

Date of Meeting	09 April 2014
Application Number	14/01695/FUL
Site Address	Former Depot Frome Road Bradford On Avon Wiltshire BA15 1LE
Proposal	Erection of 4 residential apartments and associated works (part revision to approved planning application W/08/00754/FUL)
Applicant	Ashford Homes (SW) Ltd
Town/Parish Council	BRADFORD ON AVON
Ward	BRADFORD-ON-AVON SOUTH
Grid Ref	382554 160379
Type of application	Full Planning
Case Officer	James Taylor

Reason for the application being considered by Committee

This application has been called to committee by the local ward member for the following reasons:

- The proposals for this site that were approved under reference W/08/00754/FUL were the result of extensive negotiations and were agreed on the basis of complying with Direct Plan Policy E5 and the emerging Wiltshire Core Strategy.
- The current proposal is contrary to the sustainability requirements of the NPPF and the removal of the commercial element on the site is detrimental to the need to provide for employment in Bradford on Avon to rebalance losses in the earlier years. The supporting evidence includes reference to the availability of employment land across Western Wiltshire and fails to relate this to the Policy for Bradford on Avon in the Core Strategy. Proposals for Kingston Farm will take time; and at this stage should be discounted.
- Vehicular access to the site is inadequate and therefore unsafe, to provide for the number of residential units now proposed. There is also insufficient on-site parking in an area where on-street parking is restricted.

1.Purpose of Report

The purpose of this report is to recommend that Members grant planning permission subject to conditions and planning obligations that need to be secured through a legal agreement.

2. Summary

The proposal seeks permission for the creation of 4 flats in lieu of the approved development of offices granted under application 08/00754/FUL – an application which also comprised four residential units which was approved on 28.09.2009. This proposal raises issues of highway safety, impact on the heritage assets, residential amenity, the loss of employment floor space and the impact on local infrastructure such as education and public open space.

After careful consideration of the proposals, policy and consultations and negotiations, the final submissions presented are considered to be acceptable by officers on the grounds that no significant harm would occur to planning interests, given the current economic conditions at this time. The proposals comply with current and emerging policy and indeed the thrust of national policy which states a presumption in favour of sustainable development.

The proposals would impact on local infrastructure, and as such, planning obligations have been negotiated and would need to be secured through a s.106 legal agreement.

As such, this application is recommended for planning permission subject to conditions and the completion of a legal agreement to secure the necessary obligations.

3. Site Description

The application site is a derelict brownfield employment site which has been largely cleared of all its former buildings. The site is relatively flat and is enclosed by high stone boundary walls. To the northwest is Victory Field, to the south is the wider site which has approval for the erection of 4 houses granted under application 08/00754/FUL, beyond which is the canal and to the south east a public house with its associated extraction equipment and flues and beer garden. Immediately to the south east there is a row of Almshouses and to the east opposite Frome Road, there are period buildings which include the frontage of an Indian restaurant.

The site is located within a designated conservation area, with buildings to the east being Grade II listed. The site is within the town policy limits. The existing access to the site is via a junction off Frome Road (B-classified) and adjoins a public right of way.

4. Planning History

05/01664/FUL – Planning Application for the Demolition of existing office and warehouse, construction of 2/3 storey offices, studios, workshops and 4 three storey houses - Refused (at Committee contrary to officer recommendation) – 08.10.2007.

05/02470/CON - Conservation Area Consent for the Demolition of existing office and warehouse – Refused (at Committee contrary to officer recommendation) – 08.10.2007.

08/00754/FUL - Planning application for the demolition of an existing office and warehouse and erection of 2/3 storey office, studio, workshop accommodation and four 3 storey dwelling houses – Permission on 28.09.2009

08/00776/CON - Demolition of existing office and warehouse – Consent on 28.09.2009

5. The Proposal

The proposal seeks permission to erect 4 x 2-bedroom flats with associated access, parking and hard landscaping.

