

Date of Meeting	2 nd November 2017
Application Number	17/07414/FUL
Site Address	Land to the rear of 11 White Street, White Street, Market Lavington, Wiltshire SN10 4DP
Proposal	Demolition of existing garages and erection of two houses with garages
Applicant	Estate of T.E.J. Gye Deceased
Town/Parish Council	MARKET LAVINGTON
Electoral Division	THE LAVINGTONS AND ERLESTOKE – Cllr Gamble
Grid Ref	401579 154104
Type of application	Full Planning
Case Officer	Ruaridh O'Donoghue

Reason for the application being considered by Committee

The application is brought before committee at the request of Councillor Gamble, for the committee to consider the highway safety impact of the proposal and the car parking arrangements.

1. Purpose of Report

To consider the detail of the application against the policies of the development plan and other material considerations and the recommendation that the application be approved.

2. Report Summary

The main issues to be considered are:

- Whether the proposed dwellings are acceptable in principle;
- Whether the proposal would preserve or enhance the character and appearance of the Market Lavington Conservation Area;
- Whether the proposal would have a detrimental impact upon the reasonable living conditions of the adjoining residents; and
- Whether the proposal would have a severe impact upon highway safety including if there is sufficient parking for the two new dwellings.

3. Site Description

The site is located within the Limits of Development of Market Lavington and it is accessed off the Clays via White Street. The Clays is a Public Right of Way (PRoW) with the reference MLAV24 that runs along the northern and eastern edge of the site.

The application site is adjoined by housing and gardens to the north, east, south and west. At the time of the officer site visit, the land was not in active use save for the 3 garages in the eastern corner of the site and was covered by ruderal vegetation. However, based on it having a former use it is considered to be brownfield land.

The site lies within the settlement's conservation area where a number of the surrounding properties are noted as being significant unlisted buildings (notably Nos. 11, 12 and 13 White Street and Nos. 2 and 3 The Clays). There are no other formal heritage or landscape designations covering the site.

There are no other planning constraints listed for the site that need to be considered as under this application.

4. Planning History

17/03204/TCA – tree works application approved to remove Leylandii, a Norway Spruce and a Hawthorn hedge.

5. The Proposal (based upon the latest revised plans)

The application proposes the demolition of the existing garages and the erection of two 3 bed dwellings with garages and individual accesses onto The Clays (this is an amendment to the original submission whereby 4 bed dwellings were proposed). They are to be constructed out of facing brickwork with plain clay tiles to the roofs. One of the two dwellings will have dentil detailing in the brickwork and the other will have tile hanging to the first floor elevations. Save for this variation, the remainder of the design of the dwellings is identical.

The dwellings will have a foot print of approximately 70m² with a ridge height of 8.3m. Each dwelling will have a private amenity space in excess of the generally accepted standards of 50m². They will be served by 2 parking spaces each. It is noted that this includes one space in the garage.

To clarify a point, it is noted that the site plan includes part of The Clays within the red line. The ownership of The Clays is unknown and the applicant has signed the correct certificate on the planning application (Certificate D) and duly advertised in the press as per the legislative requirement. The granting of planning permission does not affect the ownership of this land. In any event, no development is proposed on The Clays itself. The agent has confirmed that the red line was drawn in such a manner so as to demonstrate that the applicants have access onto a road (ie. White Street - an adopted highway).

6. Local Planning Policy

Wiltshire Core Strategy 2015 (WCS):

- CP 1 – Settlement Strategy
- CP 2 – Delivery Strategy
- CP 12 – Devizes Community Area
- CP 41 – Sustainable Construction and low-carbon energy
- CP 51 – Landscape
- CP 57 – Ensuring high quality design and place shaping
- CP 58 – Ensuring the conservation of the historic environment
- CP 61 – Transport and new development
- CP 64 – Demand Management

National Planning Policy Framework 2012 (NPPF)

Supplementary Planning Guidance:

- *Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – Minimum residential parking standards.*
- *Local Transport Plan 2011-2026 Cycling Strategy (March 2015) – Appendix 4*
- *Market Lavington Neighbourhood Plan (Emerging Plan)*

7. Summary of consultation responses

Market Lavington Parish Council

Objects to the application on the following grounds:

