

<b>Date of Meeting</b>	<b>01 May 2014</b>
<b>Application Number</b>	<b>14/00549/FUL</b>
<b>Site Address</b>	<b>Kings Arms 9 High Street Downton Salisbury SP5 3PG</b>
<b>Proposal</b>	<b>Change of Use of existing public house to 2x three bed dwellings, demolition of part of existing building and erection of single and two storey rear extensions and two garages</b>
<b>Applicant</b>	<b>Mrs Carolyn Sutcliffe</b>
<b>Town/Parish Council</b>	<b>DOWNTON</b>
<b>Ward</b>	<b>DOWNTON AND EBBLE VALLEY</b>
<b>Grid Ref</b>	<b>418092 121521</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>Warren Simmonds</b>

### **Reason for the application being considered by Committee**

The Area Development Manager considers it prudent for the application to be considered by the Southern Area Committee, due to the level of interest shown in the application.

### **1. Purpose of Report**

To consider the above application and the recommendation of the Area Development Manager that planning permission be **APPROVED subject to the applicant entering into an appropriate legal agreement with the Council to make financial provision towards recreational open space (in accordance with local plan policy R2),and subject to Conditions.**

### **2. Report Summary**

The main issues for consideration are:

- The principle of the proposed development (including viability)
- Scale, design & materials
- Impact on the character, setting and historic fabric of the listed building
- Impact on the existing character of the surrounding conservation area
- Impact on the amenity of neighbouring residents and uses
- Highway safety

### **3. Site Description**

The application relates to the former Kings Arms public house, being a relatively large two storey building with a series of attached two storey and single storey

outbuildings projecting to the north. To the rear (north) of the principle building is a hard surfaced parking area, leading (further to the north) to an area of walled garden.

The building is grade II listed and is situated within the designated conservation area and H16 Housing Policy boundary of Downton.

#### **4. Planning History**

S/2005/0262	INSTALLATION OF NEW GRILLE FOR KITCHEN
S/2011/0359	Internal alterations to letting bedrooms to form ensembles and associated works
S/1992/0731	REFURBISHMENT AND EXTENSION TO REAR
S/1992/0751	L/B APPLICATION - SMALL EXTENSION TO REAR AND INTERNAL ALTERATIONS TO FORM KITCHEN, RESTAURANT, ENLARGED LOUNGE AND PUBLIC BARS AND WC'S
S/1984/0796	COVERED REAR WALKWAY OPENING UP OF FORMER DRAYMAN'S ENTRANCE IN HIGH STREET AND INTERNAL BAR ALTERATIONS
S/2002/0999	ERECTION OF DRIVE GATES WOODEN PAIR PAINTED
S/2002/0998	ERECTION OF DOUBLE WOODEN GATES IN DRIVEWAY OF PREMISES AND ALTER EXISTING ACCESS
S/1984/1206	COVERED REAR WALKWAY ENLARGEMENT OF CELLAR VENTILATOR AND INTERNAL BAR ALTERATIONS
S/1987/1215	A/D APPLICATION - NON-ILLUMINATED SHOP SIGN
S/1987/1214	CHANGE OF USE FROM OFFICE TO RETAIL HABERDASHERY
S/1987/1368	L/B APPLICATION - ALTERATIONS TO FRONT DOOR
S/2002/1605	PRUNING OF VARIOUS TREES
S/2003/1671	NEW DOORS AND WINDOWS TO REAR INTERNAL ALTERATIONS AND REPAIRS
S/2005/1855	REPLACEMENT PORCH
S/2005/1860	REPLACEMENT PORCH
S/2003/2307	NEW SINGLE STOREY ENTRANCE EXTENSION AND INTERNAL ALTERATIONS
S/2003/2351	NEW SINGLE STOREY ENTRANCE EXTENSION AND INTERNAL ALTERATIONS
14/00621/LBC	Demolition of existing rear extensions and erection of single and two rear extensions and internal alterations to create 2x three bedroom dwellings

#### **5. The Proposal**

The application is accompanied by concurrent listed building application 14/00621/LBC (for the physical works to the listed building) and proposes the change of use of the building from its authorised public house use to form 2 x three bed dwellings. The proposal includes the demolition of some 19<sup>th</sup> century elements

at the rear of the existing building, the construction of 2 x extensions and the construction of 2 x detached garages to the rear, together with associated internal and external alterations.

## **6. Planning Policy**

Adopted Local Plan Policies G2, H16, D2, D3, CN3, CN5, CN8, R2 (saved SDLP policies)

CP21 (SWCS)

CP49, CP58 (eWCS)

The aims and objectives of the NPPF and guidance contained within the NPPG

## **7. Consultations**

Downton parish council – No objection

WC Highways – No Highway objection

District Ecologist – No objection, suggest informative for bats

Building Control – No response received

Conservation – No objection, subject to Conditions

Economic Development & Tourism – No response received

Environmental Health – No objection, subject to Conditions

Archaeology – Watching brief needed during construction

Housing officer – No affordable housing contribution will be required, R2 open space only

## **8. Publicity**

The application was advertised by site notice, press notice and neighbour notification letters.

