

AGENDA

Meeting: Eastern Area Planning Committee

Place: Wessex Room - The Corn Exchange, Market Place, Devizes, SN10 1HS

Date: Thursday 27 August 2015

Time: 6.00 pm

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Membership:

Cllr Charles Howard (Chairman)	Cllr Nick Fogg MBE
Cllr Mark Connolly (Vice Chairman)	Cllr Richard Gamble
Cllr Stewart Dobson	Cllr Jerry Kunkler
Cllr Peter Evans	Cllr Paul Oatway

Substitutes:

Cllr Terry Chivers	Cllr Jeff Osborn
Cllr Ernie Clark	Cllr James Sheppard
Cllr Anna Cuthbert	Cllr Philip Whitehead
Cllr Dennis Drewett	Cllr Christopher Williams

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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 **Minutes of the Previous Meeting** (*Pages 7 - 18*)

To approve and sign as a correct record the minutes of the meeting held on 6 August 2015.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **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 Thursday 20**

August 2015. 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.

6 Planning Appeals

To receive details of the completed and pending appeals.

7 Planning Applications

To consider and determine the following planning applications.

7a **15/05550/FUL - 14 The Market Place, Devizes, Wiltshire, SN10 1HX - Conversion of first floor of former print works to 1 no. apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site and erection of replacement single-storey building containing 2 dwellings;(1one bed & 1 two bed) (Pages 19 - 34)**

7b **15/05689/LBC - 14 The Market Place, Devizes, Wiltshire, SN10 1HX - Conversion of first floor of former print works to 1 apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site (Pages 35 - 46)**

7c **15/05475/FUL - Lanes Cottage, 36 High Street, Winterbourne Bassett SN4 9QB - New dwelling to replace demolished dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access (Pages 47 - 58)**

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

EASTERN AREA PLANNING COMMITTEE

DRAFT MINUTES OF THE EASTERN AREA PLANNING COMMITTEE MEETING HELD ON 6 AUGUST 2015 IN THE WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Charles Howard (Chairman), Cllr Mark Connolly (Vice Chairman), Cllr Stewart Dobson, Cllr Peter Evans, Cllr Nick Fogg MBE, Cllr Richard Gamble, Cllr Jerry Kunkler and Cllr Paul Oatway

Also Present:

Adam Brown, Mike Wilmott, Cllr Laura Mayes and Cllr Jemima Milton

47. Apologies for Absence

There were no apologies for absence.

48. Minutes of the Previous Meeting

Resolved

To approve and sign as a true and correct record the minutes of the meeting held on 25 June 2015.

49. Declarations of Interest

There were no declarations of interest.

50. Chairman's Announcements

There were no announcements.

51. Public Participation and Councillors' Questions

The rules on public participation were noted. There were no questions submitted.

52. Planning Appeals

None.

53. **Planning Applications**

54. **15/01388/OUT - Land at Quakers Road Devizes - Outline planning application for residential development of up to 123 dwellings together with associated open space, landscaping, parking and access. Access to be taken from existing site access onto Quakers Road**

Public Participation

Margaret Taylor spoke in objection to the application.

Ross Hudson spoke in objection to the application.

Rebecca McAllister spoke in support of the application.

Cllr Judy Rose spoke in objection to the application on behalf of Devizes Town Council's Neighbourhood Plan Steering Group.

Cllr Chris Callow spoke in objection to the application on behalf of Roundway Parish Council.

The Area Development Manager introduced the item which recommended that permission be delegated to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement including the provision of 37 affordable homes, contributions towards surface upgrades of the Kennet & Avon canal towpath and towards surface upgrades of the Quakers Walk footpath.

An item of late correspondence was circulated. The item was an update from the Education Team at Wiltshire Council containing the most recent data regarding birth rates in Devizes. Birth rates in Devizes were dropping, and there was no recognised need to expand Trinity Primary School. As a result of this the application would no longer be required to contribute towards an expansion of Trinity Primary School within the Section 106 agreement.

Key issues were noted as including whether the proposal represents a sustainable form of development for which planning permission ought to be granted.

Members of the Committee then had the opportunity to ask technical questions of the officer. Potential issues resulting from sewage problems were noted as being addressed through a condition which would prevent development from commencing until a scheme was put in place to address this.

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

The unitary division member, Cllr Laura Mayes, then spoke to the application. Concern was expressed over a lack of green space within the proposed development, and it was noted that the play area was included within the buffer zone. Traffic was explained as being an issue, with particular reference to London Road.

A debate followed where Core Policy 2 was considered. Concern over the impact on traffic was discussed with note to London Road junction. It was noted that the report assumed a 10% increase in journey times at peak hours during evenings, although the impact was noted as reduced when compared with the traffic anticipated from developments already granted permission on the site. The possible inclusion of an informative which would urge another look at traffic issues in the area was considered.

The impact of the Devizes Neighbourhood Plan and its relation to possible development on the site was discussed.

At the conclusion of the debate it was;

Resolved

To delegate outline planning permission to the Area Development Manager for approval subject to the prior completion of a Section 106 agreement covering:

- **An upgrade of the surface of the canal towpath.**
- **An upgrade to the surface of the Quakers Walk footpath.**
- **The provision of 37 affordable homes.**
- **The submission of a Full Travel Plan based on the submitted outline Travel Plan, with the provision to households of green travel vouchers.**
- **The provision of the required 744 sqm of equipped play space and the payment of a maintenance commuted sum for the maintenance of the equipped play space and on-site open space.**

and subject to the conditions set out below:

Members also urged that the traffic management and issues at London Road be looked at again.

- 1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

Any reserved matters application pertaining to layout shall include the details of the access to the Rugby Club, as shown on the Illustrative Masterplan (Rev 003), dated January 2015 and shall make provision for a 35 metre buffer zone with Quakers Walk.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3. An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4. **INFORMATIVE TO APPLICANT:** This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the [INSERT].

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

Site Location February 2015; Site Boundary February 2015; Development Framework Revision 005 January 2015.

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

- 6. No development shall commence on site until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. This should include details of:

- a) Habitat creation and management measures along Quaker's Walk;
- b) Mitigation measures for reptiles;
- c) Monitoring for Annex II bat species;
- d) Enhancements for Wiltshire BAP habitats/species.

For clarity, these details should be represented on a site drawing.

All development shall be carried out in accordance with the approved Ecological Management Plan.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of mitigating the impact of development upon protected species and enhancing the local ecology of the area.

- 7. No development shall commence on site until a Construction Environmental Management Plan, incorporating pollution prevention measures together with precautionary timings and working practices to prevent adverse impacts to sensitive habitats and species, has been submitted to and approved in writing by the local planning authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to prevent pollution of the water environment and to prevent adverse impacts to sensitive habitats and species.

- 8. No external lighting shall be installed without the prior approval of the local planning authority. Any request for external lighting submitted pursuant to this condition shall include details of the type of light fitting and information regarding its position, height, orientation and power. The lighting shall be installed in accordance with the approved details and it shall not thereafter be modified unless agreed beforehand in writing by the local planning authority.**

REASON: To prevent disturbance to bats which are protected species under law.

- 9. No development shall commence on site until a Construction Method Statement, which shall include the following:**

- a) the parking of vehicles of site operatives and visitors;**
- b) loading and unloading of plant and materials;**
- c) storage of plant and materials used in constructing the development;**
- d) the location of construction compound(s) and positions for site office(s);**
- e) the erection and maintenance of any security hoarding/fencing;**
- f) measures to control the emission of dust and dirt during construction;**
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;**
- h) hours of construction, including deliveries;**
- i) Wheel washing facilities.**

has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

10. 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 dwellings 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.

11. No development shall commence on site until details of protective fencing for the trees along Quakers Walk have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall accord with British Standard 5837 (2012): 'Trees in Relation to Design, Demolition and Construction - Recommendations' and the information shall include details of the type of fencing to be used and its position. Once the fencing has been erected it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising or lowering of ground levels, shall be allowed within the protected area(s).

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and to enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

12. The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

REASON: To ensure that the objectives of sustainable development set out in policy CP41 of the Wiltshire Core Strategy are achieved.

- 13. No development shall commence on site until details of existing and proposed ground levels across the site (including within the Quakers Walk buffer zone), proposed slab levels and details of spoil disposal 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and in the interests of visual amenity.

- 14. Prior to occupation of the 30th dwelling a 3 metre wide shared use cycleway shall have been provided and made available for use, connecting to the existing shared use path in front of 65B Quakers Road, running parallel to Quakers Walk, and connecting at its south western end to Quakers Walk, as indicated in outline on the Development Framework plan January 2015.**

REASON: In the interests of sustainability and accessibility.

- 15. 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 together with permeability test results to BRE365 plus if a discharge to the canal is proposed details of the Canal & River Trust approval and details of ownership of detention ponds, and maintenance regimes, has been submitted to and approved in writing by the Local Planning Authority. Any scheme proposing drainage ponds in the 35 metre buffer zone shall demonstrate how their construction and use is compatible with the purpose of the buffer zone to provide an informal and safe landscaped area. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

- 16. No development shall commence on site until a scheme for the discharge of foul water from the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

REASON: The application is in outline and contained insufficient information to enable this matter to be agreed in detail prior to granting planning permission and to ensure that the development can be adequately drained.

17. No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.

REASON: In the interests of sustainable development and climate change adaptation.

18. INFORMATIVE TO APPLICANT: The development should include water efficient systems and fittings. These should include dual-flush toilets, water butts, water-saving taps, showers and baths, and appliances with the highest water efficiency rating (as a minimum). Greywater recycling and rainwater harvesting should be considered.

An appropriate submitted scheme to discharge the water efficiency condition will include a water usage calculator showing how the development will not exceed a total (internal and external) usage level of 105 litres per person per day.

19. INFORMATIVE TO APPLICANT: There must be no interruption to the surface water and/or land drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

20. INFORMATIVE TO APPLICANT: 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:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>

21. INFORMATIVE TO APPLICANT:

The reserved matters application(s) should take into account the comments of the Council's Urban Design officer which are viewable on the Council's website.

55. **15/04373/FUL - Land at Gunsite Road, East Kennett, Wiltshire, SN8 1QF - Retention of use of stables as reception area for clay pigeon shooting. Use of the land for clay pigeon shooting for up to 28 days in any one calendar year. Retention of associated clay pigeon paraphernalia.**

Public Participation

David Snape, representing East Kennett, spoke in objection to the application.
John Peck spoke in support of the application.
Stella Goodwin spoke in support of the application.

The Senior Planning Officer introduced the item which recommended that the application be granted planning permission subject to conditions.

An item of late correspondence was circulated. The item was a response from the application's agent to late representation from the Parish Council. The response was read out to the Committee and those present.

Key issues were noted as including the consideration of the applicant's fall-back position, issues of noise and safety, and the issue of setting.

Members of the Committee then had the opportunity to ask technical questions of the officer. It was clarified that the figure of 28 days came from government legislation which allows landowners to use land for temporary events up to 28 days each calendar year. It was explained that the fall-back position meant that if the application was refused the applicant could still use the land for shooting for up to 28 days per year. The definition of recreational shooting was noted as shooting for non-agricultural purposes.

