

Application PL/2026/00971 – Land South of 92 High Street, Chapmanslade

Representation – Application to Discharge Condition 5

Dear Planning Officer,

We write as owners and occupiers of **92A High Street** which lies directly adjacent to the narrow back lane proposed to be serving the development site. While conditional planning permission has been granted (PL/2024/04800), we are concerned that the applicant submitted a Construction Environmental Management Plan (CEMP) that does not demonstrate that the development can be constructed safely using the back lane as construction access nor that the impact on amenity on us as residents is within an acceptable range. The National Planning Policy Framework requires development to provide safe and suitable access for all users. Core Policies 57 and 61 of the Wiltshire Core Strategy also seek to ensure development does not create unacceptable impacts on neighbouring properties and provides safe access arrangements.

1. Risk of Damage to our Property – The Pinch Point

The back lane narrows significantly right beside our property (<2.40m) (with restricted height due to cabling (< 6m)). The NE corner of our house directly abuts the inside of a bend in the lane, creating a tight pinch point where vehicles must pass in closest proximity of our building's fabric (shown ringed green on the Attachment). Vehicles longer or wider than a typical transporter van cannot negotiate this section. Construction vehicles attempting to do this regardless are likely to collide with our house. This is demonstrated by the fact that last year when attempting to pass through that very pinch point, tree surgeons contracted by the applicant crashed their Unimog¹ into our cable TV connection box which protrudes into the lane by approx. 3 cm. This was despite the contractors having cut back opposite trees and hedging (without our neighbour's consent) before their vehicle tried to proceed. Eventually, the contractors abandoned the attempt to pass through proceeding instead to trespass onto our property in order to egress the lane and to carry out the job of cutting up large pieces of tree trunk on our property's forecourt (without consent) and in the lane itself, blocking it for hours.

The CEMP does not identify the pinch point issue, therefore does not address its impact.

2. People Safety

- The lane is narrow and has no passing points. When non-residents' vehicles traveling into the lane happen upon a vehicle travelling in the other direction, they reverse back along the lane and ultimately into the A Road as there is no opportunity for them to turn around unless they exceed the limits of the easement or trespass onto residents'

¹ Photographs of the track taken at the time of collision show that the Unimog occupies almost the full width between hedge and building wall.

properties, such as No 92A and B forecourts. Most vehicles occupy the lane's entire width so that this applies to encounters with pedestrians or bikes, too. This is a highways safety issue same as one for safety in the lane itself.

- We suffer from very poor health and are reliant on unobstructed access for emergency vehicle 24/7.

3. Reliance on Land Outside or in Excess of the Applicant's Rights and Control

Development proposals must be capable of being implemented within land under the applicant's ownership or legal control. This is not the case here:

- The ability for vehicles any larger than a standard transporter van to pass the lane's pinch point where our house abuts appears to depend on heavy cutting back of mature boundary hedging and trees not under the applicant's control. Also, cutting back at best only adds a few centimetres to the pinch point and will not resolve the inability of most construction vehicles to pass that point. Concrete mixers, tipper lorries, cranes etc won't be able to pass the pinch point, vegetation cutting or not.
- Equally significantly, vehicles as small as a transporter van are unable to negotiate the lane's bends located immediately after entering the lane from the A Road (shown ringed blue on the [Attachment](#)). Over a short distance, the lane bends to the east here (avoiding No 92B's and our forecourts which are situated west and straight ahead) and then bends back west to align alongside our property's forecourt towards the pinch point. All lane users find it difficult to negotiate these S-bends while remaining within the lane's width. Any vehicle larger than a standard car that proceeds down the lane (eg supermarket deliveries; Land Rover Discovery) almost invariably trespasses across No 92B's and our forecourts which form part of the private curtilage of those properties. As a result, we installed some small pollards along our boundary one of which was recently taken out by a trespassing delivery van².
- The lane itself is a green lane which for decades has been fit for the purpose of providing access to residents' properties. It does not appear to be in a state to be used by vehicles of a weight exceeding that of standard vehicles, and this could cause damage and additional lane maintenance cost for us.
- Finally, the above illustrates that the way the applicant proposes to make use of any easement over the back lane ('pass and repass for all purposes') exceeds the easement's scope. Contrary to the applicant assertion, such use is not unlimited but limited to safe and lawful use of the lane as well subject to other residents' equal rights to pass and repass (eg in respect of temporarily blocking it). The proposed use is not safe for property and users in the lane and will excessively impact other residents' equal rights of use.

² Should the condition be discharged, we intend to instal more robust boundary markers and will consider a pre-emptive injunction, subject to further legal advice.

4. Absence of Evidence

The CEMP is a generic template-like document lacking substance, detail and evidence. Specifically in respect of the above, it is paramount that a CEMP suitable to discharge the condition would include swept path or vehicle tracking diagrams simulating and assessing how different types of construction vehicles likely to be serving the development will negotiate the back lane, taking into account a vehicle's dimensions such as length, width, and turning radius. No evidence has been submitted via the CEMP as to the type and frequency of construction vehicles likely to be used in the lane, but we know at least that construction will involve a crane which is unlikely to be capable of travelling down the lane.

The CEMP fails to provide evidence to the Council to assess the risk of construction vehicles trespassing 92A and 92B's forecourts and of colliding with our house at the pinch point, or the risk to the safety of people when encountering them in the lane or reversing into the A Road. Such analysis would clearly demonstrate that the area such vehicles occupy when manoeuvring around the lane's corners will be incompatible with staying within the width of the lane at all times, or safely traveling along it including accessing and egressing it. While this might often not be an issue elsewhere, in the lane this is crucial as it is lined with residential properties with no verges whatsoever and busy with users every day.

It is not for the Council and interested parties to speculate, it is for the applicant to provide information and analysis. The Council must request the applicant to provide an indicative list of representative construction vehicles to be deployed in the lane, together with swept path analysis for each of them undertaken by a professional swept path analysis service provider. The accuracy of a swept path analysis depends on the quality of the information provided - as such, the applicant needs to supply the service provider with a detailed accurate and up to date layout of the entire back lane including its egress to the A Road – to our knowledge this is currently not available and would need to be obtained by the applicant from a professional mapping service.

The Council would be prudent also to require such analysis to be carried out in respect of the spaces the applicant asserts are available and accessible for contractors' plant and machinery and visitors once on the site itself as these do not look feasible either.

Conclusion

The CEMP does not demonstrate that the development can be constructed without encroaching onto neighbouring land, risking damage to adjacent buildings/other property and injury to persons using the lane, obstructing shared residential access, and removing vegetation outside the applicant's control. In fact, based on the physical constraints of the back lane evidenced as above, it is highly doubtful that the construction logistics proposed in the CEMP are physically deliverable at all using the back lane as access.

It is likely that this will latest become apparent as construction commences leading to planning breaches and manifestation of clearly predicted risks of damage, injury and loss of amenity and of which the Council will be shown to have been fully aware by virtue of the many communications received from interested parties.

In order to avoid putting itself into that position, we respectfully request that the Council does not discharge Condition 5 and instead requests:

- detailed construction logistics; and
- a thorough swept path analysis based on accurate and up to date plans of the lane and the site.

We trust others will comment on the issues arising on the site itself which are manifold and significant and suffer equally from the CEMP's lack of detail and evidence.

Yours faithfully,

Terry and Jen Hulbert

92A High Street, Chapmanslade

Attachment: Land Registry title for No 92B (WT61424)

