the town that was accepted by the developer in the originally granted application for this site.

#### 1. Purpose of Report

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

#### 2. Report Summary

The main issues to consider are:

- principle of development
- design issues, impact upon the immediate area and listed building
- impact on amenity
- highway and access considerations

#### 3. Site Description

This application relates to the Kingston Mills Development in Bradford on Avon. The particular site in question is known as Building N and is located behind the Budgens building.

#### 4. Relevant Planning History

06/02394/FULES - Comprehensive mixed use re-development comprising 170 dwellings, commercial floor space and associated works. - Approved 30/10/08

06/2400/LBC - Comprehensive mixed use re-development comprising alterations to Buildings 2, 43-44, 53, 55, 70, 76, 77 second floor extensions to Building 70, demolition of Buildings 41, 42, 61, 62-65, 68, 71, 72, 73, 75, 78 and associated works - Approved 08/02/08

#### 5. Proposal

This application relates to the Kingston Mills Development in Bradford on Avon. The particular site in question is to the rear of the Budgens shop. This application seeks to change the use of the first floor from restaurant to residential to form 3 dwellings (2 two-bedroom and 1 one-bedroom). No external changes are being made to the building. The floor space of this unit is 579 sq metres.

It is important to highlight that there is another planning application for the change of use from business to residential which is subject of a separate report.

## **6. Planning Policy**

West Wiltshire District Plan 1st Alteration 2004

H1 Further Housing Development in Towns

H16 Conversions of Properties to Flats

C4 Landscape Setting

C15 Archaeological Assessment

C17 Conservation Areas

C19 Alterations in Conservation Areas

C30 Skylines

C31a Design

C38 Nuisance

Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy

National Planning Policy Framework (NPPF)

## **7. Consultations**

Town Council - Object. The mixed use scheme for this site was subject to extensive consultation and negotiation and needs to be implemented as permitted in order to achieve a properly sustainable development. The Kingston Mill development has been accepted as essential to the regeneration of the town centre and the success of this would be adversely affected by these proposals. The provision of additional residential units will adversely affect the economic, social and environmental balance of the project and is therefore contrary to the NPPF and the emerging core strategy. The proposal is also contrary to Policy E5 and the arguments presented to justify the proposed change of use is flawed. The availability of the space needs to be designed as space available in the town and not in the whole of the Western Wiltshire Area. Similarly reference to Kingston Farm should be disregarded. In addition information regarding the efforts made to market the commercial space indicate a passive approach with no evidence of active promotion. The provision of 8 additional dwellings will add to the already overstretched facilities for parking and refuse on the site.

Bradford on Avon Development Trust - Object - The developers website is not up to date with current photos of the business units and does not do a good job of selling the units. The starting price of £15/sqft is well above the going rate for the town which is more like £10/£12/sqft and therefore it prices people out of the market. In October/November 2012 a considerable number of advertising boards suddenly appeared which were clearly visible to the 20,000 vehicles that cross the bridge every day. This was the first time that such an obvious and low-cost form of advertising have been tried. The loss of employment will not be supported in accordance with Core Policy 35 of the Core Strategy which will help address the historic loss of employment land in the town due to market forces and the attractiveness of Bradford on Avon to retired people, second home owners and commuters which have exerted pressure on former employment sites in the town to be converted to residential use. No proactive record of marketing has been carried out. There is evidence that prospective tenants/purchasers wishing to acquire space but who have withdrawn through a lack of agreement over terms.

Wiltshire Council Conservation Officer - No Objection

Wiltshire Council Economic and Regeneration Officer - Support

Environment Agency - No Objections subject to an informative regarding flood defence

English Heritage - The application should be determined in accordance with your specialist advice

Highways - No Objections

## **8. Publicity**

The application was advertised by site notice/press notice /neighbour notification. Expiry date: 26th February 2013

Wiltshire Council received 7 letters of objection from the general public raising the following concerns:

- Parking is already a problem on the site and more residential properties will exacerbate this problem.
- The present arrangement for the disposal of household rubbish is inadequate
- Health Centre and schools are already at full capacity

## **9. Planning Considerations**

### **9.1 PRINCIPLE OF DEVELOPMENT**

The site is located within the settlement boundary of Bradford on Avon where the principle for residential development is considered to be appropriate. As the building is existing and there are to be no external changes it is considered that there would be no implications to flood risk or archaeology or cause an impact to the landscape quality or skyline of the town. The proposal is therefore considered to comply with Policies H1, C4, C15 and C30.

