

<b>Date of Meeting</b>	9 June 2021
<b>Site Address</b>	Land at 66A Westbury Leigh, Westbury BA13 3SQ
<b>Proposal</b>	Demolition of the existing building. Construction of 4 new dwellings (revised scheme following the withdrawal of application reference 19/09803/FUL for 5 dwellings)
<b>Applicant</b>	Mr Daniel Reed
<b>Town / Parish Council</b>	Westbury Town Council
<b>Electoral Division</b>	Westbury East – Cllr Gordon King
<b>Grid Ref</b>	386275 - 150084
<b>Type of Application</b>	Full Planning Application
<b>Case Officer</b>	Jemma Foster

### Reason for the application being considered by Committee

This application has been ‘called in’ for the Western Area Planning Committee to determine at the request of the elected local ward member, Cllr Gordon King should officers be minded to support the application so that the elected members can consider the following material matters:

- The scale of the development
- The visual impact upon the surrounding area
- The relationship to adjoining properties
- The design, bulk, height and general appearance of the proposal
- The environmental or highway impact
- The car parking
- The extent of community concern and to open this application to public debate.

### 1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to conditions.

### 2. Report Summary

The key determining planning issues are considered to be:

- The Principle of Development;
- Impact upon the Area and wider landscape;
- Heritage Matters;
- Highway Impacts;
- Biodiversity Matters.
- Neighbouring Impacts

### 3. Site Description

The site that is the subject of this application is located within the town policy limits of Westbury and is found on the north side of Westbury Leigh Road (a C class adopted public highway). There is an existing single storey detached flat roofed building on the site known as the Kingdom Hall of Jehovah’s Witnesses – which was originally built as a place of worship in 1976 and was extended and altered in 1991 to its current form on a site extending to 695m<sup>2</sup> (which equates to 0.17 acres/0.69 ha).

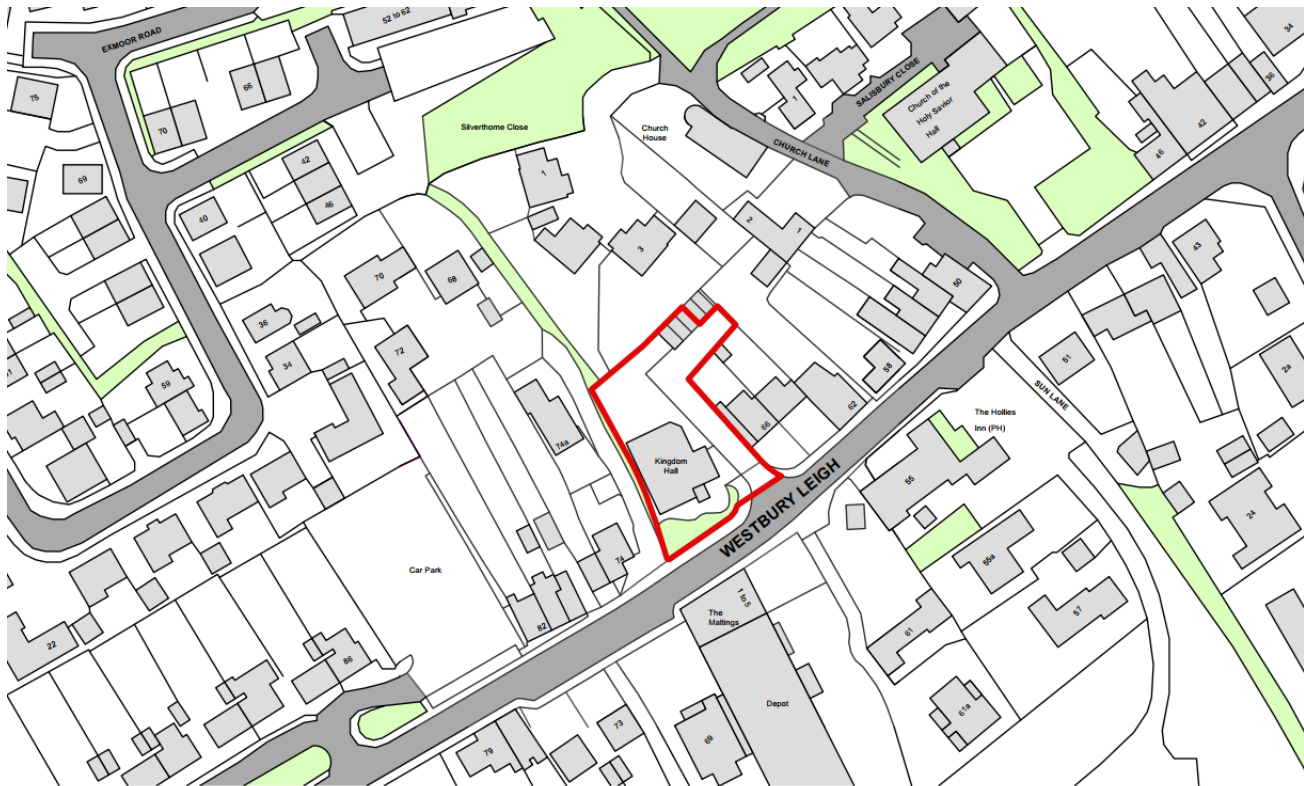
The existing 223sqm building (shown below) comprises a main hall, 2 reception rooms, toilet facilities and a kitchen. There is an area of enclosed garden to the front and garaging and a gated car park (as shown in the second photo below) located to the rear of the site that can accommodate up to 11 car parking spaces.



