

<b>Date of Meeting</b>	27 June 2018
<b>Application Number</b>	18/02549/OUT
<b>Site Address</b>	Land to the rear 102 High Street, Chapmanslade BA13 4AW
<b>Proposal</b>	Outline application for the erection of a single storey dwelling with all matters reserved except for access
<b>Applicant</b>	Estates Department
<b>Town/Parish Council</b>	CHAPMANSLADE
<b>Electoral Division</b>	WARMINSTER WITHOUT – Cllr Fleur de Rhé-Philippe
<b>Grid Ref</b>	382252 147855
<b>Type of application</b>	Outline Planning Application
<b>Case Officer</b>	Matthew Perks

### Reason for the application being considered by Committee

This report is brought to committee for the elected members to determine since it is an application lodged by Wiltshire Council and third party objections have been received. This is in accordance with the adopted Scheme of Delegation relative to planning which states that:

*“Applications submitted by Wiltshire Council will not be dealt with under delegated powers where an objection has been received raising material planning considerations”.* The decision making authority must therefore rest with the elected members of the area planning committee.

### 1. Purpose of Report

The purpose of the 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 be approved.

### 2. Report Summary

This report assesses the proposal in the light of the principle of the development and the potential neighbouring amenity impacts, and recommends that planning permission should be granted.

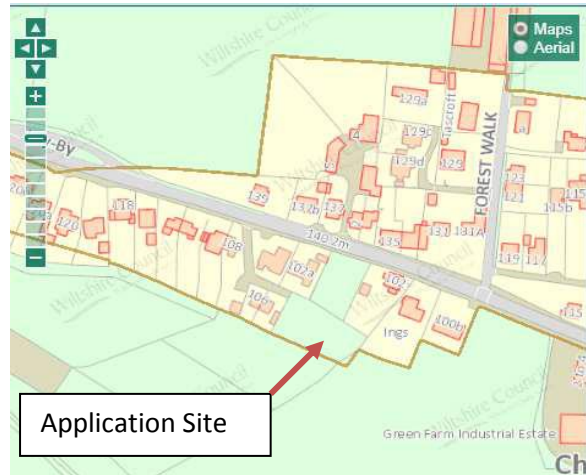
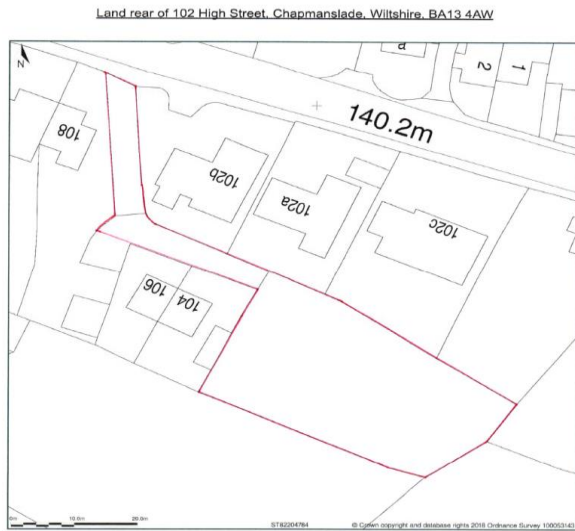
Chapmanslade Parish Council objects to the proposal on the grounds of inadequacy of access and exit to A3098 and possible future use of the site.

10 third party/neighbour objections were also received.

### 3. Site Description

The application site is an irregular shaped parcel of land of approximately 0.12 ha in extent located within the designated Chapmanslade large village settlement limits as defined within the Wiltshire Core Strategy. The land is understood to have been previously used as a small-scale sewage treatment works serving two properties, but this use has long since ceased and the land is currently left as rough pasture situated to the south of the High Street to the rear of residential development fronting the highway. Access would be via an existing single track leading off the

road between No.102b and No.108 and would turn at right angles in front of No.104 and No.106. The brown coloured line illustrated below right represents to the defined settlement limits.

