



Appeal Decisions

Site visit made on 28 November 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2023

Appeal A Ref: APP/Y3940/W/22/3312685

Bassett Garage, Station Road, Royal Wootton Bassett, Swindon SN4 7AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Tubb against the decision of Wiltshire Council.
 - The application Ref PL/2021/03248, dated 4 March 2021, was refused by notice dated 13 July 2022.
 - The development proposed is redevelopment to provide 9 no. new flats.
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Appeal B Ref: APP/Y3940/Y/22/3312686

Bassett Garage, Station Road, Royal Wootton Bassett, Swindon SN4 7AB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Steve Tubb against the decision of Wiltshire Council.
 - The application Ref PL/2021/04499, dated 4 March 2021, was refused by notice dated 13 July 2022.
 - The works proposed are redevelopment to provide 9 no. new flats.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeal site is located to the rear and is associated with part of 145A High Street, a Grade II listed building (list entry number 1022707) and is also located within the Wootton Bassett Conservation Area (CA). Accordingly, and as relevant, I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The National Planning Policy Framework (the Framework) was updated in September 2023 and after the submission of the appeals. The policies relating to delivering a sufficient supply of homes, promoting sustainable transport, making effective use of land, ground conditions and pollution and conserving and enhancing the historic environment have remained unchanged within the new version of the Framework, which is a material consideration in planning decisions.

Main Issues

5. The main issues for both appeals are:

- The effect of the proposed works and development on the Grade II listed buildings 145A, 146 and 146A, 147 and 148 High Street, their settings, and any features of special architectural or historic interest they possess; and whether the character or appearance of the CA would be preserved or enhanced.
6. In relation to appeal A, the additional main issues are:
- The effect of the proposals having regard to local and national planning policies on existing employment land;
 - Whether suitable living conditions would be provided for future residents having particular regard to any noise impact;
 - Whether safe and suitable access to the site can be achieved having particular regard to pedestrians, and;
 - Whether adequate provision is made for the parking of vehicles and bicycles.

Reasons

Heritage assets

Significance and special interest

7. 145A High Street is a Grade II listed, mid-terrace, two storey plus attic house, now shop. Constructed in colour-washed brick with a tiled roof, it dates from the 18th century. The principal elevation presents directly onto the street and has a 19th century shopfront at ground floor level, three multi-pane sash windows at first floor level and a moulded-eaves cornice. The layout of the plot is relatively narrow and elongated to the rear where various alterations and additions are evident and ultimately connects to the appeal site.
8. No.145A adjoins a series of other Grade II listed buildings to the south-west. Nos 146 and 146A, 147 and 148 were originally houses dating from the 18th and 19th centuries, most of which now have shops at ground floor. 146 and 146A is a two storey, rendered brick former house built in the early 19th century and is of a similar height to no.145A. Nos 147 and 148 together comprise a more substantial three storey red brick building from the 18th century, with traditional sash windows and detailing.
9. The significance and special interest of nos.145A, 146 and 146A, 147 and 148 is, in part, drawn from their surviving historic fabric, relatively simple form and architectural qualities as examples of 18th century and early 19th century town buildings. The features described above contribute to their architectural interest.
10. Significance and special interest also come from their wider group value as no.145A, with the other listed buildings mentioned, forms an integral part of the attractive vernacular buildings found lining the High Street. Furthermore, the relatively narrow, elongated plot pattern is consistent with the configuration of many historical properties along the High Street, signifying probable burgage plots. As such, the legible and distinctive layout is a factor that contributes towards the historic significance of no.145A, its setting, as well as the settings of the other listed buildings identified.