The existing Kingdom Hall is not listed but the application site is located within 50m of two grade II listed buildings namely: The Hollies Inn which is a 2-storey building located to the south east of the site and the



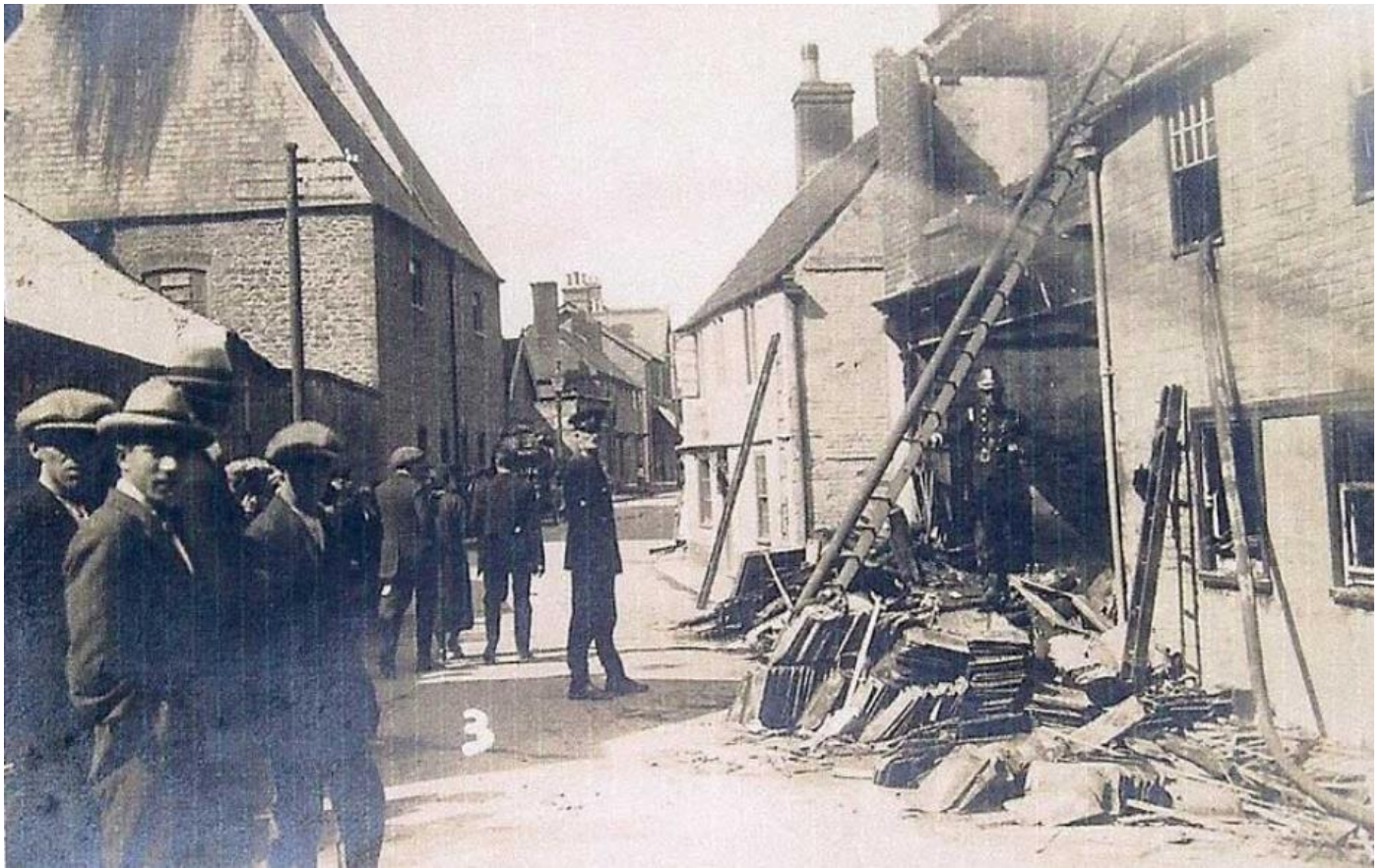
Malthouse at the Maltings which is a very prominent 2 and 3 storey rectangular building located to the south of the site - with both listed properties located on the opposite side of Westbury Leigh Road that are clearly notated on the location plan below.



A view along Westbury Leigh Road with The Hollies Inn above left and the Malthouse in the distance. The photograph also reveals that the immediate site surrounds has a varied character in terms of building size and design.

On the next page, this report includes two photographs of this site with the first (dating from around the 1920s) which reveals the housing that previously occupied the site immediately opposite the Malthouse.





