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**MAIN CASE**

**Reference No:** 17/01257/FUL

**Proposal:** Proposed 2 No. Dwellings, Access, Parking & Associated Site Works.

**Site Address:** Site Rear Of 38 High Street Chippenham Cambridgeshire

**Applicant:** Townsend Paddock Ltd & Russell + Russell Properties Ltd

**Case Officer:** Oli Haydon, Planning Officer

**Parish:** Chippenham

**Ward:** Fordham Villages  
Ward Councillor/s: Councillor Joshua Schumann  
Councillor Julia Huffer

**Date Received:** 12 July 2017      **Expiry Date:** 3<sup>rd</sup> November 2017

**[S156]**

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**1.0      RECOMMENDATION**

1.1      Members are recommended to APPROVE the application subject to the recommended conditions below:

- 1      Approved Plans
- 2      Time Limit -FUL/FUM/LBC
- 3      Sample materials
- 4      Construction Times
- 5      Reporting of unexpected contamination
- 6      Highways - Gates
- 7      Highways – Visibility Splays
- 8      Access drainage
- 9      Boundary Treatments
- 10     Obscurely Glazed Windows
- 11     Biodiversity Improvements
- 12     Tree Protection Measures
- 13     Foul and Surface water drainage
- 14     Archaeological Investigation
- 15     Soft landscaping scheme

## 2.0 **SUMMARY OF APPLICATION**

- 2.1 The application seeks consent for the construction of two detached dwellings with associated parking and access. The site currently has an extant permission for a single detached dwelling, approved in May 2016.
- 2.2 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**
- 2.3 The application was called-in to Planning Committee by Cllr Huffer as there is a lot of local concern regarding this site and the neighbouring proposal.

## 3.0 **PLANNING HISTORY**

### 3.1

|              |  |          |                         |
|--------------|--|----------|-------------------------|
| 17/00558/FUL | Construction of 2no. four bedroom, two storey linked dwellings + associated works                    |          | 07.06.2017<br>WITHDRAWN |
| 15/00916/FUL | Construction of single, detached, four bed two storey dwelling with associated garage and site works | Approved | 31.05.2016              |

## 4.0 **THE SITE AND ITS ENVIRONMENT**

- 4.1 The site is located within the defined development envelope for Chippenham and in Chippenham Conservation Area. The site comprises vacant land adjacent to a modest dwelling fronting High Street. The site is located at the entrance to the residential development of Scotland End and is opposite the Chippenham Village Hall.
- 4.2 Extensions to the dwelling adjacent to the site are being considered at this Planning Committee meeting (17/01258/FUL).

## 5.0 **RESPONSES FROM CONSULTEES**

- 5.1 Responses were received from the following consultees and these are summarised below. The full responses are available on the Council's web site.

**Local Highways Authority** - The Highways has no objections in principal to this application (subject to conditions). East Cambs are the parking authority. *No further comments were added at reconsultation.*

**CCC Growth & Development** – No objections subject to the submission of a programme of archaeological investigation secured through the inclusion of a negative condition.

**Environmental Health** – “Due to the proposed number of dwellings and the close proximity of existing residential properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

08:00 – 18:00 each day Monday – Friday

08:00 – 13:00 on Saturdays and

None on Sundays or Bank Holidays

I have read the Envirosearch report dated 31<sup>st</sup> March 2017 and accept the findings. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

Other than that, no issues, but please send out the environmental notes.”

*No further comments were added at reconsultation.*

**Conservation Officer** – “This application affects a site located within Chippenham conservation area and as such any development should take care to preserve or enhance the character and appearance of the area and not have a detrimental impact.

The proposal is a resubmission of the previously withdrawn application 17/00558/FUL with an amended proposal and design for two detached dwellings with associated garages.

#### *Heritage Statement*

This is a good attempt at providing an assessment of the impact of the proposal on the heritage assets. However, it doesn't go far enough in regards to identifying what is significant about the conservation area or listed building within proximity to the site.

Paragraph 128 of the NPPF states that “applicants are required to describe the significance of any heritage assets affected, including any contribution made by their setting”. The statement gives a brief summary of the assets affected but doesn't go into any detail about their significance. It does explain how the proposal has been influenced by the surrounding character in terms of design and materials in order to help assimilate the scheme into the area.

#### *The Proposal*

The proposal seeks consent for 2 detached dwellings set back from the highway with garages to the rear. The properties front onto Scotland End and are accessed from here. As per my previous comments, the construction of two dwellings in this location would not result in harm being caused to the significance of the conservation area. The proposed dwellings are of a similar scale to the properties in the surrounding area, front the street and would not be at odds with the built form of the surrounding area.

The amended proposal is of a much more appropriate design and responds to the surrounding area. There is a mix of architectural styles and types and the revised design of the properties appears to be of a similar style to those properties found within Scotland End. The majority of properties within vicinity of the site are 2 storey dwellings and the relationship between the two properties has been improved by making them detached.

The garages are pushed back into the site and are of a traditional style and design. I'm not sure that the use of cream weatherboarding would be appropriate as this may result in them being more visually prominent from the surrounding area than is necessary.

The only point I would make in regards to materials is that render would be more appropriate than weatherboarding as this is not a feature that is commonly found in the area and it is not being done in a contemporary manner such as the property on the main road.

The properties are of a relatively simple design which is not out of character with the surrounding area and would not be considered to result in harm being caused to the significance of the conservation area or the listed buildings to the main road."

*No additional comments were made following a reconsultation.*

**Minerals And Waste Development Control Team - No Comments Received**

**Senior Trees Officer - No Comments Received**

**Chippenham Parish Council** – "The parish council object to this application on the following grounds:

1. Parking and access – the applicant has done nothing to address the issue of tandem parking which was raised on the previous application for this site. Tandem parking is rarely used for more than one car because of the inconvenience of moving cars to get on and off the drive. The long drive will necessitate backing up or more likely reversing out onto what is an already busy junction. Chippenham has no public transport and therefore the majority of adults and young people of driving age have their own vehicle. A house of this size could easily accommodate 4 people of driving age.

2. The Village Hall Committee is concerned about parking and access to the hall. They already experience problems with overflow parking from Scotland End and the High Street using the hall car park for personal parking and they are concerned that inadequate parking provision for any new houses will exacerbate this problem. Also the access to the properties will be opposite the access for the village hall.

3. It has also been noted that the proposed parking space is inadequate in that if built to scale there would not be adequate space for people to get in or out of their vehicles.

4. There are concerns about the visibility splays and it is believed that they are not of sufficient dimensions to meet requirements.

5. The entrance to Scotland End is an already busy junction and to put two more accesses so near to the junction (three if you include the proposed development next door) will create even more congestion, especially if visitors choose to park in the road.
6. The front of the properties have been brought right up to the boundary with the pavement. This is completely out of keeping for both properties in Scotland End which all have their own front gardens and properties on the High Street.
7. The style of the properties is not in keeping with the other properties in the conservation area.
8. There should not be Velux style windows in the roof space. This hints at future conversion from loft space to an additional bedroom thus creating a four bed house in the future.
9. The site is overcrowded. This plot is too small to accommodate 2 x 3 bed houses.
10. The houses will be overlooking both Ostler Cottage opposite the front and The Old Police House to the rear.
11. There are some trees and hedges which are of interest on the plot. These are shown as being removed in the plans.
12. This land was originally the garden for no 38 High Street and therefore the council considers this as overdevelopment of the site. The plot already has permission for one 4 bed house which the council feels is the right size building for this space.”

**Ward Councillors - No Comments Received**

**Waste Strategy (ECDC)** – “It should be noted that whilst this development would not cause an issue for the weekly waste collection service some contractor vehicles enter the village hall car park on an irregular basis to empty recycling banks and previously a vehicle has damaged the entrance to the car park, at the time this was alleged to have been due to vehicles parked opposite the entrance to the car park however no further information/evidence was provided; if this development proceeds then the issue of vehicles parked opposite the car park entrance may again lead to issues entering and exiting the site safely.

- East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances and/or loose gravel/shingle driveways; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

- Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Act's of 1972, 2000, and 2003, as well as the Localism Act of 2011.

- Each new property requires two bins; this contribution is currently set at £43 per property.

- Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@eastcambs.gov.uk detailing the payment amount and the planning reference number.

5.2 Neighbours – 36 neighbouring properties were notified, a site notice was posted and an advert was placed in the Cambridge Evening News and the 14 responses received are summarised below. A full copy of the responses are available on the Council's website.

- Cars will park on Scotland End or in the Village Hall car park
- Dangerous junction with High Street
- Congestion during village hall events
- Impact on deliveries and emergency services for Scotland End
- Not in keeping with Conservation Area
- Not enough garden space on the plan
- Overdevelopment
- Loss of privacy for neighbours
- Overlook 37 High Street
- This application should be considered with the neighbouring site
- Covenant restricting the number of dwellings within Scotland End
- The border of the application site is not owned by the applicant
- Tandem parking will lead to users reversing onto dangerous road
- Increase traffic on Scotland end
- Driveway not wide enough to open car door
- Impact on Listed buildings
- Chippenham has no facilities to support new housing
- Lack of synergy with surrounding properties
- Harm to the street-scene
- Inadequate public transport
- Chippenham does not need these proposals
- Loss of green space
- Disregard for surrounding density
- Scotland End is a frequently used road by recycling lorries, mobile libraries, street cleaners and oil tankers.
- Vehicle movements would pose threat to pedestrians attending meetings at the Parish Council
- Tandem parking should be avoided – will block bin store area

- No provision for disabled parking
- Not compliant with SPD Design Guide
- Disturb rural feel
- Alter character and tranquillity of the area and setting of the village
- Not compliant with ENV1
- Overlooking on neighbouring dwellings
- Overbearing on 37 High Street
- Noise disturbance and light pollution
- 38 Currently contributes to views in and out of the Conservation Area, this will be spoiled.
- No space for planting
- Disharmonious with street scene of Conservation Area.
- Demolition within the Conservation Area should be limited
- Potential sub-division for rental
- Contrary to Title Deeds
- Inadequacies within the Design, Access and Heritage Statement
- Village gates will be locked reducing the space for turning within Scotland End
- Disturbance during construction
- Unlikely that residents will use the tandem parking
- Not enough garden space
- The new property is likely to be multiple occupancy
- Impact on habitat from Pollution
- Loss of privacy to 2 Scotland End
- Layout not in keeping with Scotland End
- Roof lights imply the loft will be converted leading to more people living in the houses
- Hidden narrow driveways
- Loss of village hall for nearby residents parking
- Chippenham infrastructure cannot support more dwellings
- The hedging to the right of the plot should be protected
- The driveway isn't wide enough for a modern car, leading to parking at the village hall.
- Negative visual impact
- No primary school places
- Damage the rural settlement's distinctiveness
- Small garden not suitable for children to use, they will end up using the road and Village Hall car park for play.
- Obstructed visibility splays with fencing from neighbouring application and utility room entrance of neighbouring house
- Danger to children living at the two houses from busy estate road
- No right of access onto Scotland End
- No disabled parking provision
- Does not meet parking standards in terms of width and bike parking
- Harmful residential amenity impact on 2 Scotland End, 37 High Street, 36 High Street and the listed buildings opposite.
- Direct overlooking onto 2 Scotland End from ground floor and first floor
- Loss of light to 37 High Street

- Density constitutes overdevelopment
- Overly visible car ports
- Loss of views to listed buildings from users leaving Scotland End
- Removal of hedgerow without permission
- Change of use without appropriate permission
- No front garden or hedging
- Traffic congestion on Scotland End
- Loss of right to light
- Planning proposals overlap
- Patio not clearly shown on plans
- Loss of pond and impact on ducks using the pond
- LHA missing out Condition HW14A in these comments when they recommended them previously
- Restrictive covenant on Scotland End
- Miller Homes object to the use of their land to access the dwellings
- Objection to this land not being used for agriculture

## **6.0 The Planning Policy Context**

### **6.1 East Cambridgeshire Local Plan 2015**

|          |  |
|----------|--|
| GROWTH 2 | Locational strategy                              |
| GROWTH 3 | Infrastructure requirements                      |
| GROWTH 5 | Presumption in favour of sustainable development |
| ENV 1    | Landscape and settlement character               |
| ENV 2    | Design   |
| ENV 7    | Biodiversity and geology                         |
| ENV 8    | Flood risk                                       |
| ENV 9    | Pollution  |
| ENV 11   | Conservation Areas                               |
| ENV 12   | Listed Buildings                                 |
| COM 7    | Transport impact                                 |
| COM 8    | Parking provision                                |