11. The CA designation includes the older and notable parts of the historic market town of Royal Wootton Bassett. The Royal Wootton Bassett Neighbourhood Development Plan 2017-2026, made April 2018 (NDP) confirms¹ that the street structure of the High Street dates from the medieval period when prosperity from the wool trade gave rise to growth. This is still discernible in the layout of streets, public spaces and concentration of vernacular development in the historic core of the CA.
12. The higher status of the High Street is evident from its width and rich architectural heritage found in the rows of vernacular development lining it. This contrasts with less prominent and lower order buildings typically found to the rear in elongated, narrow probable burgage plots. Hence, part of the significance of the CA is derived from the historic townscape and layout which reveals how the market town has evolved over time.
13. The appeal site comprises a linear parcel of land behind and connected with no.145A. The present utilitarian, probable 20th century garage buildings possess little of historic or architectural interest. Even so, they are reasonably modest and low key in appearance and so do not distract attention away from the higher status and architecturally more interesting, listed buildings lining the High Street. Moreover, the workshop use combined with the elongated layout in a secondary back land area generally reinforces the historic settlement pattern that underpins the CA.
14. Overall, the appeal site has a neutral effect on the distinctive character and appearance of the High Street, the settings of the listed buildings identified and the CA as a whole.

The effect on the listed buildings and CA

15. The proposed works and development would remove the existing workshop buildings and introduce residential development comprising a single storey 3-bedroom unit set apart from a larger two and three storey block accommodating 8 units.
16. The constraints of the width of the site and need to retain a right of way mean that the smaller block would generally face inwards towards a small courtyard area. In turn, only limited fenestration would feature on its front elevation, with the entrance door on the side. Furthermore, the roof form would be overly complex for the modest scale of the building, featuring differing ridge heights, a hipped section and gable ends. Hence, the resulting structure would be confused and lack legibility, which would contrast harmfully with the simpler form in evidence at no.145A and adjoining listed buildings.
17. The larger block would be significantly higher than the present garage buildings. The introduction of greater volume at upper levels would appear bulkier and more conspicuous from Station Road, on the approach to the High Street. Owing to the proposed increased height and volume, the structure would appear incongruous with its secondary position, and unduly prominent relative to 145A High Street and the importance of buildings along the principal thoroughfare. Hence, the scale and siting of the larger block would appear discordant and would thereby undermine the historic settlement pattern and hierarchy of the listed vernacular buildings along the High Street.

¹ Page 22

18. To an extent the use of projecting elements, gables breaching the eaves line, quoin detailing, contrasting materials and fenestration would give some articulation to the larger block. However, it is not convincingly shown that these aspects would represent a positive response to the notable qualities of the historic context. Rather, they would adversely contrast with the predominantly simpler roof form, modest proportions and restrained use of materials and detailing in the listed buildings described above. As such, these are factors that would compound the uncharacteristic appearance of the larger block and give it unwarranted emphasis in the street scene.
19. Additionally, the separate blocks would appear mismatched in scale and form, having no obvious overarching design. Consequently, the overall composition would appear disjointed and unsympathetic to the wider surroundings on the approach to the High Street and in which no.145A and nearby listed buildings are experienced.
20. Based on the evidence, including my own observations, the proposals would fail to preserve the special interest of the Grade II listed buildings mentioned, by causing harm to their settings. Conflict would therefore arise with sections 16(2) and 66(1) of the Act.
21. In terms of the CA, the proposals would fail to respect the traditional layout and relationship of the appeal site with the higher status townscape along the High Street. Consequently, it would fail to preserve or enhance the character or appearance of the CA as a whole. As such, there would also be conflict with section 72(1) of the Act.
22. In terms of the Framework, it follows that the proposals would cause harm to the significance of the respective listed buildings and the CA as designated heritage assets. Given the relatively modest nature of the proposals, the degree of harm to the significance of each asset would be less than substantial. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. While paragraph 202 indicates that this harm should be weighed against the public benefits of the proposals.
23. In reaching this view, I am mindful that listed building consent² was previously granted in 2008 for residential development at the appeal site. However, that scheme was smaller in scale and involved simpler and more coherent architecture. Hence, there were significant differences with the appeal proposals.
24. It is also highlighted that permission for six flats was permitted³ more recently on land to the east of the appeal site. Nevertheless, the extent of development in that instance concerned fewer flats on an existing car park. The site is also further away from the listed buildings referred to above. Therefore, whilst I acknowledge there are some broad similarities, I am not convinced that the scheme is directly comparable to the appeal scheme.
25. Hence, although these decisions attract limited favourable weight, neither would lead me to find otherwise in relation to the effect of the works and development on the listed buildings and CA in this instance.