- Insufficient parking for the properties
- Loss of garaging will impact upon parking in the village
- The Clays is not suitable for the additional traffic (too narrow, potholed etc.)
- Will be a danger to pedestrians etc. using The Clays
- Will impact harmfully on the Conservation Area
- Red line shows The Clays as in the applicants ownership when it is unknown who owns the land
- Market Lavington NP will identify sufficient sites within the village, this not being one of them
- Eastern Housing Market Area (HMA) has 8.27 years of housing land supply (HLS) and therefore, no need for this site to be developed

Wiltshire Council Highways

In light of the revised information provided, they wish to make the following observations:

- The proof of historical use is acceptable though the Rights of Way (ROW) Team may want written evidence and it would be best to enquire with them.
- They are satisfied that the use of the garages has been investigated and that it appears that displaced parking is not likely to result in a significant detrimental effect.
- It is noted that the sizes of the garages will be amended.
- They are happy to accept a Construction Method Statement as a planning condition.

The ROW Team have suggested the following condition:

No construction / demolition vehicle access may be taken along MLAV24 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate, any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

Reason: To ensure the public right of way remains available and convenient for public use.

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that obstructs the public right of way whilst development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.”

Based on the information provided they are happy to offer no highway objection subject to the parking provision being secured as per the approved drawings (with the amendment to the garages to increase the internal widths) and a Construction Management Statement to be approved, to include pre-condition surveys, car parking strategies and material storage and ROW protection.

Public Rights of Way Team

The property would be accessed via a bridleway (MLAV24). This is not recorded as a public vehicular highway; the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the householder would require a demonstrable private right of vehicular access. Without this private right, the householder would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or householder a vehicular right of access over the bridleway. The householder is advised to take private legal advice.

If planning permission is granted we would require the following:

- The bridleway would require surfacing and improvement works.
- Surface water from the site should not flow out onto the bridleway.
- Visibility around the bends in the bridleway should be checked to ensure that the public do not come into conflict with vehicles using the access.

Wiltshire Council Conservation Officer

If the detailed design delivers a high quality scheme, they are of the view that the proposed new houses would not harm the character and appearance of the conservation area nor the setting of the listed buildings.

8. Publicity

The application was advertised by site notice and neighbour notification letters. The application was also advertised in the Gazette and Herald newspaper. As a result of this publicity the following comments have been received:

- Concerns over construction traffic accessing the site as White Street is narrow with parked cars and The Clays even more so.
- Wish to ensure no commercial / construction traffic uses Gye's Old Yard as a turning space.
- Applicants do not own any of The Clays so why is it included in their application
- The Clays cannot take any more traffic
- Parking provision is insufficient for 2 new dwellings and no visitor space has been provided
- Additional traffic is likely to impinge on their safe transit and impact on the condition of the track.
- Loss of light

- Loss of trees prior to application and destruction of wildlife habitats (including nesting birds)
- Loss of privacy
- It will lead to a net increase in parking on already congested streets
- Experience shows garages are rarely used for the parking of vehicles
- Fire engines could not get down The Clays to tackle the two recent fires in the village
- The Clays currently serves as access to 5 properties, which already exceed the recommended number allowed in planning terms on an unadopted road.
- Will cause light pollution
- It is inappropriate development in a conservation area
- Loss of former allotment space
- Overdevelopment of the site
- Garages currently allow parking for a total of 7 vehicles; loss of a higher number of spaces than stated in the application

9. Planning Considerations

Principle of Development

9.1 The starting point for the determination of any application as required under section 38(6) of the Planning and Compulsory Purchase Act 2004 is that the decision be made in accordance with the development plan, unless material considerations indicate otherwise. The primacy of the development plan is enshrined in the NPPF and reaffirmed at paragraphs 11, 12, 17, 150 and 196, where emphasis is placed upon the importance of a plan-led system. The development plan for Wiltshire is the adopted Wiltshire Core Strategy 2015 (WCS). This is a recently adopted document, approved by full Council on the 20th January 2015 and has been thoroughly scrutinised through the examination process and found to be legally compliant, sound and in conformity with the NPPF. It contains relevant up to date policies, a spatial strategy and spatial vision, all of which are designed to achieve sustainable development objectives within Wiltshire.

Core Policy 1 of the WCS identifies the most sustainable locations for growth within Wiltshire on the basis of a settlement hierarchy, with the focus on the principal settlements and market towns. Under Core Policy 12, Market Lavington is defined as a Local Service Centre. Core Policy 2, the delivery strategy, in line with Core Policy 1, seeks to deliver development in Wiltshire between 2006 and 2026 in the most sustainable manner by making provision for at least 42,000 homes, distributed across the three housing market areas. The aim of this policy is to ensure development occurs in the most sustainable locations in conformity with the distribution set out within Core Policy 2. Within the development limits of Principal Settlements, Market Towns, Local Service Centres and Large Villages, there is a presumption in favour of sustainable development – Local Service Centres, which market Lavington is identified as, are defined as settlements capable of taking modest levels of development. Accordingly, the principle of development for new housing in this location would be considered acceptable subject of course, to the proposal's conformity with other relevant policies of the development plan notably, Core Policies 57, 58, 61 and 64.

Design / Heritage Impact

9.2 Core Policy 57 of the WCS is the primary reference point for assessing the design of the scheme. This policy requires a high standard of design to be met across all new development proposals. It requires development to conform to the existing settlement pattern and be respectful in terms of building form, layout, plot size, elevation treatment and neighbour amenity. Additionally, section 7 of the NPPF would be relevant.

The local planning authority also has a statutory duty placed upon it by s.66 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and setting of listed buildings. There is also a statutory duty placed upon it by s.72 of the Listed Building and Conservation Areas Act 1990 to have special regard to the desirability of preserving or enhancing the character and appearance of conservation area.

The NPPF outlines government policy towards the historic environment. Section 12 "*Conserving and Enhancing the Historic Environment*" sets out an overall aspiration for conserving heritage assets. In particular, paragraph 132 is relevant which states: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Wiltshire Core Strategy Core Policy 58 relates to Ensuring the Conservation of the Historic Environment and states that designated heritage assets and their settings will be conserved.

The site may have originally been the gardens to Nos. 11 and 13, however it appears to have been separated off for some time and a reasonable section of garden in relation to the scale of the houses has been maintained. The historic and more recent developments in The Clays have established this as an area for residential development. The layout of the new houses follows the layouts which have been established. In terms of size, scale and plot sizes, the houses follow the character of the immediate area. In terms of the overall form and layout, it is considered that the proposed houses would not have an adverse impact on the character and appearance of the area.

The success of a scheme in terms of quality of design will largely depend on the materials and detailing. The design and most of the materials relate to the local vernacular, however some elements were unclear and others required revision. The application form states the windows are timber but the drawing notes state uPVC. Revised drawings have been received which clearly state the windows and doors are to be timber framed. Such a matter can be controlled via a planning condition to ensure they are maintained as such in the interest of preserving the character and appearance of the conservation area. The Conservation Officer shares this view. In addition, the Conservation Officer states that any glazing bars should be traditional in form and not applied or sandwiched between the glazing. This is considered a reasonable request to ensure a high standard of design is achieved in the interests of preserving the character and appearance of the conservation area. It is likely that there will be flues associated with boilers and mechanical ventilation to bathrooms and kitchens and meter boxes. Consideration needs to be given to the siting and appearance of these to avoid impacting on the front facades of the new properties. Details of

flues, mechanical ventilation etc. can also be controlled via planning condition to ensure they are sensitively placed on the building and are of an appropriate design.

The materials will be critical, especially the bricks, in terms of how they are constructed and what mortar is used. Again, details of this can be requested via a planning condition to ensure the character and appearance of the conservation area is preserved. For similar reasons, it would be prudent to remove permitted development rights for additions, extensions and external alterations to the dwellings.

Subject to the conditions outlined above being in place, it is considered that the scheme would have an acceptable impact in design and heritage terms.

Visual Impact

- 9.3 Based on the considerations above that the scheme is of an acceptable design with no adverse impact on the character and appearance of the area, the proposed development would not have any further visual / landscape impacts. The aims of Core Policy 51 to protect landscape character are thus satisfied.