The current site looks like this:



#### 4. Planning History

W/76/00015/HIS - Demolish existing buildings - erect new building for Religious worship - Approved

W/91/00100/FUL - Extension and alteration to a place of worship - Approved with Conditions  
19/09803/FUL - Demolition of the existing building. Construction of no.5 new dwellings – Withdrawn

### 5. The Proposal

This application seeks full planning permission for the erection of a terrace of three 3-bedroom, two-storey (with a room in the roof) dwellings to be constructed along the site frontage and a one two-storey 4-bedroom property to be constructed at the rear of the site with associated parking, turning and landscaping. The original proposal was illustrated by the following elevations:



Amended plans were received in March 2021 which were subject to a fresh consultation exercise being for 21 days. The changes included within the revised plan submission included the following:

- The deletion of one residential unit (from 5 to 4 units) and removal of dormers on front roof plane.
- Lowering the ridge height for the terraced block and setting it further back into the site.

The revised proposed elevations that are reported to committee for consideration are:





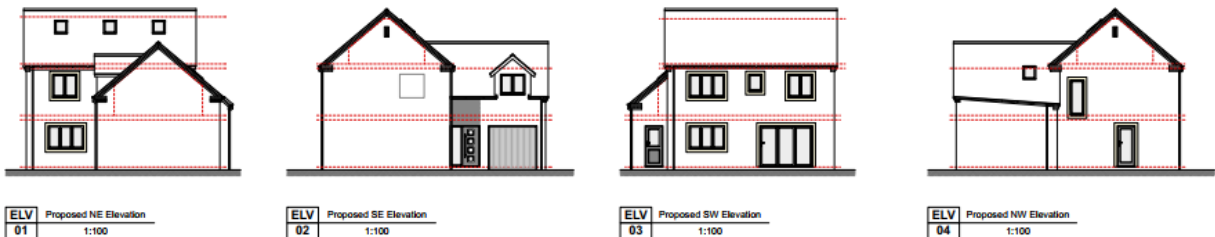


Site Plan  
001

The proposed terrace fronting Westbury Leigh Road is illustrated as follows:



The proposed single dwelling to the rear is shown below.



The proposed new development in footprint terms comprises 228sqm, 4.5sqm more than what presently exists on the site (refer back to the previous aerial photo and proposed plans). The scheme proposes the

removal of the conifer, silver birch, eucalyptus, prunus, acer and rowan trees at the site frontage and a telegraph pole in the site's southern corner is proposed to ensure service connection continuation.



The site is located in flood zone 1 – a site with the lowest risk of flooding.

## 6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

CP1 – Settlement Strategy, CP2 – Delivery Strategy, CP32 – Spatial Strategy Westbury, CP57 – Ensuring High Quality Design and Place Shaping, CP58 – Ensuring the Conservation of the Historic Environment, CP60 – Sustainable Transport, CP61 – Transport and New Development, CP64 – Demand Management, CP67 – Flood Risk

Saved Policies for the West Wiltshire District Local Plan (1st Alteration): U1a Foul Water Disposal.

Other Considerations:

- The Wiltshire Waste Core Strategy (adopted 2009) - Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework 2019 (NPPF) and Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)

## 7. Consultations

Westbury Town Council - Objects to the amended plans (as summarised below):

- The height of the proposed buildings would not be sympathetic to the site.
- The proposed development is excessive for this constrained site and the development by virtue of its size, mass and bulk, would dominate and erode the character of the surroundings.
- The proposed removal of an important row of trees would be harmful to the street scene, its visual setting, and the distinctive identity of the local community.
- The development would not comply with the Council's Core Strategy policy in terms of delivering high quality development and place shaping. The scheme would erode rather than enhance the unique and separate identity of Westbury Leigh.

- The access to the highway network is tight and restricted which adds weight to the weight of arguing that this development constitutes an overdevelopment of a constrained site making access to and egress from the public highway problematic in several scenarios.
- Lack of garden and amenity space. The present public health crisis has underlined the importance of outside space.

Wiltshire Council Highways – No objection subject to conditions

Wiltshire Council Drainage - No objection subject to conditions

Wiltshire Council Conservation Officer - No objection

## **8. Publicity**

The application was advertised by a site notice and neighbour notification letters. The deadline for any correspondence was 1st April 2021. 11 letters of objection have been received on the amended plans and 24 letters of objection were received on the as submitted plans. The comments made on the amended plans are as follows and are in addition to the comments below:

### Principle of Development

- Too many dwellings proposed at this site. The site could accommodate two additional dwellings, not four.
- The revised plans still constitute as site overdevelopment

### Impact upon the area

- One larger property to the rear instead of 2 smaller ones does not overcome the previously raised concerns
- Now that the terrace has been moved back why do the existing trees have to be removed?
- The dormer windows should be flat velux style which would be more in-keeping with the area

### Impact on Amenity

- The larger dwelling to the rear would cause more overshadowing and overlooking than the previous plan.
- The larger dwelling has a side window that would look directly into the gardens of the proposed terrace and the dormer windows in the terrace would overlook the 4-bedroomed property.

