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| 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.

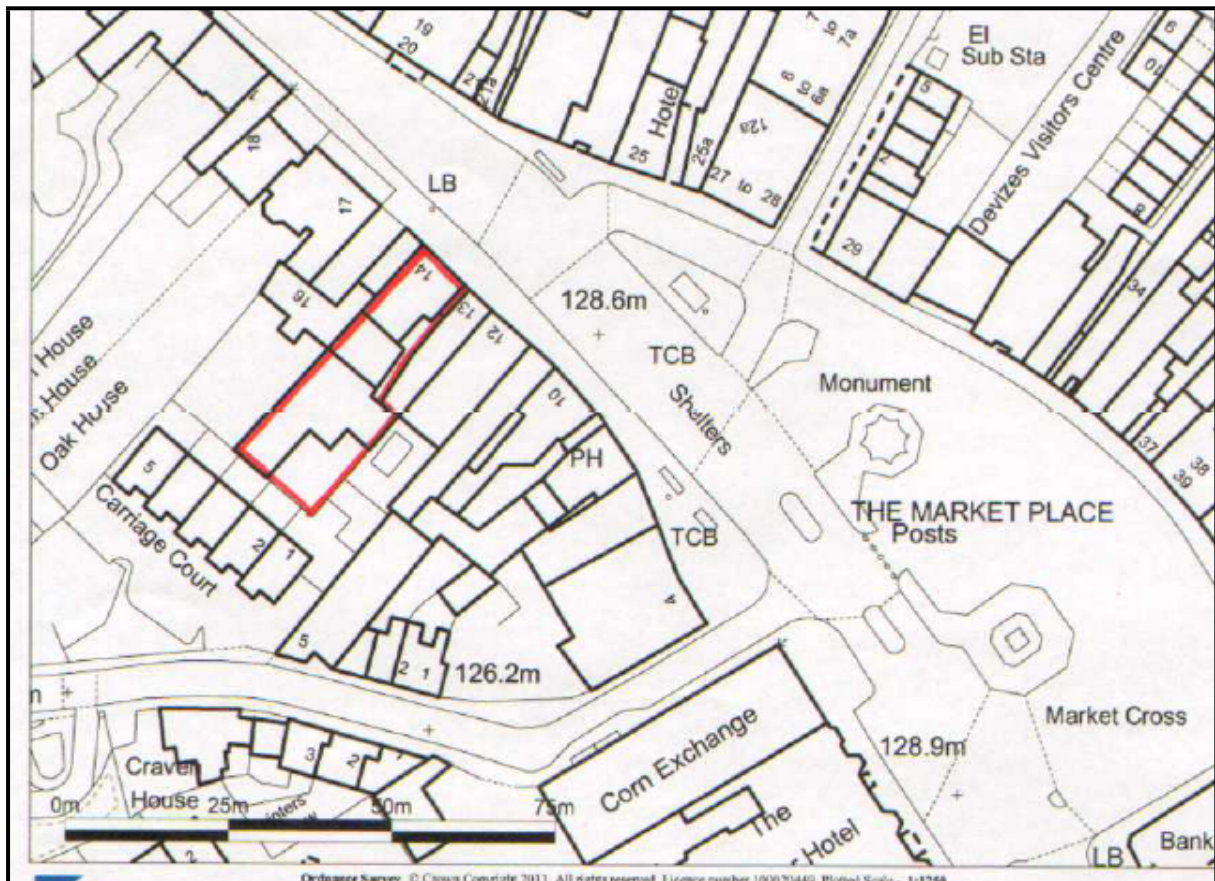
2. Report Summary

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.

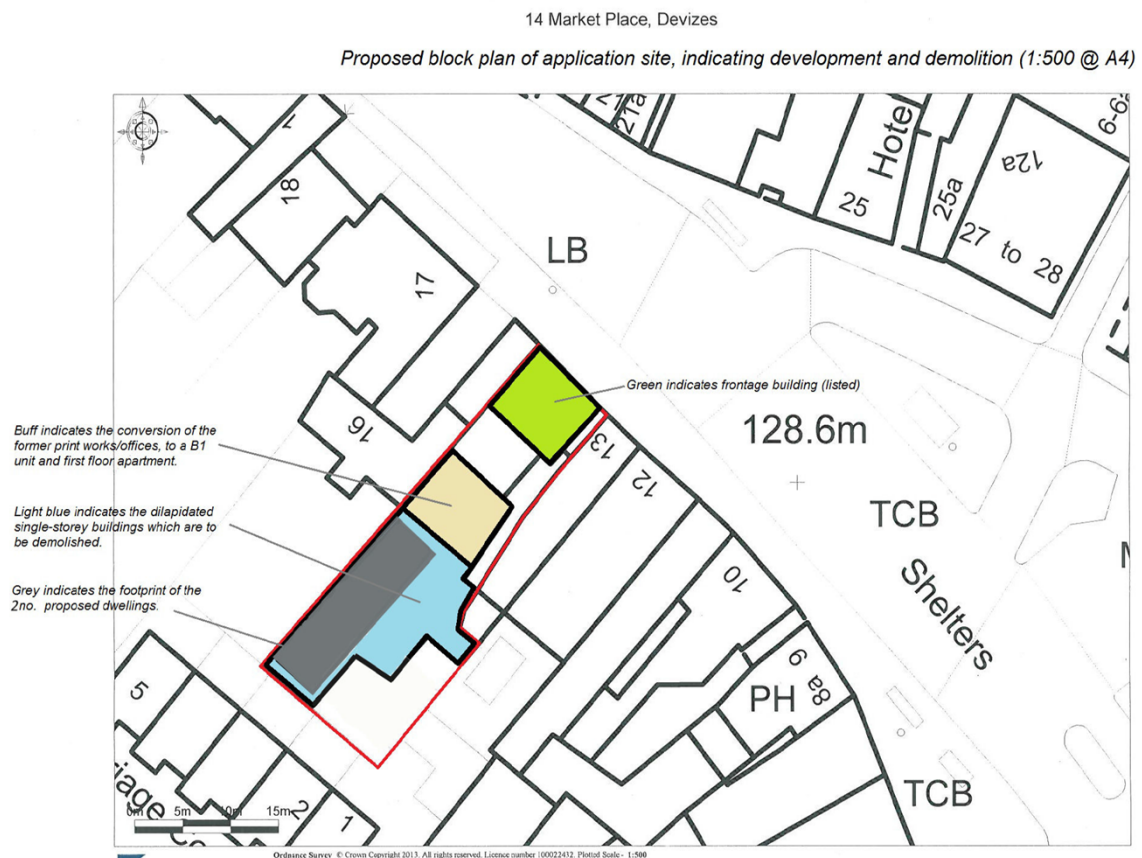
4. Planning History

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| 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.