### **6.2 Supplementary Planning Documents**

Design Guide  
 Developer Contributions and Planning Obligations  
 Flood and Water SPD  
 Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

### **6.3 National Planning Policy Framework 2012**

- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

### **6.4 Proposed Submission Local Plan 2017**



|      |   |
|------|---|
| LP3  | The Settlement Hierarchy and the Countryside                                    |
| LP16 | Infrastructure to Support Growth  |
| LP1  | A presumption in Favour of Sustainable Development                              |
| LP28 | Landscape, Treescape and Built Environment Character, including Cathedral Views |
| LP22 | Achieving Design Excellence   |
| LP30 | Conserving and Enhancing Biodiversity and Geodiversity                          |
| LP25 | Managing Water Resources and Flood Risk   |
| LP26 | Pollution and Land Contamination  |
| LP17 | Creating a Sustainable, Efficient and Resilient Transport Network               |
| LP27 | Conserving and Enhancing Heritage Assets  |

## **7.0 PLANNING COMMENTS**

The main issues to consider in the determination of this application are the principle of development; the impacts upon character and appearance of the Conservation area; highway safety, landscaping and residential amenity.

### **7.1 Principle of Development**

7.1.1 The site is located within the defined development envelope for Chippenham where the principle of residential development is acceptable. The proposal is considered to be compliant with LP1, LP3 of the Proposed Submission Local Plan 2017 and GROWTH2 of the 2015 Local Plan.

### **7.2 Visual Amenity**

7.2.1 The application site is located on a vacant plot of land to the rear of 38 High Street in Chippenham. The site, at the time of the officer visit, was bordered by a metal fence and gate fronting Scotland End, a wooden fence on the boundary with 38, a low informal fence on the boundary with 37 and a hedge on the border with the paddock land to the north. The site is open and unused and is subject to an existing planning permission for a detached dwelling, granted in 2016 (15/00916/FUL). The site is located within a demarcated plot that is bordered on all sides, most notably from the open paddocks to the north. It is considered that the proposal is contained within the built form of the village and would not constitute an unacceptable encroachment into the countryside. The site is within the established development envelope, with residential development to the east, south and west and the principle of this development from a visual character viewpoint is acceptable.

7.2.2 The proposal seeks consent for the construction of 2no. two storey dwellings, designed in a style in-keeping with the residential development on Scotland End, onto which the dwellings will front. The 7.6m high (ridge) dwellings would have a width of 9.2m and a depth of 13.5m. They would be constructed in a traditional style with simple features and with materials being conditioned to ensure they are suitable to the surrounding conservation area. 1no. double carport will serve both dwellings and will be situated in between them, at the rear of the plot.

- 7.2.3 Local Plan Policy ENV2 and Proposed Submission Local Plan 2017 Policy LP22 states that ‘all development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features and introducing appropriate new designs’. The proposal will not appear contrary to the architectural traditions of the vicinity. There isn’t a concurrent design trend in the immediate area, with the traditional buildings of 36 High Street to the west, the modern village hall and residential development of Scotland End to the east and the recently modernised 37 High Street to the north. The proposals will offer a high-quality design built to sustainable standards and there is unlikely to be significant and demonstrable harm to the visual character and appearance of the area arising from these dwellings.
- 7.2.4 The boundaries of the site contain informal levels of planting and fencing; any approval will seek to condition soft landscaping to ensure adequate planting to help assimilate the development into the landscape.
- 7.2.5 The density of the scheme is the equivalent to 31 dwellings per hectare similar to those of nearby development, with the adjacent estate of Scotland End equating to 22 dwellings per hectare and the pair of dwellings on High Street averaging 27 dwellings per hectare. The previous application on the site for two dwellings proposed linking the dwellings, creating a wide mass of built form fronting the highway. It’s considered that this scheme, which creates two dwellings set back from the road by between 3 and 4 metres with a separation distance of 6m effectively breaks up the built form along the frontage and would not appear overly dense or overbearing.

