

## 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 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 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>	