DELEGATED REPORT

Application Reference:	PL/2023/10863
Application Type:	Removal/variation of conditions
Site Address:	10 Fitzmaurice Close, Derry Hill, Calne, Wilts, SN11 9PD
Proposal:	Variation of condition 2 of 20/06083/FUL - to allow reorientation of garage, revision to roof of garage to permit solar panels over both sides of roof
Recommendation:	Planning Permission be GRANTED subject to conditions

SITE & PROPOSAL

The application site relates to land at 10 Fitzmaurice Close which is a residential plot occupying an end of cul-de-sac location in Derry Hill village. The plot is formed of part of the curtilage including the detached garage of no. 10 Fitzmaurice Close. The site bounded on two sides by existing properties and backs onto the A342 embankment where the carriageway is at a lower level. The site falls within the settlement boundary of the village.

The Derry Hill village conservation area extends away from the southern boundary. The closest listed building is Hilltop, 21 Old Derry Hill approximately 50m to the south of the site and separated by intervening buildings and landscaping. The site is not identified as being at high risk of surface or ground water flooding.

Planning permission was granted on 16th October 2020 to demolish the existing garage serving no. 10 and to subdivide of the existing plot to allow for the erection of one new 3 bed detached dwelling and garage (20/06083/FUL refers). It is understood that this permission has been implemented. Pre-commencement conditions have been discharged under separate application PL/2023/06844.

This application seeks to vary the approved plans included under condition 2 of the original permission to alter the design and position of the proposed garage. The application initially also included construction of a new retaining wall to the rear of the property however following concerns from highways in relation to the proximity to the road and landownership this element of the proposal was removed. It was further highlighted that this element of development occurred outside of the redline location plan of the original permission and the same location plan submitted with this s73 application.

MAIN ISSUES

- Principle of Development
- Scale & Design
- Heritage Impacts
- Access & Parking
- Other matters – Drainage, Ecology and conditions

POLICIES

Wiltshire Core Strategy 2015 (WCS)

Core Policy 1	Settlement strategy
Core Policy 2	Delivery strategy
Core Policy 8	Spatial Strategy: Calne Community Area
Core Policy 57	Ensuring high quality design and place shaping
Core Policy 58	Ensuring the Conservation of the Historic Environment
Core Policy 60	Transport and development
Core Policy 64	Demand management

Calne Community Neighbourhood Plan 2016-2026 (CCNP)

Policy BE1	Integration and Landscaping
Policy BE2	Design Principles for Local Distinctiveness
Policy BE3	Parking Provision
Policy BE4	Heritage Assets
Policy H4	Settlement Boundaries and Housing Sites

National Planning Policy Framework (NPPF) 2023:

Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 12	Achieving well-designed and beautiful places
Section 16	Conserving and enhancing the historic environment

CONSULTATIONS

Calne Without Parish Council: support

Highways: Objection

With regard to the reorientation of the garage, I would not wish to raise an objection however I note that the reorientation may result in access issues with regard to using the double garage space for two vehicles, there are however at least two further parking spaces indicated within the curtilage which would accord with the required minimum standard for parking and therefore displaced parking would not be considered to occur as a result of the proposals.

I wish to point out that the proposals include an area to the rear of the property between the property legal boundary and the existing carriageway of the A342 which is recorded as publicly maintainable highway and therefore the proposals do not sit within the property curtilage, this has been demonstrated by red line boundary indicated on the site location plan and existing block plan.
I would therefore not be in a position to support the proposals as they encroach upon land within the public highway with some heavy engineering works to provide a retaining structure in order to build up the land and provide additional garden space. The retaining structure proposed would be in close proximity to the A342 and as such would require more detail to

be submitted in order to satisfy the structures team, however I do not feel that the proposals are required as per the previous development. The works required to place a retaining structure would also require the part closure of the A342 to secure highway safety.
Further to this the proposal would not be within land controlled by the applicant, it is possible to extinguish highway land through application to the secretary of state which as Highway Authority we would be consulted upon, however, as I previously mentioned the proximity too the A road gives me highway safety concerns.
I am therefore not in a position to offer a positive recommendation and would be required to refuse on highways grounds unless the additional rear garden was to be unaltered as in the previous application. I object to the proposals based on the following reason for refusal:

DEVELOPMENT IN SERVICE STRIPS / PUBLIC HIGHWAY
The proposed development of a garden extension and retaining wall is located within the public highway and will not be accepted by the Highway Authority. The retaining wall if erected would therefore constitute an unlawful obstruction in the public highway and for this reason planning permission is refused.
Reason: In the interests of avoiding giving sanction to an unlawful highway obstruction

REPRESENTATIONS

None received

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. The National Planning Policy Framework (NPPF) is a key material planning consideration. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations.

Principle of Development

The site benefits from planning permission for the development of one new dwelling and a detached garage which is unaltered in principle. The application is submitted under s73 of The Act, this application seeks only a change to the orientation and design of the garage building. Consideration of the proposal should be appropriately confined to the acceptability of the change proposed.

Scale& Design

WCS Core Policy 57 requires development to respond positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, elevational design, materials amongst other things. CCNP Policy BE1 expects all development proposals to provide appropriate landscaping to integrate the existing and new built form and landscape. CCNP Policy BE2 requires development to be designed to a high quality that reinforces local distinctiveness, including in relation to materials, built form and settlement patterns.

The proposed garage is of a similar design to that previously approved. It has the same footprint area with the addition of a greater overhang to the roof to provide a covered bin and log store. It also include a 'solar roof' with full panel coverage to both sides. It is reorientated slightly to run parallel with the south west boundary. The ridge height is unchanged. The submitted block plan includes the landscaping scheme in line with the scheme approved separately under DOC application PL/2023/06844.

