

REPORT FOR EASTERN AREA PLANNING COMMITTEE

Date of Meeting	10 th March 2016
Application Number	15/12362/FUL
Site Address	The Drummer Boy, Church Street, Market Lavington, Wiltshire SN10 4DU
Proposal	Change of use and conversion of existing Public House to two 3 bed dwellings, and erection of 1 two bed dwelling to rear of site, with associated amenity space and parking
Applicant	Bentley Slade Ltd
Town/Parish Council	MARKET LAVINGTON
Electoral Division	THE LAVINGTONS AND ERLESTOKE – Cllr Gamble
Grid Ref	401446 154086
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

This application is brought to committee at the request of Divisional Member, Cllr Gamble.

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 to consider the recommendation that the application be granted planning permission.

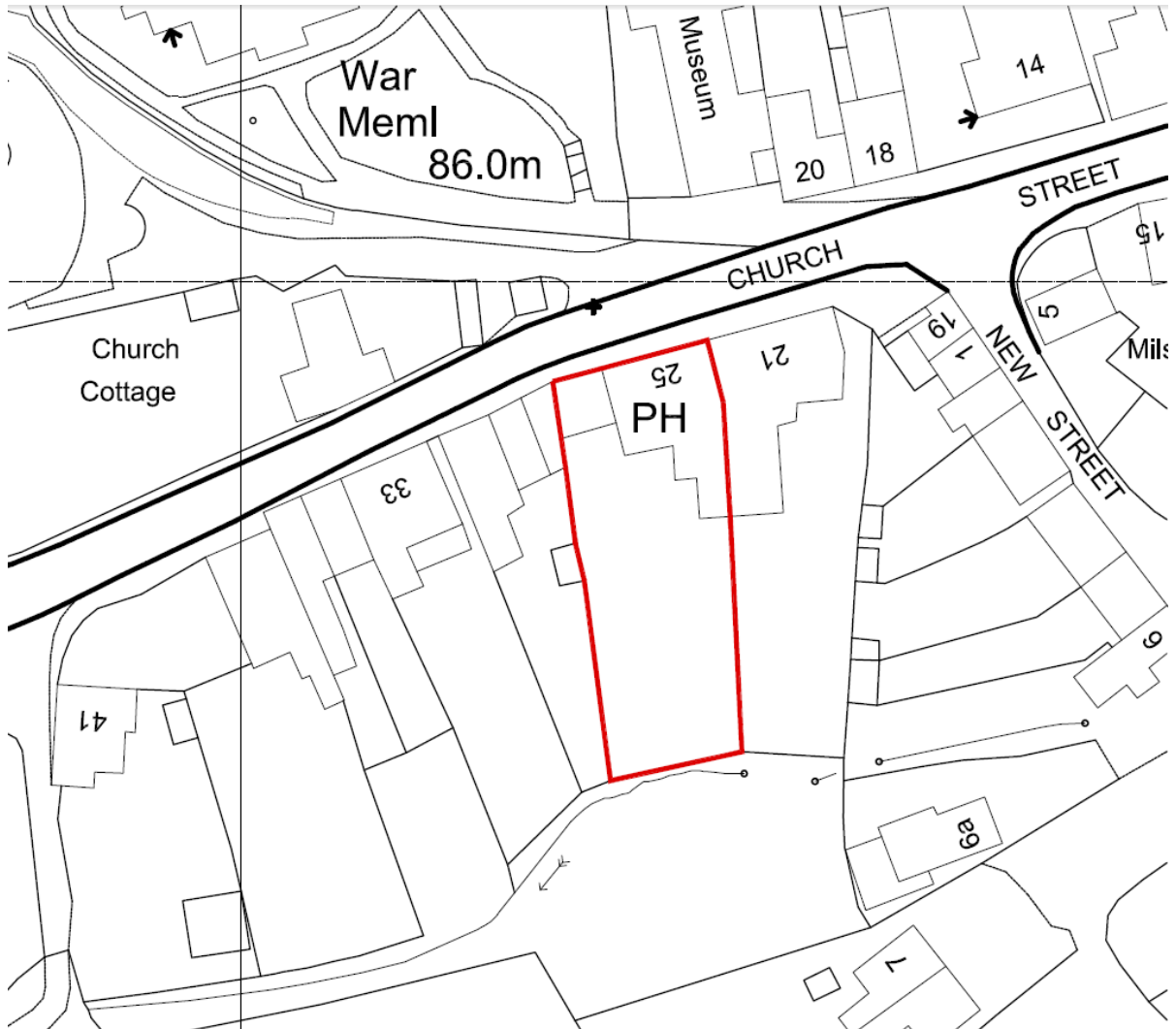
2. Report Summary

The key issues for consideration are the principle of development (whether it is located in a sustainable location supported by national and local planning policy), the design of the building and its impact on the character and appearance of the area, notably, the Market Lavington Conservation Area, the impact on highway safety/parking provision and that of neighbour amenity.

3. Site Description

The site concerns the Public House called Drummer Boy and the land associated with it on Church Street in Market Lavington. The site is surrounded by existing houses to the east and west with some housing beyond a field to the south of the site. To the north lies Church Street, the church