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

The unitary division member, Cllr Jemima Milton, spoke to the application. The issue of noise from gunshots reverberating through the bowl-shaped landscape in East Kennett was noted. Cllr Milton explained that a way to ensure shooting only took place once a month was necessary. Concern as expressed over the amount of shells discharged per shoot, as one figure estimated it to be 10,000.

A debate followed where the number of days a year the site would be used for shooting, and the number shots fired per shoot was discussed. The fall-back position for the applicant was considered along with possible conversation between the Public Protection Officer, the applicant, and the community. The site's location near a world heritage site was also considered.

At the conclusion of debate it was;

Resolved

To grant planning permission subject to the following conditions:

1. **The land edged in red on drawing No. SC 1096 - 02 Location Plan shall not be used for shooting for more than 28 days in any 1 calendar year - the calendar year running from the 1st January to the 31st December. For the avoidance of doubt, the number of days used for shooting in the calendar year 2015 shall not exceed 28.**

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents and people enjoying the nearby recreational routes in the AONB.

2. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no recreational shooting on the land edged in blue on drawing No. SC 1096 - 02 Location Plan.**

REASON: In the interest of the protection of the amenities of the surrounding area, notably, the impact of noise on nearby residents.

3. **The landowner shall maintain an up-to-date register of all the shooting that takes at the site, and shall make such information available at all reasonable times to the Local Planning Authority.**

REASON: To ensure the use of the site for shooting purposes does not exceed the permitted 28 days.

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

Plan Ref: Application Form, Design and Access Statement, Site Plan and Building Plan. Plan Ref: SC 1096 - 02 Location Plan.

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

56. **Urgent items**

There were no urgent items.

(Duration of meeting: 6.00 - 8.00 pm)

The Officer who has produced these minutes is Adam Brown, of Democratic Services, direct line 01225 718038, e-mail adam.brown@wiltshire.gov.uk

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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 1

Date of Meeting	27 th August 2015
Application Number	15/05550/FUL
Site Address	14 The Market Place, Devizes, Wiltshire, SN10 1HX
Proposal	Conversion of first floor of former print works to 1 no. apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site and erection of replacement single-storey building containing 2 dwellings;(1 one bed & 1 two bed)
Applicant	Clenche Properties
Town Council	DEVIZES
Division	DEVIZES NORTH
Grid Ref	400314 161539
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called to committee at the request of Council member, Cllr. Evans. The key issues for justifying the call in are concerns at the structural stability of the wall to the rear of the site and potential impact on this feature from the proposed development and the risk from fire.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal and the recommendation that planning permission be granted.

2. Report Summary

The main issues to be considered are the principle of development of the creation of three new dwellings to the rear of the existing buildings; the potential for impact on the amenity of neighbouring properties; the potential impact on the historic fabric, character and setting of the listed building and the conservation area; the impact on the structural stability of the adjacent land; the visual impact on the amenity of the area, including impact from lighting and design; highway matters; and ecological issues.

3. Site Description

The application site now forms part of the existing curtilage of number 14 The Market Place, Devizes. The land lies within the Devizes Conservation area and number 14 is a grade II listed building.

It is bordered to the south-west (rear) by the gardens of the existing residential dwellings at "Carriage Court". Number 14 The Market Place forms part of a terrace looking out on to the Market Place at the centre of Devizes. The properties to the north-west and south-east have an existing mixed use. There is no vehicle parking or vehicle access to the site. Pedestrian access into the site runs along the south-eastern boundary.



Site location plan

The building fronting the Market Place is a grade II listed early 19th century building. The building immediately to the rear of the principal building was used as the print works to the Gazette and Herald Newspaper. This building is considered to be curtilage listed due to its association with the principal listed building.

The existing buildings onsite are considered to be in a poor condition. The site has also undergone some clearance following approval for the conversion of the principle building at the front of the site into two apartments.

The site slopes gently down to the south-west and ends at a high brick wall, which forms a boundary with the gardens to the rear of the site belonging to Carriage Court. The levels then drop vertically by approximately 2.8 metres.

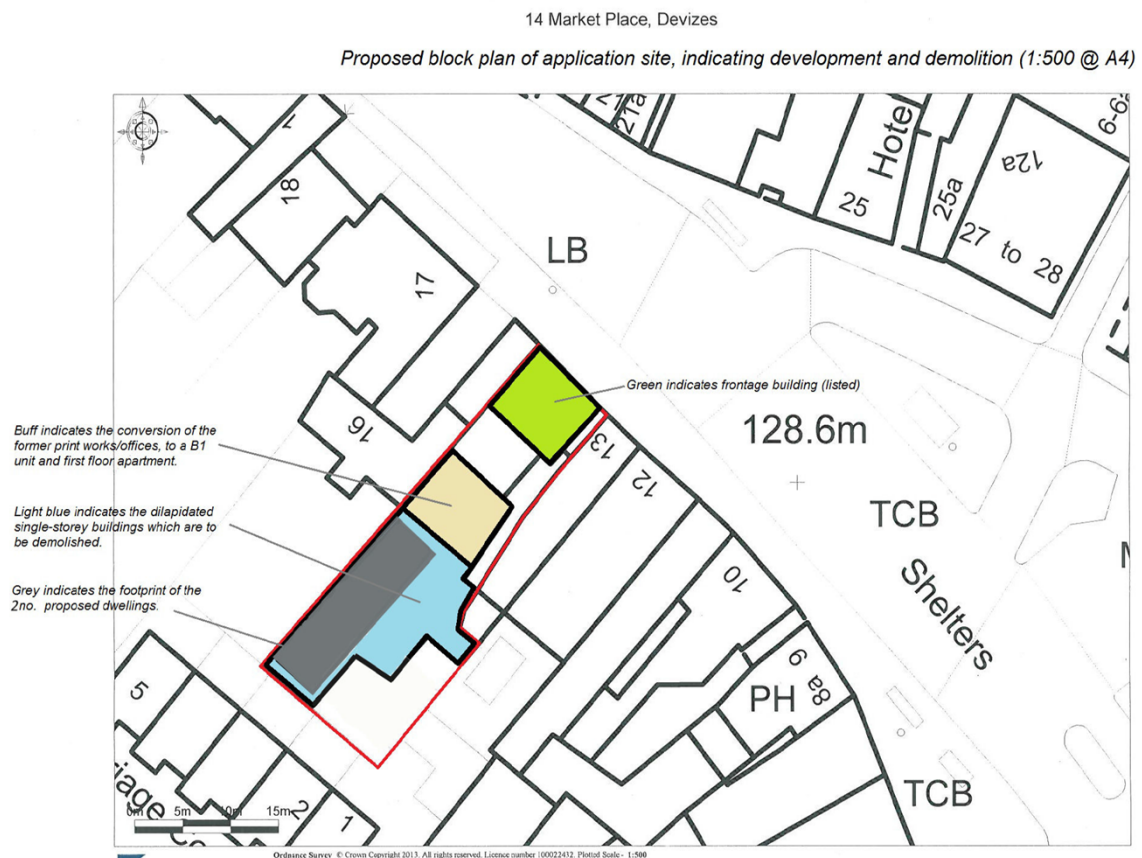
4. Planning History

13/01322/FUL	Change of use of first and second floor and associated alterations to create two apartments (one on first floor, one on second) and demolition of single storey extension – Approved 16/09/2013
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- 13/01528/LBC Alterations to facilitate conversion of first and second floor to two apartments, including demolition of single storey rear extension. – Approved 16/09/2013
- 14/12190/FUL Alterations to ground floor of former print works to retain B1 office use. Conversion of first floor of former print works to two bedroom apartment. Demolition of single storey buildings at rear of site and erection of 3 two bedroom townhouses. – WITHDRAWN
- 15/00012/LBC Alterations to ground floor of former print works to retain B1 office use. Conversion of first floor of former print works to two bedroom apartment. Demolition of single storey buildings at rear of site and erection of 3 two bedroom townhouses. – WITHDRAWN
- 15/05689/LBC Conversion of first floor of former print works to 1 no. apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site and erection of replacement single-storey building containing 2 dwellings;(1 one bed & 1 two bed) – Under consideration on this agenda

5. The Proposal

The proposal is for the conversion of first floor of the former print works to create one new apartment, alterations to the ground floor of the former print works to retain a B1 office use, the demolition of the single-storey buildings to the rear of the site and erection of replacement single-storey building to create two new dwellings (1 one bed & 1 two bed).



6. Local Planning Policy

The Wiltshire Core Strategy (2015) is the development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. The site is located within the settlement limits of development (LoD) of Devizes. The following policies are pertinent to the determination of applications at this site:

Kennett Local Plan (2011) saved policy:

- ED19 – Devizes and Marlborough Town Centres

Wiltshire Core strategy (2105)

- Core Policy 1 Settlement Strategy
- Core Policy 2 Delivery Strategy
- Core Policy 12 Spatial Strategy for the Devizes Community Area
- Core Policy 34 Additional Employment Land
- Core Policy 36 Economic Regeneration
- Core Policy 41 Sustainable Construction and Low Carbon Energy
- Core Policy 45 Meeting Wiltshire's Housing Needs
- Core Policy 50 Biodiversity and Geodiversity
- Core Policy 57 Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the conservation of the historic environment
- Core Policy 61 Transport and Development

Neighbourhood Planning

The Devizes Neighbourhood Plan is in an advanced state; it has been submitted to the Council and has been found to be, subject to the modifications recommended in the Inspector's report, to meet the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), it does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

National Planning Policy context.

The NPPF describes the presumption in favour of sustainable development to be the "golden thread" running through plan-making and decision taking. The following paragraphs are considered pertinent from the National Planning Policy Framework (NPPF) (2012):

- Section 7 Requiring good design
- Section 12 Conserving and enhancing the historic environment

7. Summary of consultation responses

Devizes Town Council – Objects to the application on the grounds that it is over development and out of keeping within the conservation area and there is concern regarding emergency evacuation from the proposed premises as the narrow passageway which enables access to the property would make this difficult. Also there is concern regarding the integrity of the existing retaining wall.

Wiltshire Council Highways – the proposal has reduced the number of units (*compared to the withdrawn application*) and restricted them to 1 and 2 bed properties. Previously it was agreed that the town centre location would allow for a car free proposal and subject to the bedroom numbers remaining low it is accepted as a car free development; as such, based on the information provided there is no highway objection.

Wiltshire Council Ecologist – Support subject to conditions. It is considered that sufficient research into existing mitigation strategies has been completed prior to the design of mitigation for this proposal. Information has been sought from leading experts on greater horseshoe bat conservation and it is considered that the level of mitigation proposed, together with the monitoring that will be required as part of the derogation licence conditions, will ensure that the building can continue to provide suitable roosting conditions relevant to the species of bat found. The recommendations of the consultant ecologist have been translated to the site drawings, making clear the location and size of features to be provided exclusively for bats. It is considered that it is likely that a licence from Natural England *will* be forthcoming, without the necessity to alter the planning permission. In conclusion it is considered that any adverse impact on the local bat populations as a result of the proposed works would be very unlikely and that the retention of the cellar and attic as bat roosts, together with the refurbishment of the remainder of the building will result in a positive impact for bats.

Wiltshire Council Conservation Officer – Support subject to conditions; the proposed scheme is for two single storey houses on a reduced footprint to the existing building and of a lower ridge height. The buildings will be detached from the print works. The scale of development is lower than the existing built form on site. In terms of design and materials it is proposed to use slate, brickwork and timber which are in accordance with the local materials. In terms of the impact of the physical works it is considered that the proposed single storey houses will preserve and enhance the setting of the listed building and the character and appearance of the Devizes Conservation Area.

