

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2022/09459

Decision Date: 26 March 2024

Applicant: Martingate Corsham Ltd
The Stables Studio, The Spring, Market Lavington,
Wiltshire, SN10 4EB

Particulars of Development: Change of use from Bank to boutique hotel with ancillary
brasserie style restaurant and retail wine merchant at
ground floor, including additional new accommodation at
the rear of the building for kitchen and plant rooms,
demolition of more recent elements and minor alterations
to interior and exterior, together with the remodelling of
stone boundary wall and adjacent access stair from
service yard at rear to 1st floor flats of the Martingate
Centre also integrating a new enclosure to conceal refuse
bins, and the installation of a PV panel array at flat roof
over ground and south facing pitched roof over 1st floors
of the Martingate Centre with battery energy storage for
the onsite generated electricity.

At: 13 High Street, Corsham, SN13 0ET

In pursuance of its powers under the above Act, the Council hereby **GRANT**
PLANNING PERMISSION for the above development to be carried out in
accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework,
Wiltshire Council has worked proactively to secure this development to improve the
economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (15)

- 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.

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

SA97 01 PL site location plan
SA97 02 PL site block plan existing
SA97 10 PL ground floor plan – existing
SA97 11 PL 1st floor plan – existing
SA97 12 PL 2nd floor plan – existing
SA97 14 PL roof plan – existing
SA97 30 PL East _High St_ and West elevations_site section 3-3- existing
SA97 31 PL N and S side elevations – existing
SA97 32 PL approach from Post Office Lane service yard and car park - site section 2-2-existing
SA97 33 PL N and S car park_service yard elevations_site sections 4-4 and 5-5 – existing

SA97 002 PL site block plan - proposed
SA97 003 PL site layout at ground floor - proposed
SA97 004 PL site layout at 1st floor - proposed
SA97 005 PL site layout at 2nd floor - proposed
SA97 100 PL ground floor plan - proposed
SA97 101 PL revA 1st floor plan – proposed – received 03/01/2024
SA97 102 PL 2nd floor plan - proposed
SA97 104 PL roof plan - proposed
SA97 300 PL East_High St_ and West elevation_site section 3-3- proposed
SA97 301 PL N and S side elevations - proposed
SA97 302 PL approach from Post Office Lane service yard and car park _site sections 1-1 and 2-2 - proposed
SA97 303 PL N and S car park_service yard elevations_site sections 4-4 and 5-5 - proposed
SA97 400 PL Sections A-A_B-B_ showing East (High St) and West internal elevations - proposed
SA97 401 PL Section C-C showing new kitchen extension and internal elevations - proposed

SA97 604 PL proposed re-instated door to High St elevation
SA97 605 PL proposed new High St entrance door in existing opening
SA97 606 PL proposed re-instated windows in place of stone infill ground floor West elevation
SA97 607 PL proposed new window and stone infill at 1st flr North elevation
SA97 608 PL proposed new window in blank stone wall at ground floor South elevation
SA97 609 PL proposed new level access entrance door at ground floor West elevation
SA97 610 PL proposed new level access and courtyard door at ground floor West elevation

(all received 08/12/2022 unless otherwise specified)

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

- 3 No part of the proposed extensions and / or external works shall commence above slab level on site until the exact details and 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 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.

- 4 No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;
3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works;
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries; and
10. pre-condition photo survey.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: 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.

- 5 No building or use hereby permitted shall be occupied or use commenced until details of the total number of car parking spaces, the number/type/location/means of

operation and a programme for the installation and maintenance of Electric Vehicle Charging Points and points of passive provision for the integration of future charging points has been submitted to and approved in writing by the Local Planning Authority prior to construction of the above ground works. The Electric Vehicle Charging Points as approved shall be installed prior to occupation and retained in that form thereafter for the lifetime of the development.

Reason: To promote sustainable travel, aid in the reduction of air pollution levels and help mitigate climate change.

- 6 No part of the development shall be brought into use until a scheme containing full details of arrangements for internal air extraction, odour control and discharge to atmosphere from cooking operations, including the location and appearance of any external ducting and flues has been submitted and approved by the Local Planning Authority. The scheme must include full technical details and a risk assessment in accordance with Appendix 2 and 3 respectively of the EMAQ 'Control of odour and noise from commercial kitchen exhaust systems' Guidance (Gibson, 2018). It is recommended that the ventilation system is designed to discharge vertically at a height of at least 1m above the height of any nearby sensitive buildings or uses and not less than 1m above the eaves.

Reason: To ensure the retention of appropriate living conditions for occupiers of nearby residential properties.

- 7 Prior to occupation or use of any outdoor area, a Management Plan detailing the use, operation and management of the outdoor areas, including details as to how the restaurant garden and non-social gardens are to be used and how any prolonged 'raised voices' will be managed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the retention of appropriate living conditions for occupiers of nearby residential properties.

- 8 The use of the outdoor areas hereby permitted shall cease by 22:30 at the latest on every day of the week (without exception) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the an appropriate level of amenity is achieved in the surrounding environment in the interests of the amenity of the area.

Notwithstanding the submitted External Lighting Strategy, no external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will ensure light pollution will be reduced compared to the existing situation.

REASON: To avoid illumination of habitat used by bats.

- 10 The development hereby permitted shall not be brought into use until the bin store and recycling facilities shown on the approved plans have been provided and made available for use. These facilities shall thereafter be maintained in accordance with the approved details.

REASON: To ensure the provision of satisfactory facilities for the storage of refuse and recycling.

- 11 Suitable and appropriate provision shall be made to ensure that access to both the existing first floor residential accommodation, and to the rear nos.15/17 High Street, is available throughout the duration of the construction works.

REASON: To ensure appropriate access is maintained for existing occupants / users of those buildings.

- 12 The development shall be carried out in strict accordance with the approved Noise Impact Assessment (31 October 2023) and associated Supplement (dated 14 March 2024). The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure the retention of appropriate living conditions for occupiers of nearby residential properties.

- 13 The development will be carried out in strict accordance with the following documents:
- Section 5 of Bat Survey Report, 13 High St, Corsham, Date: 29 November 2022 by Abricon Ltd
- Section 5 of Bat Survey Report, 13 High St, Corsham (PV PANELS), Date: 27 June 2023 by Abricon Ltd

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

The biodiversity mitigation and enhancement measures will be incorporated into the development in accordance with:

- Section 5 of Bat Survey Report, 13 High St, Corsham, Date: 29 November 2022 by Abricon Ltd
- Section 5 of Bat Survey Report, 13 High St, Corsham (PV PANELS), Date: 27 June 2023 by Abricon Ltd

The installation of these features will be supervised by a professional ecologist and this part of the condition will be discharged when photographic evidence of installed features have been submitted to and approved in writing by the local planning authority. These measures will continue to be available for wildlife for the lifetime of the development.

- 15 The development shall be carried out in strict accordance with the approved Energy and Sustainability Statement (November 2022). The details as approved shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure the development is meets the challenges of climate change.

Informatives: (8)

- 16 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
- 17 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required, it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.
- 18 Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
- 19 The applicant is advised that the development hereby approved may represent

chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply, and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

- 20 There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.
- 21 The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 22 The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August

inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

- 23 This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) (England) Regulations, 2007 or under any Regulation revoking and re-enacting or amending those Regulations, including any such advertisements shown on the submitted plans.

Parvis Khansari - Corporate Director, Place

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk
- 4 **CIL.** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy

