

## REPORT TO THE EASTERN AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	5 <sup>th</sup> April 2012
<b>Application Number</b>	E/2012/0113/FUL
<b>Site Address</b>	8 High Street, Market Lavington, Devizes SN10 4AF
<b>Proposal</b>	Revised design of plot 3 and plot 4, revised site layout and parking arrangements (Amendments to E/10/0965/FUL & E/2011/1110/FUL)
<b>Applicant</b>	S J M Management Services Ltd.
<b>Town/Parish Council</b>	MARKET LAVINGTON
<b>Grid Ref</b>	401583 154172
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Rob Parker

### Reason for the application being considered by Committee

This application has been called to committee by the Division Member, Cllr Gamble, at the request of Market Lavington Parish Council.

### 1. Purpose of Report

The purpose of this report is to consider the recommendation that planning permission be granted.

### 2. Report Summary

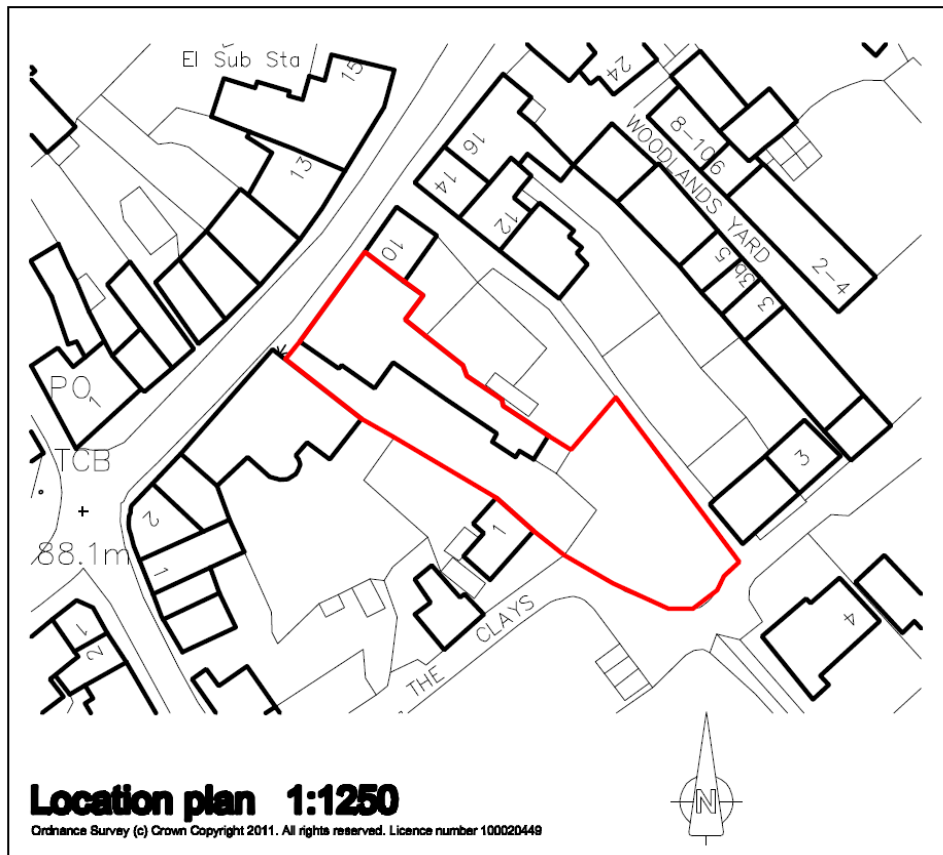
The main planning issues to consider are:

- a) Whether the proposals would preserve or enhance the character and appearance of the conservation area.
- b) Whether the proposals would preserve the character and setting of the listed building.
- c) Impact upon highway safety (principally the adequacy of parking and turning).
- d) Impact upon neighbour amenity.

When considering these issues Members should have regard to the fact that planning permission has already been granted for a similar scheme and that the planning permission for that scheme is still extant. The committee debate should therefore focus upon the differences between the two schemes and whether the changes being proposed are acceptable.

### 3. Site Description

This application relates to the former Kings Arms public house in Market Lavington High Street. The site lies diagonally opposite the Co-operative shop. The site comprises the Grade II listed former public house building fronting onto the High Street, an outbuilding to the rear (which was once attached to the main building via the skittle alley) and the former beer garden. The site is bounded to the rear by The Clays but all vehicular access is via the High Street to the front.



#### 4. Planning History

E/10/0965/FUL & E/10/0966/LBC - Conversion and subdivision of former public house to form three houses with associated internal and external alterations. Demolition of part of the single storey rear range. Reconfigured parking and turning area. Construction of a house over the former beer garden. Planning permission and listed building consent granted in September 2010.

E/2011/1110/FUL & E/2011/1108/LBC - Conversion and subdivision of former public house to form two dwellings with associated internal and external alterations. Demolition of part of the single storey rear range (alterations to approved plans and elevations for plots 1 & 2 under E/10/0965/FUL). Planning permission and listed building consent granted in October 2011.

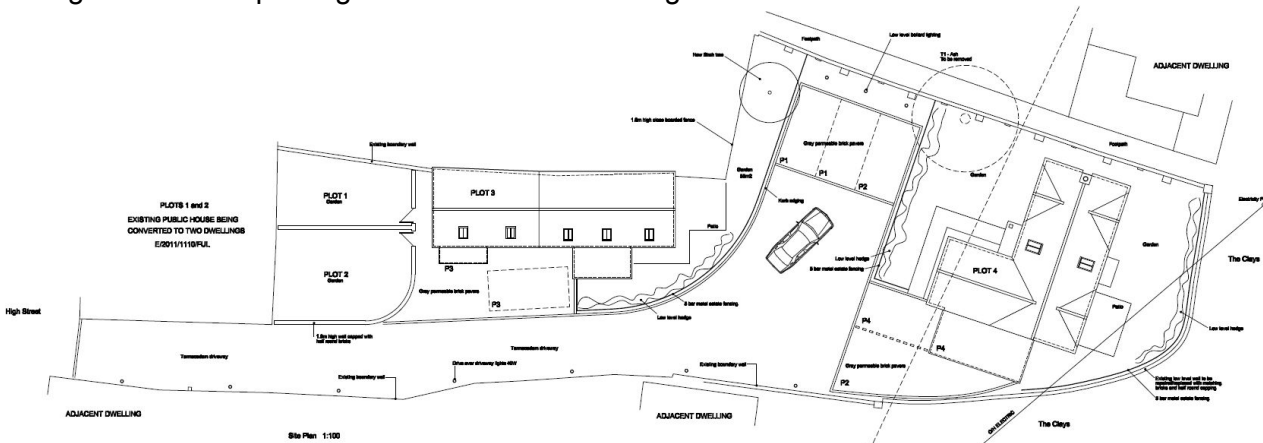
#### 5. The Proposal

This application proposes amendments to the design of plots 3 & 4 of the development approved under E/10/0965/FUL. The amendments can be summarised as follows:

Plot 3 – This is a conversion of an existing outbuilding so the footprint remains unchanged. However, the proposal is to create a 2 bedroom unit instead of a 1 bedroom unit. The current scheme proposes a single garage and parking space instead of the two car port spaces originally approved. The elevational treatment has been amended on the front (south-west) elevation and obscurely glazed first floor windows are added to the gable ends to provide means of escape.

Plot 4 – The siting and footprint of the new-build plot is similar to that already approved, but the elevational treatment has been amended to “reverse” the dwelling such that its main entrance faces the rear of the former public house, rather than towards The Clays. Amended plans have been submitted during the course of the application to show a dummy entrance door on the elevation facing The Clays, to help give it the appearance of a principal elevation. An open ended lean-to car port has been added to the side elevation of the property and this provides for one of the two car parking spaces for this plot. Under the approved scheme there were two conventional parking spaces.