and further housing. In planning policy terms the site is within the Limits of Development of the settlement. The site also lies within the Market Lavington Conservation Area. There are no other landscape or heritage designations covering the site.

Below is a map of the location of the site with some photographs.





VIEW FROM FRONT OF SITE



VIEW FROM REAR OF SITE

4. Relevant Planning History

- 15/01222/PREAPP Change of use and conversion to 2 residential dwellings. Erect 2 residential dwellings on land to rear with associated gardens and parking.
- 15/04084/FUL Change of use and conversion of existing public house to two 3 bed dwellings, and erection of two 2 bed dwellings to rear of site, with associated amenity space and parking. Application was refused on 22nd July 2015 due to concerns over the design/layout/conservation impact of the proposal and the lack of private amenity space.

5. The Proposal

The application proposes the change of use and conversion of existing public house to two 3 bed dwellings, and erection of one 2 bed dwelling to the rear of the site, with associated amenity space and parking.

The new dwelling will measure approximately 9.4 metres in length, 4.8 metres in width and 6 metres in height. It is to be constructed out of facing brickwork in a traditional bond and plain clay tiles to match existing local buildings.

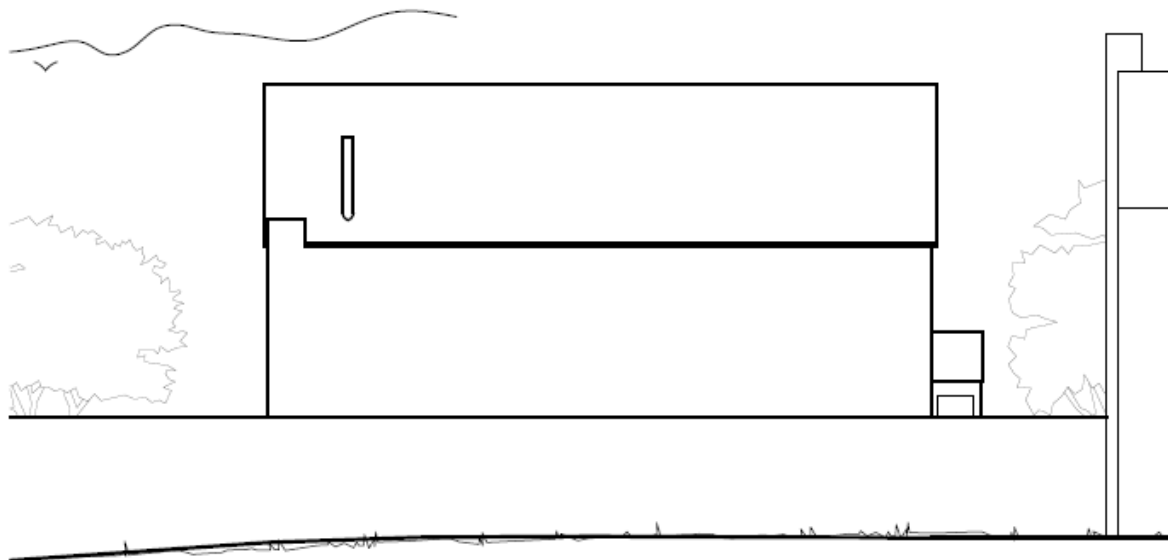
Access will be as existing with the proposed development being served by 6 parking spaces (2 per dwelling). No visitor parking has been provided.

