CASE OFFICER'S REPORT

Application Reference:	PL/2023/09512
Application Type:	Removal/variation of conditions
Consultation ends:	07 December 2023
Case officer:	Verity Giles-Franklin
Site Address:	5 Green Lane, Westbury, BA13 3PY
Proposal:	Variation of condition 2 (approved plans) on 20/01170/FUL to allow for design changes
Recommendation:	Approve with Conditions

SITE DESCRIPTION AND PROPOSAL: This application seeks to vary Condition 2 (the approved plans list) of planning application reference 20/01170/FUL which permitted the demolition of an existing garage and shed and the construction of a detached chalet style bungalow to the rear of 5 Green Lane, Westbury.

This variation application seeks to change the external finish of the proposed dwelling from the originally approved brickwork to a white render finish as well as making some minor fenestration alterations, which would result in a material change to the appearance of the dwelling and thus the original approved plans list condition does need to be varied.

As planning permission has been previously granted under application reference 20/01170/FUL for the construction of a dwelling on this site, and with this application only seeking to vary the external finish of the proposed dwelling, this report will solely appraise the implications of this change (and the subsequent variation of Condition 2 of the consented application).

It is duly noted that the original planning permission was granted on 3 June 2020 and therefore the planning permission would have expired if no material start had been made in implementing the permission before 3 June 2023. As part of the case officers review of the planning history, it is noted that a certificate of lawfulness was issued by the Council on 7 June 2023 which confirmed that works had commenced to lawfully implement the planning permission granted under reference 20/01170/FUL and therefore that planning permission is now extant.

The subject site is located within an established residential area of Westbury, with Green Lane characterised predominately by bungalows or chalet style bungalows elevated above the road, and The Tynings comprising a mixture of bungalows and two storey dwellings. It was evident during the case officers site visit in December 2023 that a dividing fence has been erected to the rear of 5 Green Lane and that the existing garage and shed had been removed with a paved car parking area laid out.

During the assessment period, the site plan drawing was revised, as the original submission was found to have a discrepancy in terms of the size of the garden that would serve the new dwelling, which differed from that originally approved as part of 20/01170/FUL. As such, a revised site plan drawing was submitted on 9 January 2024 to conform with the original consent.

POLICIES

National Context: National Planning Policy Framework (NPPF); Planning Practice Guidance (PPG)

Local Context: The adopted Wiltshire Core Strategy (WCS) 2015, namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP32 - Spatial Strategy: Westbury Community Area; CP51 - Landscape; CP57 - Ensuring High Quality Design and Place Shaping; CP60 - Sustainable Transport; CP61 - Transport and New Development, CP64 - Demand Management; CP67 - Flood Risk

Westbury Neighbourhood Plan 2023 - 2036, Referendum Version, though no 'made' plan at time of writing

Saved Policy U1a - Foul Water Disposal, West Wiltshire District Plan 1st Alteration 2004

Wiltshire Local Transport Plan 2011-2026 Car Parking Strategy

Wiltshire's Community Infrastructure Levy documents

RELEVENT PLANNING HISTORY

20/01170/FUL - Demolition of existing garage and shed, construction of detached dwelling in rear garden - Approved with conditions

PL/2022/09043 - Non-material amendment relating to 20/01170/FUL to adjust the proposed street-scene to suit a minor variation in site levels

PL/2023/03773 - Certificate of Lawfulness to confirm works have commenced on application 20/01170/FUL (Demolition of existing garage and shed, construction of detached dwelling in rear garden) - Lawful development certificate issued

KEY ISSUES: Visual impact and impact on neighbouring amenity

CONSULTATION RESPONSES

Westbury Town Council: No comment

REPRESENTATIONS

Third-party Representations: Two letters were submitted raising the following summarised concerns:

- Concerns regarding the height of the proposed dwelling and this being higher than originally proposed
- If dwelling is higher than originally approved, there would be overlooking concerns
- The car parking area has not been constructed in accordance with Condition 7 on the original consent
- Car parking arrangements for No. 5 are not usable and therefore would increase on-street demand for car parking
- Pollution from cars to neighbours bedroom
- Concerns regarding impact of the development on existing retaining wall

PLANNING CONSIDERATIONS AND ASSESSMENT

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.

Visual Impact and Impact on Neighbouring Amenity: This application seeks to change the external materials of the proposed dwelling from the previously approved brick to a K-rend finish, which the applicant has confirmed in writing would be in a Limestone White shade (similar to RAL 9002). The proposal also seeks to remove two bi-fold doors on the rear elevation and replace these with one bi-fold door and a separate window.