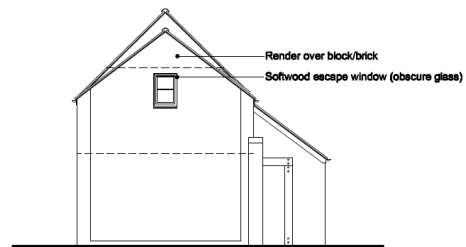
**Plots 1 & 2** – These plots comprise the conversion of the former public house building. They are unaffected by the current proposals, although the alignment of the garden wall for plot 2 is slightly amended. Both plots retain 2 car parking spaces each under the current proposals although the arrangement of car parking within the site has changed.



**Layout**

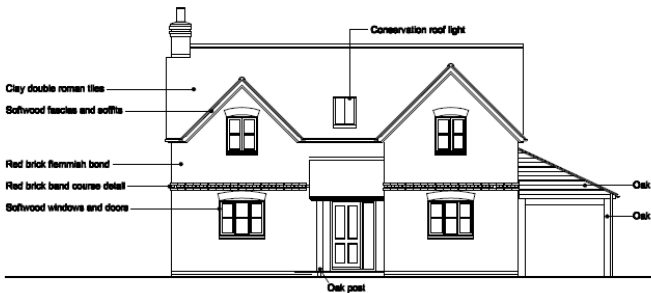


South West  
Proposed elevations 1:100



North West

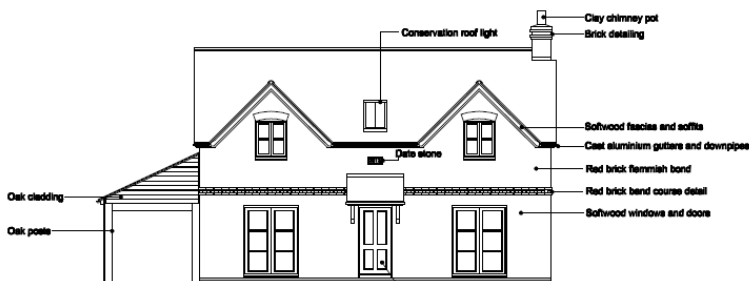
**Plot 3**



North West  
Proposed elevations 1:100



South West



South East



North East

**Plot 4**

## 6. Planning Policy

Policy PD1 of the Kennet Local Plan 2011 is relevant to the consideration of this application. Supplementary planning guidance contained in the Market Lavington Conservation Area Statement is a material consideration.

Government policy contained in PPS3: 'Housing' and PPS5: 'Planning for the Historic Environment' is also relevant. Publication of the National Planning Policy Framework is imminent and this may have superseded PPS3 & PPS5 by the date of the committee meeting.

## 7. Consultations

Market Lavington Parish Council – objects for the following reasons:

### 1. Scale inflation.

There have been a number of amendments which appear to be designed solely to allow more accommodation in plot 3. This seems to be detrimental to all the other units and has created an overcrowding of the available space.

### 2. Parking.

The committee felt that this was inadequate in the original proposal, and this amendment makes the situation even worse. The on-street parking in this area of the High Street is restricted in terms of waiting time for customers of the local shops and use by residents of this development will cause difficulties for the traders.

The proposed addition of a garage in plot 3 and another in plot 4 seem designed to allow for reduced exterior parking bays and it is doubtful that these garage spaces will be used for parking. The parking space adjacent to plot 4 which is designated for use by another plot seems impractical and intrusive to plot 4. The designated space outside plot 3 also seems impractical.

### 3. Landscaping.

The landscaping originally proposed has been significantly reduced with the gardens of plots 1 and 2 being reduced to allow for more space for the building size of plot 3. The existing Ash tree which was originally to be retained is now under threat and there is concern that this is being sacrificed for no justifiable reason.

### 4. There was no objection to the reversal of the entrance alignment on plot 4.

Wiltshire Council Arboricultural Officer – no objections. Although the pollarded Ash tree on the site has been a notable tree within the immediate area, the regular maintenance of pollarding and its location so close to the curtilage listed wall means that it is not a specimen worthy of Tree Preservation Order. The Arboricultural Officer therefore raises no objection to its removal, subject to the planting of a suitable replacement tree, which could be either pot grown Silver birch, or root balled, or bare root Weeping Ash if desired. The tree's planting size, location and method of staking and protection can be secured by condition.