During the course of the application, amended plans have been received to revise the boundary treatments to the plots. Whilst some of the close boarded fencing has been retained, the use of brick walling and hedging has been introduced in the revised proposal at the request of officers due to visual amenity concerns.

Below are the proposed elevations of the new dwelling.



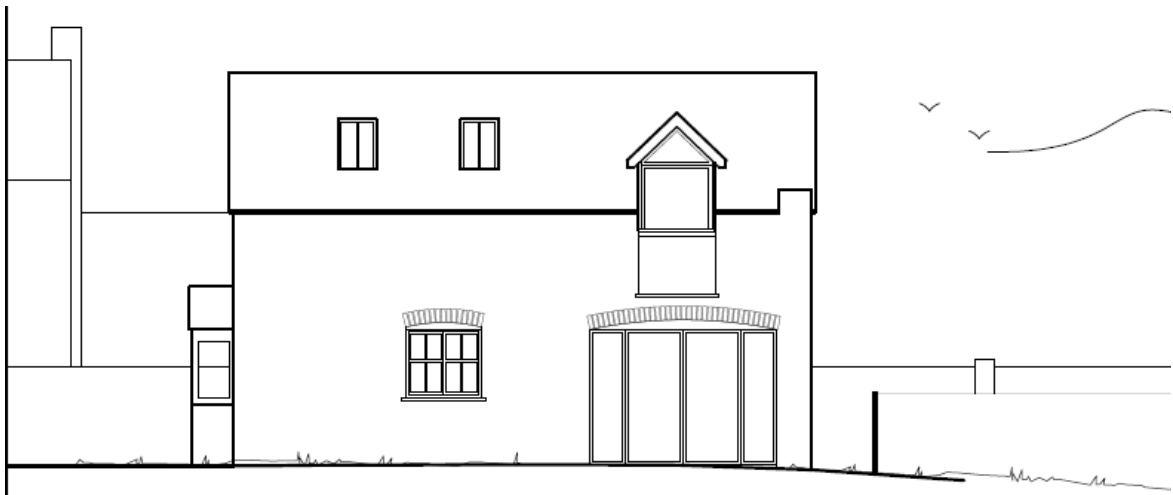
North Elevation



East Elevation



South Elevation



West Elevation

6. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core3 Policy 12 – Devizes Community Area
- Core Policy 49 – Protection of Rural Services and Community Facilities
- Core Policy 51 – Landscape
- 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 New Development
- Core Policy 64 – Demand Management

National Planning Policy Framework 2012

Supplementary Planning Guidance

- Market Lavington Conservation Area Statement (July 2002)
- Local Transport Plan 2011-2016 – Car Parking Strategy

Above the various tiers of planning policy and guidance is the over-arching statutory requirement under The Planning (Listed Buildings and Conservation Areas) Act 1990 to give **special regard** to the desirability of preserving the character and appearance of the conservation area (s.72).

7. Summary of consultation responses

Market Lavington Parish Council

Whilst we accept that it is reasonable to develop the former public house, the Parish Council strongly object to any new development to the rear of the site unless an alternative access can be created.

The Parish Council would like to re-echo its concerns regarding the manifestly dangerous and deeply inadequate access to the rear of the site, which if used, would put users, passing vehicles and pedestrians at considerable risk. The access way is very narrow and does not allow vehicles to pass each other on entry/exit. Visibility on exit is extremely limited. Vehicles exiting the site would have to encroach on the opposite side of the road in order to make the turn to the left. The exit is also at a constricted part of Church Street already subject to congestion, further exacerbating existing traffic issues.

Although reference is made in the planning application to the prior use of the building as a Public House, and the supposed subsequent vehicular movements associated with such an activity, in the Parish Council's experience and knowledge of the area in question, we reiterate the fact that the rear car-park was seldom used by customers due to the points detailed above.