² Ref 07/03198/LBC, Appendix 2, Appellant's Statement of Case

³ References 19/09288/FUL and 20/08410/FUL, Appendix 3, Appellant's Statement of Case

Heritage balance

26. The appeal scheme would provide nine new dwellings, which owing to its proximity to the town centre would give future residents close access to local facilities and available public transport provision. In addition, it would use previously developed land, support for which is found in the Framework. Against the backdrop of unmet housing need in Wiltshire⁴, these represent important public benefits.
27. In addition, there would be some economic benefits associated with construction, with the future activity of residents as well as increased revenue to the Council from new homes bonus and CIL payments.
28. It is put to me that the removal of the existing garage use would also be a public benefit owing to the removal of an unneighbourly use. However, there is little substantive evidence presented to show that the current class B2 use, which is longstanding and subject to planning conditions regarding times of operation, has been problematic to neighbouring occupiers. The Council confirm that there are no records of noise complaints⁵. Accordingly, on the evidence before me, this factor does not attract weight as a public benefit.
29. Nevertheless, cumulatively, the public benefits I have identified attract significant favourable weight.
30. Balanced against this is the great weight⁶ carried by the less than substantial harm to each designated heritage asset, which includes several listed buildings and the CA. Paragraph 189 of the Framework cautions that heritage assets are an irreplaceable resource. Hence, I find that the sum of public benefits would not be sufficient to outweigh the less than substantial harm to the significance of the designated heritage assets identified. Conflict therefore arises with the historic environment protection policies within the Framework.
31. I further find that there would be conflict with core policies 57 and 58 of the Wiltshire Core Strategy, January 2015 (CS) and policy 7 of the NDP, insofar as these require proposals to achieve a high quality of design which respects local character and seeks to conserve, and where possible enhance heritage assets and the historic environment.

In relation to appeal A

Employment land

32. There is no dispute that Royal Wootton Bassett is a market town for the purposes of the development plan, nor that there has been a longstanding vehicle repair, servicing and MOT workshop at the appeal site, which constitutes a Class B2 general industrial use.
33. Core policy 35 (CP35) of the CS refers to existing employment sites. Paragraph 6.16 explains the balance sought between retaining existing employment uses to maintain diversity and choice of sites and local business expansion whilst also recognising that circumstances may have rendered some older

⁴ Housing Land Supply Statement, Appendix 5, Appellant's Statement of Case; Appeal decisions APP/Y3940/W/21/3286853 & APP/Y3940/W/21/3289757, Appendix 8, Appellant's Statement of Case & Council's Briefing Note on 5 Year Housing Land Supply and Housing Delivery Test 4.4.22, Appendix 1 to Appellant's Final Comments.

⁵ Paragraph 15, Council's Appeal Statement

⁶ Paragraph 199, National Planning Policy Framework

employment areas no longer fit for purpose. In broad terms, in market towns CP35 seeks to retain B2 uses unless one of six specified scenarios can be shown.

34. These include CP35iv that the site is not appropriate for the continuation of its present or any employment use due to a significant detriment to the environment or amenity of the area; and CP35v, that evidence shows the site has no long term and strategic requirement to remain in employment use. In this latter respect, the policy requires it to be shown that the site is no longer viable for its present or any other employment use, backed by marketing evidence.
35. The appellant outlines generic concerns with constraints of the site asserting it is cramped, has poor quality buildings and is close to listed buildings and residents. Nevertheless, there is little substantive evidence to show that the appeal site would fulfil the requirements of CP35iv or v. As already outlined in the first main issue, it is not persuasively shown that the B2 use has caused significant detriment to the environment or amenity of the area. Neither has any viability or marketing evidence been submitted.
36. In the absence of this, none of the exception scenarios in CP35 are shown to apply. It follows that the proposal, which would displace the existing B2 use, would conflict with CP35 of the CS.
37. It is put to me that CP35 is out of date and contrary to policies in the NDP and Framework. Generic policies in the NDP support infill development and the use of brownfield sites within the settlement boundary of the town. The NDP states⁷ that it is important that Royal Wootton Bassett improves its self-containment by increasing the amount and variety of employment opportunities available for residents. As such, there is little basis to consider that policies 5 and 6 of the NDP sought to override CP35 of the CS. Moreover, the introduction of the NDP confirms it is in general conformity with the CS, and the development plan must be read as a whole.
38. However, paragraph 123 of the Framework supports a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in development plans where this would help to meet identified development needs. In particular, it advocates support to use employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres. This resonates with the circumstances before me, and there is little substantive evidence that the appeal site relates to a key economic sector or plays a notable role in the vitality and viability of Royal Wootton Bassett town centre.
39. Consequently, although paragraph 123 does not set out unqualified support for all such proposals, it would not support a general presumption to retain employment land with only limited exceptions. As such, there is some difference in approach between local and national policy in relation to the protection of existing employment land.
40. Paragraph 219 of the Framework indicates that due weight should be given to development plan policies adopted prior to the Framework according to the