Wiltshire Council Conservation Officer – no objections in principle but makes the following comments and suggestions:

- Queries whether there is any scope for reducing the numbers of lights within the site.
- Suggests that the number of rooflights on the front elevation of plot 3 is reduced by removing the rooflight for the en-suite.
- Accepts that the appearance of plot 4 is slightly improved but is not completely convinced by the dummy door idea which does not seem to be an honest or good quality solution in a sensitive historic area.

Wiltshire Council Highways – no objections.

## **8. Publicity**

The application has been publicised via a site notice, advertisement in the local press and over 30 neighbour notification letters. No representations have been received.

## **9. Planning Considerations**

The principle of development has already been established by the grant of planning permission under reference E/10/0965/FUL. The main issue for consideration, therefore, is whether the changes being proposed are acceptable.

The application has been brought to committee on behalf of the parish council which has objected to the development. No other representations have been received. This assessment will therefore be structured around the parish council's concerns.

### **1. "Scale inflation"**

The parish council considers that the amendments to plot 3 have had a detrimental impact on other units within the scheme, creating an overcrowding of the available space. Officers do not share this concern. The overall number of units within the scheme is unchanged and the positions of plots 1-3 are fixed by the fact that these are conversions of existing buildings. The new-build unit (plot 4) is not materially different in scale or siting to the scheme originally approved. The main changes relate to the parking, turning and garden configurations and the current proposal is considered to be acceptable in this regard.

### **2. Parking.**

The parish council considers that parking was inadequate in the original proposal, and it is concerned that the current proposal makes the situation even worse. In response to this it should be noted that the original scheme proposed a total of 7 parking spaces, comprising 2 spaces within an open car port and 5 additional spaces. The current proposal makes provision for an additional parking space, making a total of 8 spaces. These would include an open ended car port for plot 4 and a garage for plot 3. Officers consider this level of parking to be acceptable; there is no objection from the Highway Officer.

### **3. Landscaping.**

The parish council makes reference to the fact that landscaping originally proposed has been significantly reduced with the gardens of plots 1 and 2 being reduced to allow for more space for the building size of plot 3. However, the approved scheme dealt with landscaping by way of condition; it is recommended that any fresh planning permission for the site includes a similar condition requiring submission of a hard and soft landscaping scheme.

The parish also expressed concerns that the existing Ash tree is being sacrificed for no justifiable reason. The applicant points out that the tree does not impact at all on the development, but the proposal to remove the tree is made on the basis that the tree is close to an old brick boundary wall which would be damaged if the tree was permitted to grow to maturity. The large crown would soon become dominant and cause shading issues to nearby properties. The loss of the tree is accepted by the Arboricultural Officer who comments that it is not worthy of a Tree Preservation Order. Replacement tree planting can be secured within the landscaping scheme.

### **4. Plot 4.**

The parish council raised no objections to the reversal of the entrance alignment on plot 4. However, the Conservation Officer has raised concerns regarding this element of the scheme, on the basis that the dummy door is not an honest or good quality solution in a sensitive historic area. Whilst this is a valid concern, it is not considered that a refusal of planning permission would be justified on this basis. The porch canopy and dummy door would achieve (at least in part) the objective of making the elevation facing The Clays appear as a principal elevation.

### Impact upon Neighbour Amenity

The parish council makes no reference to the impact of the proposals on neighbour amenity. However, this issue needs to be considered. The scheme is extremely similar to the approved scheme in terms of its neighbour impact and it is not considered that there would be any harm to residential amenity. There is a proposal to insert first floor windows in the gable ends of plot 3, but these would be obscurely glazed and this would be sufficient to protect the privacy of neighbouring occupiers in plots 1, 2 & 4.

### **10. Conclusion**

This proposal represents a fairly modest amendment to a scheme which has already been approved for the site and it is not considered that the proposals would cause any harm to the character or appearance of the conservation area, the character or setting of the listed building, highway safety or neighbour amenity. Control over the detail and quality of the development (including landscaping) can be exercised using appropriately worded planning conditions.