The Parish Council note that the refusal of the previous planning application for this site was not objected to on Highways grounds. From the Case Officer's report it is noted that the Highways Officer based his/her decision on 'the information provided'. However, it is unclear if this decision was based merely on the information received from the applicant, or if an on-site inspection was carried out. The Parish Council respectfully request that before a decision is made regarding highways issues for this planning application, a site inspection is carried out, and full account is taken of local knowledge and historical facts.

Wiltshire Council Conservation Officer

The Conservation Officer is of the view that the proposal will not cause any adverse harm to the character and appearance of the conservation area or the setting of the non-designated heritage asset. If the application is approved they recommend conditions to cover materials and joinery details.

Wiltshire Council Highways Officer

I note that this application proposes to reduce the additional units from 2 to 1.

The highway position remains the same.

I acknowledge that the access is narrow and lacking visibility however there is the fall-back position of a public house and though I note that local information states that the car park was not well used the planning use could at some point be re-opened and attract vehicular movements (for example a pub with restaurant) without any highway comments being sought.

I am minded to adhere to the previous highway request for a Construction Management Statement to be conditioned to ensure that during construction/conversion the adjacent highway is protected as much as possible from hindrance.

I will also require the parking to be conditioned as shown on the submitted plans.

Wiltshire Fire and Rescue Service

Standard advice and guidance.

8. Publicity

The application has been advertised by way of a site notice and consultations with the neighbours.

Letters of representation – Two letters of objection has been received. The following points have been raised:

- Dangerous access
- Height of proposed dwelling
- Visual impact
- Construction traffic concerns given the existing access constraints
- Traffic congestion on main road during construction
- Noise and disturbance from development affecting enjoyment of garden
- Visible from road – harm to conservation area
- Virtually twice the height of neighbouring garage which was reduced to take account of conservation area impact and it will be much more visible
- Loss of privacy as new dwelling is hard up to the boundary
- Visual impact – loss of view to Salisbury Plain from neighbouring garden

1 letters of support has been received. The following points have been raised:

- Parking problems when operating as a pub
- Parking on double yellow lines causing congestion
- Blocking of access to property
- Use of site for housing would have far less traffic impact

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 Principle of Development

The site is located within the Limits of Development of Market Lavington where under Core Policy 2 of the WCS there is a presumption in favour of sustainable development. The issue of the viability of the pub was reviewed under 15/04084/FUL and its loss was considered acceptable as it accorded with the terms of Core Policy 49. As such, the principle of new residential development and the conversion of the pub to residential use is considered acceptable subject to conformity with other relevant policies in the development plan.

9.2 Design / Impact upon the Character and Appearance of the Conservation Area

S.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to give special regard to the desirability of preserving or enhancing the character and appearance of the conservation area when exercising their functions. In addition, the policies in Chapter 12 of the NPPF and Core Policies 57 and 58 of the Wiltshire Core Strategy are relevant to these proposals, in terms of protection of non-designated heritage assets and the character and appearance of the conservation area. Core Policy 57 is also the design policy and seeks to ensure a high standard of design is met across all new proposals. Since the design of the scheme and its impact on heritage assets is so intrinsically linked, these issues have been considered in the same section.

The historic pattern of development in Market Lavington saw buildings located on the main road through the settlement (High Street and Church Street) with large burgage plots to the rear. Some of these plots have small linear ancillary buildings to the rear which follow the line of the burgage plot. This historic pattern of growth is still evident today in the properties on Church Street surrounding the development. The large green spaces behind the buildings provide an attractive setting for the frontage buildings and offer views out into the countryside. Despite the rear being a car park presently and of low landscape value, it is still an open linear space to the rear of the public house in conformity with the character of the area. In general, the description above is what defines the character and significance of this part of the Market Lavington Conservation Area and its appearance – the test being, whether the proposal will preserve or enhance this character and appearance. In accordance with paragraphs 132-134 of the NPPF any identified harm to this heritage asset will need to be weighed against the public benefits of the scheme.

No external alterations are proposed to the front of the building. As such, no concerns are raised in this regard as the design/impact remains as existing. On page 3 of the Design and Access Statement the following is cited with regards to the rear elevation of the Public House:

“To the rear, where the numerous modern outbuildings will be demolished, historic windows will be replaced to match the existing pattern and materials – this is most obvious to the first floor. Where numerous openings have been knocked through the historic fabric to allow access to a variety of outbuildings, these are combined to create larger openings, again using materials to match the existing.”

