

MAIN CASE

Reference No: 20/00194/FUL

Proposal: Construction of 2 No. Three Bed Detached Two Storey Dwellings with attached Single Carports, Access, Parking, on site Turning & Site Works

Site Address: Site Rear Of 38 High Street Chippenham Cambridgeshire

Applicant: Townsend Paddock Ltd & Russell + Russell Properties Ltd

Case Officer: Catherine Looper, Senior Planning Officer

Parish: Chippenham

Ward: Fordham And Isleham
 Ward Councillor/s: Julia Huffer
 Joshua Schumann

Date Received: 6 February 2020 **Expiry Date:** 05/06/2020

[V8]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to APPROVE the application subject to the conditions listed below. The conditions can be read in full in Appendix 1.
- 1.2
- 1 Approved Plan
 - 2 Time Limit - FUL/FUM - 2+ dwelling
 - 3 Specified materials
 - 4 Construction times - Standard hours
 - 5 Reporting of unexpected contamination
 - 6 PD restriction- Fences, gates and walls
 - 7 Provision of visibility splays
 - 8 Access drainage
 - 9 Boundary treatments in accordance with plans
 - 10 Biodiversity Improvements
 - 11 Foul and Surface water drainage
 - 12 Piling foundations
 - 15 Soft landscaping scheme
 - 16 PD restriction- additional windows
 - 17 PD restriction- conversion of carports
 - 18 Driveway retention
 - 19 Tree Protection Measures

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks consent for the construction of two detached 2-storey dwellings on land to the rear of 38 High Street, Chippenham. The proposed dwellings have a maximum height of 7.6m and have a width of 10.5m, although the car port element is set back from the main frontage. The dwellings have a depth of 11.6m. The proposal would use a mixture of materials as shown on the plans.
- 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 has been called into Committee by Councillor Julia Huffer as "there are many local objections to the scheme."

3.0 PLANNING HISTORY

3.1

17/01257/FUL	Proposed 2 No. Dwellings, Access, Parking & Associated Site Works.	Refused <i>Appeal Dismissed</i>	02.11.2017
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 to the rear of 38 High Street Chippenham, and would be accessed off the Scotland End road. The site itself is currently undeveloped. To the opposite side of the road is the village hall, and the dwellings within Scotland End are located to the north-east.

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.

Conservation Officer -
No Comments Received

Parish - 10 March 2020

- This site has previously been refused planning by both the district council and on appeal for 2 x 3 bed houses. The main grounds for refusal were an unacceptable impact on highway safety and in particular lack of space to allow vehicles to enter and exit the driveway in a forward gear.

- The parish council does not think that the applicant has done enough to resolve this issue. Whilst the plans show the potential for 2 parking spaces, if built to scale there is not enough space for a driver/passenger to enter or exit the vehicle whilst it is parked in the car port.
- The space for reversing and turning the vehicle is very tight and it will not be possible for either property to do so without encroaching on the neighbouring driveway. Furthermore there is a shared access drive and parking on this drive will prevent cars from the neighbouring property being able to turn to exit the driveway in a forward gear.
- There isn't any provision for visitor parking.
- These are clearly 4 bedroom houses, despite the label of 'study' being given to one of the bedrooms. As Chippenham has next to no public transport nearly all adults and young people 17+ drive and therefore these houses have the potential to need more than just two parking spaces.
- The applicant also developed the adjacent property. The driveway for this house is too narrow too and does not allow for the driver to exit the vehicle. This means that it is often left half on the pavement for easy access.
- This site already has permission in place for 1 x 4 bed house. This would be a much better fit for the site and allow for adequate parking provision and sit better within the plot and the local housing scheme of Scotland End.
- The trees officer has said that there are no trees on site but this is incorrect.

If the planning officer does decide to recommend approval for this application then the parish council would like the application to be called before the planning committee for consideration.

Ward Councillors -

No Comments Received

Local Highways Authority - 10 March 2020

The highways authority has no objections in principal to this application.