Policy H16 relates to the conversion of buildings to flats. The proposal is not considered to be an over intensive sub division, would not have an adverse affect upon the external appearance of the building, complies with the parking requirements, has suitable recreation facilities within the immediate vicinity, would not cause any neighbouring amenity issues and would not be subject to flood risk. The proposal is therefore considered to comply with Policy H16.

The proposal sees the loss of a business unit and therefore Policy E5 needs to be taken into consideration which states that the loss of any employment floorspace will only be permitted where the following criteria are satisfied:

- (i) there is an adequate supply and mix of genuinely available land and premises elsewhere in the locality for employment uses;
- (ii) such proposals are compatible with neighbouring land uses and do not create bad neighbour uses;
- (iii) such proposals do not give rise to, or continue existing traffic or environmental problems.

The proposed change of use to residential is considered to be compatible with neighbouring land uses and would not give rise to or continue existing traffic problems. The loss of employment floorspace will be looked at in the following section.

### **9.2 ECONOMIC**

Historically there has been a gradual but persistent loss of employment land in the town to the extent that the town now offers a low range of employment opportunities and has a high level of out commuting to Bath. The Kingston Mill site is located within the town centre and is of mixed use and comprises approximately 160 dwellings, 7,322 sq ft retail, 12,064 sq ft restaurants/cafes and 24,524 sq ft office space. The scheme was approved on the basis that it would provide jobs for local people and be a corner stone of Bradford on Avon's town centre regeneration. The historic centre is extremely constrained in terms of development potential and the Kingston Mills site was the only remaining town centre site capable of accommodating office space of a reasonable size. It is a highly sustainable location being within easy walking distance of the train station and all town centre amenities.

Evidence collated by Wiltshire Council and independent consultants suggests that based on growth projections there is a need to deliver between 2 and 3 hectares of new employment land at Bradford on Avon up to 2026. The draft Core Strategy now includes a strategic site for mixed use development to the south east of the town at Kingston Farm. It is a strategic objective of the draft Wiltshire Core Strategy to deliver a thriving economy and also states that the loss of employment land in Bradford on Avon will not be supported.

Extensive negotiations have taken place between the Development Management Team, the manager from Economic Regeneration and the Developers. Subsequent marketing information has been submitted to the Local Planning Authority which shows how the units have been marketed (which

includes Newspapers, Estate Agents, websites, Caters Advertisers, Marketing Brochures and on site advertisement), who has had interest in the units and the reasons why they have not been taken up. This particular unit has been marketed since February 2010. The majority of the reasons why offers have not been brought forward relate to parking requirements.

The building under consideration has good views over the river and is in close proximity to other office buildings. However due to the partially enclosed walkway on the riverside, the building is relatively dark and has a low ceiling which will be even lower once a suspended ceiling has been installed. The entrance is adjacent to the residential access and needs more work before it is useable. There are also 2 parking spaces for this unit. This building was originally residential but was changed to offices in 2009.

The cost of the units has been subject of concern by different objectors. The site has been marketed at a price of £15 sq ft and when compared to prices in other towns and the current economic market this is considered to be high. However the Developer has confirmed that the quoting rent is £15 sq ft but is looking to achieve around £12 sq ft and rent free months have been included within any negotiations. Concerns have been raised by the general public that the Developer has been putting potential purchasers off, thereby increasing the potential for residential. The Local Planning Authority have requested through the people who have phoned to highlight this issue that businesses who have apparently had problems in letting premises on the Kingston Mills site come forward and to date nothing has been received. As such this matter cannot be taken into consideration when making a recommendation on this application.