### **7.3 Residential Amenity**

- 7.3.1 The development site is adjacent to several existing dwellings to the east and west. Under Local Plan policy ENV2 and Proposed Submission Local Plan 2017 Policy LP22 this application should take care to ensure there is no significantly detrimental harm to the residential amenity of the occupier and neighbouring occupiers as a result of the proposal. The Design Guide SPD requires new dwellings to provide a minimum of 50sqm private amenity space. The proposals will provide sufficient space as to comply with this.
- 7.3.2 The neighbouring dwelling to the west (38 High Street) is subject to a planning application for several extensions to the existing dwelling (17/01258/FUL). The neighbouring dwelling as it currently stands overlaps this application site and would therefore be subject to an application for demolition within the conservation area if it was to be removed to facilitate this scheme. The extension proposals for the neighbouring site include the demolition of this overlapping element and as such if the neighbouring application was to be approved (17/01258/FUL) then it would facilitate the construction of this proposal. For the purposes of clarity, the residential amenity impact of the proposed extended dwelling will be assessed. Plot 1, which borders 38 High Street would be located 4m from the side elevation with one overlooking window which would be obscurely-glazed. Furthermore, the first floor rear windows of the extended 38 High Street would also be obscurely-glazed and serve a landing. There is not considered to be a harmful level of overlooking or overbearing on the residents of 38 High Street.

- 7.3.3 The neighbouring dwelling to the southeast (2 Scotland End) is located 15m from the front boundary of the site with Plot 2 the closest proposed dwelling. The front elevation of Plot 2 contains three first floor windows, serving two bedrooms and an en-suite. It is considered that the separation distance, along with the other factors of planting and the angle of overlooking is sufficient to protect the residential amenity of the opposite residents. The dwellings are sufficiently distanced from 2 Scotland End to avoid any overbearing impact on the residents and users of the pedestrian footway leading into Scotland End.
- 7.3.4 The impact on the dwelling to the rear (37 High Street) is likely to be minimal, with rear to rear elevation distances in excess of 17m. Despite these distances not meeting the guidance outlined in the SPD Design Guide, a single rear window is proposed on the dwellings which will serve a bathroom and be obscurely-glazed. A 1.8m close-boarded fence is proposed along the rear boundary, with the 4.5m high car port unlikely to have an overbearing impact on the users of the neighbouring rear garden.
- 7.3.5 Additional weight is also added in support of the scheme by the existing permission on the site (15/00916/FUL) for a single detached dwelling of a similar appearance, layout and scale. Two first floor windows were approved which served bedrooms and would have a similar level of overlooking on 2 Scotland End as the proposed dwelling on Plot 2.
- 7.3.6 There is an additional single first floor window serving a bedroom on the gable-ended rear element. This window on Plot 2 will overlook the vacant paddocks to the northeast and is unlikely to pose any privacy threat. The window on Plot 1 will be distanced 8m from the rear elevation of the extended Number 38, the view from this window will be obscured by the main part of the proposed dwelling and it is unlikely to overlook the private garden of Number 38. It is considered that the harm caused to the residential amenity of Number 38 as a result of this bedroom window is not significant and demonstrable enough to warrant refusal of the proposal.
- 7.3.7 It is considered that the dwellings will not demonstrable harm neighbouring residential amenity sufficiently to warrant outright refusal of the proposal and the scheme is compliant with Local Plan Policy ENV2 and Proposed Submission Local Plan 2017 Policy LP22 and the Design Guide SPD.

## **7.4 Historic Environment**

- 7.4.1 The site is located wholly within Chippenham Conservation Area with the boundary running along the northeastern boundary of the site. The proposal is in the vicinity of two listed buildings, the Grade-II 36 High Street and Manor Farmhouse. As such any development should take care to preserve or enhance the character and appearance of the area and not have a detrimental impact. The site is located behind 38 High Street which is of a modern construction with minimal historic value. Furthermore the village hall opposite the site and the dwelling behind, 37 High Street, are both of a modern construction.
- 7.4.2 The Conservation Officer considered that the amended proposal is of a much more appropriate design and responds to the surrounding area. They stated that "there is a mix of architectural styles and types and the revised design of the properties

appears to be of a similar style to those properties found within Scotland End. The majority of properties within the vicinity of the site are 2 storey dwellings and the relationship between the two properties has been improved by making them detached. The properties are of a relatively simple design which is not out of character with the surrounding area and would not be considered to result in harm being caused to the significance of the conservation area or the listed buildings to the main road.”