Whilst I have no objection in principal the parking and turning area arrangement would require the space in the centre of the dwellings to be used by both properties to turn and leave and so enter the highway in a forward gear. East Cambs as the planning authority and parking should therefore ensure that this space is adequately laid out for daily use and that this area be conditioned accordingly to remain in perpetuity for this function only, for both dwellings.

Recommended Conditions

HW11A - Access as per the approved plans

HW14A - Parking and turning areas

CCC Growth & Development -

No Comments Received

Minerals And Waste Development Control Team -

No Comments Received

ECDC Trees Team - 5 March 2020

The site is within the conservation area - there are no Tree Preservation Orders

The site is vacant with no trees - there are no objections on arboricultural grounds - a landscaping condition to be applied.

Environmental Health - 17 February 2020

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

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

No other points to raise at this time but please send out the environmental notes.

Waste Strategy (ECDC) - 5 March 2020

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).

5.2 Neighbours – 34 neighbouring properties were notified by post and a site notice was posted at the site on 27th February 2020. An advert was also placed in the Cambridge News on 20th February 2020. Two responses have been received from one neighbouring property and the comments are summarised below. A full copy of the responses are available on the Council's website.

- Concerns regarding highway safety and parking.
- References to appeal decision APP/V0510/W/18/3201392.
- Concerns regarding no consultation responses from Highways and Conservation.
- Concerns regarding Trees Officers comments.
- Concerns about site notice date.
- Parking issues at 38 High Street.
- Concerns regarding the red line and ownership.
- Speculative comments regarding future issues.

5.3 To summarise, one neighbor has objected, and objections have been raised by the Parish Council.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH2	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 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving & enhancing the historic environment

7.0 PLANNING COMMENTS

7.1 The main issues to consider in determining this application relate to the principle of development, the impact upon character and appearance of the area and Conservation Area, residential amenity, highways safety and other matters.

7.2 **Principle of Development**

7.3 The proposal considered by this application would make a small but positive contribution to the local housing supply in the form of two dwellings. The proposal would also be beneficial to the economy in the short term due to the construction stage. The site is positioned within the development envelope. The site previously benefited from planning permission for one dwelling under planning application 15/00916/FUL, and although this permission has lapsed, it is still a material

consideration in the determination of the current application. The principle of development is therefore considered acceptable subject to compliance with all other material planning considerations.

7.4 Residential Amenity

- 7.5 Policy ENV2 of the East Cambridgeshire Local Plan 2015 requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers. Paragraph 127(f) of the NPPF requires proposals to ensure that they create safe, inclusive and accessible development which promotes health and wellbeing and provides a high standard of amenity for existing and future users.
- 7.6 The proposed dwellings are considered suitably laid out to ensure that the impacts on the residential amenity of neighbouring occupiers are minimised. Plot 1 is located close to the boundary of 38 High Street, however, this dwelling benefits from alternative windows to habitable rooms in the ground floor, such that the proposed dwellings are not considered to create significantly harmful levels of overbearing. The sitting room and kitchen have windows to the front and side elevations, providing outlook and light to these rooms. There is a study and a cloakroom at ground floor level to the rear, however these are not considered to be significantly impacted by the proximity of the adjacent proposed dwellings. To the first floor there are two windows to the rear elevation, however these serve the landing area and do not impact on habitable rooms at the property. The garden area to 38 High Street is located to the front and side of the dwelling, meaning that the proposed dwellings do not create overbearing or overshadowing to private amenity spaces. Although the depth of the proposed dwellings is greater along the boundary with Number 38 than the previous proposal, this is not considered to impact on the amenity of this occupier to such a degree that would warrant refusal on these grounds and no concerns were raised on this matter by the Inspector on the previous appeal.
- 7.7 The proposed dwellings would feature no windows to the rear elevation at first floor level which prevents overlooking to the private amenity space of 37 High Street. The dwellings are also a sufficient distance from the rear boundary that they could not be considered to be overbearing to this private amenity space. It is considered appropriate to remove permitted development rights in relation to the insertion of windows to ensure that the relationship between the proposed dwellings and neighbouring dwellings is retained.
- 7.8 The proposed dwellings are in excess of 14m in distance from the boundary of the next nearest dwelling at 2 Scotland End. They are also set aside from this dwelling, and do not directly face 2 Scotland End. The separation distance and positioning prevent any significantly harmful impacts on the amenity of this occupier, such as overbearing, overshadowing or overlooking.
- 7.9 Within the previous appeal decision APP/V0510/W/18/3201392 (Appendix 2) the Inspector did not raise any issues relating to the residential amenity of any nearby occupiers. The current scheme is slightly different but nevertheless not considered to create significantly detrimental impacts on the amenity of neighbouring