### Access

- How would the proposed garage attached to the 4-bedroom property be used and accessed?

### Other Matters

- When gas is phased out how would the occupiers find alternatives?
- Should permission be granted, there should be a condition imposed requiring 5 swift bricks to be included in the development

In addition to the above, 24 letters of objection were received on the originally submitted planning submission which was subject to the following summarised public comments:

### Principle of development

- This is an overdevelopment of the site

### Impact on the area



- The size (3-storeys) and design of the proposed dwellings are too high and would not be in keeping with the local area
- Significant trees located along the road frontage would be removed and their replacement with apple trees is not realistic
- The proposed front terrace would be positioned forward of the existing building line
- There would be a loss of biodiversity and habitat

#### Impact on neighbouring amenity

- The development will overshadow neighbouring properties and their gardens
- The proposed dwellings will be overbearing as our land is already 4-5ft lower than the proposed site
- Gardens are too small
- There will be overlooking to neighbouring gardens especially from plots 4 and 5
- More dwellings will mean more noise
- Concerned about demolition of the site and the possibility of asbestos being in the existing building
- The occupiers of number 61 have their primary amenity space at the front which will be completely compromised

#### Highways

- Access is too narrow
- Parking will create problems for residents already living in the area
- The access also serves other properties and therefore parking should be made available for the existing houses
- Parking spaces are narrow so you cannot open car doors making them unusable
- Concerned with excess water running down to the lower properties
- More dwellings will result in an increase in traffic
- Cars associated with the development will need to reverse up and out onto the main road causing congestion
- There are no electric charging points for electric cars
- How will the refuse lorry access the site
- There are already problems with drainage on the site

#### Other Matters

- Westbury does not have the infrastructure for more dwellings
- The loft area is to be used as a bedroom – where will future occupiers store anything especially as there is no garage or shed
- The properties have grass and therefore need 4 recycle bins and not the 2 shown
- No provision for solar panels
- The site owner has no legal access to the private road they want to use
- The existing garages are owned by neighbours – how can the site owner develop this area of land if they don't own it
- There are bats in the area and no surveys have been submitted
- Will asbestos be removed in line with the relevant legislation
- No planning notices have been erected for this application
- Unacceptable that no site visit is being undertaken by Council Officers
- Comments on the last application should be forwarded onto this current application
- The wall holding back the kingdom hall against Silverthorne close is in a poor state of repair and bows into my garden and is likely to collapse with any additional weight.
- The plans do not have a scale on them so how can they be measures

## **9. Planning Considerations**

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.

### **9.1 The Principle of Development**

The site is located within the Market Town of Westbury where under CP1 and CP2, additional residential development is acceptable in principle. Core Policy 49 sets out to protect community facilities and the supporting WCS text in paragraph 6.71 includes places of worship as a community facility – which falls under the new Use Class of F1(f) (previously known as a Class D) uses for public worship or religious instruction.

Adopted Wiltshire Core Strategy Core Policy 49 states that: *Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically 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 supported. 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 supported, a comprehensive marketing plan will need to be undertaken and the details submitted with any planning application. Only where it can be demonstrated that all preferable options have been exhausted will a change of use to a non-community use be considered.*

The application is supported by a letter produced by Kavanaghs (a residential and commercial agent) which asserts that:

- Kavanaghs were instructed by the Jehovah Witnesses to find purchasers for their sites in Westbury and Devizes due to a nationwide policy to reduce overheads by merging Kingdom Halls within large towns.
- Site marketing commenced in 2018 with online advertising, local press publications and a 'for sale' sign being displayed at the site property.
- The site was advertised as a place of worship (its lawful use) as well as for potential reuses as commercial and community uses as well as for alternative development.
- There were 20 viewings and 5 firm offers were made.
- The majority of the offers were received from community groups, but these offers fell away as they could not raise the funds.
- The applicant for this application made an offer in April 2019 which was completed in November 2019.

On review of the details provided by Kavanaghs, there is sufficient evidence to demonstrate that the site was placed on the open market and was given every reasonable opportunity for another religious or community group to purchase the site, but as the record reveals, whilst express interest and offers were made by others, these did not proceed. Officers are satisfied that the terms of CP49 have been met and this application proposal to deliver 4 residential properties is policy compliant.

### **9.2 Impact upon the character and appearance of the area**

Westbury Leigh is an area of Westbury that is characterised by different building design, heights, styles and materials with dwellings/buildings largely fronting the pavement/public highway. The area immediately surrounding the application site is characterised by dwellings set back somewhat from the road frontage.

To visually illustrate the above, the following photos of the surrounding area are included on the next page.





The existing building set some 7m back from the highway, is single storey and flat roofed that does not to contribute positively to the character and appearance of the street scene. Its juxtaposition with the prominent 2/3 storey listed Malthouse (shown below) creates an awkward and somewhat harmful setting impact on the nearby heritage asset, although it does further demonstrate the varied built forms of development.