From a design point of view, there are no concerns with the proposed treatment of the rear elevation as detailed above. Additionally, the changes to the existing building will not have a harmful impact on the character and appearance of the building or the significance of the non-designated heritage asset. Indeed the removal of the 20th century additions will improve the appearance of the rear façade of the building which can be seen as a conservation benefit.

A previous scheme for two houses at the end of the garden sited across the burgage plot was refused due to the adverse impact this would have on the character and appearance of the conservation area. This revised proposal is for only one new dwelling which is sited closer to the principal building than the previous scheme and runs along the side boundary. The revised location for one house is more akin to the historic pattern of development in the conservation area as it follows the line of the burgage plots rather than cutting across it. Furthermore, the historic map below shows that there were some outbuildings in this area at the beginning of the 20th century.



The proposed new house would be sited some distance from the rear of the front building and beyond the building line of the neighbouring extension/outbuilding. This location is proposed in order to maintain amenity space for the house which forms part of the conversion scheme. Whilst it would be more desirable to site the building closer to the rear of the Drummer Boy, it is considered that this would give rise to other planning issues. This building is higher than a traditional outbuilding but similar to the neighbouring property in terms of height and bulk. The design details of the new house are drawn from other outbuildings in the village and reflect the character and appearance of the locality. In considering the new house in the context of the removal of

the rear additions to the Drummer Boy, the history of buildings on the plot and the size and design of the new build, it is considered on balance that the scheme would not harm the character and appearance of the conservation area or the setting of the heritage asset.

Whilst backland development was raised as a concern under the previous scheme for residential development to the rear of the pub, these concerns were more in relation to the number and position of the dwellings. It is accepted that some limited backland development has occurred in Market Lavington but where so, it has primarily reflected the historic development of the burgage plots, as has now been demonstrated with the revised proposal.

It therefore complies with paragraph 134 and 137 of the NPPF and Core Policies 57 and 58 of the Wiltshire Core Strategy. Control over materials, joinery, rooflight design and landscaping details is recommended by way of conditions in the interests of preserving the character and appearance of the conservation area and achieving high quality design.

9.3 Parking and Traffic

Until a planning permission is granted on the land, the use of the site is still classified as a public house. To the rear of the public house is a car park for staff and patrons. In the event the public house was to be re-opened, the fallback position on the site is that the area to the rear of the pub could be used for parking purposes (notwithstanding how the pub chose to utilise the parking spaces to the rear). The Council is duty bound to consider the fallback position if there is a reasonable chance of it being implemented, and that such use or development would be less desirable than that for which planning permission is sought. In this instance the site already has valid permission to be used as a pub. It has also been established under the previous refusal (15/04084/FUL) that the potential use of the access if the site operated as a pub would be greater than if used for residential purposes (calculation based on number of trips for a rural pub vs. number of trips for a dwellinghouse in a given day).

Officers are of the opinion, however, that the access through the archway is unsatisfactory. It does not consider this access to be safe or indeed desirable. Notwithstanding this concern, given the established fallback position, officers do not consider able to cite this as grounds for refusal. This is because the fallback position would have a materially worse impact through its potential to warrant greater use of the access by vehicular traffic. As such, officers are unable to raise the matter as a ground for refusal. Furthermore, the scheme as proposed is for 1 less dwelling than the previous application (15/04084) where a highway safety reason for refusal was not cited. It is the opinion of officers that significant new information has not come to light and therefore, to introduce the point now would be unreasonable.

The Council's Highways Department has recommended a condition in the event the application is approved to ensure parking and turning areas are laid out and maintained in accordance with the approved drawings. They have also requested a condition to ensure the submission of a construction management plan.

9.4 Neighbour Amenity

The scheme would provide for satisfactory amenity space for the new dwellings which accords with the Council's generally accepted rule of 50m² per dwelling. In addition, it has been demonstrated on the submitted plans that reasonable standards of light to the proposed amenity spaces throughout the year can be achieved.

There would be no amenity impacts associated with the conversion of the existing pub to residential. A residential use would be compatible with the adjoining neighbours and the windows would not introduce any possible overlooking concerns above and beyond the existing relationship – the openings being the same as existing.