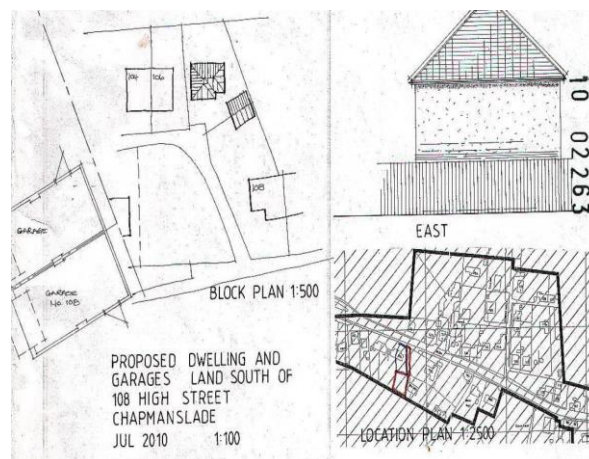


#### 4. Relevant Planning History

W/03/02147/OUT: Residential Development of the Former Sewage Treatment Works site: Refused 02.02.2004 for the following reasons:

1. Any increased use made of the existing sub-standard access generated by the proposed development would be prejudice (sic) to road safety and as such the proposals are contrary to policies H5 of the West Wiltshire District Plan and H17 of the West Wiltshire District Plan 1<sup>st</sup> Alteration (including modifications);
2. The increased use of the single track access road would be likely to result in loss of amenity, by reason of nuisance from noise and fumes as a result of an increased vehicular use of the access. This would result in additional vehicles entering and leaving the site and manoeuvring on the access track. As such the proposals would be contrary to policies H7 of the West Wiltshire District Plan and H17 of the West Wiltshire District Plan – 1<sup>st</sup> Alteration (including proposed modifications).

W/10/02263/FUL: Construction of a detached house on land to south of No.108 High Street is also considered relevant pursuant to this current application since consented W/10/02263/FUL was granted taking access from the same track and link to High Street that would serve the current application. The site was however not developed and an original garage remains on site.



## 5. The Proposal

Outline permission is sought to establish the principle of erecting one detached single storey dwellinghouse with garden and vehicular access onto the existing track. Detailed matters relating to appearance, landscaping, layout and scale are all 'reserved' with the only matter for detailed consideration at this time relating to the means of access to the site.



## 6. Planning Policy

Wiltshire Core Strategy - Core Policy 1 – Settlement Strategy; Core Policy 2 – Delivery Strategy  
Core Policy 30 – Warminster Community Area Strategy; Core Policy 50 - Biodiversity and Geodiversity; Core Policy 57 – Ensuring High Quality Design and Place Shaping; Core Policy 60 – Sustainable Transport; and Core Policy 61 – Transport and New Development

The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

## 7. Summary of Consultation Responses

**Chapmanslade Parish Council** - The Parish Council objects on the following grounds:

The access is very narrow and the visibility splay onto the very busy A3098 is very poor.