Historic England (*formerly English Heritage*) – our specialist staff have considered the information received and do not wish to offer any comments on this occasion. It is recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of Wiltshire Council's own specialist conservation advice.

Wiltshire Fire and Rescue – No objection raised. This application falls within the area for which Wiltshire Fire & Rescue Service is responsible for delivering an operational and emergency response. The proposed development has been assessed and the detail on the attached schedules relates to the following areas:

- Recommendations identified under B5 of Approved Document B relating to The Building Regulations 2010
- Recommendations to improve safety and reduce property loss in the event of fire

Wiltshire Fire & Rescue Service's core objectives include the reduction of deaths, injuries and property damage caused by fire. The following recommendations are made with this in mind and, whilst not requirements, may become so during the formal Building Regulations consultation process and are made without prejudice to that process.

- Consideration is to be given to ensure access to the site, for the purpose of fire fighting, is adequate for the size and nature of the development.
- Once constructed and put to use, commercial premises will be subject to the Regulatory Reform (Fire Safety) Order 2005.
- Consideration should be given to the National Guidance Document on the Provision of Water for Fire Fighting and the specific advice of this Authority on the location of fire hydrants.
- A core objective of the Wiltshire Fire & Rescue Service is to support and encourage an increase in the provision of residential sprinklers in domestic properties

8. Publicity

The application has been advertised by site notice, letters to neighbouring properties and within the local press; the following is a summary of the comments received on the application:

Objections

- Concerned at the potential structural impact on the Carriage Court boundary wall;
- Concerned at any proposed lighting of the site;
- All the buildings on the site are curtilage listed/heritage buildings;
- There is no justification for the demolition of the single storey buildings, they are of a considerable age and, although some alterations have been made over recent years, largely original. They form a group of out-buildings historically important in their own right;
- The whole of the site is within the Devizes Conservation Area. This area of land and buildings provides the setting for the one or two principal listed Market Place buildings to which it originally belonged and is at least of equal importance to the principal buildings;
- The application refers to the single-storey buildings as derelict, but this in itself does not justify the proposal to demolish them;
- This, site is the town's most precious heritage asset; there is no overriding reason to damage it and go against the principles set out in the 1990 Act;
- The Devizes Neighbourhood Plan confirms that Devizes's Core Strategy housing quota to 2026 has already been more than met by existing and identified housing;
- The site is not viable, for various reasons, the main one being complete lack of vehicular access. This is a small, constrained, land-locked site, immediately adjacent to important listed buildings;
- The proposed development will have a significant and lasting impact on biodiversity;
- The proposed development would result in two single storey dwellings and three apartments, with potentially upwards of 10 occupants, all on an enclosed site with one narrow exit. The serious risk to life in the event of a fire is completely unacceptable;
- The proposed dwellings cannot be regarded as compatible with the adjacent historic buildings and their setting. The new build development will inevitably damage the special interest of the listed buildings, their settings and the character and appearance of this part of the conservation area;
- The application gives no information as to how the building work required in any development can be carried out, but the extreme limitations of the site make it inevitable that there would be substantial obstruction to Market Place over an extended period;
- The application proposes demolition of a range of curtilage listed 19th Century buildings. The site has been family owned for many years and allowed to deteriorate. The applicant should not be allowed to use the present condition of the buildings as justification for demolition;
- The older two-storey building on the site is the more important heritage asset of the present buildings. The proposal would leave it with no amenity land or setting and it would be prejudiced by the close proximity of the new-build proposal. Further, the new-build units are to be constructed of lightweight materials;
- The proposal would result in overdevelopment of a small restricted site;
- All the proposed units would be heavily compromised by the physical limitations of the site as well as conservation and planning considerations. All would be small, restricted and claustrophobic, with limited windows, light and sunlight, lacking

adequate amenity land and with too many units in a small area. Such a cramped and compromised development should not be permitted anywhere, and certainly not in a conservation area.

- The proposed development is not viable and it cannot therefore be considered sustainable;
- Allowing this development would create a precedent for inappropriate development in other parts of the Conservation Area;
- Disposal of surface/storm water drainage, application proposes via a '*sustainable drainage system*', this is not acceptable all surface and storm water should be disposed of direct to the main sewer;
- Impact on trees on the site;
- The application is misleading in describing the site as part of 14 Market Place, as it has been in separate ownership for many years. Whilst part of the site may once have been part of the rear gardens/yards of no 14 Market Place, it was more recently wholly attached to no 13 Market Place;
- None of the buildings has any permitted or established use for planning purposes;
- Impact on the adjacent listed buildings.

Support

- Application seeks to establish a mixed use and retain a substantial heritage structure of the old print works;
- Proposal finds alternative use for dilapidated building;
- Proposal provides for affordable dwellings within the town, thus helping to reduce traffic and related problems;
- Application meets the requirements of the Devizes Neighbourhood Plan and the Wiltshire Strategic Plan and should therefore be supported;
- Support the proposal to restore and bring back into use the two-storey building as a single dwelling.

9. Planning Considerations

9.1 The principle of development:

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Devizes is identified in Core Strategy Policy 1 as a market town, the second level within the settlement strategy, which '*have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.*'

The Neighbourhood Plan very specifically seeks to prioritise the development of previously developed land and limits the development of green field sites which is entirely in line with Core Policy 2. In that regard the NP is in full conformity with Core Policy 2. The proposed development utilises previously developed land within the town centre of Devizes. The development will provide both housing and business opportunities which would add to the town centre vitality and importantly bringing the viability of this site back into a positive use.

The Devizes Joint Strategic Assessment 2011 identified affordable housing as being one of the major housing issues facing the town. Furthermore, it clarified the number of applicants on the housing register, with 863 single bedroom and 344 two bedroom dwellings being sought. Whilst the properties may be affordable by design, that is, the proposed size of property will create a natural market restriction on the value of them they will not be affordable by the definition of affordable housing of the WCS (2015). However, they will still provide a diversity of housing/accommodation stock within the Devizes meeting a need for smaller style apartments and dwellings.

Criticism has been made that the Neighbourhood Plan provides for all of the necessary development within the Devizes area and that this site is not necessary. The Localism Act allows Neighbourhood Plans to provide more than the allocated number of houses for its area but does not permit any reduction. As such the development of this windfall site should be viewed in addition to the provision of numbers within this sustainable location.

The plan identifies that priority should be given to the reuse of previously developed town centre sites to help with localised regeneration. The reuse of previous developed sites closer to the centre of communities will provide an opportunity to enhance areas of neglect. Encouraging the reuse of previously developed sites increases urban density and delivers localised regeneration. It is therefore considered that the development proposal meets with the requirements of the DANP and with CP1 and CP2 of the WCS and with the NPPF.

The NPPF states that there should be a *“presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.”* It goes on to state at Paragraph 8 that in order *“...to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”* As such, weight should be attached to all three legs of sustainability in the overall balance on concluding whether the site is sustainable or not taking account of the primacy of the development plan (the WCS) which represents the most up to date assessment of what constitutes sustainable development in Wiltshire. It is considered that this proposed development is compliant with these principles.

The proposed development represents an appropriate level of development within a town centre location, which incorporates a mix of uses that would have a positive enhancement towards the economic, social and environmental aspects of Devizes.

9.2 Neighbour amenity and that of future occupiers:

To the rear of the site is a terrace of modern three storey townhouses (namely Carriage Court) residents of whom have raised concerns at many aspects of the proposed development. A previously submitted scheme for a row of new three two storey dwellings was withdrawn on this site due to the harmful impact it would have had on these neighbouring properties. The proposal now aims to utilise the existing two-storey building and the proposed new dwellings closest to Carriage Court would be single storey and of a similar scale of the existing building single storey building they would replace.

In terms of scale the proposed new dwellings would be of a similar height as the existing building, as such there would be no impact through overshadowing or the creation of a new overly dominant structure to impact on the neighbour amenity. There would be no alteration to the height of the existing wall either. With due regard to the finished ground level of the garden area, this would be approximately 2.7 metres below the top of the wall, as such there would be no opportunity for overlooking from either the proposed dwellings or the garden areas serving them. The impact on the amenity of the neighbouring properties is considered

to be acceptable in this case and the development is considered to comply with Core Policy 57.

Neighbour objections have raised the possibility of light pollution from the proposed development. It should be noted that there are no restraints at present from preventing the landowner from installing lighting within the site (with reason) without consent being required. No details for lighting have been provided although the ecologist has indicated that no lighting shall be provided in certain parts of the site to safeguard protected species. It is therefore considered reasonable to impose a condition to provide further detail of any potential external lighting in order to safeguard not only protected species but to protect the amenity of neighbouring properties from any potential light pollution.

Concerns have been raised at the potential fire hazard the limited level of access on to the site could have for future occupiers. On discussion with the building control officers it was identified that where no sprinkler system is used with regards to vehicle access, there should be access for a pump appliance to within 45 metres of a dwelling house. From the front of the site to the rear of the site is approximately 43 metres therefore meeting the required distance. If a sprinkler system is employed then this requirement would not be necessary.

9.3 The potential impact on the historic fabric, character and setting of the listed building and the conservation area;

The Planning (Listed Building and Conservation Areas) Act 1990 imposes a requirement on planning authorities to have special regard to the desirability of preserving listed buildings and their setting as well as the overall character and appearance of the conservation area. Comments from the Conservation Officer, whilst recognising that the application is lacking in some detail, still support the proposed development. Objections raised by others suggest that with regards to the potential impact on the listed building nothing has changed since the previous application and that this level of support is unjustified.

However, in the professional opinion of officers, it is considered that the conversion of the former print works will safeguard this building from further deterioration and whilst there will inevitably be changes to the fabric of the building these have been limited. It is also considered that the change is necessary in this instance in order to provide a viable use for the building to safeguard its future. The demolition of the existing dilapidated single storey building is acceptable, as the Conservation Officer has acknowledged that the main structure is of little architectural or historic interest and the boundary wall is in need of substantial rebuilding. The proposed new build is for two single storey houses on a reduced footprint to the existing building with a lower ridge height. The buildings will be detached from the print works and thereby respect the historic character of the original building. The scale of development is lower than the existing built form on site yet still reflects in massing the historic character. The proposed design and use of materials are considered to be sympathetic with the area. As such it is considered that the construction of the proposed single storey houses will preserve and enhance the setting of the listed building and the character and appearance of the Devizes Conservation Area. Whilst the alterations to the former print works building will inevitably change its character from industrial to residential, the works will comply with paragraph 134 of the NPPF as this less than substantial harm is outweighed by the public benefit of bringing the building back into use.

9.4 The visual impact on the amenity of the area, including impact from lighting and design;

Core Policy 57 and the NPPF seek to encourage high quality design in new development. The proposed scheme has been designed to reflect and respect the existing character, scale and massing of the existing buildings. In line with Policy H2 of the DANP all new housing

must be capable of being readily assimilated within the existing built environment and the social fabric of the settlement. The proposed conversion respects the character and historic fabric of the existing building and would therefore be considered acceptable. The proposed new build has been designed to be sympathetic to its setting, reflecting the scale and mass of the existing industrial style building on the site and would therefore also be considered acceptable. As such the proposed development is considered to comply with CP 57 of the WCS (2015).