occupiers and the proposed dwellings are considered to comply with policy ENV2 of the Local Plan 2015 and the provisions of the NPPF which relate to amenity.

7.10 Visual Amenity & Conservation Area

7.11 In terms of visual amenity, policy ENV2 of the Local Plan 2015 requires proposals to ensure that location, layout, scale, form, massing, materials and colour relate sympathetically to the surrounding area and each other. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. Policy ENV11 of the Local Plan requires that development proposals within Conservation Areas be of a particularly high standard of design and materials and make a positive contribution to the character and appearance of the conservation area. Section 72 (1) of the Listed Buildings and Conservation Areas Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of an area, with respect to any buildings or other land in a conservation area.

7.12 The proposal is in keeping with the local area as it is not out of keeping with the pattern of the surrounding existing dwellings. The proposal will create a change to the existing street scene, however this site is positioned between existing residential development and therefore the introduction of residential built form would not appear out of keeping. Within appeal decision APP/V0510/W/18/3201392 (Appendix 2) the Inspector considered that “the proposed dwellings would be read as part of limited development along the northern side of Scotland End and separate from that estate due to its location around the road corner and the intervening view of fields.” The Inspector also considered that the proposed dwellings would not impact on the significance of the Listed Buildings on High Street as they would be read as part of the modern development of Scotland End and therefore they would not have “undue prominence or cause disruption within the setting of the listed buildings”. The proposal currently considered is not considered to be significantly altered from the previous proposal. The dwellings are set further back into the plot than the previous scheme, and therefore the visibility of these from the High Street would be reduced.

7.13 Given the Inspectors comments on the previous scheme, the Council does not consider that the proposal would be harmful to the character of the conservation area or the setting of Listed Buildings within it. The proposal would result in less than substantial harm being caused to the significance of the conservation area and the public benefits of the scheme (the provision of two dwellings in a sustainable location) outweigh this harm. The proposal is considered to comply with Chapter 16 of the NPPF relating to heritage assets, and as such complies with Paragraph 11 d)i.

7.14 Highways address fully the PC comments

7.15 Policy COM8 of the Local Plan 2015 seeks to ensure that proposals provide adequate levels of parking, and policy COM7 of the Local Plan 2015 requires proposals to provide safe and convenient access to the highway network.

- 7.16 The proposal ensures that there are two parking spaces per dwelling in accordance with policy COM8 of the Local Plan 2015. It is considered appropriate to condition that the proposed car ports are not converted and that no doors shall be installed to the front of them to ensure that parking is retained in accordance with policy COM8 of the Local Plan 2015. The Local Highways Authority have considered the proposals and have raised no objection to the scheme. They note that the central driveway area will need to be used by both dwellings for manoeuvring. It is therefore considered appropriate to condition that the driveway area shall remain free from obstruction, and that no fences, walls or gates shall be installed on any area of the driveway. The Local Highways Authority request conditions are added to any grant of planning permission.
- 7.17 The Parish Council have raised concerns about the ability of vehicles to park within the proposed car ports, however the proposed car ports have an internal width of 3.3m and an internal depth of 6m. This is sufficient space in order to park and exit a vehicle. It is recommended that a condition is placed on any grant of planning permission which prevents the conversion or enclosure of the car ports, to ensure that these are retained as parking spaces.
- 7.18 The Parish Council have also raised concerns about the ability of vehicles to manoeuvre and exit the site in a forward gear. The driveway area to the front of the site is of sufficient size and layout that vehicles can manoeuvre in order to exit the site in a forward gear. The Local Highways Authority has acknowledged that the area would be shared by both properties to allow manoeuvring and they have raised no objection to this arrangement. The Parish Council has raised further concerns regarding the possibility of future occupiers owning more than two vehicles. The Council's Local Plan 2015 sets out the parking requirements for the district and specifies that two parking spaces are required for a dwellinghouse. It would be unreasonable to request that further parking is made available when the scheme meets the requirements of the East Cambridgeshire Local Plan 2015. Furthermore, it is considered unreasonable to require visitor parking for a scheme of two dwellings.
- 7.19 Concerns have been raised by a neighbour regarding the parking practices of adjacent dwellings, however these are not pertinent to the determination of the current application.
- 7.20 Ecology & Trees**
- 7.21 Policy ENV7 of the East Cambridgeshire Local Plan 2015 recognises the importance of environments such as trees, wetlands, hedgerows, woodlands and ponds which provide habitats, corridors and links for wildlife, and are part of an essential network for the survival and diversity of species. Paragraph 170(d) of the NPPF advises that development proposals should minimise impacts on biodiversity and secure net gain. Additionally, the paragraph discusses the importance of establishing coherent ecological networks that are more resilient to current and future pressures. Paragraph 175(d) goes on to advise that development should be supported where the primary objective is to conserve or enhance biodiversity. It goes on to advise that opportunities to incorporate biodiversity improvements in and around developments should be encouraged.