However, a condition requiring the submission of a hard and soft landscaping scheme should be imposed to ensure that a satisfactory landscape setting is achieved for the site. At the time of the officer site visit, there appeared to be no trees or hedging on the site, just ruderal vegetation and consequently, there is nothing to retain or protect. It is noted that an application was submitted earlier in 2017 which sought removal of the trees and hedging. As such, it is not essential for the landscaping scheme to be submitted prior to the commencement of development.

Neighbour Amenity

- 9.4 In summary, it is considered that there would be no detrimental impact to the reasonable living conditions of the adjoining residents as a result of this development.

Plot 1

The proposed dwelling is situated a satisfactory distance away from neighbouring properties such that it would not have an overbearing impact.

The same can be said for the levels of light received to neighbouring properties. Whilst light levels will indeed be altered as a result of the proposal, the impact will not be so significant as to warrant a refusal of planning permission. The assessment was done using (<https://www.suncalc.org>) and on looking at separation distances and respecting building heights as outlined on the plans.

There are no windows in the side elevation thus no assessment is required.

There are three windows at first floor elevation in the front elevation. The central window serves a staircase and the outlook from this window will be fleeting glances as one navigates the stairs. The two remaining windows serving bedrooms, will overlook The Clays and beyond that, a garage, parking area and the roofs of some outbuildings. The outlook from these windows would not be to the detriment of anyone's privacy.

There are three windows at first floor elevations in the rear. These face out across the garden to Plot 1 and beyond this the rear garden of No. 14 White Street. Angles would be oblique to the garden of No. 13 White Street. Two of the windows serve bathrooms and can therefore be conditioned to be obscurely glazed. The window serving bedroom 3 is therefore the only window that needs to be assessed.

The distance from this window to the boundary with No. 14 is just over 9m. No. 14 has a large garden with a 2m high brick wall as the boundary feature that adjoins Plot 1. Its principle patio / sitting out area does not sit in line with this window rather, at some angle. In addition to this, the garden is of a large enough size to retain private areas. Furthermore, no objections have been received from this property. On this basis, it is considered that the outlook from this window would not have a detrimental impact upon the privacy levels of this property.

Plot 2

The proposed dwelling is situated a satisfactory distance away from neighbouring properties such that it would not have an overbearing impact.

The same can be said for the levels of light received to neighbouring properties. Whilst light levels will indeed be altered as a result of the proposal, notably to No. 1 The Clays and No. 2 Kings Court, the impact will not be so significant as to warrant a refusal of planning permission. These properties will still enjoy sufficient levels of day light as the sun moves throughout the day. This assessment was done using (<https://www.suncalc.org>) and on looking at separation distances and respecting building heights as outlined on the plans.

There are no windows in the side elevation thus no assessment is required.

There are three windows at first floor in the front elevation. The central window serves a staircase and the outlook from this window will be fleeting glances as one navigates the stairs. As such, the impact on privacy levels from this window is negligible. The two bedroom windows will look out over The Clays and beyond that, the garden of No. 2 Kings Court. The distance to the boundary of this property from the window of bedroom one is over 10.5m and from bedroom two, 7.5m. In respect of bedroom one, this distance is more acceptable but bedroom two is quite close. That said, this property has a fairly low fence and views into the garden were possible at the time of officer site visit from the PRoW / track. On the basis of no objection from the occupiers, the presence of an intervening PRoW / lane and a low fence enabling current overlooking of the garden anyway, the outlook from these windows would not cause detrimental harm to the reasonable living conditions of this property.

There are three windows at first floor elevations in the rear. Two of the windows serve bathrooms and can therefore be conditioned to be obscurely glazed. The window serving bedroom three is therefore the only window that needs to be assessed. This window looks out towards the gable elevation of Plot 1 and at an angle, over the roof of the garage to Plot 1. As such, the outlook from this window will not have a significant impact upon the privacy levels of the future occupiers of Plot 1. Furthermore, there would be an element of 'buyer beware' when purchasing Plot 1 upon its completion.

Parking / Highways / Rights of Way

9.5 Minimum parking standards exist for residential dwellings and it is a requirement of Core Policy 64 of the WCS that these are adhered to in all new residential development proposals. The development proposes 2 three bed properties each with parking for 2 vehicles. Minimum parking standards require 2 spaces to be provided for 3 bed properties and this can include garages provided that they are a minimum internal dimension of 3 x 6m. This has been demonstrated on a revised plan and as such, parking standards for the development can be achieved. A condition would need to be imposed to ensure the garages remain free at all times for the parking of vehicles to ensure no loss in parking provision at either of the properties.