Sixty four representations were received from third parties, fifty were opposed to the proposed development, nine were in support, five made comments but were neither in support or opposed.

## **9. Planning Considerations**

### Principle of the proposed development

Housing policy - The application site lies within the designated conservation area and housing policy boundary (H16) of Downton. Policy H16 makes provision for residential development, subject to certain criteria, including that the proposal would not constitute tandem or inappropriate backland development, would not result in the loss of an open area that makes a positive contribution to the character of the settlement, and would not conflict with the Design Policies of the Plan.

The proposed development retains the existing principle building and the majority of the existing attached outbuildings. The proposed extensions and detached garages are considered to be of generally modest proportions and are not considered likely to detrimentally affect the character of the immediate vicinity. The proposed external alterations, extensions and garages are considered accordant with the design policies of the local plan.

Loss of community service/facility - The main consideration as to whether the proposed development is acceptable in principle is whether the criteria of SWCS Core Policy 21 have been met in demonstrating that the site/building is no longer viable as a community facility (i.e. a public house), or for an alternative community use, or mixed use which still retains a substantial portion of the community facility/service.

Core Policy 21 indicates that:

*“Proposals involving the loss of a community service or facility will not be permitted unless it can be demonstrated that the site/ building is no longer viable for an alternative community use.*

*Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be favoured.*

*Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.*

*In order for such proposals to be permitted, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be convincingly demonstrated that all preferable options have been exhausted will a change of use to a non -community use be considered.*

*This marketing plan will, at very minimum:*

- Be undertaken for at least 6 months.*
- Be as open and as flexible as possible with respect of alternative community use.*
- Establish appropriate prices for the sale or lease of the site or building, which reflect the current or new community use, condition of the premises and the location of the site.*
- Demonstrate the marketing has taken into account the hierarchy of preferred uses stated above.*
- Clearly record all the marketing undertaken and details of respondents, in a manner capable of verification if requested.*
- Provide details of any advertisements including date of publication and periods of advertisement*
- Offer the lease of the site without restrictive rent review and tenancy conditions, or other restrictions which would prejudice the reuse as a community facility*
- Demonstrate contact with previously interested parties, whose interest may have been discouraged by onerous conditions previously set out.”*

In policy terms (SWCS Core Policy 21) in order for such a proposal to be acceptable, a comprehensive marketing plan must first be undertaken and the details submitted with the planning application. The applicant must convincingly demonstrate that all preferable options have been exhausted before a change of use to a non-community use can be considered.

The applicant has duly submitted a marketing and viability report (Stephen Gordon Culverhouse, 30.09.13) detailing how the property has been marketed for sale as a 'Character Public House' by Christie & Co (Winchester) (on file) which, it is considered, demonstrates that an adequate level and period of marketing of the former public house has been undertaken, and the requirements of CP21 are met.

To verify the findings of the applicant's submitted marketing and viability report, Wiltshire Council has commissioned an independent assessment (undertaken by Chesterton Humberts, dated 28.03.14). The Assessment of Marketing and Viability report (Chesterton Humberts) concludes that the relevant criteria (CP21) in respect of the marketing of the premises and attempts to find an operator to continue the authorised pub use, a mixed use and/or an alternative community use have been property undertaken and complied with. The report also concludes that the marketing undertaken demonstrates there to be no demand for the continued use of the premises as a public house, largely on account of the existing competition within the village.

The proposed change of use of the former public house to a single dwellinghouse is thereby considered acceptable in principle.

#### Scale, design, materials and amenity of neighbours

The proposed change of use includes physical alterations internally and externally as described in the application documentation. The principle physical alterations consist of:

- I. the removal (demolition) of a mid to late 19<sup>th</sup> century single storey attached outbuilding at the rear;
- II. the construction of two extensions to be built onto the existing building to provide an enclosed staircase and an oak framed kitchen extension/garden room
- III. removal of the existing tarmac car parking area and rear cold store
- IV. construction of 2 x two bay single storey garages
- V. construction of garden walls, patio, pathways and gates
- VI. internal and external physical alterations required to facilitate the conversion of the existing buildings into two separate dwellinghouses, as detailed in the submitted application documentation

The proposed garage buildings are of generally modest single storey form and are to be constructed of external materials that are considered appropriate to the character and setting of the adjacent listed buildings (and listed structures) and surrounding conservation area.