9.5 The impact on the structural stability of the land:

Concerns have been raised by residents of Carriage Court and the Town Council at the potential impact the proposed development could have on the structural integrity of the wall dividing the site from the houses to the rear. As part of this re-submission a structural report has been provided in support of the application. The details of the case have been discussed with building control officers who have confirmed that the use of piled foundations would take the loading of the proposed building away from the wall and should not impact on its structural integrity. Mini-piling has been confirmed as an acceptable method for creating these types of foundation and the agent has also confirmed that they would be looking to use helical steel corkscrew piles. These would extend down to a depth of 6 to 8 metres, i.e. beneath the depth of the ground level to the rear of Carriage Court. This means that no additional loading would be transferred to the existing wall.

On balance whilst the concerns raised are acknowledged it is considered that the proposed development could be constructed without impact on the wall. It is also considered necessary to impose a condition to provide a construction method statement in order that such details can be controlled in the interests of the neighbouring properties. However, it should also be taken into account that matters of insurance and third party liability are not material considerations in the determination of the planning application.

9.6 Lack of vehicular access:

Concerns have been raised at the lack of vehicular access to the site and no provision for parking. It is acknowledged that the site has only pedestrian access along the east-south-east boundary. However Core Policy 61 supports the provision of new development so that it is located and designed to reduce the need to travel and to encourage the use of sustainable alternatives.

Comments received from highways acknowledge that there has now been a reduction in the number of properties proposed (compared to the original now withdrawn submission) and also that this is a sustainable town centre location. There are public car parks to the town centre, around the corner and on the other side of the buildings fronting the Market Place on the other side of the road. It is considered that the proposal complies with the criteria of CP 61 of the WCS and with the thread of sustainability as required in the NPPF.

9.7 Impact on the ecology of the site

Concerns have been raised by local residents that the proposed development would have a significantly detrimental impact on the ecology and biodiversity of the area.

A significant level of ecological survey has been carried out in relation to this planning application. Initially a bat survey was carried out by PV Ecology consultancy, which found greater horseshoe bats in the cellar of the building, together with pipistrelles and long eared bats in the attic. As a result of this, the developer has opted to refurbish and convert the ground floor as office space with an apartment on the first floor above this, retaining the cellar and the attic as dedicated roosting places for bats.

The presence of any species of bat would be a material consideration within the planning system. Greater Horseshoe bats are listed on Annex II of the Habitats Directive as they are one of the four rarest bat species found in the UK. They are subsequently given stringent protection under the Habitats Regulations 2010 which necessitates a derogation licence issued by Natural England to ensure that sufficient mitigation is provided and that the works are carried out in an agreed manner, removing or significantly reducing any adverse impact on the favourable conservation status of the population. In order to meet the criteria for derogation licence, Natural England will consider the appropriateness and the degree of mitigation proposed, alongside the following three tests:

- **Test i) Regulation 53(2)(e):** The derogation is in the interests of preserving public health or public safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- **Test ii) Regulation 53(9)(a):** There is no satisfactory alternative;
- **Test iii) Regulation 53(9)(b):** The derogation will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. With appropriate and proportionate mitigation, the proposed works are unlikely to be detrimental to the favourable conservation status of the EPS population across their natural range.

The submitted Phase 2 Bat survey by Peach Ecology & Environmental Services confirms the presence of Greater Horseshoe bats, common pipistrelle bats and brown long eared bats and their usage of the application site as a summer roost. The proposed development will include works likely to alter or disturb roost features and is therefore likely to offend Article 12(1) of the EC Habitats Directive. The LPA must therefore consider whether the three derogation tests are likely to be met and whether Natural England is likely to grant a licence in line with recent case law (*Vivienne Morge v Hampshire County Council* [2010] EWCA Civ 608). This consideration has regard to the Natural England Guidance Note: European Protected Species and the Planning Process – Natural England’s Application of the ‘Three Tests’ to Licence Applications (WML-G24 (01/11), which sets out the approach that Natural England takes to applying the three statutory derogation tests.

Test i) Regulation 53(2)(e): *The building is potentially unsafe and if not renovated could collapse, resulting in risk to individuals of the general public and to neighbouring properties. The provision of three new dwellings and a new office within a town centre location would have both economic and social benefits for the area in the public interest. Also the creation of new dwellings and employment opportunities would be located in a town centre sustainable location which would encourage pedestrian access for work opportunities and thereby create a more sustainable form of development.*

Test ii) Regulation 53(9)(a): *The “do nothing” option would see the eventual collapse of the building and subsequent loss of the bat roosts. The building is in a conservation area, therefore it is preferable to retain the building and convert it to provide modern needs, rather than demolish and rebuild. Demolition and replacement of the three storey building would result in certain loss of the existing bat roosts, the scheme aims to safeguard the existing building and enhance the roost accordingly.*

Test iii) Regulation 53(9)(b): *The bat roost in the cellar of the building and the bat roost in the attic will be retained with minimum disturbance to the bats, therefore not resulting in any diminishment of the population. Enhancements specifically for bats within the site design will ensure that the favourable conservation status of the local population is maintained and indeed may be improved.*

The proposed mitigation has been discussed with the consultant ecologist (Peach Ecology) and it is considered that sufficient research into existing mitigation strategies has been completed prior to the design of mitigation for this proposal. Information has been sought from leading experts on greater horseshoe bat conservation and it is considered that the level of mitigation proposed, together with the monitoring that will be required as part of the derogation licence conditions, will ensure that the building can continue to provide suitable roosting conditions relevant to the species of bat found. The recommendations of the consultant ecologist have been translated to the site drawings, making clear the location and size of features to be provided exclusively for bats. It is therefore considered that it is likely that a licence from Natural England *will* be forthcoming, without the necessity to alter the planning permission.

Therefore it is considered that the proposed development would be acceptable subject to the imposition of conditions. It is considered that the application complies with the relevant criteria of Core Policy 58 of the WCS (2015) and the NPPF.

10. Conclusion

The proposed development represents a sustainable form of development within a town centre location benefitting the social, economic and environmental aspects of the area; therefore in principle the development is acceptable. It will not have a harmful impact on the amenity of neighbouring properties or the area. It is considered that the proposed development should be achievable employing construction methods that would not damage the structural integrity of the rear wall dividing the site from Carriage Court.

The scheme is considered to be sympathetic to the heritage of the area and would preserve the character and appearance of the conservation area and the setting of the listed building. There are adequate local car parks which could provide for parking facilities and such units would encourage occupiers to utilise more sustainable methods of transport. It is considered that an adverse impact on the local bat populations as a result of the proposed works would be very unlikely and that the retention of the cellar and attic as bat roosts, together with the refurbishment of the remainder of the building will result in a positive impact for bats.

Overall, the scheme offers the chance to improve the external appearance of the building, find a viable new use and provide additional residential accommodation and employment space within the town centre.

The development is considered to comply with the policies of the Wiltshire Core Strategy (2015), the NPPF and the Devizes Area Neighbourhood Plan and is recommended for approval.

RECOMMENDATION: Grant planning permission 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-H shall take place on the dwellings hereby permitted or within their

curtilage without the prior grant of planning permission by the local planning authority.

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.

3. The development shall be constructed in strict accordance with the recommendations made in the Phase 2 Bat Survey Report by Peach Ecology.

REASON: In order to safeguard the interests of protected species using the area and in the interests of proper planning.

4. No external lighting shall be installed on site, or in the alley leading to the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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 and no additional external lighting shall be installed.

REASON: In order to safeguard the interests of protected species using the area, in the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

5. No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
 - a. Risk assessment of potentially damaging construction activities
 - b. Identification of 'biodiversity protection zones'
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
 - d. The location and timing of sensitive works to avoid harm to biodiversity features
 - e. The times during construction when specialists ecologists need to be present on site to oversee works
 - f. Responsible persons and lines of communication
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
 - h. Use of protective fences, exclusion barriers and warning signs.
 - i. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

6. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
 - a. the parking of vehicles of site operatives and visitors;
 - b. loading and unloading of plant and materials;
 - c. storage of plant and materials used in constructing the development;
 - d. measures to control the emission of dust and dirt during construction;
 - e. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - f. hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

8. The development hereby permitted shall be carried out in accordance with the application form, Heritage Statement (and Design and Access Statement) (MWA 13111 Rev A) (dated 2nd June 2015), Structural Report (dated 29th May 2015) Phase 2 Bat Survey (dated 9th June 2015) and the following approved plans: Site location plan, Proposed Block Plan, Proposed Site Layout (13111.11), Proposed elevations (13111.12), Proposals (existing building) (13111.05A) received on 8th June 2015.

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

9. Before either of the two new-build dwellings is first occupied, the boundary wall with No.16 shall be rebuilt, using bricks reclaimed from the existing wall. Details of The method of rebuilding the boundary wall, including details of the bonding and mortar to be used, shall be submitted to and approved in writing by the local planning authority before work to construct these dwellings is first commenced.

REASON: To ensure the historic boundary wall is suitably rebuilt, to protect the character and appearance of the area and the setting of the listed buildings.

Application Number	15/05550/FUL
Site Address	14 The Market Place, Devizes, Wiltshire, SN10 1HX
Proposal	Conversion of first floor of former print works to 1 no. apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site and erection of replacement single-storey building containing 2 dwellings;(1one bed & 1 two bed)
Case Officer	Jonathan James

Map 1



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REPORT FOR EASTERN AREA PLANNING COMMITTEE

Report No. 2

Date of Meeting	27 th August 2015
Application Number	15/05689/LBC
Site Address	14 The Market Place, Devizes, Wiltshire, SN10 1HX
Proposal	Conversion of first floor of former print works to 1 apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site
Applicant	Clenche Properties
Town/Parish Council	DEVIZES
Division	DEVIZES NORTH
Grid Ref	400314 161539
Type of application	Listed Building Consent
Case Officer	Jonathan James

Reason for the application being considered by Committee

This is the listed building application for the works required to implement the planning application reported earlier in this agenda. The planning application has been called to committee at the request of Council member, Cllr. Evans. The key issues for justifying the call in are concerns at the structural stability of the wall to the rear of the site and potential impact on this feature from the proposed development and the risk to potential occupants from fire.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal and the recommendation that planning permission be granted.

2. Report Summary

The main issues to be considered are the potential impact on the historic fabric, character and setting of the listed building and the conservation area.

3. Site Description

The application site now forms part of the existing curtilage of number 14 The Market Place, Devizes. The land lies within the Devizes Conservation Area and number 14 is a Grade II listed building.

It is bordered to the south-west by the gardens of the existing residential dwellings at "Carriage Court". Number 14 The Market Place forms part of a terrace looking out on to the Market Place at the centre of Devizes. The properties to the north-west and south-east have an existing mixed use. There is no vehicle parking or vehicle access to the site. Pedestrian access into the site runs along the south-eastern boundary.



Site location plan

The building fronting the Market Place is a grade II listed early 19th century building. The building immediately to the rear of the principal building was used as the print works to the Gazette and Herald Newspaper. This building is considered to be curtilage listed due to its association with the principal listed building.