⁷ Page 23

degree of consistency with it. It follows that this is pertinent to the degree of weight the conflict with CP35 of the CS should be given and is a matter to which I shall return in the overall planning balance.

41. My attention is also drawn to amendments made to the Town and Country Planning (Use Classes) Order 1987 owing to the introduction of a new Class E which has replaced the former Class B1. However, the appeal site would not affect a Class E or former Class B1 use, rather it is a Class B2 use. Hence, the alterations to the Use Classes Order in this respect have had little bearing on my determination in this case.
42. Accordingly, having regard to local and national planning policies on employment land I find that the proposals would align with the approach in the Framework. However, it would displace an existing B2 use, and would not fall within the exceptions permitted by CP35 of the CS. It follows that the proposals would conflict with this policy of the development plan.

Living conditions – noise

43. Core policy 57 (CP57) of the CS requires a high standard of design for all new development and criteria vii of the policy specifies that proposals ensure that appropriate levels of amenity are achievable within the development itself, including the consideration of the impact of noise from adjoining buildings and uses. Saved policy NE18 of the North Wiltshire Local Plan 2011 (LP) likewise only permits development where, amongst other things, it would not be subject to excessive noise.
44. This approach aligns with paragraphs 185 and 187 of the Framework. Amongst other things these state that new development should be appropriate for its location taking into account the likely effects from noise. Paragraph 187 requires planning decisions to ensure that new development can be integrated effectively with existing businesses and goes on to state that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. In circumstances where the existing business could have a significant adverse effect on new development in its vicinity, it is the new development (or agent of change) that should be required to provide suitable mitigation.
45. The appeal site lies close to a builder's yard with a sizeable outside storage area for construction materials. Consequently, there is associated traffic movement to and from, as well as within the builder's yard which is likely to involve heavy vehicles and forklift trucks.
46. A noise impact assessment⁸ submitted with the proposals contains a noise survey. This found that a noise reduction of 21 dB during the day-time based on the prevailing LAeq, and 31 dB during night-time based on the LAFmax would be required to provide a suitable internal residential environment for future occupiers of the dwellings proposed⁹. In the absence of other technical evidence to show otherwise, I am satisfied that the survey and assessment submitted provides a reasonably robust and thorough analysis using established methodologies relating to the effects of noise.