Visitor parking is required at a rate of 0.2 spaces per dwelling. A scheme for just 2 dwellings would not therefore generate the need to provide any visitor parking spaces ($2 \times 0.2 = 0.4$ spaces).

The existing site has three garages on it which are all currently rented out. It would appear from a site visit and from neighbour consultations that they are in active use for vehicular parking. There is concern that the loss of these garages would result in the displacement of parked cars onto the road. The agent has confirmed that the garages are in active use. However, the agent stated that the tenants of two of the garages live in The Clays. Both of the houses where these tenants live provide parking for 3 and 4 cars respectively. As such, their properties would retain sufficient parking were these garages to be removed. The loss of two of these garages would not cause any parking displacement onto the road.

The agent has also confirmed that the third garage is rented to a person living on Lavington Hill, a house several hundred metres from the site and not accessed via The Clays. Any displaced parking as a result would not be to the detriment of The Clays. However, the issue of the proliferation of on street parking within Market Lavington is not confined to The Clays. The issues are settlement wide. However, the NPPF requires, as set out at paragraph 32, that the residual cumulative impacts of a development must be severe in order for an application to be refused on highway safety grounds. In this case, the local highway authority is satisfied that the displacement of 1 vehicle, or indeed 2 or 3 vehicles, would not result in a severe impact to highway safety. Accordingly, no objection is raised to the loss of the garages.

Furthermore, it is a valid to take account of the fact that the garages are rented, not owned. The right to park there is a privilege given to the tenants by the owner of the garages. At any moment in time this right could be ceased irrespective of the outcome of a planning application. As a potential fall-back position, this is a point to bear in mind when considering the impact of this proposal on highway safety.

The proposal would be accessed off White Street via The Clays which is a bridle path (MLAV24). This is not recorded as a public vehicular highway; the only recorded public rights along it are on foot, horseback and bicycle. In order to drive a vehicle along here, the householder would require a demonstrable private right of vehicular access. Without this private right, the householder would be committing an offence under Section 34 of the Road Traffic Act 1988. The granting of planning permission does not give the applicant or

householder a vehicular right of access over the bridleway. However, it does not preclude the local planning authority from granting planning permission.

The Rights of Way Team have stated that if planning permission is granted, the following would be required:

1. The bridleway would require surfacing and improvement works.
2. Surface water from the site should not flow out onto the bridleway.
3. Visibility around the bends in the bridleway should be checked to ensure that the public do not come into conflict with vehicles using the access.

With regard to point 1, this is something that would be unreasonable to request through a planning condition. The bridleway is used to access several other properties along The Clays all of which contribute to its wear and tear. This would include the existing garages on the site. It would be unreasonable and unnecessary to place the burden of this repair upon 2 new dwellings when the bridleway is not formally surfaced and is used by other vehicles.

With regard to point 2, a surface water drainage condition can be placed upon any permission to ensure that it drains into the property rather than onto the bridleway. In respect of point 3, this would also be an unreasonable request to condition. As stated previously, The Clays is used to access a number of properties, some of which are further down to bridleway where additional bends must be navigated. A condition requiring pedestrian visibility splays to be provided at the vehicular entrance to each of the dwellings is sufficient with regard to this issue and has already been recommended by the local highway authority.

10. Conclusion (The Planning Balance)

The site is brownfield land and sits within the Limits of Development for Market Lavington where under Core 1 and 2 of the WCS new residential development is permissible.

The proposal involves the erection of two 3 bed dwellings which are considered to meet the high standards of design that are required by Core Policy 57 of the WCS, with the more detailed aspects capable of being controlled through appropriate planning conditions. The conservation officer is satisfied that the scheme would not have a harmful impact upon the Market Lavington Conservation Area or any other nearby heritage assets.

As the site is located within the built up area of the village, surrounded by other residential dwellings, there would be no detrimental visual / landscape impacts. Compliance with the aims of Core Policy 51 is thus secured.