7.22 It is recommended that a condition requiring a comprehensive scheme of biodiversity improvements could be placed on any grant of permission. The request for biodiversity improvements is guided by national and local policies which seek to deliver a net gain in biodiversity, proportionate to the scale of development proposed, by creating, restoring and enhancing habitats for the benefit of species and preventing sites from being disconnected with the natural environment. It is considered that an appropriate and comprehensive scheme could be submitted in order to satisfy this condition which incorporates methods of ecological permeability between the plots within the site and the wider natural environment, as well as species-specific enhancements at the site.

7.23 The site plan indicates that the two small trees on site are to be retained as part of the development. The Council's Trees Officer has been consulted following a visit to the site and has advised that a scheme for the protection of trees should be conditioned to ensure that these trees are protected during construction. This is considered to be appropriate. It is also considered appropriate to condition that a scheme of soft landscaping is submitted to and approved by the Local Planning Authority, to ensure that the proposal can be assimilated into the site sympathetically.

7.24 Other Material Matters

7.25 The application does not include details of drainage proposals and these would need to be secured by condition to ensure that a suitable scheme is proposed which prevents the increased risk of flooding and improves and protects water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015.

7.26 All applications for residential use are considered particularly sensitive to the presence of contamination. It is therefore considered reasonable that conditions are appended to the grant of planning permission requiring a contamination assessment to be agreed by the Local Planning Authority prior to commencement of development and with regards to unexpected contamination and remediation measures if required. Subject to the relevant conditions being appended, the proposal accords with Policy ENV9 of the Local Plan 2015.

7.27 Concerns have been raised by neighbours regarding the ownership of land, however disputes over land ownership are not a planning consideration and are a private matter between land owners. Concerns regarding the display of a site notice have also been raised. A site notice was posted at the front of the site on 27th February 2020, at the same time that a site visit was conducted, and the Council retains site photos of this. Additionally, the consultation triggered by the site notice expired on 19th March 2020, however comments on a planning application can be made at any time up until determination, and it should be noted that this application has been brought to Committee well after this date.

7.28 Planning Balance

7.29 The proposal complies with planning policy and does not create any significantly detrimental effects on the residential amenity of nearby occupiers, the character of

the area or on highway safety. The application is therefore recommended for approval.