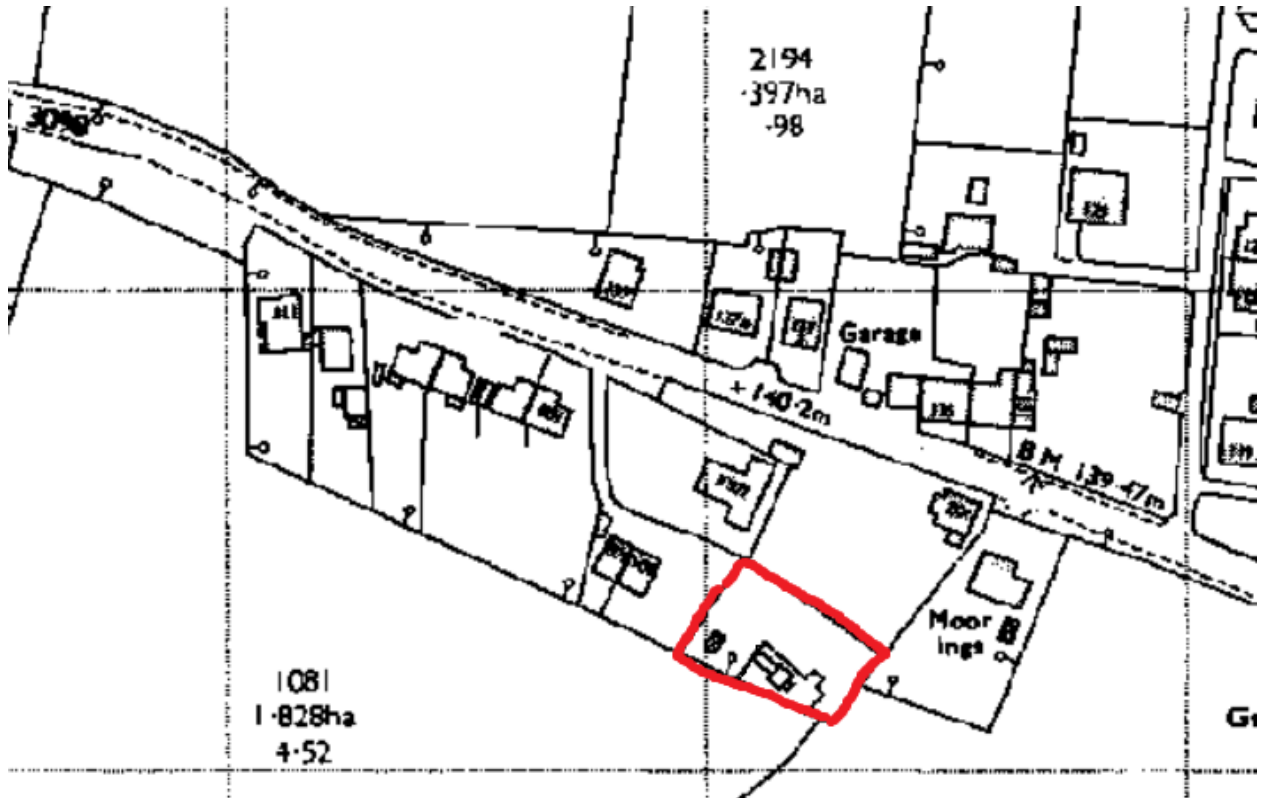
This was raised by the Council in 2004 and 2010, in relation to previous applications and with the ever increasing traffic, parking surrounding the access and concerns related to traffic within the village, this continues to be a major issue for access to and from this site.

Concerns were also raised regarding the proposal for 1 dwelling on this large site and possible intentions for increasing the number of dwellings in due course.

**Wiltshire Council Highways Officer** - The existing single width access road currently serves Nos.104, 106 and 108 High Street. Whilst the officer does have some concerns regarding the increased use of the existing access due to vehicles not being able to pass at the junction, the officer is of the view that one additional dwelling would not lead to a severe highway safety impact or harm to justify a highway based objection. The highway officer is aware of the consented W/10/02263/FUL application for a single dwelling which is served off the existing access road. It was noted during the site visit that the dwelling was not developed and W/10/02263/FUL has therefore expired. However, the principle of an additional dwelling served by the lane is established and, since 2010, the NPPF has been published (in 2012), and paragraph 32 states *that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.

The officer argues the development would not result in severe harm and no highway objection is raised subject to adequate car parking and turning being provided within the curtilage of the site.

**Wiltshire Council's Environmental Health Officer** - The historic mapping record for the site (see below) which dates back to 1952 appears to show some buildings and infrastructure in the south eastern part of the site which could well illustrate the siting of the old sewerage works however no record exists on the public protection records. The officer raises no objection to the principle of the one residential property being constructed on the site, but recommends a condition is imposed to deal with the potential land contamination and remediation. Conditions relating to the construction phase are also recommended.



Historic Mapping Record Dating from circa 1952

**Wiltshire Council's Ecologist** - No objection, subject to planning informatives relating to potential presence of species are recommended.