The proposed terrace of three dwellings being set back from the street frontage by 5 metres would create much more of an active street scene frontage than what currently exists, and the 2-storey terraced form would not harm the setting of the nearby asset. Indeed, by reference to the previous historic photograph included earlier within this report, officers are of the view that this development would re-introduce a form of development that was previously a recognised existing characteristic and having a 2-storey built form on the opposite side of the road to the Malthouse is considered acceptable.

Officers report no objection to the proposed siting of the terrace which would sit well alongside the buildings found along the northern side of Westbury Leigh Road with the site positioned between No.66 which is stepped back from the road frontage by approximately 9.5 metres and No.74 which is stepped back approximately 2.5 metres. The plan below shows that the terrace would occupy a space that would be read as a transition between No.66 and No.74 and it would not lead to any demonstrable harm.



The proposed terraced would be constructed using a combination of red multi and buff face brickwork with the joints being hidden by a down pipe, under a slated roof with grey coloured fenestration. These materials can be found within the existing street scene and as such are considered to be appropriate to this location.

The proposed terrace would measure just over 9.5 metres in height, 8.5 metres wide and 16 metres in length. Due to the set back nature of the existing nearby properties (except the Maltings), the height of the proposed terrace would not lead to harmful overbearing impacts.

The proposed single residential plot located at the rear of the site is considered to be appropriate in terms of its location as there are other single dwellings found at the rear of existing dwellings that front Westbury



Leigh Road – such as the 2-storey dwelling at No. 74a (which was approved in 2001 under W/01/02078/FUL and its siting and proximity to this application is shown on the previous plan insert).

This proposed single dwelling forming part of this application would measure just over 8 metres in height and would be constructed using the same materials.

Should members be minded to approve this application, it is recommended that planning conditions are imposed to protect the character and appearance of the street scene and to protect the setting of nearby historic buildings and to require the applicant to submit further details of any fences, walls or gates for the written approval of the local planning authority prior to construction. Other conditions are recommended which are found within section 11 at the end of this report.

It is fully appreciated by officers that this development would bring about a significant change to the street scene and immediate character of Westbury Leigh Road, but officers are of the view the development would not be harmful and would add to the existing variety of building design, and as such, officers argue that the development would comply with the relevant criteria of CP57 and the NPPF.

### **9.3 Impact upon the setting of the nearby listed building (heritage asset)**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires ‘*special regard*’ to be given to the desirability of preserving a listed building or its setting. Paragraph 193 of the NPPF states that “*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. ... This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”

The following points are taken from the Historic England document “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3) that are considered to be particularly relevant:

HE GPA3 Part 1:

*“The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.”*

*“The extent and importance of setting is often expressed by reference to visual considerations. ...views of or from an asset will play an important part...”*

*“While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time.”*

*“The importance lies in what the setting contributes to the significance of the heritage asset or to the ability to appreciate that significance.”*

The application site is located opposite the Grade II listed building at The Maltings and there is another nearby Grade II listed public house at The Hollies further to the east of the site. The settings of these two protected buildings must be taken into account as part of the assessment of this application.

The existing building on the site is a flat roofed single storey structure and the Council’s Conservation Officer is of the view that it does not contribute positively to the setting of the heritage assets. The one virtue in this

regard is that it is a low-level building that does not have much presence within the street, but there is no heritage-based reason to oppose the proposal demolition of the existing building.

The proposed replacement terrace of a two-storey form would be of a height that would be in keeping with neighbouring and other domestic buildings along the street, and the Council's Conservation Officer considers the form and scale of the proposal to be acceptable. The Conservation Officer is also of the opinion that the proposed design, detailing and use of materials would be in-keeping with the immediate area and would not result in demonstrable harm to the setting of the listed buildings. The Conservation Officer did express a preference of the front roof elevation of the terrace having fewer rooflights but asserted that this preference would not warrant a reason to refuse the application.

The Conservation Officer also confirmed that the proposed detached dwelling located to the rear of the site by reason of its location would not have any impact on the setting of the listed buildings.

In sum, the proposal would not cause any harm to the heritage assets and the proposal complies with the relevant WCS policies namely: CP57 and CP58, as well as Historic England's guidance contained within "The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning" and the NPPF.

#### **9.4 Highway and Drainage Impacts**

Two parking spaces would be provided for each of the proposed 3-bed dwellings and three parking spaces would be proposed for the 4-bed dwelling. One additional visitor car parking space would be proposed with each measuring 2.5 metres by 5 metres (which exceeds the Council's minimum parking space standards) and therefore complies with the Wiltshire Parking Strategy.

The proposed access and off-street turning area is acceptable and the Council highway officer has raised no objections subject to the imposition of planning conditions which are considered appropriate and necessary (refer to section 11 of this report).

The proposed garage should be subject to a planning condition restricting its use and to prevent it being converted to habitable accommodation without separate future consent to ensure that the proposed parking spaces are maintained in accordance with the adopted Core Strategy requirements and to satisfy the Council's Parking Strategy.