Windows at first floor in the new dwelling are orientated such that there will be no detrimental loss of privacy to surrounding properties. However, there is a potential through the exercising of permitted development (PD) rights to cause direct overlooking if windows were to be installed in the rear elevation (currently none are proposed). As such, it would be prudent to remove PD rights for new openings above ground floor level in the rear elevation in the interests of preserving No. 21's privacy levels.

The height and scale of the new dwelling is such that it will not cause an adverse loss of light to the neighbouring properties, nor will it have an overbearing impact.

Neighbour comments have been raised regarding the significant visual harm the proposal would cause to their property. The impact arising would be to a private view which is not something the planning system can take account of.

The proposal is therefore considered to be in accordance with the requirements of Core Policy 57 in relation to neighbour amenity.

10. CIL contributions

The development as proposed would be CIL liable in accordance with Table 2.1 of the Wiltshire CIL Charging Schedule May 2015. The CIL informative should be attached to any planning permission granted.

11. Conclusion (The Planning Balance)

The scheme is considered to be of acceptable design having no likely adverse impacts upon the reasonable living conditions of the occupiers of adjoining residential properties. The public benefits of the scheme are considered to outweigh the identified harm to the Market Lavington Conservation Area. No severe harm has been identified through lack of parking or associated traffic impacts given, as highlighted above, the fallback position. The proposal is therefore in general accordance with the criteria of the policies of the WCS and central government policy contained within the NPPF.

Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise (NPPF para 11). The proposal does accord with the development plan (the WCS) and no other material considerations have been identified. As such, the application is recommended for approval subject to any of the conditions outlined in this report.

RECOMMENDATION

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

Application Form

Design and Access Statement

Block & Site Location Plans - Drg No. 5

Existing Site & Buildings - Drg No. 6

Proposed Site Plan - Drg No. 10 Rev D

Proposed Floor Plan - Drg No. 11 Rev A

Visuals - Drg No. 12 Rev C

Visuals - Drg No. 13 Rev D

Elevations - Drg No. 14 Rev C

Proposed Pub Elevations - Drg No. 16

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

- 3 No development shall commence on site until the exact details and samples of the materials to be used for the external walls (including any boundary walling) 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.

4 No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- * location and current canopy spread of all existing trees and hedgerows on the land;
- * full details of any to be retained, together with measures for their protection in the course of development;
- * a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- * finished levels and contours;
- * means of enclosure;
- * parking layout;
- * all hard and soft surfacing materials; and
- * minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc).

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5 No development shall commence on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The details should include the hours of construction, the number and type of construction vehicles, the parking arrangements for them and the details of loading/unloading of materials. The development shall then 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 and to ensure that the amenity of the local highway network is adequately protected.

- 6 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 any part of the development 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.

- 7 No windows and doors shall be installed on site until details of all new external window and door joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall be carried out in accordance with the approved details.

REASON: To ensure that the development is undertaken in an acceptable manner, in the interests of preserving the character and appearance of the conservation area and its setting.

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

REASON: In the interests of highway safety.

- 9 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), no window, dormer window, rooflight or any other openings, other than those shown on the approved plans, shall be inserted above ground floor level in the eastern (rear) elevation of the new build unit hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 10 The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roof slope.

REASON: In the interests of preserving the character and appearance of the conservation area.

- 11 The external flue hereby permitted shall be finished in a matt black colour and maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the conservation area.

- 12 The new dwelling hereby approved shall achieve a level of energy performance at or equivalent to Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until evidence has been issued and submitted to, and approved in writing by, the local planning authority certifying that this level or equivalent has been achieved.

REASON: To ensure that the objectives of sustainable development equal or equivalent to those set out in Policy CP41 of the Wiltshire Core Strategy are achieved.

- 13 The converted dwellings from the former public house shall achieve the BREEAM's Homes 'Very Good' Standard. No converted dwelling shall be occupied until a post construction stage certificate has been issued for it and submitted to, and approved in writing by, the local planning authority certifying that the 'Very Good' standard has been achieved.

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

- 14 INFORMATIVE TO APPLICANT:

The applicant is advised that the development hereby approved represents 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/communityinfrastructuralevy