⁸ Prepared by Aval Consulting Group, April 2022, Rev C

⁹ Section 5.3

47. The assessment goes on to find that mitigation measures would be able to achieve the necessary noise reduction. This would be through a combination of sound reduction performance in the façade of the buildings, and acoustically laminated double-glazed windows with attenuated trickle ventilators.
48. However, these deductions are based on several assumptions. Firstly, that the present operating hours of the adjacent builder's merchants would remain broadly similar. These are stated to be 7.30am-5pm Monday to Friday and 8am-12.00pm on Saturday¹⁰. Nevertheless, it is not confirmed that there are restrictions on working hours and so these might be subject to change.
49. Successful commercial businesses must be receptive to changes in the economy which in turn may require dynamic working practices. It is possible that future uses could take place in the evenings and at weekends or overnight and therefore, at times when the impact from noise would be likely to cause significant disturbance to residents. It is foreseeable that the existing business could expand or adapt their practices and activities to use areas of the site differently, or that the site may change hands in the future.
50. Planning Practice Guidance states that the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made¹¹.
51. Furthermore, the mitigation measures would depend on the windows being shut to ensure noise reduction to the internal environment. Eight of the proposed dwellings have their principal elevation, containing bedroom 1 and lounge windows, facing south-west towards the builder's yard. On upper floors some units have Juliet style balconies with double doors serving the lounge.
52. Notwithstanding that trickle ventilators may allow airflow, and that some consideration has been given to the likelihood of overheating, it is not unforeseeable nor unreasonable that future residents would nevertheless want to open windows in these principal rooms for fresh air and to connect more directly with the outside. This is especially so given that there is little external amenity space provided for the units.
53. No specific predictions of the likely internal noise levels with the windows open are before me. Nevertheless, based on the noise survey information provided it is probable that, with windows open and activity occurring at the adjacent builder's merchants, disturbance to some of the residents of the apartments would occur.
54. Moreover, the noise arising from the adjacent yard could include impulsive bursts of loud noise from engines, the operation of machinery, vehicle reverse alarms and movement of heavy materials. The character of this noise is likely to prove particularly annoying for future residential occupiers and therefore, has greater potential to disturb such occupants.
55. Paragraph 130 f) of the Framework states that planning decisions should ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users. To my mind a dwelling where an occupant is deterred from opening the double doors or

¹⁰ Table 3.7, Noise Impact Assessment

¹¹ Paragraph: 009 Reference ID: 30-009-20190722

windows that serve the lounge or main bedroom owing to intrusive noise disturbance would fail to meet that high standard.

56. Furthermore, I am mindful that the wording of both local and national policy refers to 'ensuring' that such established uses can integrate effectively. This necessitates a high degree of certainty to secure effective mitigation measures.
57. Accordingly, I find that the proposals would not provide suitable living conditions for future residents having regard to the likely noise impact. As such, the development would be contrary to CP57 of the CS and policy NE18 of the LP.

Access – pedestrians

58. Future residents of the proposed dwellings would be close to facilities on the High Street, but to access them on foot would need to travel via the present access lane onto Station Road before proceeding to the High Street.
59. In addition to the repair garage at the appeal site, the access lane also serves the adjacent builders' yard and so lorries and vans visiting that site frequently use it. I observed that no specific footway segregates pedestrians from vehicular traffic, and there is nothing before me to suggest that this would change as a result of the proposals.
60. Such an arrangement, combined with the relatively restricted width of the route would be likely to cause conflict between pedestrians and vehicular traffic. Some pedestrians would feel exposed and vulnerable to traffic such that it would be likely to deter rather than encourage walking. As such, the route would be a less than pleasant experience for pedestrians, and inconsistent with the priority given to the promotion of walking in policy 12 of the NDP, core policy 61 (CP61) of the CS and paragraph 112 of the Framework.
61. The appellant contends that in comparison with the present arrangement, there would be fewer pedestrian and vehicular movements generated by the appeal site, and therefore such conflicts would reduce. Survey evidence and TRICs analysis¹² substantiate that overall movements would decrease.
62. Nevertheless, this is not the only relevant factor and neglects to consider the likely nature of pedestrians that would be seeking to access the appeal site. At present, the pedestrians in the survey are generally owners of vehicles leaving them at the garage to be repaired or tested and so would only be called upon to make occasional trips on foot, during the operational hours of the garage.
63. The proposed dwellings would be likely to generate pedestrians that could include children, and/or those with visual or mobility difficulties. Moreover, future residents would need to use the pedestrian access on a more frequent basis, and over a greater time period, including into the evening and in dark conditions.
64. Once these factors are considered, I am not convinced that any marginal improvement resulting from a reduction in movements would justify maintaining the present sub-optimal arrangement for future occupiers of the appeal site.

¹² Section 7, Transport Note prepared by Helix Transport Consultants Limited, Appendix 6, Appellant's Statement of Case

65. Accordingly, I find that insufficient regard has been given to pedestrian safety, such that safe and suitable access to the site would not be achieved for all users contrary to paragraph 110b) of the Framework. For this reason, the proposals would conflict with CP61 of the CS and policy 12 of the NDP.