Officers acknowledge that local objections have been received regarding how vehicles would access the parking spaces citing potential conflicts, however the submitted plans reveal that the spaces could be accessed without unreasonable manoeuvres and there would be no highway harm, and as mentioned above, the Council's highway officer raises no objection. The development is found to be compliant with NPPF para 109 and WCS core policies 60, 61 and 64.

Additional local concerns have been raised regarding the loss of three garages. However, the three existing garages (which are shown on a previous set of plan and photos inserts within this report) do not meet modern car parking standards and are not used for parking purposes. The agent has confirmed that 1 of the garages was previously acquired by a homeowner who lived on a nearby street who already has on-plot parking and a garage. The garage at the rear of this application site was instead used for storage purposes. The 2 remaining garages were owned by a neighbour who is currently having three parking spaces formed at their property; and again, the garages were only used for storage purposes.



In terms of drainage, the site is located in Flood Zone 1 and is not prone to flooding. The applicant proposes to discharge the site's associated surface water via on site infiltration and foul sewerage would be disposed of via the main sewer. The Council's Drainage Officer has confirmed having no objection subject to a planning condition pursuant to ground investigations, infiltration details and the finalised soakaway design, which can be secured by an appropriate suspensive condition. Wessex Water have raised no objections to the proposal.

### **9.5 Ecology/Biodiversity Impacts**

Local objections have cited that bats use the garages that are identified for demolition. There is however no evidence to support the claims, but bats and their roosts are protected by law and it would be illegal to disturb, harm, obstruct, damage or obstruct them and as such, a planning informative is recommended to accompany any planning permission to ensure the applicant is fully aware of their legal responsibilities and to seek the advice of a licensed ecologist should any bats be located or found on the site during the course of any enabling or site clearance work.

It is fully appreciated that paragraph 170 of the NPPF requires planning decisions to contribute and enhance the natural environment by *inter alia*, protecting and enhancing valued landscapes, sites of biodiversity or geological value, providing net gains for biodiversity and preventing new development from materially contributing to and exacerbating pollution.

The existing building occupies 223.5m<sup>2</sup> of the current site, and the proposed four dwellings would have a comparable footprint of 228m<sup>2</sup> (an increase of only 4.5m<sup>2</sup>) The proposal would result in reducing the amount of tarmac and area of hardstanding which would be replaced with green space (domestic gardens) which would deliver some natural environment biodiversity net gains.

The application includes the proposed felling of six trees along the site frontage to accommodate the proposed development – which would have a limited impact on the street scene but it is important to appreciate that the trees are not protected by TPO; could be removed at any time without the need of any consent from the Council, and are not of sufficient quality to be worthy of protection – they appear to post-date the construction of the Hall. The applicant has accepted the need for compensatory tree planting and proposes the planting of apple trees within the proposed domestic garden. Whilst the loss of the six trees constitutes a detrimental aspect of the application proposal, officers do not consider it would be reasonable to base this as a refusal reason given the lack of any tree protection controls and the compensatory tree planting part of the proposal.

To ensure that this proposed new landscaping features are provided, a planning condition is considered necessary to secure its delivery and net biodiversity gains. Subject to conditions, the proposal is considered Compliant with CP50 and paragraph 170 of the NPPF.

### **9.6 Neighbouring Impacts**

The single dwelling to the rear of the site would be located approximately 2.5 metres from the site's northern boundary and approximately 4 metres from the site's western boundary. Its proposed garage would be approximately 6.5 metres high to the ridge and 5 metres to the eaves and would be offset from the northern boundary. Further along the site's northern boundary (as shown in plan and photos previously), there are three single storey garages, which would be removed as part of the site's redevelopment which would include a new boundary fence measuring approximately 2m with landscape planting to create a new boundary treatment with the neighbouring properties shown below.

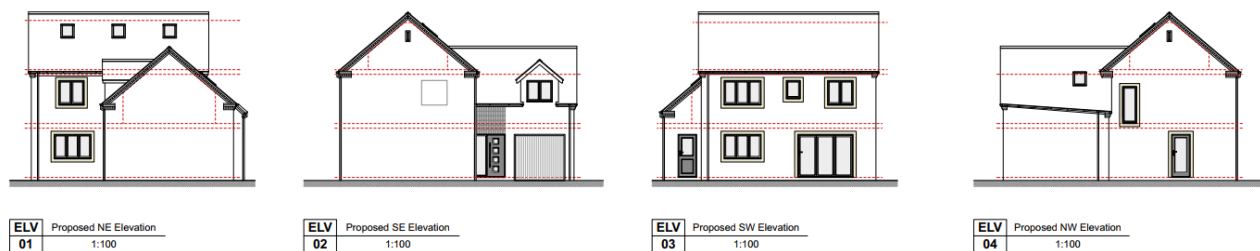


The gardens of No. 2 and 3 Silverthorne Close are approximately 1-1.5m below the level of this application site. The application is supported by plans confirming the existing and proposed floor levels which reveal that the existing levels would more or less remain albeit with a very modest increase of 10cm along the northern site boundary.