The Developer has been reasonably successful in letting the majority of the retail units within the development and the remaining available units are considered not to be suitable for residential or office use. The Developer is also confident of their ability to let them. The Developer has also let some office units on the site and therefore there is clearly some market interest in smaller office units in this location and a willingness to pay a reasonably high rate in Wiltshire. The office space in this building could accommodate up to 10 members of staff and due to only 2 parking spaces, many people who have been interested in the site have been deterred.

Recent legislation issued by the Government allows units previously used for business uses to be converted to residential uses for a temporary period of three years. The unit subject of this application would not be able to convert to residential under these regulations as the unit is new, has never been used for employment and there is also a condition on the original application that restricts the employment uses changing to any other uses. However it does highlight the concerns of the Government over existing empty B1 units.

Due to the location of the site, the residential uses above, the darkness of the unit and its access to the building alongside the conversion works that need to be undertaken, it is considered that it would not be viable for a business use to be in this particular location. These matters are considered to be a material planning consideration when making a recommendation on this application and therefore as the unit is considered to be unsuitable for office use the proposed change of use to residential is considered to be appropriate.

It is not considered that by approving this application it would set a precedent for other units on the site to change to residential as site specifics have been taken into consideration (namely the siting and location of the unit in question). It has also been made clear to the Developer that no other change of use of business units to residential other than those subject of current planning applications would be welcomed. Due to the number of other available units that are available to let on the site and the units that are already being occupied, the site would still remain as a mixed use site. It is also considered that this proposal would not have an impact upon the strategic employment site at Kingston Farm where the units are larger and there is considerably more room for parking.

### 9.3 DESIGN ISSUES & IMPACT UPON THE WIDER AREA & LISTED BUILDING

There are no external changes being proposed as part of this application and therefore it is considered that there would be no impact upon character and appearance of the Conservation Area. It is therefore considered that the proposed changes would comply with Policies C17, C19 and C31a of the Local Plan.

#### 9.4 IMPACT UPON AMENITY

It is considered that the proposal would not have an impact upon neighbouring amenity in terms of overlooking or overshadowing as the building and windows/doors are existing. There are also no immediate residential properties that can be overlooked or overshadowed.

It is therefore considered that proposal would comply with Policy C38.

#### 9.5 ACCESS AND HIGHWAYS

Access to the site will not be changed as part of this application. 1 parking space is proposed for each of the 2 bedroom units and no parking spaces are proposed for the one bedroom units. It is acknowledged that parking on the site is difficult and that the proposed level of parking is under the current parking standards, however, the proposed parking is in accordance with the parking provision originally approved at Kingston Mills and therefore is considered to be acceptable.

It is acknowledged that there are current parking problems on the site, however the parking approved would have been made clear when people bought the units and this level of parking has not changed.

#### 9.6 OTHER

Many of the objections received relate to existing problems regarding parking and refuse, these issues have been acknowledged however this application is unable to overcome existing problems and therefore are not able to be taken into consideration when making a recommendation on this application.

#### 9.7 CONCLUSION

It is considered that as the proposal complies with the relevant policies of the development plan, the proposal is recommended for Approval subject to a supplemental agreement to the original Section 106 to ensure that the residential properties comply with the previous requirements.

#### **Recommendation:**

**Planning permission be granted at a future date subject to the Area Development Manager being satisfied to the completion of a supplemental planning agreement to ensure the residential properties subject of this permission comply with the original Section 106 Legal Agreement attached to 06/02394/FULES**

**The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the National Planning Policy Framework and the following policies and proposals in the West Wiltshire District Plan 1st Alteration 2004 namely Saved Policies H1, H16, C4, C15, C17, C19, C30, C31a, C38 and the Wiltshire Local Transport Plan 2011-2026: Car Parking Strategy**