The changes are relatively minor and occur within the curtilage of the dwelling and well within the built-up area of the village. The changes do not significantly alter the outward character of the development as approved. Although the solar panels will be in prominent view from the, they are entirely appropriate in the domestic context.

The proposal is considered to achieve an acceptable level of design and will integrate sufficiently in accordance with CP57 of the WCS, BE1 & BE2 of the CCNP and Section 12 of the NPPF.

Heritage Impacts

Core Policy 58 of the Wiltshire Core Strategy reiterates the above, indicating that proposals should protect, conserve and where possible enhance the historic environment. Policy BE4 of the CCNP expects proposal affecting the Derry Hill Conservation Area must take account of their distinctive characters, including their open spaces and natural features, and reflect these in the proposed layout, design, form, scale, mass, use of materials and detailing.

The impact on the setting of the adjacent conservation area has been considered. The overall design approach remains appropriate for the residential setting. Subject to appropriate external materials and landscaping scheme being secured by planning conditions, the setting of the adjacent conservation area is considered to be unharmed by the proposed development.

The proposal will conserve the character and appearance of the conservation area in accordance with CP 58 of the WCS, BE4 of the CCNP and section 16 of the NPPF.

Residential Amenity

Core Policy 57 states that development should 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. Section 12 of the NPPF also states that planning decisions should create places with a high standard of amenity for existing and future users

The nature of development does not present any concerns in relation to loss of privacy or overbearing development. Nuisance from reflection can sometimes be a concern from solar panels, however as a result of the small area covered, relative distances, property orientation and intervening boundary treatments, it is not considered that the proposal will result in unacceptable impact upon the amenity of neighbouring properties.

Access and Parking

Core Policy 61, Transport and New Development states that new development should be capable of being served by safe access to the highway network. Core Policy 64, Demand Management, states that provision of parking associated with new residential development will be based on minimum parking standards. Neighborhood Plan policy BE3 expects all residential development proposals, including change of use to residential to provide adequately for off-street parking in accordance with the standards set out in the Wiltshire Car Parking Strategy 2011 – 2026

Wiltshire Council Highways are satisfied with the parking and access arrangements noting that although the garage may not provide two accessible spaces, sufficient parking remains on the site. The Highways Engineer did object to the retaining wall element of the proposal suggesting that this was on WC Highways land and also noted that there would be structural concerns given the proximity to the main road below. This element has since been removed from the application.

Other matters

The changes proposed do not affect the original drainage and ecology considerations. Other conditions not varied by this proposal will be reapplied with reference to details which have been approved under separate discharge of conditions application PL/2023/06844 as appropriate.

CONCLUSION

In conclusion it is considered that varying the conditions to allow for the changes to the garage design and position would be acceptable. The changes proposed comply with the requirements of Core Policies 57 & 58 of the adopted Wiltshire Core Strategy, BE1, BE2, BE3 & BE4 of the Calne Community Neighbourhood Plan and Sections 12 & 16 of the National Planning Policy Framework. In the absence of any material considerations indicating otherwise, planning permission should be granted.

RECOMMENDATION

That Planning Permission is GRANTED subject to the following conditions;

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

063-A-001B Proposed Block Plan
(received 12 March 2024)

063-A-002 Proposed Garage Plan & Elevations
063-L-001 Location Plan and Existing Block Plan
Solar Panel Details
(received 15 January 2024)

1607 008 Topographical Survey
1607 0112B Site Sections A-A & D-D
1607 0113A Site Sections B-B & C-C
(received 21 July 2020)

1607 010 A Proposed Floor Plans

1607 030 A Proposed Elevations
(received 7 October 2020)

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

2 The development shall not be carried out otherwise than in accordance with the approved Construction Method Statement Version 3 (received 21 September 2023) submitted under the discharge of condition application relating to condition 3 of 20/06083/FUL approved on 21 September 2023 (ref.PL/2023/06844)

REASON: In order that the development is undertaken in an acceptable manner, to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

3 The development shall not be carried out otherwise than in accordance with the approved Arboricultural Report - Silverback arboricultural consultancy ltd Arboricultural Method Statement (received 11 August 2023) submitted under the discharge of condition application relating to condition 4 of 20/06083/FUL approved on 21 September 2023 (ref.PL/2023/06844)

REASON: In order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

4 The development shall not be carried out otherwise than in accordance with the approved Proposed Drainage Plan 1607 A 004 (use for drainage strategy ONLY) & Drainage Statement (received 5 September 2023) submitted under the discharge of condition application relating to condition 5 of 20/06083/FUL approved on 21 September 2023 (ref.PL/2023/06844).

The development shall not be first brought into use/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.

5 The development shall not be carried out otherwise than in accordance with the Schedule of Hard/Soft Landscaping shown in the approved Proposed Block Plan 063-A-001-B (received 12 March 2024).

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 construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of

07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

REASON: To minimise detrimental effects to the neighbouring amenities.

8 The privacy screens to both ends of the first floor balcony shown on the approved plans shall be erected/installed prior to the first occupation of the dwelling hereby permitted and shall be retained and maintained as such at all times thereafter.

REASON: To prevent overlooking & loss of privacy to neighbouring property

9 No development shall commence on site above slab level until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

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

REASON: In the interests of highway safety.

11 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 the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

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 garage(s) hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision and cycle storage, in the interests of highway safety.

14
INFORMATIVE TO APPLICANT: 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 WiltshireCouncil 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.

15
INFORMATIVE TO APPLICANT: 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.

16
INFORMATIVE TO APPLICANT: The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence. If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

17
INFORMATIVE TO APPLICANT: The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may 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.

18
INFORMATIVE TO APPLICANT: Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

19
INFORMATIVE TO APPLICANT: The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.