By reason of the sensitive and relatively modest nature of the proposed physical alterations to the building(s), and the existing proximity and general relationship between the application site and the nearest neighbouring residential properties to the north, south and west, the proposal is considered compatible in terms of the scale, design and character of the existing property and proposes the use of

complementary materials. The development would thereby integrate satisfactorily in relation to other properties and the overall landscape framework.

#### Impact on the character, setting and historic fabric of the listed building

The Kings Arms itself is a grade II listed building. The adjoining buildings to the east along High Street, and adjacent to the west along High Street are also listed, as are the lych-gate and attached walling of the church to the north of the site (including a number of structures within the churchyard and the Church of St Laurence, which is Grade I listed).

The application was accompanied by a Historic Buildings Study produced by the Wiltshire Buildings Record (August/Sept 2013).

The application has been assessed by the council's conservation officer who raises no objection to the proposed alterations, subject to certain Conditions in respect of materials and detailing.

#### Impact on the existing character of the surrounding conservation area

By reason of the modest scale, and appropriate design and materials of the proposed development, with the majority of the proposed physical alterations being located at the rear (north) of the existing building, it is considered the proposal would not be detrimental to the existing character of the surrounding conservation area.

#### Impact on the amenity of neighbouring residents and uses

The proposed residential use of the building(s) is considered to represent a significant reduction in the intensity of the use of the application site (relative to its current authorised use as a public house). It is considered that by reason of their appropriate scale and design, and by reason of the distance and general relationship between the application site and the closest neighbouring residential properties, the proposed extensions, alterations and garages and would not adversely affect the amenity of neighbours.

#### Highway Safety

The Council's Highways officer has assessed the proposal and raises no Highway objection.

### **10. Conclusion**

Subject to the applicant entering into an appropriate legal agreement with the Council to make financial provision towards recreational open space (in accordance with local plan policy R2), it is considered the proposed development accords with the provisions of the Development Plan, and in particular Policies G2, D2, D3, CN3, CN5, CN8, H16 & R2 of the saved policies of the adopted Salisbury District Local Plan (constituting saved policies listed in Appendix C, of the adopted South Wiltshire

Core Strategy), the provisions of Core Policy 21 of the adopted South Wiltshire Core Strategy, and the aims and objectives of the National Planning Policy Framework and National Planning Practice Guidance, insofar as the proposed development is considered acceptable in principle and is compatible in terms of the scale, design, materials and character of the existing building, would not adversely affect the character or setting of listed buildings, and would not adversely affect the amenity of neighbours.

## **RECOMMENDATION**

**That subject to all parties entering into a S106 legal agreement which secures:**

- **Financial contributions towards the provision of public open space**

**to delegate to the Area Development Manager to Approve Planning Permission, subject to the following Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Drawing number 11A dated 11/2013 as deposited with the local planning authority on 22.01.14, and  
Drawing number 07H dated 12/2013 as deposited with the local planning authority on 23.01.14, and  
Drawing number 18 dated 12/2013 as deposited with the local planning authority on 23.01.14, and  
Drawing number 08D dated 11/2013 as deposited with the local planning authority on 23.01.14, and  
Drawing number 23 dated 01/2014 as deposited with the local planning authority on 28.01.14, and  
Drawing number 22 dated 01/2014 as deposited with the local planning authority on 30.01.14, and  
Drawing number 10C dated 10/2013 as deposited with the local planning authority on 30.01.14, and  
Drawing number 09B dated 10/2013 as deposited with the local planning authority on 16.01.14, and  
Drawing number 19 dated 12/2013 as deposited with the local planning authority on 16.01.14.

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

3 No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 on weekdays and 08:00 to 13:00 on Saturdays. No burning of waste shall take place on the site during the construction phase of the development.

4 REASON: In the interests of neighbouring amenities  
Before the development hereby permitted commences a scheme for the identification, safe removal, storage and disposal of asbestos materials from the site shall be submitted to and approved by the local planning authority. Development shall be carried out in accordance with the scheme for the removal of asbestos thereby approved.

REASON: In the interests of neighbouring amenities

5 No development shall commence on site until details of the proposed rooflight windows and the glazing for the proposed garden room extension 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 visual amenity and the character and appearance of the area.

6.No development shall commence on site until a sample wall panel of the proposed new brickwork (and capping detail), not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

REASON: In the interests of visual amenity and the character and appearance of the area.

7. No development shall commence until a scheme for an archaeological watching brief during construction shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the submission of a written scheme of investigation and the submission of a final report detailing the outcome of the watching brief, and include measure to record and mitigate any archaeological finds. The scheme shall be developed in accordance with the approved scheme.

REASON: In order to ensure that an archaeological watching brief is carried out during construction, and that any works or finds are properly recorded and protected.

#### INFORMATIVE FOR BATS

There is a low risk that bats may occur at the development site. Bats and their roosts are protected at all times by the Conservation of Habitats and Species Regulations 2010. 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 to contact Natural England.