The proposal would be in-lieu of extant approved B1 workshop and office accommodation granted in 2009 as part of a wider redevelopment of this brownfield site under application

08/00754/FUL. The proposed residential block would be virtually identical to the B1 building save for a revised internal arrangement and ground floor alterations to create 4 open parking spaces – one per flat. Compared to the extant approved scheme, alterations are proposed to the south and west elevations at ground floor level only, which face into the site and will continue to be enclosed by the existing high stone boundary walls. The access arrangements would be as existing and as approved for the extant mixed-use development. Additionally the hard standing courtyard space has been identified to accommodate a visitor parking bay whilst retaining sufficient turning space without compromising the extant approved 4 dwellings located in the southern portion of this site. This latter element has been negotiated by officers in light of the consultation responses.

The proposal also includes agreed planning obligations totalling £84,671.

6. Planning Policy

West Wiltshire District Plan - 1st Alteration 2004 (Local Plan)

C17 Conservation Areas; C18 - New Development in Conservation Areas; C30 - Skylines C31a Design; C32 – Landscaping; C36 – Noise; C37 - Contaminated Land; C38 – Nuisance; C40 - Tree Planting; H1 - Further Housing Development Within Towns; H24 - New House Design; E4 - Premises Outside Employment Policy Areas; E5 - Loss of Employment Floor Space; T10 - Car Parking; S1 – Education; U1a - Foul Water Disposal; U2 - Surface Water Disposal; I2 - The Arts

Wiltshire Local Transport Plan 2011-2026

The Emerging Wiltshire Core Strategy (eWCS)

National Planning Policy Framework (NPPF)

Planning Policy Guidance (PPG)

7. Consultations

Bradford on Avon Town Council: Objection (as enshrined within the Member call-in reasons)

English Heritage: Recommends that the application be determined in accordance with local and national policy and in-house specialist advice.

Environment Agency: No comments.

Wessex Water: No objection.

Wiltshire and Swindon Biological Records Centre: Noted K&A canal County Wildlife Site and various notable species recorded nearby.

Wiltshire Council's Ecologist: Wish to make no comment.

Wiltshire Council's Archaeologist: No comments.

Wiltshire Council's Arts Officer: No objection and no obligation sought.

Wiltshire Council's Conservation Officer: No objection.

Wiltshire Council's Education Team: Seek planning obligations for both primary and secondary education within the town. Based on 4 dwellings they seek £35,852 and based on 8 dwellings they seek £71,704

Wiltshire Council's Environmental Health: No objection subject to condition.

Wiltshire Council's Highway Officer: No objection subject to condition.

Wiltshire Council's Open Space and Leisure Team: No objection and no obligation sought on 4 dwellings. However, based on 8 dwellings being constructed on the entire site an obligation of £12,967 should be sought.

Wiltshire Fire and Rescue Service: Seeking planning obligation of £304.56; and advise upon issues of fire safety and building regulations.

8. Publicity

A site notice, a Wiltshire Times press advert and individual neighbour notification letters were issued. In response 2 letters have been received.

One representation was received from a planning consultant acting on behalf of Wadsworth Brewery who raise the following objection and issues that stem from the original grant of planning permission:

Suitability and compatibility of residential use on the site is still unresolved given neighbouring land uses.

Inadequate assessment of public house adjacent to the site and impact that this could have on future occupiers.

Permission should not be granted until this is resolved.

Another letter was received from Bradford on Avon's swift group raising the following matters:

An opportunity exists to provide nest boxes and enhance wildlife opportunities for declining species which contribute to the ambience of the town for residents and visitors.

9. Planning Considerations

9.1 Principle of Development

The principle of development on the site has been established through the extant permission granted in 2009 under reference 08/00754/FUL. The use of the building though was different as it would have been a workshop/office use with approximately 540 square metres of accommodation. Notwithstanding this approval, the principle of residential use within a town location is also acceptable under current and emerging policy. Indeed residential development on the wider site has already been accepted and remains extant. Officers view this site as a sustainable location.