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00194/FUL	Catherine Looper Room No. 011 The Grange	Catherine Looper Senior Planning Officer 01353 665555
17/01257/FUL	Ely	catherine.looper@eastcambs.gov.uk

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 20/00194/FUL Recommended Conditions

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

Plan Reference	Version No	Date Received
17:022-1000	A	13th February 2020

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 2 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 The materials to be used in the construction of the external surfaces, including walls, roof, windows and doors, shall be as specified on the approved plan. All works shall be carried out in accordance with the approved details.
- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 4 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 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.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no fences, gates or walls shall be erected within the curtilage of the

dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 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.
- 8 The access and all hardstanding within the site shall be constructed as per the approved plan prior to first occupation of any dwelling with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 The boundary treatments hereby permitted shall be constructed in accordance with the details specified on Drawing 17:022-1000 (Rev A). 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.
- 10 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.
- 10 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.
- 11 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.
- 11 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. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 12 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or

vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

- 12 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. 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 (including retained existing trees/hedgerows) 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 safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, rooflights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in any elevations, without the prior written consent of the Local Planning Authority.
- 16 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), the carports hereby permitted shall not be altered or converted, and no gates or doors shall be installed in the vehicular opening.
- 17 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 18 The driveway area as shown on drawing 17:022-1000 Rev A shall be retained in perpetuity and shall remain free of any obstruction or division in order to allow the manoeuvring of vehicles so as to exit the site in a forward gear.
- 18 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 19 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 design,

demolition and 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.

- 19 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. 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.



Appeal Decision

Site visit made on 9 October 2018

by C Beeby BA (Hons)

an Inspector appointed by the Secretary of State

Decision date: 21 January 2019.

Appeal Ref: APP/V0510/W/18/3201392

Site Rear of 38 High Street / Land Off Scotland End, Chippenham CB7 5PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Townsend Paddock Ltd & Russell + Russell Properties Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref 17/01257/FUL, dated 11 July 2017, was refused by notice dated 2 November 2017.
 - The development proposed is residential development; 2 No. Dwellings, Access, Parking & Associated Site Works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application which is the subject of this appeal was recommended for approval by officers prior to being refused by members of the Council's Planning Committee.
3. A new National Planning Policy Framework ("the Framework") has been published¹ since the application was refused. In light of this, I have sought views from the main parties on whether any changes in the revised Framework have relevance to the case. I have taken account of any comments received.
4. Policies LP17, LP22 and LP28 from an emerging East Cambridgeshire Local Plan 2017 have been referred to in the appeal. The policies within the emerging plan would attract limited weight as it has not yet been found formally sound.
5. At the time that the planning application was refused, the Council was able to demonstrate a 5-year Housing Land Supply (HLS). However, the Council now advises that it cannot currently demonstrate a 5-year HLS. I am required to consider the appeal on the basis of the current position. In such circumstances, paragraph 11.d) of the Framework, as directed by Footnote 7, indicates that the policies which are most important for determining the application are out-of-date.
6. First, it will be necessary to consider if, in accordance with paragraph 11.d), there are policies in the Framework protecting areas or assets of particular importance which provide a clear reason for refusing the development

¹ 24 July 2018

proposed. If not, paragraph 11.d) ii advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole. I have determined the appeal on that basis.

Main Issues

7. The main issues are:

- the effect of the proposed access and parking arrangements on the safety and convenience of users of the adjacent highway network; and,
- the effect of the proposed development on the character and appearance of the area, with particular regard to the Chippenham Conservation Area ("CA") and the settings of nearby listed buildings.

Reasons

Highway safety

8. The appeal site lies off the sole road into the Scotland End residential estate, on a short section of road lying between the junction with High Street and a corner leading into the estate. It is next to No 38 High Street, which is a new property on the corner of High Street and Scotland End with a single track driveway which would separate it from Plot 1 of the proposed dwellings. The drive to No 38 has a car port at the end and would allow for the tandem parking of 3 vehicles, with no turning area.
9. The access arrangements to No 38 were part of a planning application² which involved extension of an existing dwelling and alterations to its layout, which received approval in November 2017 at the same committee meeting at which the appeal proposal was refused permission.
10. A previous planning permission at the appeal site³ granted permission for a single dwelling in 2016.
11. The above two approved schemes both included tandem parking arrangements along the same section of road, however, whilst full details of the schemes are not before me, these were materially different from this appeal scheme in terms of the location of the drive with regard to the bend in Scotland End (in respect of the November 2017 approval only) and the number of likely vehicles needing to park at both of the sites.
12. The appeal site would offer 3 off-road parking spaces per dwelling plus a car port, also in tandem formation. This level of provision does not conflict with the parking standards attached to Policy COM8 of the East Cambridgeshire Local Plan (ECLP), which set out that 2 car spaces per dwelling plus up to 1 car space per 4 units are required.
13. The proposed development would equate to a cumulative likely daily need for several reversing manoeuvres onto or off the highway by vehicles from the proposed dwellings, alongside reversing manoeuvres required at No 38. Such manoeuvres would be required due to the tandem parking arrangement to each of the three properties, and their frequency would be increased by the

