DELEGATED REPORT

Application Reference:	PL/2023/10395
Application Type:	Full Planning Permission
Site Address:	LAVENDER COTTAGE, NETTLETON, CHIPPENHAM, SN14 7NS
Proposal:	Installation of Package Treatment Plant
Recommendation:	Planning Permission be GRANTED

PROPOSAL

The application seeks planning permission for the installation of a package treatment plant to connect into an existing septic tank, which is to remain.

In addition to the package treatment plant, the proposal suggests the installation of new connecting pipework as well as a "soakaway system". Although manufacturer details of the package treatment plant have been provided, no details of the pipework or the soakaway have been supplied.

Although not initially specified, subsequent confirmation was received from the applicant that all new elements will be positioned underground (albeit with flush fitting inspection cover), with the land restored to its former condition thereafter.

The development relates to a domestic dwellinghouse as well as an associated holiday let.

SITE DESCRIPTION

Lavender Cottage is a large, detached property situated in an area with a consistent residential character in the open countryside. The site is wholly within the Cotswold AONB (National Landscape).

It is evident from the submission that the location of the package treatment plant, elements of the new pipework and the "soakaway system" are located outside of, but immediately adjacent, to the residential curtilage. The land is shown on the submitted plans and completed application form to be under the applicant's control.

There are no additional planning policy considerations on the site.

POLICIES

Wiltshire Core Strategy 2015 (WCS)
Core Policy 1: Settlement Strategy
Core Policy 2: Delivery Strategy
Core Policy 51: Landscape
Core Policy 57: Ensuring High Quality Design and Place Shaping

MAIN ISSUES

- Principle of Development
- Impact upon AONB
- Scale and design
- Residential amenity

CONSULTATION

Nettleton Parish Council: No comment received.

REPRESENTATIONS

No representations 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

Decisions on planning applications are made in accordance with the policies contained in the Wiltshire Core Strategy and government guidance.

While the principle of domestic extensions, alterations and/or outbuildings within the curtilage of existing dwellings is established as acceptable, the proposal in this instance is outside of the defined residential curtilage.

While the proposal in this instance is outside of the curtilage of the dwelling it is immediately adjacent to this boundary. Due to the buried nature of the proposed PTP and soak away, the proposal is not considered to be visually apparent. As such and when combined with the limited scale of the proposal is not considered in this instance to domesticate the surrounding countryside.

As such the principle of development in this instance is considered to be acceptable. However, the detail of the proposals must also be considered against other policies within the development plan.

Impact upon AONB

The site is wholly within the Cotswold AONB. As required by CP51 of the WCS due consideration must be given to the potential impacts of the proposed development upon the character and setting of the immediate landscape and the AONB designation.

It has been confirmed by the applicant's agent that the proposed development in this instance is (both PTO and soakaway) are to be buried underground and the ground reinstated. It is understood that the proposal will result in only the manhole cover being visible. As such due to the buried nature and the proposal's reasonable proportions it is not considered to result in an unacceptable encroachment into the wider open character of the Cotswold AONB.

The applicant has confirmed via email the details of the soakaway, which is to be approximately 35m in length and will take the form of a herringbone network of irrigation pipes to provide a drainage field. Once this has been installed the land will be reinstated to the previous levels and reseeded with permanent grass.

It is considered that this design approach will ensure that the engineering works and fixed plant integrates effectively into the site and as such wider landscape views would be unharmed. As such the existing character and natural beauty of the surrounding AONB would be preserved in accordance with CP51 and the NPPF.

Scale and 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. Sections 12 of the NPPF expects a good standard of design.

The proposal in this instance is sub-terranean (as confirmed by the agent) and as such the built form which would be apparent in terms of scale and design is a manhole cover, with the PTP and soakaway being buried. As such the proposal is not considered to result in an unacceptable impact in terms of scale or design.

Furthermore, while the proposal is outside of the residential curtilage it is immediately adjacent to the applicant's residential curtilage. As such the introduction of a manhole cover, being the only visible element, as confirmed by the agent is not considered to result in a domestication of the open countryside. A condition will be attached to any subsequent decision notice requiring the burying of the proposal and the reinstatement of the ground.

In terms of scale and design the proposal in its totality is considered to comply with the requirements of CP 57 of the WCS.

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.

Due to the proposal's location within the plot and distance from immediate neighbours, it is not considered that the proposal will result in unacceptable impact upon the amenity of neighbouring

properties in terms of overlooking, loss of light or overshadowing. Any concerns regarding smells or other pollutants would be covered by the Building Regulations process, outside of the Planning System.

As such, on balance the proposal is acceptable in terms of amenity in relation to CP57 of the WCS.

CONCLUSION

The proposal is considered to be acceptable in respect of size, scale and design. The development is not considered to impact unacceptably upon the character of the area, wider landscape or the special character of the National Landscape. The proposal is therefore in accordance with Core Policy 51 and 57 of the Wiltshire Core Strategy and relevant sections of the National Planning Policy Framework (2023).

RECOMMENDATION: That Planning Permission be GRANTED subject to the following conditions:

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:
   LDC2464_01 Location Plan
   LDC2464_02 Site Plan
   Bio Air Unit 3- Drainage Document
   (Received by LPA 29th November 2023)

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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the approved drawings and application form.

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

4. Within six months of the installation of the approved package treatment plant and soakaway system the ground shall be restored to its previous condition and level.

   Reason: In the interest of ensuring the visual amenity of the immediate site and wider AONB are maintained.

Informatives

5. 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.

6. 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.

7. 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.

8. 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.

9. 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. ;