7.4.3 Additional weight is also added in support of the scheme by the existing permission on the site (15/00916/FUL) for a single detached dwelling of a similar appearance, layout and scale within the Conservation Area.

7.4.4 It is considered that the scheme will not detract from the visual significant of the listed buildings nearby. The southwestern side of High Street comprises a traditional collection of dwellings and the Manor Farm Barns complex, which contains the listed 36 and Manor Farmhouse. The street-scene containing the application site comprises the modern estate of Scotland End, the village hall and Number 38 and 37, neither of which contribute to the historic complex opposite. Any visual changes to this side of High Street are likely to be read as part of this less-traditional street-scene and thus garner minimal weight with regards to their heritage impact. It is therefore considered that the scheme is compliant with Local Plan 2015 policies ENV11 and ENV12 and Proposed Submission Local Plan 2017 Policies LP27.

## **7.5 Highways**

7.5.1 The proposal seeks consent to create a driveway serving each dwelling, with a double-carport located at the end of the driveway. The proposal features two parking spaces for each dwelling, in tandem orientation, with access onto Scotland End. The 2017 Proposed Submission Local Plan states in the ‘Additional Guidance for Dwellings’ that tandem parking should be avoided to prevent parking spaces blocking one another. However, it is considered in these circumstances that, the previous approval on the site considered tandem parking to be acceptable and that it would avoid the prevalence of vehicles covering the front elevations within this Conservation Area site.

7.5.2 No concerns have been raised by the Local Highways Authority with regards to this arrangement and the wider highways impact of the scheme. Several conditions have been recommended by the LHA which will be placed on any approval. Concerns were also raised regarding the safety of Scotland End and its junction with High Street, these concerns were not echoed by the LHA as part of their consideration; furthermore residents have stated that delivery lorries, oil tankers the mobile library and other large vehicles are said to use Scotland End frequently causing a threat to the pedestrian users of the road. It must be clarified that as a suitable off-street parking provision has been made as part of this proposal, that these situations are likely not be worsened.

7.5.3 Concerns have been raised that these dwellings will lead to an exacerbation of on-street parking and the utilisation of the village hall car park. The responsibility of a future resident to use their own parking spaces cannot be controlled by the Local Planning Authority and it would not be appropriate to refuse this application based on existing parking issues within the Village Hall and Scotland End, as a full parking

provision has been made as part of this application. Furthermore, the applicant for this application cannot be held accountable for congestion caused from Chippenham Village Hall events and as off-street parking has been provided within this scheme, this situation is not likely to be exacerbated.

- 7.5.4 Concerns were raised about the width of the driveway and the inability of cars to open their doors. The LHA recommend that car parking spaces should measure 2.5m x 5m, with the proposal meeting this guidance (the spaces measure 2.7m x 5m), with additional space for movement around the vehicle. The 'Additional Guidance for Dwellings' within the Proposed Submission Local Plan 2017 recommends larger spaces for more freedom of movement around the vehicle, however, this additional guidance attracts limited weight and it is considered that the proposal remains compliant with Local Plan 2015 Policy COM8. Additionally, the provision of disabled spaces to be included with all development proposals is not a policy requirement and a lack of this provision would not garner sufficient enough weight to warrant outright refusal of the application when assessed against the benefits of the scheme.
- 7.5.5 Local residents have raised concerns regarding the lack of a right of access onto this property from Scotland End. Members are reminded that private legal agreements such as rights over land and covenants on the land are not a matter for the Local Planning Authority and hold no weight in the determination of this application.
- 7.5.6 The scheme is considered to be compliant with 2015 Local Plan policies COM7 and COM8 and 2017 Proposed Submission Local Plan Policy LP17.