² Local Planning Authority Ref: 17/01258/FUL

³ LPA Ref: 15/00916/FUL

need to move vehicles at the front of the drive to enable use of those at the rear.

14. I do not consider it likely that vehicles would reverse off the highway and along the drive due to the distance involved to reach the rear of the driveway and the need to reverse carefully within a relatively confined space. Therefore the prevailing reversing manoeuvre necessitated by the tandem parking arrangement is likely to be reversing onto the highway.
15. The appellant has provided a transport report containing a traffic survey which recorded a total of 166 in-bound and out-bound movements of vehicular traffic over the period 0700-2000 on a Thursday in January. 8 vehicles were found to use Scotland End over the busiest 15 minute period. This survey included vehicles accessing the village hall. Scotland End was therefore found to be lightly trafficked on the day of the survey.
16. However, the location of the two dwellings and No 38 at the entrance to a 24-house residential estate, and the necessity for each vehicle manoeuvre into or out of the parking to the three properties to require reversing on the road, would cumulatively result in regular inconvenience to users of the highway. The development would consequently have a harmful effect on convenient use of the highway network.
17. Furthermore, where reversing onto the highway from the development occurred, vehicles would generally be reversing into the path of traffic exiting the Scotland End estate around the nearby bend. The prevailing likely vehicular journeys of development occupants would involve access to High Street rather than the Scotland End estate, hence the general need to reverse from the development into the westbound side of the highway. Reversing vehicles would, at this point, be close to a bend in the road. Whilst oncoming vehicle speed would be low and visibility splays have been set out as part of the proposal, I saw at my site visit that visibility for drivers from the development and from the Scotland End estate is likely to be insufficient to guarantee highway safety.
18. The appellant provides an appeal statement which assesses the effect of the proposed development on highway issues in the area. This sets out that no road accidents were recorded in the village over the last 5 years. The statement submits that the local highway network is therefore operating in a satisfactory manner for the level of traffic it carries. Nevertheless, this data cannot provide confirmation of the appeal scheme's future effect on highway safety if allowed, which is the issue I must consider here.
19. The "Additional Guidance for Dwellings" section of the submitted emerging Local Plan states that "parking spaces should ideally be on-plot, with two spaces directly accessible on to the highway (i.e. avoid tandem end-to-end parking, or other scenarios whereby one space 'blocks' the exit and entry to the highway for another space)". I attach limited weight to the relevance of the emerging plan in determining this appeal, as set out above, and the appellant's case sets out that this guidance is subject to unresolved objections. However, as Council Members expressed concern over the tandem parking arrangement proposed at this site at the relevant committee meeting, I consider that this proposed guidance provides context for the views expressed.

20. I note that the local highway authority was consulted on the proposal and did not object, subject to recommended conditions. I attach some weight to the authority's lack of objection, however, I am not bound by it to find the development's effect on the highway acceptable in light of all other available evidence. The development would cause significant detriment to the safety and convenience of users of the adjacent highway network due to the proximity of the proposed access to the bend in the highway and the likely number of reversing vehicles it would generate. It would therefore conflict with Policy COM7 of the ECLP, which seeks to provide a safe and convenient highway network, and paragraph 109 of the Framework, which sets out that development should be refused where there would be an unacceptable impact on highway safety.