## 8. Publicity

Ten Letters of objection were received, raising the following issues:

- inadequate visibility at the access, which will be worsened with the erection of a wall
- the access is unsafe
- motorists speed along the section of the public road;
- highway danger to future occupants as well as other drivers;
- there would be a danger to schoolchildren walking to the bus stop;
- the traffic situation is worse since the previous application was refused in 2004;
- the access is too narrow for emergency vehicles and construction traffic;
- concern raised about the previous septic tank on the site;
- there are badger setts on site;
- potential overlooking, overshadowing and drainage issues because of topography of the land;
- concern about the potential loss of privacy;
- there are inaccuracies within the application form;
- the Council should reconsider the offer by neighbours to purchase the land
- the conditions on the previous approval have not been met;

## 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 – Under this application, the Council as landowner seeks outline planning permission for one detached single storey dwelling on what is currently vacant rough pasture land located within the established Chapmanslade settlement limits as defined within the Wiltshire Core Strategy. WCS Core Policy 1 seeks to focus development at Principal Settlements, Market Towns, Local Service Centres and Large Villages and sets out a general presumption against unwarranted/unjustified development outside the defined settlement limits. This hierarchical settlement strategy is aimed at achieving sustainable development by locating housing growth at appropriate locations accessible to most services and facilities, whilst protecting the open countryside.

9.1.2 Core Policy 1 also advises that development at large and small villages should be limited to dedicated schemes that meet the housing needs of settlements and to improve employment opportunities, services and facilities. However, it is essential that all such development should be carefully managed; and in the pursuit of delivering sustainable development, decision makers should be fully mindful of the objectives and direction set out by Core Policy 1 and other relevant policies in the Core Strategy.

9.1.3 Chapmanslade is a “Large Village” within the Council’s adopted plan settlement hierarchy; and in terms of planning principle, the site is considered to be a sustainable location for the proposed additional dwelling, being within designated settlement limits for the village.

9.2 Highways considerations - A key consideration for this application relates to the access to the site. This is also a key area of concern amongst local residents / neighbours. The track which serves the site is one-vehicle width, which includes the junction width at its connection with the High Street. The Council’s highway officer comments recognises the limitations of the access but advises that the delivery of one additional dwelling would not give rise to severe highway harm or impacts and no highway based objection is raised.

9.2.2 In terms of the site’s planning history, the historic refusal related to an unspecified quantum of residential development on a site of circa 1200m<sup>2</sup> in extent. Had the former District Council approved application W/03/02147/OUT several new dwellings could have been developed on site under a Reserved Matters application. This aspect was discussed in the officer report at the time and formed part of the reasoning for the February 2004 refusal.

9.2.3 Since issuing that refusal, under application w/10/02263/FUL, detailed planning permission was granted for a single two-storey dwelling served off the same single width (constrained) access. As noted above this consent was not implemented and has now expired. It is also noteworthy to appreciate that these historic applications were considered in the pre-NPPF policy environment and several years prior to the adoption of the Wiltshire Core Strategy.

9.2.4 A key consideration for this application concerns the interpretation and application of paragraph 32 of the NPPF, which states that: *“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”* Whilst this paragraph does not override all highway safety considerations, Members are advised that one additional dwelling using the access would not result in a “severe” impact and the development is not considered to conflict with the NPPF or the Adopted WCS. The Council’s highway officer is satisfied that the current access point onto High Street is acceptable for this one additional dwelling and overgrown boundary treatment can be dealt with.



View towards east



View down track from High Street



A motorist's view looking west along the High Street and a view of the site from the track



Panorama of street scene at access

9.3 Impacts on Neighbouring Amenity - The site extent is of relatively large for a single residential plot measuring approximately 44m x 33m and officers submit that through appropriate siting and design, one single storey dwelling, neighbouring impacts should be properly mitigated at REM stage. Officers fully appreciate the raised concerns by third parties and in respect of potential loss of privacy and overshadowing, officers submit that any REM submission would need to evidence that such concerns would not be manifested. The site dimensions should be able to accommodate a single storey dwelling and achieve suitable separation distances to neighbouring properties and habitable windows.

9.3.2 It should be noted that the design and siting of any such building to be approved would be fully detailed as part of a follow-up reserved matters submission, which would go through its own process to include public notification and consultation. It is however open to the planning authority at this outline stage to define the parameters of any such development, which can include limiting any such dwelling to be single storey, by way of a bespoke planning condition.