## **7.6 Other Material Matters**

- 7.6.1 Private legal agreements such as rights over land and covenants on the land are not a matter for the Local Planning Authority and hold no weight in the determination of this application. It must also be noted that any decision by this Authority does not overrule any current legal agreement nor does it grant any right to damage/interfere with public utilities. If permission is granted separate consents are likely to be required.
- 7.6.2 The application seeks to remove a small tree at the rear of the site and a hedge along the eastern boundary, with the remaining trees being retained. A landscaping scheme and tree protection plan will be secured by condition to ensure these existing trees are retained securely and that the site can help contribute to the planting within the Conservation Area.
- 7.6.3 The site was assessed during the site visit as having a minimal biodiversity potential and thus an ecology survey was not requested. The site is mostly vacant land with a small pond and hedgerow with the remainder currently cleared with minimal evidence of ditches or other prevalent habitats. Biodiversity improvements will be secured by condition to ensure a minimal impact on any established biodiversity on the site as a result of the proposal.

## 7.7 Planning Balance

- 7.7.1 The proposal will result in two additional dwellings to add to the Council's housing stock and there are associated economic benefits from the construction process and continuing contribution to the local economy by future occupiers. All of the above attract significant weight in favour of the proposal.
- 7.7.2 The site is subject to an extent planning permission for a single dwelling and this revised proposal is considered to not cause significant harm to the appearance and character of the locality such that it would outweigh the benefits of the proposal. It's considered that the proposal will not cause significant harm to the amenity of the area's residents and a will have a minimal impact on the historic value of Chippenham Conservation Area and the listed buildings opposite. Subject to appropriate conditions the proposal does not raise any issues in relation to highway safety, landscaping and drainage. The proposal is therefore recommended for approval.

## 8.0 APPENDICES

- 8.1 17/01257/FUL Conditions

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| <u>Background Documents</u> | <u>Location</u>            | <u>Contact Officer(s)</u>                       |
|-----------------------------|----------------------------|---|
| 17/01257/FUL                | Oli Haydon<br>Room No. 011 | Oli Haydon<br>Planning Officer                  |
| 17/00558/FUL                | The Grange<br>Ely          | 01353 665555<br>oli.haydon@eastca<br>mbs.gov.uk |

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

East Cambridgeshire Local Plan 2015 -

<http://www.eastcamb.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

## APPENDIX 1 - 17/01257/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

| Plan Reference | Version No | Date Received       |
|----------------|------------|---------------------|
| 17:022 - 200 C |            | 12th September 2017 |

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 No above ground construction shall take place on site until details of the walls, roof, windows and doors to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the special architectural or historic interest, character and appearance and integrity of the Conservation Area, in accordance with policies ENV2 and ENV11 of the East Cambridgeshire Local Plan 2015 and LP22 and LP27 of the Proposed Submission Local Plan 2017.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays or Public/Bank Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.
- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in

accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015 and LP26 of the Proposed Submission Local Plan 2017.

- 6 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved access, as shown on Drawing 17:022-200(C).
- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Proposed Submission Local Plan 2017.
- 7 Prior to the commencement of the use hereby permitted visibility splays of 2.0m x 2.0m shall be provided each side of the vehicular access measured from and along the highway boundary. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Proposed Submission Local Plan 2017.
- 8 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 8 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV8 and COM7 of the East Cambridgeshire Local Plan 2015 and LP22, LP25 and LP17 of the Proposed Submission Local Plan 2017.
- 9 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on Drawing 17:022-200 (rev C). The boundary treatments shall be in situ and completed prior to the first occupation on the site. All works shall be carried out in accordance with the approved details and retained thereafter
- 9 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP28 and LP22 of the Proposed Submission Local Plan 2017.
- 10 Prior to first occupation, the first floor windows annotated on Drawing 17:022-200(rev. C) as 'obscurely-glazed' and the first floor bathroom window on the front elevation shall be obscurely-glazed and remain so in-perpetuity.
- 10 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Proposed Submission Local Plan 2017.
- 11 Prior to occupation a scheme of biodiversity improvements shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed prior to the first occupation of the hereby approved development and thereafter maintained in perpetuity.



- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Proposed Submission Local Plan 2017.
- 12 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 12 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 and LP28 of the Proposed Submission Local Plan 2017. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 13 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation
- 13 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Proposed Submission Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 14 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 14 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015 and LP27 of the Proposed Submission Local Plan 2017. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 15 Prior to first occupation or commencement of use a full schedule of all soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation

programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting season following occupation of the development. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 15 Reason: To assimilate the development into its surroundings, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and LP28 and LP22 of the Proposed Submission Local Plan 2017.