9.2 Loss of Employment Use and Planning History

Under approved application 08/00754/FUL, permission was granted for a mixed use development – which acknowledged the site's previous employment focus. Such a use is no longer in operation, although officers respect that under extant approved application 08/00754/FUL, part of the site is set aside for the employment development comprising offices above workshop/garaging at ground floor level. This proposal would see the loss of such commercial accommodation – to be replaced by 4 residential flats. This means that the original employment use on this site would be completely lost, as would the negotiated

mixed use development agreed in 2009. The concerns raised by the Town Council are nevertheless understood, although officers submit that the following material considerations must be taken into account.

Whilst it is accepted that the Emerging Core Strategy identifies a need for further employment land within the Town to the period 2026, economic conditions and the lack of market interest shown in the site since 2009 must be appreciated. Since 2009, the economic climate continues to be somewhat fragile; and whilst there are reported signs of improvement, it should be acknowledged that the market for office accommodation is changing and working habits are changing with a greater level of home working occurring – dampening demand for office space and small workshop type units.

To support the application, it is recorded that in July 2013, the applicants approached Carter Jonas (an independent property consultancy) to undertake a 6 month marketing exercise to open the site (which benefits from extant planning permission) to the market to establish the level of interest. The marketing exercise comprised the following initiatives:

Internet advertising; Mail Circulars, Press Advertisements including notices published in Business Supplements and Agency Boards.

However, it must be recorded that the marketing exercise produced no commercial based substantive interest or offers. Whilst officers fully respect that the level of market interest is likely to be lower on an undeveloped site, the fact remains that despite extensive marketing, no commercial party or developer expressed an interest in taking on board the office/workshop element must be fully acknowledged.

Further to this, it is also noted that there are other vacant premises available in the locality should commercial interest improve (amounting to over 2,000 sq.m of commercial floor space within the Town including some c1500 sq.m available at the former Kingston Mills site and approaching 19,000 sq.m in the wider West Wiltshire area). Such figures do not even include planned developments such as the Kingston Farm redevelopment site – which is planned to include work hubs and a new factory for Anthony Best Dynamics. On the basis of the above, officers find it difficult to contradict Carter Jonas' reached conclusions that the Kingston Mills redevelopment amply caters for office demand for "*some years to come*". It is also worth stressing that the "*limited letting activity that has occurred in Bradford on Avon in recent years has remained within the traditional part of the town centre and transactions are often to existing businesses moving within the town, or to modest sized businesses to the town for proximity to the business owner's own home*".

Officers appreciate that the site is located outside of the commercial area, albeit in an area that has good walking links to the commercial area and other commercial uses in proximity. Whilst regrettable, the "loss" of the un-built commercial accommodation would not cause significant harm in planning terms. Any residual concern is outweighed by the enhancement that an economically viable development would bring to this derelict brownfield site located within the conservation area and sited adjacent to a Grade II listed building.

On balance, the proposals are considered to be acceptable.

9.3 Highway Safety

The proposed development would now provide 4 open parking spaces – one to each of the 2-bedroom flats. This is below the minimum residential requirements but due cognisance has been given to site's urban location in very close proximity to good public transport links, recreation, leisure and the town centre – which in combination, results in officers being satisfied.. There is provision for a visitor space too whilst still allowing sufficient room for cars

connected to this scheme to turn and also allow cars connected to the 2009 extant residential element to enter, park, turn and exit. The proposals also detail cycle parking and a condition can secure its provision.

Access to the site is as existing and has been in the past use – when the site was used, for a significant period of time. As reported above, following a process of negotiation the highways authority do not object to the proposals and the access arrangements – which are identical to those approved back in 2009.

Whilst the Town Council comments are noted in this regard, it is not considered that any harm would occur over and above the extant permission and due weight is given to the highway authority advice.

9.4 Neighbouring Amenity

The massing and form of the development is virtually identical to the extant approved scheme. The alternative use now detailed would not cause any substantive harm over and above what has extant permission.