The existing buildings onsite are considered to be in a poor condition. The site has also undergone some clearance following approval for the conversion of the principle building at the front of the site into two apartments.

The site slopes gently down to the south-west and ends at a high brick wall, which forms a boundary with the gardens to the rear of the site belonging to Carriage Court. The levels then drop vertically by approximately 2.8 metres.

4. Planning History

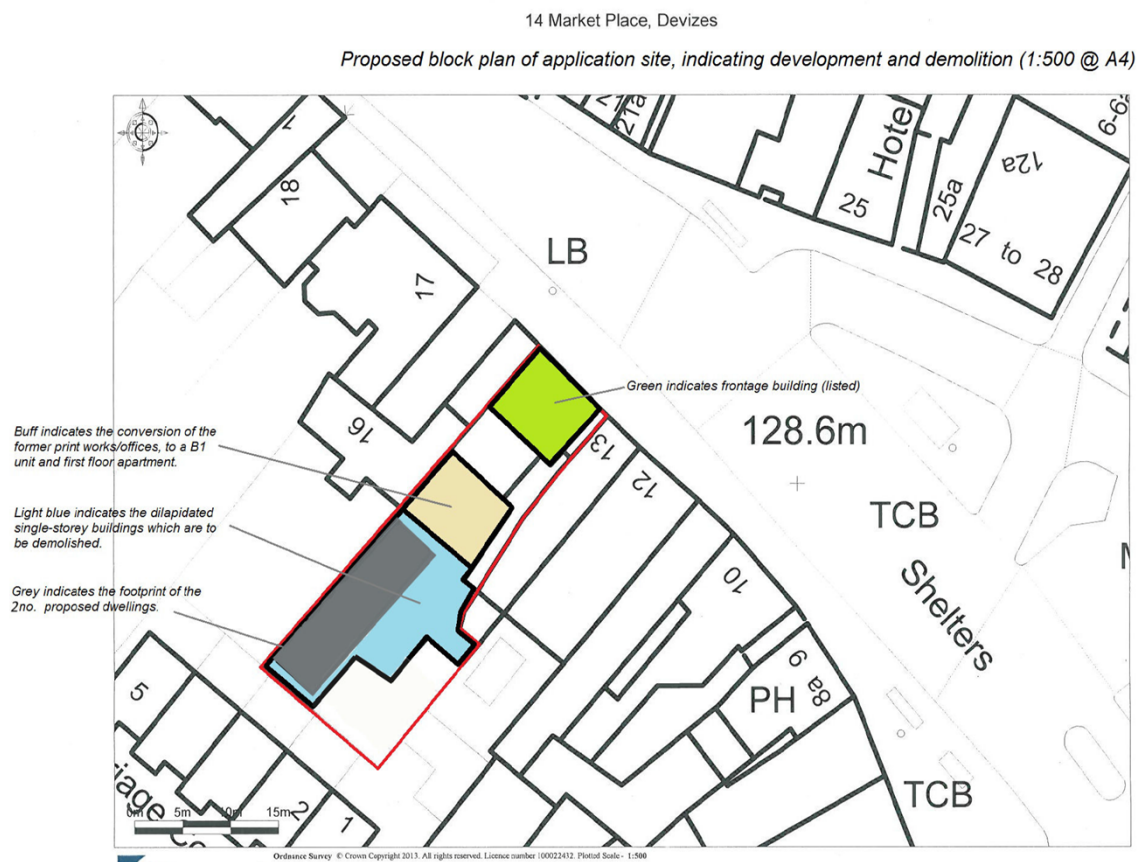
- | | |
|--------------|--|
| 13/01528/LBC | Alterations to facilitate conversion of first and second floor to two apartments, including demolition of single storey rear extension. Approved 16/09/2013 |
| 15/00012/LBC | Alterations to ground floor of former print works to retain B1 office use. Conversion of first floor of former print works to two bedroom apartment. Demolition of single storey buildings at rear of site and erection of 3 two bedroom townhouses. WITHDRAWN |

15/05550/FUL

Conversion of first floor of former print works to 1 no. apartment;
Alterations to ground floor of print works to retain B1 office use;
Demolition of single-storey buildings at rear of site and erection of
replacement single-storey building containing 2 dwellings;(1one bed &
1 two bed) – reported earlier on this agenda.

5. The Proposal

The proposal is for the conversion of first floor of the former print works to create one new apartment, alterations to the ground floor of the former print works to retain a B1 office use, and the demolition of the single-storey buildings to the rear of the site to facilitate the erection of a replacement single-storey building to create two new dwellings (1 one bed & 1 two bed).



6. Local Planning Policy

The Wiltshire Core Strategy (2015) is the determining development plan for the area. It was formally adopted in January 2015 and has been found sound and robust by the Inspectorate. The site is located within the settlement limits of development (LoD) of Devizes. The following policies are pertinent to the determination of applications at this site:

- Core Policy 57 Ensuring high quality design and place shaping
- Core Policy 58 Ensuring the conservation of the historic environment

National Planning Policy context

The NPPF describes the presumption in favour of sustainable development to be the “golden thread” running through plan-making and decision taking. The following paragraphs are considered pertinent from the National Planning Policy Framework (NPPF) (2012):

- Section 12 Conserving and enhancing the historic environment

7. Summary of consultation responses

Devizes Town Council – Objects to the application on the grounds that it is over development and out of keeping within the conservation area and there is concern regards to emergency evacuation from the proposed premises, the narrow passageway which enables access to the property would make this difficult. Also there is concern regarding the integrity of the existing retaining wall. *(NB- these objections are more properly addressed under associated planning application)*

Wiltshire Council Conservation Officer – Support subject to conditions.

Historic England (*formerly English Heritage*) – our specialist staff has considered the information received and do not wish to offer any comments on this occasion. It is recommended that the application(s) should be determined in accordance with national and local policy guidance, and on the basis of Wiltshire Councils specialist conservation advice.

8. Publicity

The application has been advertised with the associated planning application by site notice, letters to neighbouring properties and within the local press; the following is a summary of the comments made on the applications, some of which relate to issues that are the subject of the planning application, rather than the listed building application (eg comments on the new dwellings).

Objections

- Concerned at the potential structural impact on the Carriage Court boundary wall;
- Concerned at any proposed lighting of the site;
- All the buildings on the site are curtilage listed/heritage buildings;
- There is no justification for the demolition of the single storey buildings, they are of a considerable age and, although some alterations have been made over recent years, largely original. They form a group of out-buildings historically important in their own right;
- The whole of the site is within the Devizes Conservation Area. This area of land and buildings provides the setting for the one or two principal listed Market Place buildings to which it originally belonged and is at least of equal importance to the principal buildings;
- The application refers to the single-storey buildings as derelict, but this in itself does not justify the proposal to demolish them;
- This site is the town’s most precious heritage asset; there is no overriding reason to damage it and go against the principles set out in the 1990 Act;
- The Devizes Neighbourhood Plan confirms that Devizes’s Core Strategy housing quota to 2026 has already been more than met by existing and identified housing;
- The site is not viable, for various reasons, the main one being complete lack of vehicular access. This is a small, constrained, land-locked site, immediately adjacent to important listed buildings;
- The proposed development will have a significant and lasting impact on biodiversity;

- The proposed development would result in two single storey dwellings and three apartments, with potentially upwards of 10 occupants, all on an enclosed site with one narrow exit. The serious risk to life in the event of a fire is completely unacceptable;
- The proposed dwellings cannot be regarded as compatible with the adjacent historic buildings and their setting. The new build development will inevitably damage the special interest of the listed buildings, their settings and the character and appearance of this part of the conservation area;
- The application gives no information as to how the building work required in any development can be carried out, but the extreme limitations of the site make it inevitable that there would be substantial obstruction to Market Place over an extended period;
- The application proposes demolition of a range of curtilage listed 19th Century buildings. The site has been family owned for many years and allowed to deteriorate. The applicant should not be allowed to use the present condition of the buildings as justification for demolition;
- The older two-storey building on the site is the more important heritage asset of the present buildings. The proposal would leave it with no amenity land or setting and it would be prejudiced by the close proximity of the new-build proposal. Further, the new-build units are to be constructed of lightweight materials;
- The proposal would result in overdevelopment of a small restricted site;
- All the proposed units would be heavily compromised by the physical limitations of the site as well as conservation and planning considerations. All would be small, restricted and claustrophobic, with limited windows, light and sunlight, lacking adequate amenity land and with too many units in a small area. Such a cramped and compromised development should not be permitted anywhere, and certainly not in a conservation area.
- The proposed development is not viable and it cannot therefore be considered sustainable;
- Allowing this development would create a precedent for inappropriate development in other parts of the Conservation Area;
- Disposal of surface/storm water drainage, application proposes via a '*sustainable drainage system*', this is not acceptable all surface and storm water should be disposed of direct to the main sewer;
- Impact on trees on the site;
- The application is misleading in describing the site as part of 14 Market Place, as it has been in separate ownership for many years. Whilst part of the site may once have been part of the rear gardens/yards of no 14 Market Place, it was more recently wholly attached to no 13 Market Place;
- None of the buildings has any permitted or established use for planning purposes;
- Impact on the adjacent listed buildings.

Support

- Application seeks to establish a mixed use and retain a substantial heritage structure of the old print works;
- Proposal finds alternative use for dilapidated building;
- Proposal provides for affordable dwellings within the town, thus helping to reduce traffic and related problems;
- Application meets the requirements of the Devizes Neighbourhood Plan and the Wiltshire Strategic Plan and should therefore be supported;
- Support the proposal to restore and bring back into use the two-storey building as a single dwelling.

9. Planning Considerations

The only issues that can be considered in this application relate to the impact on the historic fabric, character and setting of the listed building and the conservation area. Matters such as the impact on amenity; highway considerations; parking and the stability of adjoining land are not material considerations in relation to this listed building application.

The building fronting the Market Place is a grade II listed early 19th century building. The building immediately to the rear of the principal building was used as the print works to the Gazette and Herald Newspaper. This building is considered to be curtilage listed due to its association with the principal listed building. It is a brick building with slate roof. The interior is simple and was clearly a place of work. Its significance lies in the building type as a print works, its fabric and its historical value as part of the newspaper industry and the local community of Devizes. The building has been further extended at the rear; this part is in very poor condition and a later addition, except for the western side wall which was the historic garden wall between this property and the neighbouring house No16 which is a grade II* listed building. The whole site lies within the Devizes Conservation Area.

The key issue is the impact of the proposals on the special interest of the listed buildings and character and appearance of the Devizes Conservation area.

In considering applications for listed building consent the Council has a statutory duty, under section 16 (2) of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the “desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”. In addition, the policies in Chapter 12 of the NPPF and Core Policy 58 of the Wiltshire Core Strategy (2015) are relevant in the determination of this application.

The main considerations are;

- the impact of conversion of the print works on the special interest of the listed building,
- the demolition of the remaining buildings to the rear of the site which all fall within the curtilage of the listed building
- the demolition and rebuilding of the listed garden wall.

The agent was advised that a background history to the construction and use of the building to help provide a description of the significance of the heritage asset would be required. Some further information has been provided on the history of printing on the site although the information on the significance of the fabric is limited.

In terms of the change of use of the property, following the relocation of the newspaper and changes in newspaper production, it is clear that a future for the building as a print works is highly unlikely. An alternative use of some form should be sought in order to safeguard the historic fabric of the important listed building.