**In accordance with paragraph 187 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.**

#### **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.

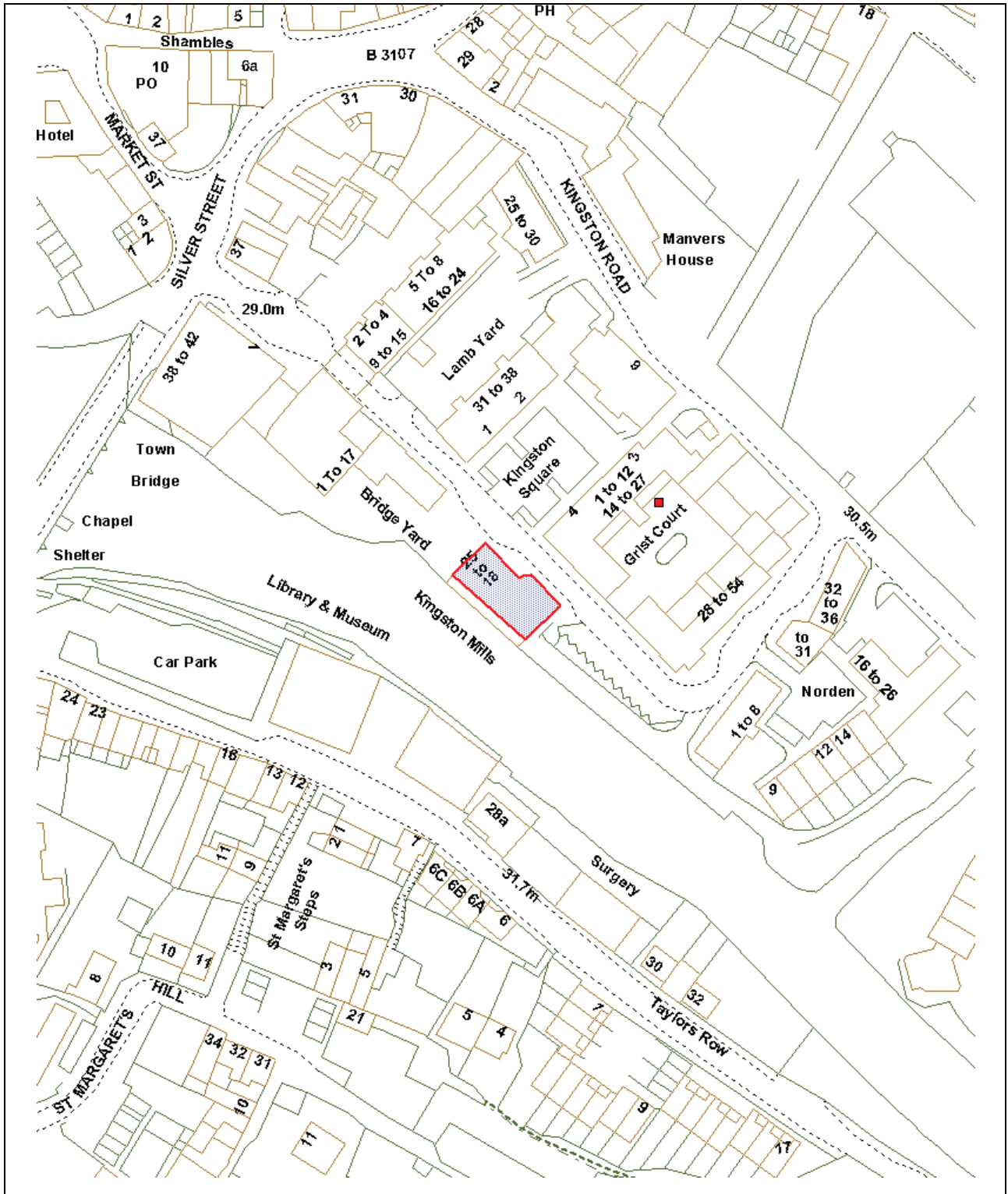
- 2 The development hereby permitted shall be carried out in accordance with drawing numbers 10026(L)361 C, 3114/P/001 N received on 11th January 2013

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

**Informative(s):**

- 1 This permission shall be read in conjunction with a Supplemental Planning Agreement to the original Section 106 Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated \_\_

<b>Appendices:</b>	
<b>Background Documents Used in the Preparation of this Report:</b>	



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