The neighbouring uses include a restaurant and a public house within close proximity. The extant approved development for the entire site is subject to a planning condition which seeks to address noise impacts; and it is duly noted that continues to be an area of contention as far as the public house is concerned.

As recorded above, Wadsworths Brewery has written an objection to this scheme stating that there is insufficient information to allow the application to be determined. Officers do not share such a view. As was the case in processing the 2008 application, Council's Environmental Health officers have been involved with this latest submission, and fully understand the planning history on this site. As far as noise impacts are concerned or conflicts between residential and the existing commercial pub activities and functions, officers advise that the impacts would be greatest on the extant approved 4 houses rather than these 4 flats. The public house is considered to be a sufficient distance away from the 4 flats proposed under this application and moreover, the flats would be separated by the Almshouses. In terms of best practice, Council environmental health officers recommend the imposition of conditions again in relation to noise.

Given the planning history; that this application relates to flats with no outside amenity space and recognising that the flats would be sited further away than the extant approved dwellings and separated by the Almshouses, Wadsworths Brewery's objection is not considered sufficient grounds to refuse this application. Expert environmental health advice has been obtained and a noise condition and planning informative is recommended to provide greater clarity on what is required. Officer submit that this goes some way to addressing the objection and allows the Council to retain reasonable control akin to that it may exert on the extant mixed use scheme.

In part this conclusion is reached given the mixed nature of the area, typical of a fringe of town centre location, where there is a mix of residential and commercial uses existing side by side – where activity and associated noise is likely to be greater than in a purely residential neighbourhood.

9.5 Heritage Assets

The proposals are so similar to the previous scheme in terms of visual appearance that officers submit that no harm would be caused to the character and appearance of the

conservation area or the setting of the adjacent Grade II listed building. Officers do however submit that the redevelopment of the site would improve the existing context.

No archaeological conditions required are considered necessary and it should be noted that none were imposed on the extant approval.

9.6 Planning Obligations

This is a planning application for 4 dwellings and on a scheme of this size generally planning obligations will not usually be sought. However the need for education contributions in Bradford on Avon is so acute that wherever a development generates a need for 1 or more places, officers are instructed to seek contributions. Under this application, 4 units generate a need for 1 primary and 1 secondary school space (which equates to a combined contribution of £35,852).

However it is noted that the site as a whole is still undeveloped and there is an extant approval for 4 dwellings already which was subject to a £15k (after being indexed) financial obligation covering pedestrian facility improvements in the vicinity. Given the fact that the wider development has not commenced and the pre-commencement condition covering noise impacts remains outstanding, officers assert that there is no imminent prospect of the extant approved development going ahead in isolation.

Taken cumulatively, the 2 planning approvals generate 8 units; which doubles the education requirements as well as an open space requirement - totalling of £84,671 in addition to the already secured and paid sum for pedestrian improvements (circa £15k).

Members are advised that the applicant's agent has provisionally agreed to enter into a legal agreement for the further £84,671 to cover education and open space obligations; and the payment of the Council's reasonable legal fees.

9.7 Other Material Considerations

The site has a history of contaminated land and this was covered by a planning condition on the extant approved scheme. The pre-commencement element of the condition dealing with land contamination was discharged on 20 March 2014, although should a material start be made on site, there would be a requirement (as enshrined within the condition), for the developer/applicant to report back to the Council any discovery of contamination as well as submitting remediation validation proposals.

It is noted that the site currently has virtually no wildlife habitat potential but the comments from the Bradford on Avon Swift group have been noted. An informative is considered reasonable to address their points.

It is noted that beyond the objection received from Wadsworth Brewery, there have been no public objections.

10. Conclusion

Whilst officers would prefer to see a mixed use element on this site, the economic and business realities cannot be ignored, and thus on the basis of the above, the principle of redeveloping this derelict brownfield site for a residential use has officers support. The site is outside of the commercial area and town centre and demand has been demonstrated to be nil.

The regeneration of the site through development would bring about an enhancement of the character and appearance of the conservation area and the setting of the nearby listed buildings.