In considering the change of use, reference to paragraph 89 of the Historic Environment Practice Guide is important, which states: *It is important that any use is viable, not just for the owner but also for the future conservation of the asset. Viable uses will fund future maintenance. It is obviously desirable to avoid successive harmful changes carried out in the interests of successive speculative and failed uses. If there is a range of alternative ways in which an asset could be viably used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear and likely future changes. The optimum viable use is not necessarily the most profitable one. It might be the original use, but that may no*

longer be economically viable or even the most compatible with the long term conservation of the asset.

At pre application stage, when two flats were proposed (one on each floor) concern was expressed that residential may not be very viable as the flats would be dark with limited external amenity and storage space. Also this could be compounded by the location of new houses to the rear. It was therefore suggested that office use of on the ground floor and residential above may be an appropriate way forward. The proposals have now changed to reflect this advice

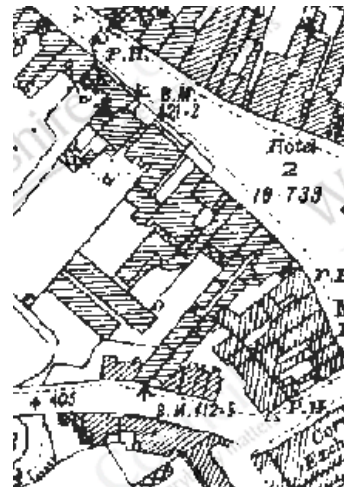
In terms of the changes to the fabric of the building this has been limited, with little subdivision and new windows and doors. Despite this the character and appearance will change from the rather derelict print works with exposed brickwork and timber boarding giving it its industrial appearance in order to upgrade to habitable and re-useable space. However the change is necessary in order to provide a viable use for the building. It is therefore considered that these works will comply with paragraph 134 of the NPPF as whilst there is some harm in terms of the potential loss of industrial character, the changes achieve a beneficial re-use of the building, which is a public benefit.

Demolition of the rear single storey building and demolition and rebuilding of the garden wall.

This building still falls within the curtilage of the listed building and appears to pre date 1948 and was used as an extension of the printing and newspaper production. It is therefore considered to be a designated heritage asset. Its western wall was originally the garden wall between this site and its neighbour No 16 and is therefore considered to be curtilage listed.



1st Edition OS late 19th Century



OS 1908 -33

During the site visit it was evident that the majority of the structure is in very poor condition with the roof collapsing and one of the side walls leaning to a dangerous degree. This application includes an assessment of the condition of the original boundary wall which is also in a poor condition and in need of substantial repair.



Photograph showing condition of garden wall

The main structure of the extension holds little architectural or historic interest. The boundary wall is of some significance and value. It is considered that the demolition of the main structure is uncontentious and it is evident that due to its condition the garden/boundary wall is in need of substantial rebuilding. This work should be carried out by re using the existing bricks and a traditional lime mortar.

10. Conclusion

The conversion of the former print works will safeguard this building from further deterioration and whilst there will inevitably be changes to the fabric of the building these have been limited. It is considered that the change is necessary in this instance in order to provide a viable use for the building. The demolition of the rear single storey building is acceptable as it contains little of historic or architectural interest and is in poor condition. It will allow for the substantial and necessary re-building of the boundary wall which is the most important part of the structure. It is considered that the works will comply with paragraph 134 of the NPPF as whilst there is some limited harm in the alterations to the print works from the loss of industrial character, the public benefits in securing a new use, and the rebuilding of the boundary wall outweigh these.

RECOMMENDATION

Approve subject to conditions

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.

2. No development shall commence on site until the details and, where requested, 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: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area and on the listed buildings.

3. Notwithstanding the approved drawings, no works shall commence on the new works until details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - Large scale details of all external joinery including(1:5 elevation, 1:2 section) including vertical and horizontal cross-sections through openings to show the positions of joinery within openings, depth of reveal, heads, cills and lintels;
 - Full details of external flues, background and mechanical ventilation, soil/vent pipes and their exits to the open air;
 - A full schedule and specification of repairs to the boundary wall;

The works shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and listed building consent the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the listed building and its setting.

4. The development hereby permitted shall be carried out in accordance with the application form, Heritage Statement (and Design and Access Statement) (MWA 13111 Rev A) (dated 2nd June 2015), Structural Report (dated 29th May 2015) Phase 2 Bat Survey (dated 9th June 2015) and the following approved plans: Site location plan, Proposed Block Plan, Proposed Site Layout (13111.11), Proposed elevations (13111.12), Proposals (existing building) (13111.05A) received on 8th June 2015.

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

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Application Number	15/05689/LBC
Site Address	14 The Market Place, Devizes, Wiltshire, SN10 1HX
Proposal	Conversion of first floor of former print works to 1 apartment; Alterations to ground floor of print works to retain B1 office use; Demolition of single-storey buildings at rear of site
Case Officer	Jonathan James

Map 1



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Date of Meeting	27 th August 2015
Application Number	15/05475/FUL
Site Address	Lanes Cottage, 36 High Street, Winterbourne Bassett SN4 9QB
Proposal	New dwelling to replace demolished dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access
Applicant	Mr T Iles
Parish Council	WINTERBOURNE BASSETT
Division	WEST SELKLEY
Grid Ref	409627 175240
Type of application	Full Planning
Case Officer	Nick Clark

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Milton in the event of a recommendation for refusal, for the committee to consider the scale of development, its visual impact upon the surrounding area and its design, bulk, height and general appearance.

1. Purpose of Report

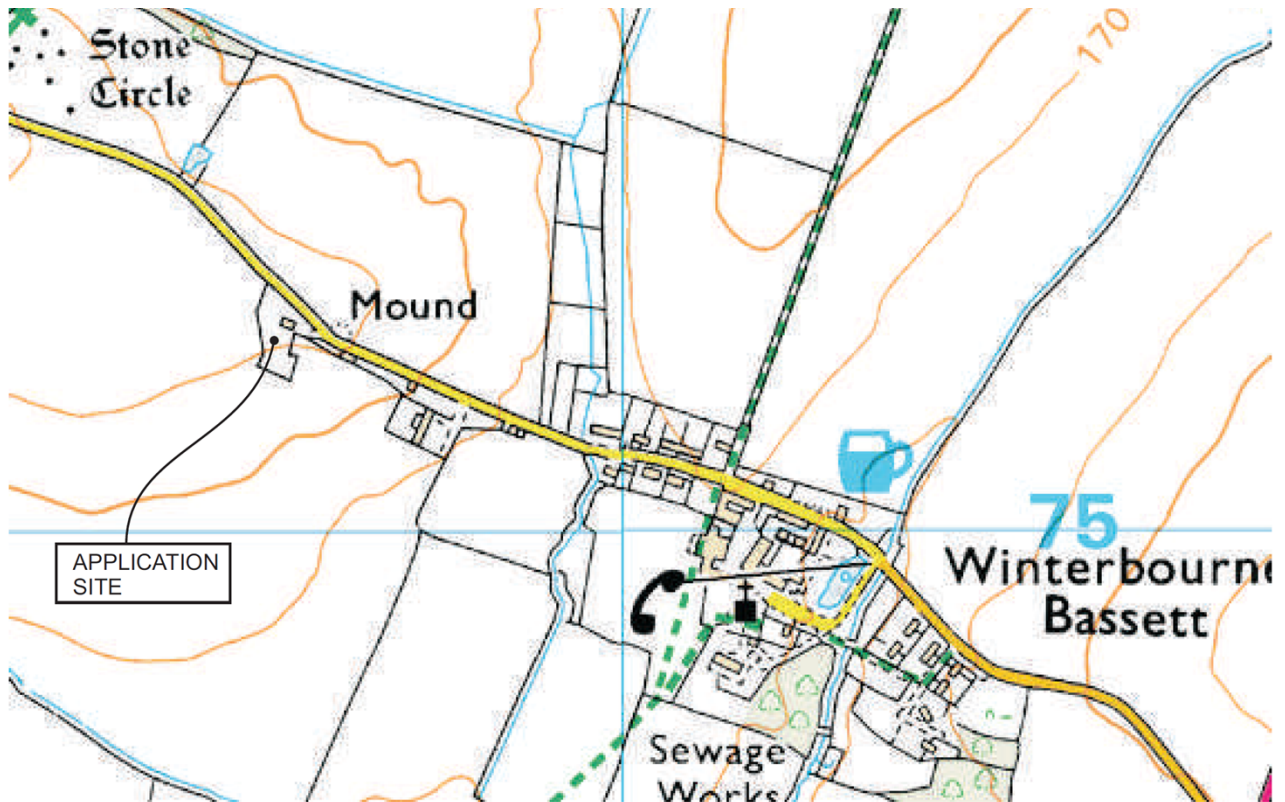
The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations, and the recommendation that the application be refused.

2. Report Summary

The main issues to be considered are the principle of a new dwelling of this size within the North Wessex Downs AONB where the previous dwelling has been demolished, and the size and impact of the dwelling proposed upon the rural character and landscape of the area.

3. Site Description

The c.1 hectare site comprises the c. 0.34 hectare garden and remains of the former Lanes Cottage, an extended 18th century 1½ storey thatched cottage, together with c. 0.66 hectares of additional surrounding former farmland. Lanes Cottage was substantially demolished by the applicant in April 2015 without the necessary permission of the local planning authority.



The site is located outside and to the north of the built up area of Winterbourne Bassett. Whilst there is a mature beech hedge screening the site from the road to the north, it is in an elevated position exposed to the rear to long views within the landscape from the south west, south and south east. The site is surrounded by open farmland to the south east, south and west and to the north on the opposite side of the road.