The above photo shows the bottom of the garden of No.2 Silverthorne Close. The far southern reaches of the garden of No. 2 (including the greenhouse and the intervening garden up to the site boundary) is not

considered an area of garden that offers significant privacy for its owners and officers are satisfied that the proposed redevelopment of the application site would not materially harm the living conditions enjoyed at No.2 or No.3 Silverthorne Close – with the latter property having a heavily vegetated site boundary – which is partially seen in the above photo.



The proposed elevations of the single dwelling at the rear of the site would have a window at the first-floor level serving a stair well and a door serving the kitchen on ground floor on the north-west façade as shown below which would not result in harmful impacts to the neighbours at No's 2 and 3 Silverthorne Close, by virtue of the upper floor window not serving a habitable room and the separation distances to the neighbouring properties. However, officers acknowledge that the window by being close to the common boundary may lead to the possibility of some transient overlooking so it is considered appropriate to condition the window to be obscure glazed.

The door by reason of it being located at ground floor is considered not to result in overlooking concerns. The properties at Silverthorne Close are located to north of the proposed site and as such, their gardens would experience some overshadowing during the day. The fence on the boundary measures approximately 2 metres high and therefore 6 metres of the main part of the proposed dwelling would be visible from the neighbouring gardens. The eaves of the proposed garage would measure about 5 metres from the ground level and then the roof slopes away from the neighbouring garden which would reduce any overshadowing and overbearing impacts.

The extent of overshadowing to the 2 neighbouring gardens would be experienced from approximately midday onwards and would be most acute during mid-winter, but the impacts would be temporary and not of a level that would substantiate a reason for refusal. Officers are also of the view that the areas of neighbouring garden that would be most affected (i.e. the land nearest the common boundary) does not have high amenity or privacy value.

The NE elevation would have a window at first floor level which would serve a bedroom along with 3 rooflights in the loft area that would serve a playroom. The bedroom window would predominantly look along the access road to the garage although some overlooking could occur towards the end of the garden of No.66 Westbury Leigh, but it is considered that the level of overlooking would be limited and would not warrant a refusal reason. The rooflights would be positioned in excess of 1.7 metres above the internal floor level, which is sufficient to guard against overlooking harm to any neighbouring properties.

The proposed SW elevation is shown to have three windows at the first-floor level. One would serve a bathroom and the remainder would serve bedrooms. These windows would primarily face the garden of the proposed property but would look towards No. 74A. The distance between the proposed rear elevation and the western boundary at its closest point measures between 3 and 5 metres. This boundary has vegetation/trees outside of the applicants' control. The distance between the SW elevation and No. 74A is approximately 10 metres which includes an access road. No.74A has a number of windows on its side



elevation. Two at ground floor level, one of which is obscure glazed and three at first floor level. It is considered that due to the distance between the two properties and the existing boundary treatment there would be no significant overlooking from the proposed first-floor windows in the SW elevation of the proposed dwelling, and there would be no material overshadowing or overbearing issues that would warrant a refusal reason.

The proposed SE elevation is shown to have one window above the proposed attached garage that would look southwards up the main access road which could provide some oblique overlooking of the garden of No.66 Westbury Leigh. However, by reason of its location, the angled view and the separation distance, it is considered that it would not result in any harm.

The proposed terrace would be set back from the main highway and would be positioned about 15.5 metres from the Malthouse which is located opposite the site (as shown in previous photos), and the proposed terrace would have similar ground levels to what exists at present. There are windows at ground floor and first floor at the Maltings which face the site that appear to serve residential properties. Due to the distance between the existing and proposed dwellings and with Westbury Leigh Road in between, officers are satisfied that the terrace development would not lead to harmful neighbouring impacts.

The SW and NE elevation of the proposed terrace would have windows on its gables that would serve a stairwell and a downstairs toilet. To safeguard future amenities, it is considered reasonable to secure by condition obscure glazing of the downstairs toilet windows. The stairwell on the NE elevation would look towards the garden of No.66 and is also recommended to be obscure glazed. The stairwell window on the SW elevation would face towards No.74 which has an existing obscure glazed window on its site elevation.

The windows to the rear of the terraced dwelling would be positioned approximately 11 metres from the proposed new internal plot boundary with the proposed single dwelling which is considered sufficient to safeguard neighbouring amenity.

Overall, it is considered that the proposed development would not result in neighbouring amenity issues or concerns for future occupiers that would warrant a refusal reason. Officers are of the view that it is necessary to impose a condition removing Permitted development rights for additional windows, rooflights or dormers to protect the future amenity of existing neighbours.

Bin storage space is shown on the plans which is deemed adequate. Building for Life 12 (BFL12) suggests that rear gardens should be at least equal to the ground floor footprint of the dwelling, whilst Wiltshire Council do not have a prescriptive plan policy on space standards for gardens, the BFL12 provides a good rule of thumb. The proposal would provide a mix of 4 housing options with varying garden sizes that are deemed sufficient to meet different household needs at this urban location.