9.3.3 Third parties/neighbours have also highlighted a concern relative to the increased use of the access and disturbance during the construction phase given the restricted nature of the access. In response, officers submit that a suspensive planning condition requiring the submission of a construction method statement would be necessary to secure inter alia the details pertaining to site compound location, hours of operation, delivery timescales, noise, dust and wheel washing controls are all properly considered

9.3.4 Additional concerns have been raised that an outline approval could lead to further dwellings on the site. However, if this application is granted it would only relate to one dwelling and any future applications, including any subsequent REM submission would need to be tested on their own merits.

9.4 Land Contamination - It is understood that the historic sewage treatment works on the site related to septic tanks which served two properties and the septic tanks and the below ground sewage infrastructure has been redundant for many years. The Council's public protection officer raises no objections but recommends the imposition of a planning condition relative to land contamination investigation and any necessary remediation which is considered to be a reasonable and appropriated approach in this case.

9.5 Ecology – The Council's ecologist was consulted in respect of adopted WCS Core Policy 50 requirements and raises no objections. A planning informative is recommended.

9.6 Other Matters – The only matter of detail submitted for approval at this outline stage, relates to the vehicular means of access to the site. All other matters would be 'reserved' for sue consideration at the reserved matters stage. It is considered that planning conditions in relation to design, landscaping, location and materials are reasonable in addition to those recommended above.

9.6.2 The proposed development would likely represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. Whilst a separate Community Infrastructure Levy Liability Notice would be issued by Council, an informative in this regard should be included in any approval notice.

## **10. Conclusion (The Planning Balance)**

The proposal accords with the Development Plan and would deliver a new dwelling within the established development limits of the designated large village of Chapmanslade. Officers submit that any outline approval should be subject to suspensive planning conditions to ensure the final design accords with Core Policy 57 (Ensuring High Quality Design and Place Shaping).

**RECOMMENDATION:** Permission subject to the following conditions:

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The landscaping plan shall include provision for parking and turning areas on site. These areas shall be laid out and constructed prior to the first occupation of the dwelling hereby approved and shall be retained without obstruction thereafter.

REASON: In the interests of highway safety

4. The dwelling hereby permitted in outline form shall be single storey only.

REASON: To define the terms of this outline permission and to protect the amenity of the adjacent properties.

5. No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in



accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

6. There shall be no burning of materials on site during the development works and no construction shall be carried out between the hours of 07:30 to 18:00 Mondays to Fridays and 07:30 to 1300 on Saturdays. No working shall be permitted on Sundays or Bank Holidays.

REASON: In the interests of neighbouring amenity.

7. Prior to the commencement of the development, a construction management statement will be submitted to and approved in writing by the Local Planning Authority. The statement will include details in regards to types of vehicles, construction staff parking requirements, management of debris/mud from the site and a program of works.

REASON: In the interests of highway safety and neighbouring amenity.

8. The development shall be carried out in accordance with the following approved plans:

Location Plan registered on 26 March 2018; and Site Plan registered on 26 March 2018

REASON: In order to define the terms of this permission.

#### **INFORMATIVES:**

The Protection of Badgers Act 1992 protects badgers from cruel ill-treatment, including damage or destruction of their setts, or disturbance whilst a sett is in occupation. This Act makes it illegal to carry out work that may disturb badgers without a Natural England licence. Particular care should be taken when clearing ground prior to development, and if evidence of badger activity is found, (such as foraging routes, snuffle holes, latrines or established setts), then work must stop immediately while a professional ecologist is contacted for advice. Applicants are advised to pay particular attention to foundation ditches, which can be hazardous to badgers. Sloping boards or steps should be provided to allow badgers to escape from such ditches should they become trapped. Failure to consider this matter, leading to the death of individuals, may leave the developer liable for prosecution. Further information about badgers and licensing can be found at <https://www.gov.uk/badgers-protection-surveys-and-licences>

There is a low risk that reptiles could occur on the application site. All reptiles are legally protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and planning permission does not provide a defence against prosecution. In order to minimise the risk of reptiles occurring on the site, the developer is advised to clear the site and vegetation in a sympathetic manner during the autumn (September/October) or spring months (April-May) and to maintain the vegetation at a short height to make it unsuitable for reptiles until the construction works commence. If these species are found during the works, the applicant is advised to stop work and follow the advice of a professional ecologist to inform necessary mitigation and/or compensation measures.

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.