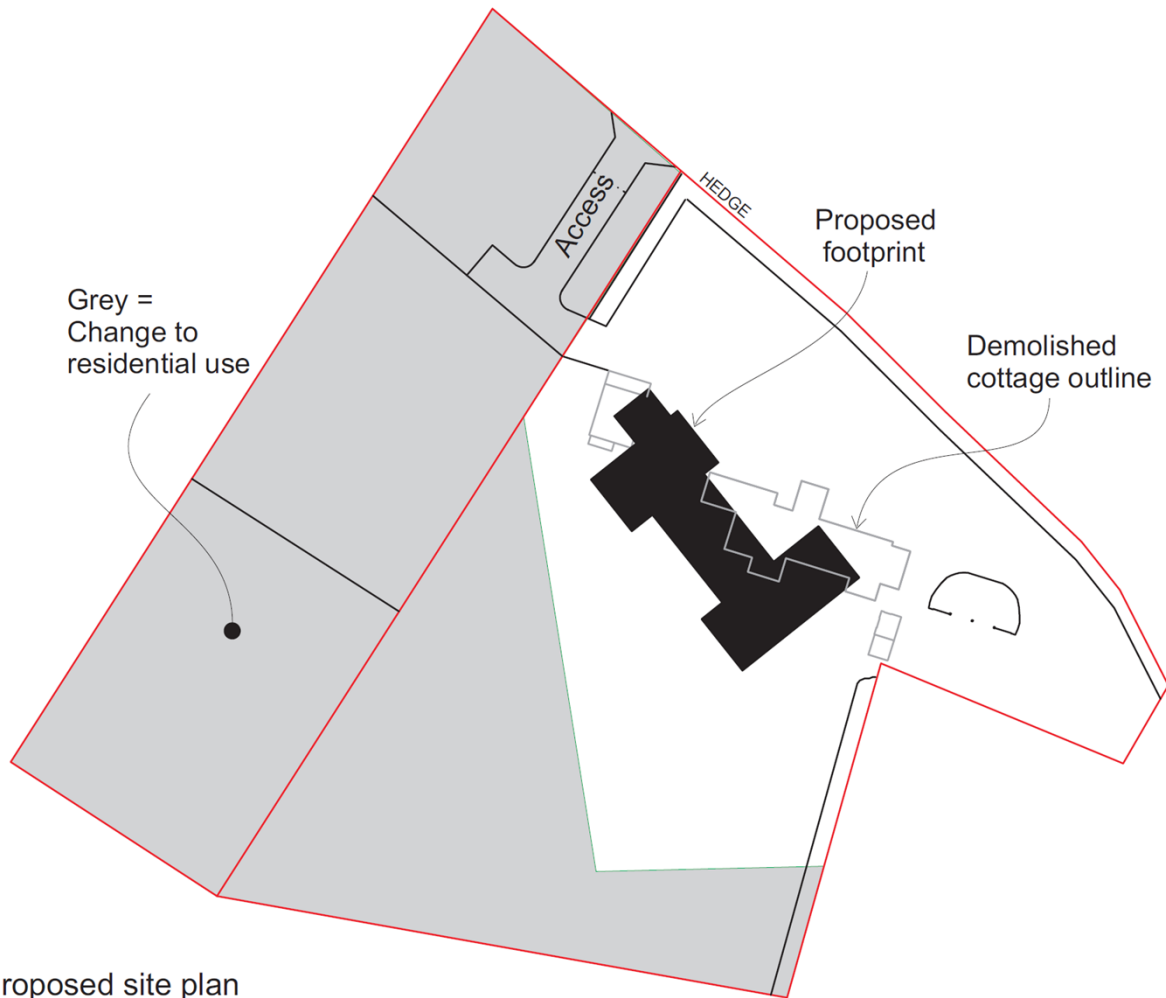
4. Planning History

K/81/0913	Extension and alterations to cottage	Approved
K/85/0357	Extension	Approved
K/15308	Single storey extension.	Approved
E/09/0661/FUL	Construction of detached garage	Approved
15/01427/FUL	New dwelling to replace existing dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access.	Withdrawn

The previous application (15/01427/FUL) proposed a replacement thatched cottage. Several amendments were made to the design during the course of the application, but the application was withdrawn prior to a decision being reached. It is understood that the application was withdrawn as the applicant was not satisfied with the size of the cottage as shown in the amended plans.

5. The Proposal

The current application departs from the materials of the original cottage and instead proposes a part red brick and part stone, with red tiles, 1½ storey dwelling. The application also proposes a change of use of c. 0.345 hectares of land from agriculture to residential for extended garden space for planting of orchard trees growing of vegetables and keeping of 'chickens, ducks and pigs etc'.



Proposed site plan

The 7.5m height of the dwelling would be the same as the previous thatched cottage, but the new dwelling would have a significantly increased footprint 2.13 times greater than the extended previous cottage. The large internal floor area of 556m² would be 2.85 times greater than that of the demolished cottage, and 4.5 times greater than the internal floor area of the original cottage (before it was extended).

Plans submitted also indicated a basement level of accommodation. Details of the basement were not provided however, and the stairs to the basement have since been omitted on revised plans received.

The application for a change of use of the land is to an extent retrospective, the additional land having reportedly been bought and segregated from the surrounding farmland by a previous owner of the site.

6. Local Planning Policy

The development plan in so far as is relevant to the proposal comprises the Wiltshire Core Strategy (2015) and saved policies of the Kennet Local Plan.

It could be argued that as there is no longer a viable dwelling on the site, (the owner having demolished it without permission), Core Policy 48, relating to new dwellings required to meet the employment needs of rural areas should apply. However, given the fact that the part of the site where the dwelling was situated still has the character of a residential curtilage, and that there is a domestic garage remaining, it is considered more appropriate in this case to apply the replacement

dwelling policy. This is the 'saved' policy from the Kennet Local Plan – policy HC25. This permits replacement of an existing dwelling which has not been abandoned where the site is closely related to the footprint of the dwelling it replaces and the scale of the replacement dwelling is not significantly larger than the original structure. The impact of replacement dwellings is an issue of particular relevance within the sensitive landscape of the North Wessex Downs AONB where the government's policy in the NPPF requires that 'great weight' be given to conserving the landscape and scenic beauty.

7. Summary of consultation responses

Broad Hinton & Winterbourne Bassett Parish Council

The demolition and complete disregard for rules has not been well received here.

(comments in full)

We hear that this application may already have been 'called in' by Wilts but we feel that the following comments should be brought to the attention of the planning authorities.

Overall the proposed plans look well thought out and although this is a big property the plot is substantial. No neighbours objected to the plan.

The application states the property is on mains drainage but it is not.

The offer of repairing the roadway is generous but it is felt that this is better left to WC and should blend in with the original roadway.

The application is for a rebuild which is clearly not the case. The previous property has been almost completely demolished and so presumably the application should be a new build?

The comment about ensuring that archaeology care is maintained is incorrect since the garden has been dug up along with most of the house having been demolished.

The direct neighbours have not received letters from WC about this application

The application makes reference to the new property being the same height as the existing property. Can this be assessed when the existing property has been mostly demolished?

Should this application be deemed as acceptable by the authorities we strongly feel that the height of the development should be limited and that the landscaping must be a critical factor to include within the agreement of the application.

Wiltshire Highways Officer	Although the access is sub-standard in visibility, no objection is raised due to there being no likely material increase in traffic.
Historic England :	No objection
Wiltshire Council Ecologist:	Objection – lack of ecological assessment
Wiltshire Council Archaeologist:	No objection subject to conditions to secure archaeological investigation

8. Publicity

The application has been publicised by way of a site notice posted outside the site, with letters sent to neighbouring properties..

3 letters of objection received from nearby residents, raising in summary the following points:

- The dwelling is too large – significantly larger than the previous
- Inaccuracies on the application form:
- There is no mains drainage
- The site is visible from the road
- There would be an increase in floorspace
- No plans have been provided for the proposed cellar (*NB - since corrected by revised plans that omit reference to a cellar*)

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 The principle of development

Case law makes clear that where a building on which a use of land relies has been demolished, the use associated with the building is extinguished. Whilst some small parts of the previous cottage remain, the dwelling has been substantially and effectively demolished, and no longer forms a dwelling. It could therefore be argued that the application must be treated as a new dwelling within the countryside.

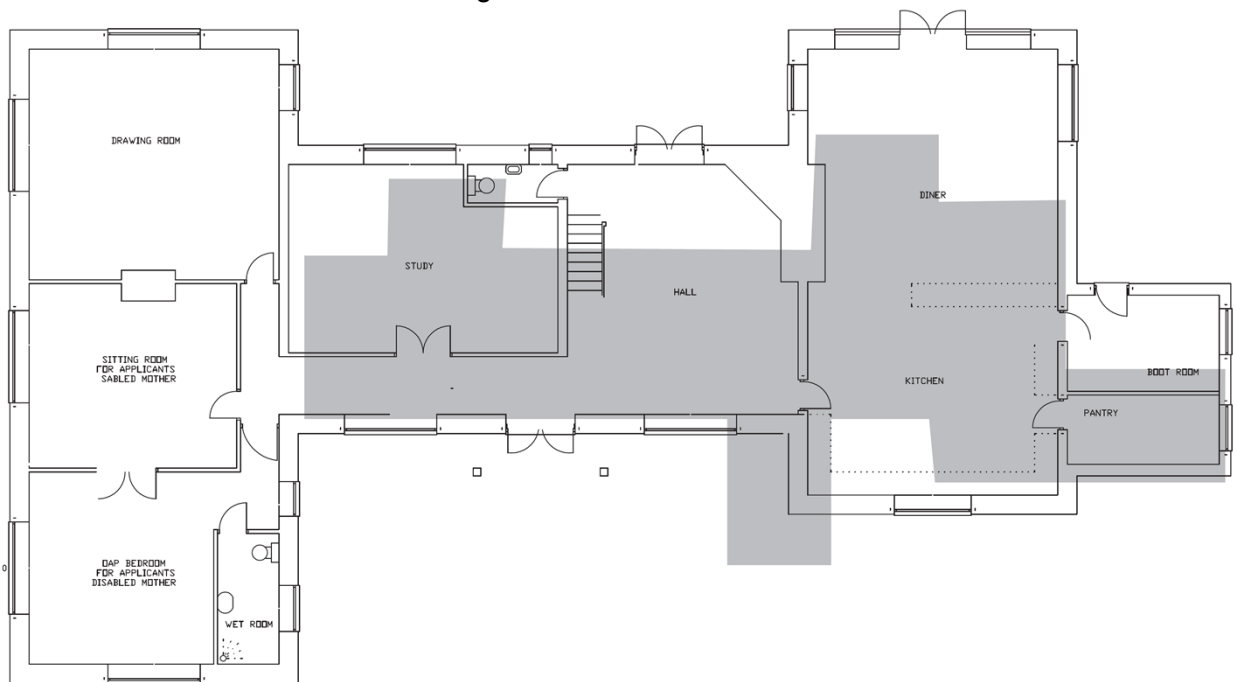
However, it is also a relevant material consideration that a cottage existed on the site until April 2015. In this respect, the character remains one of a residential curtilage, and on balance, it therefore seems appropriate to apply the replacement of existing dwellings policy of the development plan – policy HC25 of the Kennet Local Plan. This permits the replacement of an existing dwelling, but subject to the following criteria:

- a) the siting of the new dwelling is closely related to that which it replaces; and
- b) the scale of the replacement dwelling is not significantly larger than the original structure