Obligations should be secured by way of a s.106 legal agreement to ensure that infrastructure is adequately provided for.

The consultation and third party responses have all been carefully considered, however on balance, planning permission is supported by officers on the grounds that no demonstrable harm would be created over and above the extant approval.

RECOMMENDATION - Resolve to grant planning permission subject to conditions and the completion of a legal agreement to secure planning obligations as follows:

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure the following against planning references 14/01695/FUL and 08/00754/FUL:

i) a financial contribution towards the provision of secondary school places totalling £38,168 which would be index linked;

ii) a financial contribution towards the provision of primary school places totalling £33,536 which would be index linked; and

iii) a financial contribution towards public open space facilities in the vicinity totalling £12,967 which would be indexed linked.

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. A schedule of the materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

REASON: To ensure that the development harmonises with its setting.

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted 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: To ensure that the development harmonises with its setting.

4. The flatted development hereby permitted shall not begin until an acoustic survey has been submitted to the local planning authority for its written approval to establish noise impacts emanating from neighbouring land uses and traffic noise. Any scheme of appropriate mitigation shall require the written approval of the Council. Following agreeing

any such scheme, the identified measures shall be completed before the any of premises are first occupied and thereafter, be maintained in effective condition at all times.

REASON: In order to safeguard the future residential amenities.

5. The development hereby permitted shall not begin until a scheme to deal with asbestos has been submitted to and approved by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of asbestos, and the measures to be taken to avoid risk to the public or the environment when the site is developed which shall be implemented before the development begins. The scheme shall be carried out in accordance with the approved details.

REASON: In the interests of public health and safety.

6. The development hereby permitted shall not be commenced until surface water drainage works have been carried out and completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

7. The development hereby permitted shall not be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

8. During the course of construction, should any sources of land contamination be identified, the applicant shall submit a remediation plan for the written approval of the Council. Such a plan should detail the following:

- i) provide an updated risk assessment for chemical contamination
- ii) detail the necessary works to remediate any chemical contamination identified, that is unacceptable in the context of the approved development and its environmental setting, as identified by the site investigation and risk assessment work;
- iii) remediation validation works

Any site investigation works shall be carried out in line with the main procedural requirements of BS 1017:2001 - Investigation of Potentially Contaminated Sites - Code of Practice.

Where a requirement for quantitative risk assessment is identified, the assessment works shall be carried out in line with the requirements of the UK Contaminated Land Exposure Assessment (CLEA) guidelines, for assessment of human health risks. Also for ground and surface water risk assessment the Environment Agency R&D Publication 20 "Methodology for the Derivation of Remedial Targets for Soil and Groundwater to Protect Water Resources" protocol shall be utilised.

REASON: In order to prevent contamination conflicts and in the interests of consistency with planning permission 08/00754/FUL.

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

REASON: In the interests of highway safety.

10. No part of the development hereby permitted shall be occupied until the details of secure cycle provision has been submitted to and approved in writing by the local planning authority and subsequently have been completed in accordance with the details approved. The provision shall be maintained and made available to residents for those purposes at all times thereafter.

REASON: In the interests of sustainability.

11. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan received on 14 February 2014;

Topographical survey received on 14 February 2014;

Floor Plans - P02 Rev B - received on 21 March 2014;

Elevations - P03 Rev B - received on 21 March 2014; and

External works layout - L07 Rev C - received on 21 March 2014.

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

INFORMATIVE: Pursuant to cited planning condition no.4 the developer is advised that Wiltshire Council's Environmental Health officers have requested an acoustic impact assessment pursuant to same condition appended to extant planning application 08/00754/FUL, which remains outstanding. The Council recommends that the impact of ventilation, people and music noise from The Canal Road Tavern and highway traffic on the proposed development should be subject to acoustic assessment and where appropriate mitigation measures.

The developer is also encouraged to consider the opportunity to provide nesting boxes suitable for swifts, sparrows and starlings on the site as recommended by the Climate Friendly Bradford on Avon Swift Group.