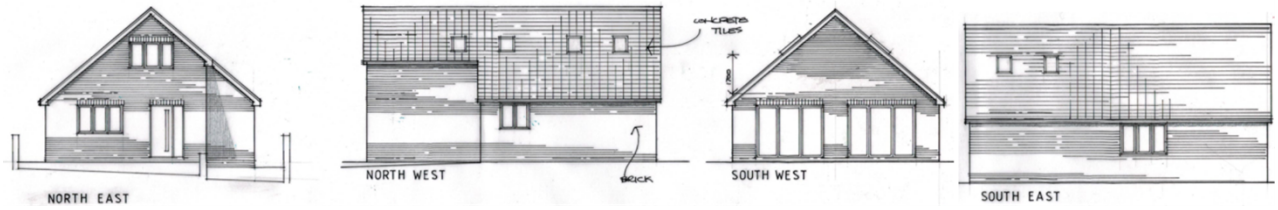
Core Policy 57 of the adopted WCS, requires a high standard of design for all new developments, and developments are "*expected to create a strong sense of place through drawing on the local context and being complementary to the locality*". The policy also requires in criterion iii for proposals to respond positively "*to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting*" and in criteria vii for developments to have "*regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)*".

Furthermore, paragraph 131 of the Framework states that the "*creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*". The Framework also requires in criterion f) of paragraph 135 the creation of "*places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users*".

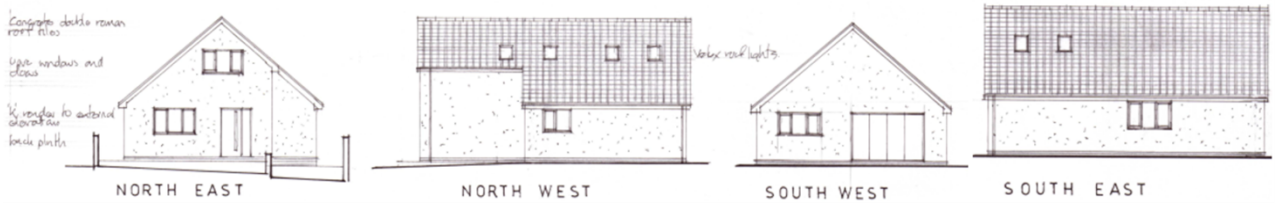
The proposed use of a render finish in this instance is not considered to be harmful to the wider character and appearance of the area given that the immediate area is characterised by

residential use, with a mix of materials including light render. As such, it is considered that the proposed change in the external material finish would compliment other dwellings in the immediate area.

With regards to the proposed change to the rear fenestration, no objections are raised and the change to the ground floor openings would not result in any increase in overlooking or loss of privacy compared to that previously consented.



Elevations as approved under application 20/01170/FUL



Elevations as proposed as part of this variation application

It is noted from the submitted representations that there are some concerns regarding the car parking area that has been laid out on the site. It is important to mention that this application is only seeking to vary Condition 2 (the approved plans list) in respect of proposed changes to the fenestration and materials to be used on the dwelling only. Any alterations to the car parking area gradient would require a separate variation of Condition 7 of the original planning permission, which specified that the gradient of the driveway should be no steeper than 1:15 as measured from its junction to the public highway. A planning informative can be imposed as part of any consent to inform the applicant that if the car parking area has not been laid out in accordance with Condition 7, then this would require separate regularisation.

CONCLUSION: Approve with conditions

Conditions:

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

00251/001, Location Plan, Existing and Proposed Street Scene, dated November 2022; Proposed Site Plan, and Existing Plans and Elevation Drawings for Existing Garage and Shed

as received on 3 March 2020; Proposed Curtilage Plan for the Proposed Dwelling, as received on 19 May 2020; and RP1, Proposed Floor Plans, Sections and Elevations and Site Plan, as received on 9 January 2024

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

2 No development hereby approved shall commence beyond ground floor slab level until the existing street lamp which is currently located to the north-east of the garage, has been removed and relocated.

REASON: To ensure that access to the required on-site car parking area can be gained in the interests of highway safety.

NOTE: The applicant would need to apply and secure separate consent from the relevant authorities to sanction the removal and repositioning of the street lamp.

3 No development shall commence on site 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:

* finished levels and contours;
* all means of enclosure;
* other vehicle and pedestrian access and circulation areas;
* all hard and soft surfacing materials

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

4 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 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.

5 No part of the development hereby permitted shall be brought into use until the car 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.

6 The gradient of the driveway shall be no steeper than 1:15 from its junction with the public highway.

REASON: In the interests of highway safety.

7 No development shall commence above ground floor slab level until a scheme for the discharge of surface water from the site (including surface water from the access/driveway), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

Informatives: (1)

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

2. The application may involve an extension to the existing dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on:

vehicleaccess@wiltshire.gov.uk and/or 01225 713352.
3. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
4. The applicant is advised to contact Wessex Water directly with regards to any new connections to their network.
5. The car parking area that has been construction on site would require regularisation through the submission of a separate planning application if it fails to comply with the 1:15 gradient requirement detailed within Condition 6 of this planning permission (originally Condition 7 on the planning permission issued under 20/01170/FUL).