The Council's Highways Officer is satisfied that two dwellings can be accommodated on the site without causing severe harm to highway safety. As detailed in the report, parking displacement would not be at a level that would merit a refusal of planning permission and minimum residential parking standards have been met for the two dwellings. The Rights of Way Team have suggested conditions in the event that the local planning authority (LPA) is minded to approve the application.

There are no other technical issues that would warrant a refusal of planning permission or that cannot be mitigated through the use of appropriate planning conditions.

The LPA must also take account of local finance considerations so far as they are materially relevant to the proposal. In this case, the Council and indeed the Parish Council would receive CIL money. The Council would also receive money in the form of the New Homes Bonus. These merit some positive weight in the planning balance, albeit limited.

The scheme would also generate some employment in the construction industry and would increase economic expenditure in the locality. Whilst it is appreciated this is a relatively small proposal of just two dwellings, this factor would also accrue some positive weight in the overall balance.

In the absence of any material harm the balance lies in favour of approving the application. It is considered to accord with the development plan as a whole and there are no material considerations that would indicate a decision should be made other than in accordance with the development plan (e.g. policies contained within the NPPF).

RECOMMENDATION

That planning permission is GRANTED 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 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drg No. GTB-831-2A Rev A - Proposed Dwellings Elevations
Drg No. GTB-831-2B Rev A - Proposed Dwellings Elevations
Drg No. GTB-831-1 Rev A - Proposed Dwellings Floor Plans
Drg No. GTB-831-3 Rev A - Proposed Dwellings Garage Plan & Elevations
Drg No. GTB-831-4 Rev A - Proposed Dwellings Site & Location Plans

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

- 3 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include, but not necessarily be limited to, the following:

- a) A pre-condition survey of the Public Right of Way (MLAV24)
- b) Car parking strategies for construction vehicles
- c) The storage location of any materials or plant

- d) The location of temporary structures (e.g. site office)
- e) Details of the means of protection for MLAV24 during the course of construction.
- f) Details of the routes constructions vehicles will be taking to access the site

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

REASON: To ensure adequate protection of the public right of way, that it remains available and convenient for public use and in the interests of neighbour amenity.

- 4 No development shall commence on site above ground floor slab level until the exact details and samples of the materials to be used for the external walls (including details of the brick bond and mortar) 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: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 5 No development shall occur above ground floor slab level 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:-
- a) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - b) finished levels and contours;
 - c) means of enclosure;
 - d) all hard and soft surfacing materials;

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 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 the building(s) 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 development shall commence on site above ground floor slab level until details of all new or replacement external chimneys, flues, extract ducts, vents, grilles and meter housings have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 8 Within 3 months of the demolition of the garages, all of the demolition materials and debris shall be removed from the site.

REASON: In the interests of the character and appearance of the Market Lavington Conservation Area.

- 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), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

- 10 The windows at first floor in the south eastern elevation of Plot 1 serving the two bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 11 The windows at first floor in the south western elevation of Plot 2 serving the two bathrooms shall be glazed with obscure glass only to an obscurity level of no less than level 3 and fixed with a ventilation stay restricting the opening of the window prior to the first occupation of the development hereby permitted and shall be permanently maintained in perpetuity.

REASON: In the interests of residential amenity and privacy.

- 12 No part of the development hereby permitted shall be brought into use until the accesses 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.

- 13 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), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety in accordance with Core Policy 64 of the Wiltshire Core Strategy.

- 14 No part of the development shall be brought into use, until the pedestrian visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside bridleway level. The visibility splays shall be maintained free of obstruction at all times thereafter.

Reason: In the interests of the safety of the users of the bridleway.

- 15 All new windows and doors shall be of timber construction and maintained as such in perpetuity. Glazing bars on all new windows shall be traditional in form.

REASON: In the interests of preserving the character and appearance of the Market Lavington Conservation Area and ensuring high quality design as per Core Policy 57 of the Wiltshire Core Strategy.

- 16 The dwellings 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.

- 17 Surface water drainage from the accesses and parking area shall be designed so that it does not flow out onto the bridleway. It shall be maintained as such in perpetuity.

REASON: To ensure that the development can be adequately drained without negatively impacting on the bridleway.

18

INFORMATIVE TO APPLICANT:

The applicant is advised that no construction / demolition vehicle access may be taken along MLAV24 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.