Concerns have been raised regarding the demolition works and possible presence of asbestos. This matter would be a matter for other legislation and any asbestos found must be undertaken by a licensed contractor holding a license issued by the Health & Safety Executive. A planning informative can be imposed to record the necessity of safe on-site working operations.

## **9.7 Other Matters**

Additional public concerns received relate to the lack of site visits. The application was submitted during the pandemic lockdown when planning case officers were advised to reduce the number of site visits. The case officer has however visited this site many times and although the first site notice was erected a week after

the consultation letters were sent out, the consultation deadline was extended. Another expressed concern raised related to there being no measurements annotated on the published plans, but the plans include a scale bar which allow the plans to be accurately measured electronically. The site ownership has also been contested but the applicant has confirmed they own all of the land outlined in red on the location plan and have declared by signing Certificate A on the planning application form that the application is completely accurate.

Some of the raised third-party concerns are not material planning considerations and as such, they cannot be taken into consideration or influence the assessment of this application. These include the use of gas in the dwellings and future utility need connections, the provision of internal storage, the lack of provision for solar panels and future structural concerns.

## **10. Conclusion**

The application site is located within the market town of Westbury and is considered a highly sustainable location whereby residential infill development is supported in principle. The negotiated finalised proposal is considered acceptable in policy terms that would add variety to the street scene and housing options. Officers are satisfied that the development would not result in material harm in terms of heritage impacts, highway interests, drainage and ecology matters, and the impacts to neighbours. Subject to planning conditions, this application is recommended for approval and officers maintain that the application complies with the relevant policies of the Local Plan and the Framework.

## **11. Recommendation - Approve the application subject to the following planning conditions**

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### **Conditions: (11)**

- 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 841:03B (Existing & Proposed Location & Site Plan) received 03.03.2021

Drawing 841:01 (Existing Building) received 09.10.2020

Drawing 841:02A (Existing Levels) received 05.05.2021

Drawing 841:12B (Proposed Elevations and Floor Plans for Detached House) received 02.03.2021

Drawing 841:05D (Proposed Plans and Elevations of Terrace) received 02.03.2021

Drawing 841:11 (Proposed Eaves Heights) received 30.11.2020

Drawing 841:07E (Proposed Street Scene) received 02.03.2021

Drawing: 841:10A (Proposed Stormwater Drainage) received 03.03.2021

Drawing 841:04F (Proposed Site Plan with Vehicle Tracking) received 11.05.2021

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

- 3 No development shall commence on site, except for enabling works and ground investigations and remediation, until detailed infiltration testing and soakaway design in accordance with BRE 265 and Wiltshire Council's Surface Water Soakaway Guidance have been submitted for the written approval of the LPA to verify that soakaways would be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage with the requisite details, shall be submitted to and approved in writing by the Local Planning Authority; and in either case, the approved drainage systems shall be installed and completed prior to the occupation of the development.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 4 No development shall commence on site until a scheme for the discharge of surface water from the site, including sustainable drainage systems, drainage drawings, calculations and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

- 5 No development beyond slab level shall commence on site until the details (with samples made available on the site) of the materials to be used for the external walls, roofs, porches and windows/doors have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the 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 gates, fences, walls or other means of enclosure, shall be erected on site until the details have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved plans and be maintained in perpetuity.

REASON: to maintain the character and appearance of the area.

- 7 All the compensatory tree planting and soft landscaping proposals forming part the approved plans shall be implemented and completed during 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.

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

- 8 None of the dwellings hereby approved shall be occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans. Thereafter, the areas shall be maintained for those purposes for the lifetime of this development.

REASON: In the interests of highway safety.

- 9 None of the dwellings hereby approved shall be occupied the following windows shall be glazed with obscure glass only to an obscurity level of no less than level 4 and the windows shall be permanently maintained with obscure glazing in perpetuity:

- The dormer windows in the north west elevation serving the bathrooms as shown on Drawing 841:05D;
- The windows in the south west and north east elevation serving the downstairs WC and the stairwell window on the north eastern elevation shown on drawing number 841:05D;
- The stairwell window on the north western elevation shown on Drawing 841:12B

REASON: In the interests of residential amenity and privacy.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), the garage hereby approved shall be retained for vehicle parking and shall not be converted to habitable accommodation.

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

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.3) (England) Order 2020 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, dormer windows or rooflights, other than those shown on the approved plans, shall be inserted in the dwellings hereby approved.

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

## INFORMATIVES TO APPLICANT:

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

<https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>

2. Bats and their roosts are protected by law and it is illegal to disturb, harm, obstruct, damage or obstruct them. If there is any evidence of bats found on site, all works on site should cease and advice should be sought for a licensed ecologist.

3. The applicant should note that the works hereby approved involve the removal and disposal of asbestos and should only be removed by a licenced contractor. Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

4. The applicant is encouraged to install 5 integral swift nest bricks in this development as an ecological enhancement measure. Suggested locations would be 3 integral bricks in the north east gable end of the block of three houses and 2 bricks in the western elevation of house no.5 and should be installed/made available prior to the first occupation of the development hereby approved.