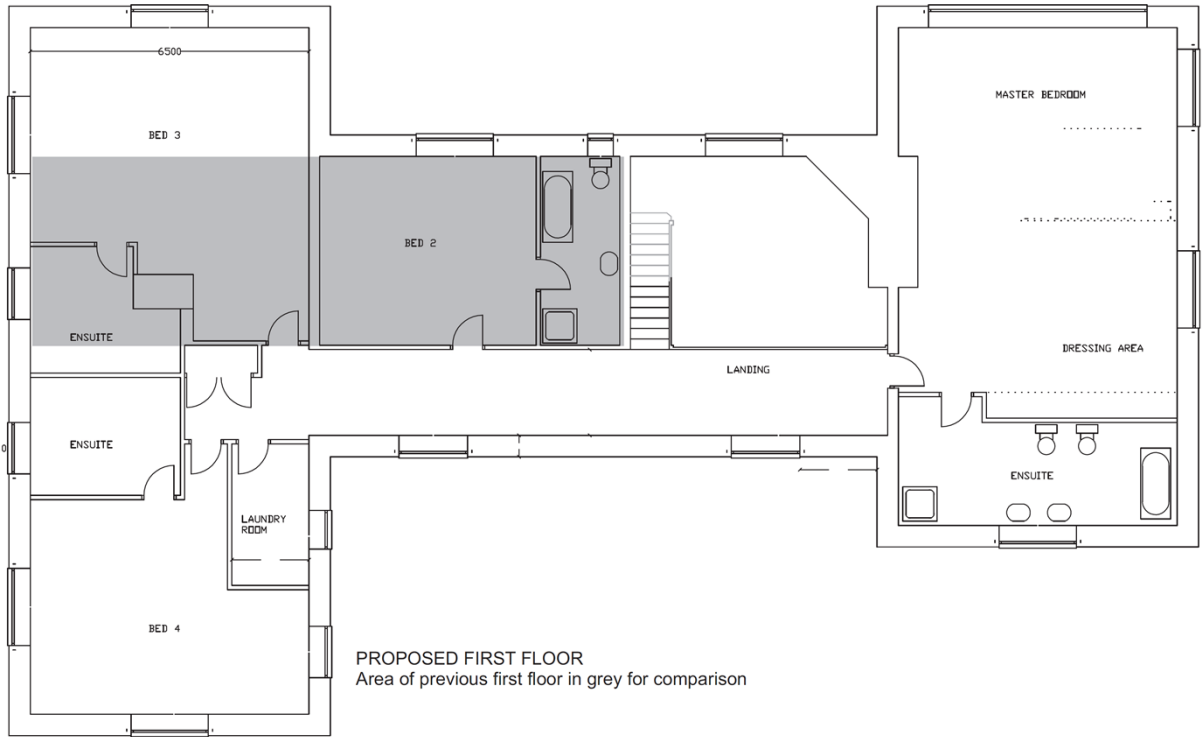
The table below compares the size of the proposed dwelling (column C) against that of the demolished cottage (column B). Whilst the dwelling would be of the same height, there would be a significant increase in breadth and depth, particularly at first floor and roof level, with a resulting increase in internal floor space of 185%. This is far beyond what would normally be considered to be 'not significantly larger'.

	A Previous cottage before extension	B Previous cottage as- extended (now demolished)	C Current proposal	% increase of C over B
Height	7.5m	7.5m	7.5m	0%
Breadth	14.8m	24.48m	32m	62%
Depth	5.4m	11.7m	17m	45%
Footprint	80m ²	158m ²	338m ²	114%
Internal floor space	121.4m ²	194.6m ²	556m ²	185%

The figures show a mathematically significant increase in the size of the dwelling proposed over that of the now-demolished cottage.



Proposed Ground floor with previous ground floor area in grey for comparison



9.2 Visual impact

Policy CP57 seeks amongst other things to ensure that development responds positively to its setting in terms of layout, built form, height, massing and scale and policy CP51 seeks the protection and where possible enhancement of the landscape. The setting within the North Wessex Downs AONB confirms the outstanding quality and national significance of the landscape.

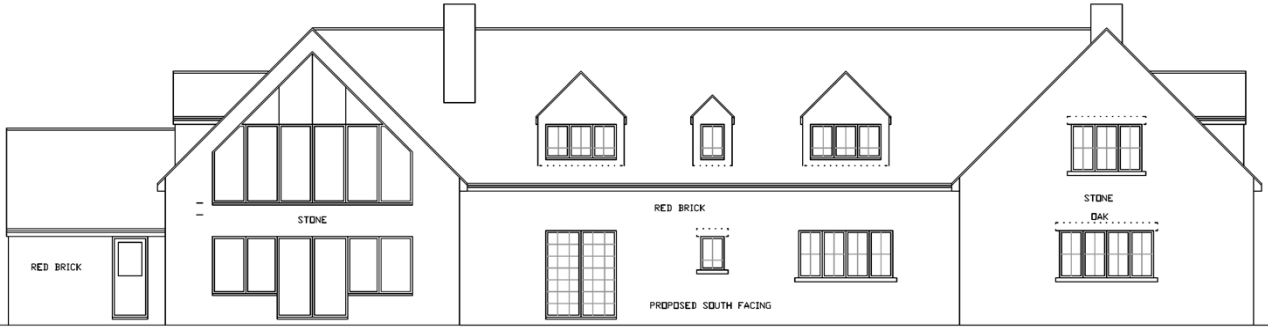
Whilst the site is currently well-screened from the adjoining public road by a mature beech hedge, it is open and visible from the surrounding countryside, including nearby public rights of way

The site is in an elevated position above the village of Winterbourne Bassett from where it is exposed to long views from the south, west and south-east. There is some relatively young planting around the site to the south, but again, there is nothing to secure its retention, and such planting is likely to be vulnerable to removal in order to preserve the 'breathtaking open views' from the site referred to in estate agent marketing literature. Whilst many of the public vantage points in these directions are relatively distant, the 32m length of the dwelling and the increased massing when compared to the previous dwelling would nonetheless be clearly noticeable and at odds with the scale of neighbouring dwellings to the east.



Proposed front elevation with the size of the previous cottage superimposed in grey for comparison

Matters of scale aside, the 1½ storey design does not readily lend itself to the scale of development proposed, with a resulting suburban design without any apparent basis in good examples of local architecture.



Rear elevation proposed

The application does not include a Landscape and Visual Impact Assessment and no additional landscape planting is proposed. Similarly no attempt is made by the applicant to justify the design approach that has been taken.

The Landscape Character Assessment for the area identifies the landscape as having ‘*an essentially rural, agricultural character within which only small-scale, sensitively-designed development, associated with existing built form*’ can be successfully accommodated without adverse landscape impacts. For the reasons above, the dwelling proposed is considered to be neither small-scale nor sensitively designed, and within the sensitive and exposed open rolling arable landscape setting, would be detrimental to the rural character and landscape of the area, contrary to Core Policy 51 and Core Policy 57, as well as Kennet Local Plan policy HC25 in as much as it can be considered material to the proposal.

Considering the change of use of land around the original garden area, subject to controls on further development of this land and controls over the nature of any boundary fencing or walls, it is considered that the change of use in itself would not materially impact on the landscape character of the area.

9.3 Ecology

The Council’s Ecologist raises objection to the proposal due to the absence of any ecological evaluation of the site. To an extent however this issue has been overtaken by the prior demolition of the previous cottage and the extensive working of the grounds by demolition plant and machinery. Given the extent of the site, it is likely that mitigation for any remaining ecological impacts (eg from demolition of the garage) could readily be accommodated within the site, and could thus be secured by way of a planning condition.

9.4 Access and parking

The dwelling proposes to make use of a relatively new access into the site. The Highways Officer notes that this provides sub-standard visibility, but that as vehicle movements would be comparable with potential movements from the previous dwelling, this would not warrant refusal.

The application suggests that the applicant is willing to ‘improve’ the adjoining roadway. Inspection suggests the road to be typical and adequate for a single track rural lane such that undefined proposals to change its condition are not considered to add any significant weight in favour of the

planning application, and indeed any works of 'improvement' could detract from the rural character of the area.

9.5 Archaeology

Whilst there has already been significant demolition disturbance at the site, Historic England is satisfied that the works would not harm the setting of the nearby Winterbourne Bassett Mound Scheduled Monument. The Council's Archaeologist is also satisfied that any remaining archaeological interest on the site itself could be adequately recorded and protected by way of planning conditions.

9.6 Loss of productive farmland

The NPPF advises that the council should take into account the benefits of the best and most versatile agricultural land. Given the relatively small area of land involved in the change of use, the loss of productive farmland would not support refusal of the application in this instance.

10. Conclusion (The Planning Balance)

The proposal is for a much larger house in terms of scale and size than previously existed before the unauthorised demolition of the thatched cottage. A replacement dwelling of this scale would conflict with the policy relating to replacement dwellings in the development plan. Furthermore, the significantly larger dwelling, located in an elevated position in the landscape exposed to long views, and with its suburban appearance, would be detrimental to the landscape character of the area and the AONB.

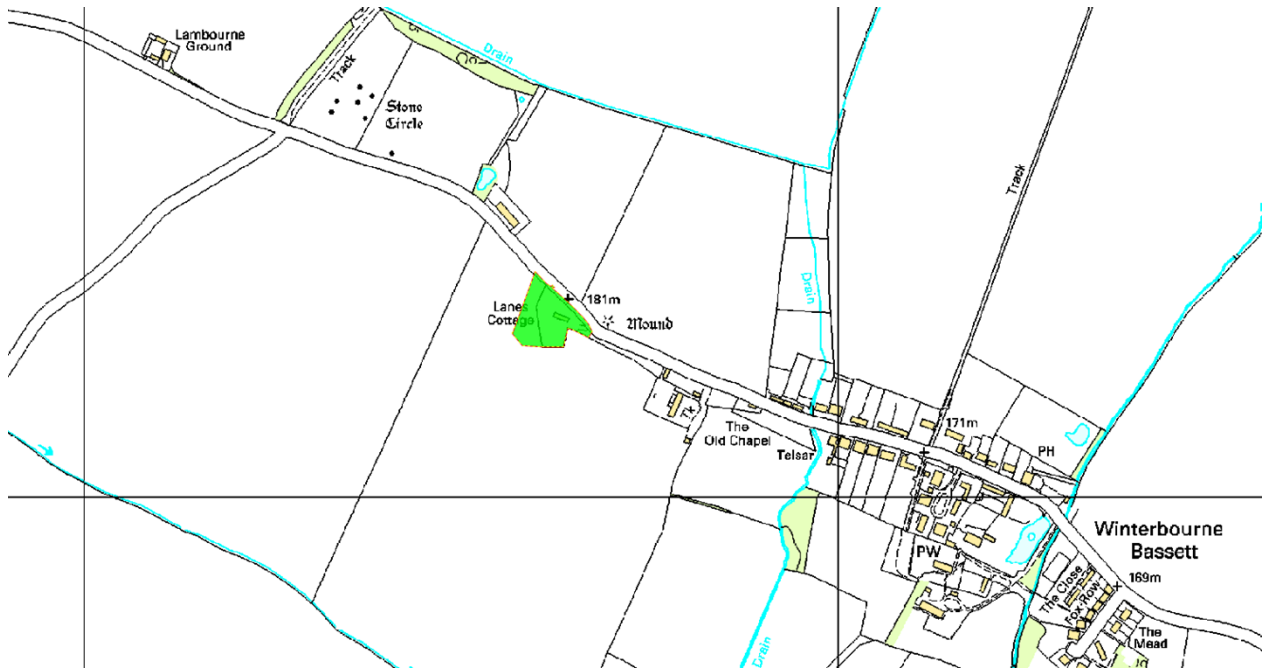
RECOMMENDATION

That the application be refused for the following reasons:

- 1) Whilst there was previously a cottage on the site, and the site retains a residential character, the dwelling would be significantly larger than the previous cottage and being in an elevated and relatively exposed position, would, due to its design and scale, be detrimental to the openness and rural character and landscape of the area, contrary to Wiltshire Core Strategy Core Policies 51 and 57, and due to its much larger size than the previous dwelling on the site, would conflict with the requirement of policy HC25 of the Kennet Local Plan, as saved by the Wiltshire Core Strategy. There are no material circumstances sufficient to justify approval of the application contrary to the development plan.

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Application Number	15/05475/FUL
Site Address	Lanes Cottage, 36 High Street, Winterbourne Bassett SN4 9QB
Proposal	New dwelling to replace demolished dwelling, with a change of use of agricultural land to residential use and further change of use of agricultural land to mixed use of agricultural and providing residential access
Case Officer	Nick Clark



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