

The Town and Country Planning Act 1990
Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/08411

Decision Date: 26 April 2024

Applicant: Chief Executive,
Courtleigh, Westbury Leigh, Westbury, Wiltshire,
BA133TA

Particulars of Development: Erection of three dwelling houses and associated
landscape works including formation of car parking.

At: Courtleigh House, Westbury Leigh, Westbury, Wiltshire,
BA13 3TA.

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Conditions: (13)

- 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 and documents:

Drawing numbers: 218-P-100 RevA Proposed site layout, 218-SU-002 Existing block plan, 218-SU-000 Site location plan, 218-SU-0002 RevA Existing site plan, 218-SU-0004-1 Existing north & west site elevations, 218-P-0004-1 RevA Proposed north & west site elevations, 218-P-0020 Proposed Landscaping - Site plans, 218-SU-0003-1 Existing site sections A-A & B-B, 218-P-0003-1 RevA Proposed site sections A-A & B-B, 218-SU-0003-2 Existing site sections C-C & D-D, 218-P-0003-2 RevA Proposed

site sections C-C & D-D, 218-SU-0004-2 Existing south & east site elevations, 218-P-0004-2 RevA Proposed south & east site elevations, 218-P-0300 Survey tree constraints, 218-P-0301 Arboricultural Impact Assessment, 218-P-0302 Tree protection plan, 218-P-112 Proposed house type E plans, 218-P-113 Proposed house type E elevations, 218-P-114 Proposed house type F plans, 218-P-115 Proposed house type F elevations, 218-P-116 Proposed house type G plans, 218-P-117 Proposed house type G elevations - received on 29.09.2023.

218-SK-100 north access visibility study, 218-SK-102 View1 south west access view, 218-SK-103 View 2 view along south driveway, 218-SK-104 View 3 south east access, 218-SK-105 View 4 north towards houses & Courtleigh, 218-SK-106 View 5 north east towards Courtleigh, 218-SK-107 View 6 south east towards Courtleigh house frontage, 218-SK-108 Shading study 1- March 1st, 218-SK-109 Shading study 2 - June 1st, 218-SK-110 Shading study 3 – September 1st – received on 15.11.2024

Planning Application Form, Design & Access Statement, Assessment of Ecological Impacts (draft report) (Ecological Consultancy Services Ltd, Feb 2023), Lighting Impact Assessment Ref.JHC218-Rep-014, Biodiversity Matrix Release Date April 2022, Version 1.1. , Drainage Strategy Report, Additional Highways Statement/Information 15.11.2023 ref: JHC218-LA-008, Additional Highways Statement/Information 13.12.2023 ref: JHC218-LA-009, Additional Conservation Letter/Statement of Information 10.01.2024, Arboricultural Report.

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

- 3 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 windows, doors or other forms of openings other than those shown on the approved plans, shall be inserted in the north - north/west facing upper floors elevations, relating to house types E, F and G (as shown on drawing number 218-P-100 RevA Proposed Site Layout) of the development hereby permitted.

REASON: In the interests of residential amenity and privacy.

- 4 The Sandhole Lane access hereby permitted shall not be first brought in to first use until the first 5m of the access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

- 5 The gradient of the accessway leading to Sandhole Lane, shall not at any point be

steeper than 1 in 12 over the first 10m from its junction with the public highway.

REASON: In the interests of highway safety.

- 6 No part of the development hereby permitted shall be first 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 always be maintained for those purposes thereafter.

REASON: In the interests of highway safety.

- 7 No development shall take place until ground investigations, including soakaway testing in accordance with BRE 365, have been carried out on site, and evidence has been provided to demonstrate that the results of these investigations have been considered in the drainage design which has been submitted to and approved by the local planning authority.

In order to discharge the above drainage condition the following additional information must be provided:

- Evidence of soakaway testing on site in accordance with BRE 365.
- Confirmation of groundwater levels on site that account for any seasonal variation.

REASON: To ensure that the development is provided with satisfactory means of drainage.

- 8 No development shall take place until details of the surface water drainage works, in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacements national standards, have been submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage works shall be fully implemented prior to the first occupation of any of the approved buildings.

In order to discharge the above drainage condition the following additional information must be provided:

- Calculations and drawings that demonstrate the proposed soakaways and permeable paving can safely manage surface water from the proposed development and evidence that they conform with soakaway guidance.
- Post development exceedance routes that minimise the risks to people and property.

REASON: To ensure that the development is provided with satisfactory means of

drainage.

- 9 No construction works shall take place outside of daylight hours.

REASON: The introduction of artificial light/noise disturbance is likely to mean wildlife such as bats are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

- 10 All lighting must be installed in strict accordance with the details provided in the Lighting Impact Assessment (Ref: JHC218-Rep-014 -jhconsulting architects, 09/02/2024) which has been designed to ensure that lux levels will be no higher than existing.

REASON: To ensure compliance with the Habitat Regulations Assessment undertaken on 28/03/2024, with respect to potential likely significant effects on the Bath & Bradford-on-Avon Bat SAC.

- 11 The development shall be carried out in strict accordance with the submitted Site Plan Landscape Proposals. (Drawing No. 218-P-0020 jhconsulting, May 2022).

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity

- 12 The development hereby permitted shall be carried out in accordance with the following document and plans:

Courtleigh, Westbury Leigh Road, Westbury Leigh - Arboricultural Report - containing:
• Arboricultural constraints • Arboricultural impact assessment (AIA) • Tree protection • Arboricultural method statement.

On behalf of Institution of Engineering Designers. Prepared by: Jhconsulting Architects Ltd May 2022.

Plans: 218-P-0300 Survey of tree constraints, 218-P-0301 Arboricultural Impact assessment, 218-P-0302 Tree Protection Plan.

REASON: In the interest of maintaining healthy trees, amenity and character of the local area and that of Courtleigh House.

- 13 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.

Informatives: (2)

- 14 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>.
- 15 The applicant is advised that private soakaways should be included in property deeds to allow for their maintenance in perpetuity.

Parvis Khansari ~ Corporate Director, Place

NOTES

- 1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.
 - 1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**
 - 1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);
 - 1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;
 - 1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).
- 2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - <http://www.planningportal.gov.uk/planning/appeals>).
- 3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk
- 4 **CIL.** 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. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to CIL please refer to the Council's Website www.wiltshire.gov.uk/planninganddevelopment/planningpolicy