Parking provision

66. The parties agree that cycle parking standards set out in Appendix 4 of the Wiltshire Local Transport Plan 2011-2026, Cycling Strategy, March 2014 would require the proposals to provide 15 covered parking spaces.
67. The appellant has confirmed that a tiered bicycle parking rack providing 16 spaces could be accommodated at the site. Furthermore, both parties agree that this could be required by a planning condition, and I see no reason to find otherwise.
68. However, there remains disagreement as to how many car parking spaces should be provided. Core policy 64(i)(d) of the CS (CP64) states that the provision of car parking for residential development is based on minimum parking standards. It goes on to say that in determining the appropriate mix of parking types, the presumption will be that unallocated communal parking will be included in the majority of new residential development and that reduced residential parking requirements will be considered where there are significant urban design or heritage issues, where parking demand is likely to be low or where any parking overspill can be controlled.
69. The Wiltshire Local Transport Plan 2011-2026, Car Parking Strategy, March 2011 contains table 7.1 which sets minimum parking standards for residential development, based on allocated parking. The Council state that on this basis the proposal should provide 15 spaces in total, whereas only 11 spaces are shown.
70. However, the appellant has clarified that the spaces would be unallocated in line with the presumption mentioned in CP64. Moreover, with reference to the Residential Car Parking Research methodology, evidence¹³ is provided to show that 9 unallocated spaces would adequately serve the proposal. Furthermore, in the event of any overspill parking, this would be adequately controlled by the presence of double yellow lines, and reasonable opportunities for unrestricted on street parking relatively close to the site.
71. Therefore, on the information presented, I find that the proposal would make adequate provision for the parking of vehicles and bicycles. It follows that I find no conflict with core policies 61 and 64 of the CS in these regards.

Planning balance – Appeal A

72. Both parties consider that the Council can demonstrate a 4.72 year supply of housing land, and that the shortfall is greatest in the North and West Housing Market Area of the county, which is where the appeal site lies. Moreover, the appellant asserts that the inability to provide an adequate housing supply has persisted and draws upon recent appeal decisions to corroborate that. It is reasonably clear that there has been a shortfall for some years.

¹³ Section 4, Transport Note prepared by Helix Transport Consultants Limited, Appendix 6, Appellant's Statement of Case

73. Footnote 8 of the Framework triggers paragraph 11(d) in these circumstances. The presumption in favour of sustainable development means that planning permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, or (ii) that any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
74. Footnote 7 to paragraph 11 d)(i) indicates that the policies relating to designated heritage assets are relevant to its application. For the reasons outlined above, I have found, having undertaken the balancing exercise set out in paragraph 202 of the Framework, that the proposal would result in unjustified harm to the significance of several listed buildings and the CA. This provides a clear reason for refusing the proposal. In these circumstances, paragraph 11d)(ii) of the Framework does not apply.
75. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹⁴.
76. There would be benefits arising from the proposal including the provision of nine additional dwellings to the housing supply where there is persistent unmet demand. This factor attracts significant favourable weight.
77. The proposal would be in an accessible location and use previously developed land. Furthermore, there would be economic benefits associated with construction, the likely activities of future occupants and increased revenue to the Council arising from the development. Cognisant of the scale of the proposals, I attribute these benefits moderate weight.
78. I have found that the proposals would cause unjustified harm to designated heritage assets, that suitable living conditions would not be provided for future residents owing to likely noise impacts and that inadequate provision is made for pedestrian safety. The development plan policies in those respects broadly align with those in the Framework and as such, the respective conflicts with the development plan attract full weight.
79. The proposals would also displace an employment use which the CS seeks to retain. However, there is disparity in the approach advocated in CP35 and paragraph 123 of the Framework, such that it is not consistent with the level of flexibility advocated in national policy for alternative uses. Based on the specific circumstances of this proposal, the conflict with CP35 of the CS is reduced to limited weight.
80. Overall, I consider that the benefits arising from the proposal would not provide sufficient justification to find other than in accordance with the development plan taken as a whole.

Conclusions – both appeals

81. I have found that the works and development would conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as the heritage and design policies in the development

¹⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

plan. There are not wider public benefits sufficient to outweigh the harms identified.

82. In relation to Appeal A, the development proposed would conflict with the development plan as a whole, and material considerations do not indicate I should make a decision other than in accordance with the development plan.

83. Therefore, for the above reasons I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

Inspector