### **RECOMMENDATION**

That planning permission be GRANTED for the following reason and subject to the conditions listed below:

#### Reason for Decision

The decision to grant planning permission has been taken on the grounds that the proposed development would not cause any significant harm to interests of acknowledged importance and having regard to the following:

- (a) Policy PD1 of the Kennet Local Plan 2011.
- (b) Supplementary planning guidance contained in the Market Lavington Conservation Area Statement.
- (c) Government policy contained in PPS3: 'Housing' and PPS5: 'Planning for the Historic Environment'.

- 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 No development shall commence on site until details of the proposed ground floor slab levels for the dwelling on plot 4 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels details.

REASON: In the interests of visual amenity.

- 3 No development shall commence on site until samples of the materials to be used for the external walls and roofs of plot 4 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 conservation area and the setting of the listed building.

- 4 No development shall commence on site until details of the eaves and verges for the dwelling on plot 4 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 conservation area and the setting of the listed building.

- 5 No development shall commence on site until details of all new window and external door joinery for plot 4 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. Development shall be carried out in accordance with the approved details.

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

- 6 The rainwater goods to be installed in the development hereby permitted shall be of cast metal construction and finished in black.

REASON: In the interests of preserving the character and appearance of the listed building and its setting.

- 7 The bricks to be used in constructing the walls of the dwelling on plot 4 shall be laid in Flemish bond.

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

- 8 Notwithstanding the details shown on the submitted plans and particulars, prior to the installation of any external lighting, details of its positioning and appearance shall be 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 conservation area and the setting of the listed building.

- 9 Development shall be carried out in accordance with the mitigation measures detailed in Sections 8 and 9.5 of the Updated Bat Survey and Mitigation Report (Home and Country Solutions, September 2010). submitted with planning application reference E/10/0965/FUL. Plot 3 shall not be occupied until written confirmation has been submitted to the Local Planning Authority by a licensed bat worker that all mitigation measures have been completed in accordance with this mitigation scheme.

REASON: To ensure that any impact of development upon bats is properly mitigated.

- 10 No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping, which shall include details of all boundary treatments, details of the surfacing for the driveway and parking spaces, and details of new tree planting.

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

11 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings or the completion of the development whichever is the sooner; 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: In the interests of preserving the character and appearance of the conservation area and the setting of the listed building.

12 There shall be no excavations to a depth greater than 2 metres below existing ground levels (as detailed on drawing no. 828-01), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To safeguard the site of archaeological interest.

13 No part of the development shall be occupied until the access, turning area and parking spaces have been provided in accordance with the approved plans. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety and the amenity of future occupants.

14 The lean-to structure on the south-west elevation of plot 4 shall be retained as an open ended car port and it shall be kept available at all times for the parking of a car. The structure shall not be enclosed at either end to create a garage nor shall it be used for storage or as habitable accommodation without a separate grant of planning permission.

REASON: To ensure adequate parking on the site in the interests of highway safety.

15 The windows at first floor level shown on the approved plans on the north-west and south-east elevation of plot 3 shall be glazed with obscured glass and shall be so maintained thereafter.

REASON: In the interests of the privacy of neighbouring properties.

16 The dwelling on plot 3 shall not be occupied until the window in the north-east elevation has been infilled with brick to match the existing building.

REASON: In the interests of the privacy of the neighbouring property.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting or amending that Order with or without modification), no windows, doors or other openings shall be inserted in the north-east elevation or above ground floor ceiling level in the north-west or south-east elevations of the dwelling on plot 3.

REASON: In the interests of the privacy of the neighbouring property.

18 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also



lead to prosecution.

(a) Application Form, Design & Access Statement, Tree Statement and Drawing no. 828-01 received on 11th January 2012.

(b) Drawing nos. 828-02 Rev A & 828-03 Rev A received on 5th February 2012.

19 **INFORMATIVE TO APPLICANT:**

Your attention is also drawn to the conditions imposed on the listed building consent reference E/2012/0114/LBC and dated 5th April 2012.

**Appendices:**

None

**Background Documents Used in the Preparation of this Report:**

Working file.