Character and appearance of the area

21. The development proposed is two three bedroomed detached houses with a central double drive allowing for the tandem parking of three cars per dwelling and an open car port at the end of each drive. The development would lie towards the entrance to the Scotland End residential estate, a cul de sac of 24 modern well-spaced houses of a varied design. A modern village hall lies on the other side of the road to the development site.
22. Chippenham's rural location is reflected by the provision of generous green space, hedging and trees throughout the Scotland End estate. Housing density appears generally moderate, and has been assessed by the Council to be equivalent to 22 dwellings per hectare. These factors contribute to an open character.
23. The site lies at the edge of the CA, and within the setting of two listed buildings, which lie on the High Street. The CA and listed buildings form designated heritage assets for the purpose of Paragraph 193 of the Framework. As such, I am required to give great weight to the assets' conservation when considering the effect of the proposed development on their significance. The Framework reflects statute which also requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings⁴.
24. Views out of the CA to open fields are currently available across the open site area from the High Street, with the village hall's large parking area and low boundary fence also contributing to sight lines. This emphasises the edge of village location of this part of the CA and forms the current site's main contribution to its character.
25. The CA includes a mix of older and more modern properties. The modern dwellings at 37 and 38 High Street lie within the CA and border the appeal site to the north and west. The proposed development would lie within this more modern area of housing, and would provide synergy between the modern character of the Scotland End estate, just outside the CA, and the contemporary village hall opposite the development together with Nos 37 and 38 High Street, within it.

⁴ s. 72(1) and s.66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

26. Whilst properties within the wider CA generally lie within good sized plots, there is variation in their distance from the highway and the level of planting around each property. The proposed dwellings would be set back approximately 3-4 metres from the road and would maintain or be further back than the building line established by the side of the new dwelling at No 38 High Street. The central half of each dwelling, viewed from the road, would also be set slightly further back than the outer half, allowing for a minor interruption in the building line. A low hedge is proposed in front of each, which would provide visual relief from the built form along this part of the road, when taken together with trees along the village hall boundary to the other side of the road, the partial view of fields, and other trees and hedging in the vicinity. The central drive and car ports would have a lower profile than the adjacent dwellings, including when occupied by vehicles. The depth of the dwellings within the site would be greater than the width of their front elevations, limiting the sense of scale from the street. For these reasons I do not consider that the proposed dwellings would have an overbearing and cramped effect within the CA.
27. The proposed dwellings have been assessed by the Council to have a density on their plot equivalent to 31 dwellings per hectare and hence greater than that of the Scotland End estate. However, the proposed dwellings would be read as part of limited development along the northern side of Scotland End and separate from that estate due to its location around the road corner and the intervening view of fields. Their central drive and car ports would mirror the garage separating several properties along Scotland End, and the drive and car port lying between No 38 High Street and the proposed dwellings.
28. The appeal site lies across High Street and a short distance along Scotland End from the listed buildings concerned. These are Manor Farmhouse and Old Manor Farmhouse, adjoined and substantial pale rendered buildings which are clearly of some age. They contribute a sense of the CA's significance and have a commanding position at the edge of the village on the main road, emphasised by their scale as adjoining buildings. Their rural setting is clear from the view of fields beyond them as the road passes out of the village, and the level appeal site contributes to this setting by means of an additional sight line to fields from the High Street setting of the listed buildings, creating a semi-rural edge of village impression.
29. The proposed dwellings would be part of an area of clearly modern development which lies across the road from the listed buildings. As modern detached brick buildings they would have symmetry with the village hall. Sight lines across to adjoining fields would still be present, if more limited. The dwellings would lie a little further back from the road than the completed development at No 38 High Street, and their scale and massing would be limited by the presence of the central drive. I therefore do not find that the dwellings would have undue prominence or cause disruption within the setting of the listed buildings.
30. I note that the Council's Conservation Officer commented that the development would not result in harm being caused to the significance of the CA or to that of the listed buildings across High Street. I take a similar view. Additionally, the appellant's Design, Access & Heritage Statement, prepared by a chartered architectural technologist, concludes that the development scheme would form

a better transition between the High Street and Scotland End than the original house and the current arrangement.

31. Policy ENV 1 of the ECLP sets out that development proposals should demonstrate through their location, scale, form and other matters that they will create positive or complementary relationships with existing development and will protect, conserve and where possible enhance the settlement edge and its wider landscape setting. In light of my above analysis I find that the proposed development would not conflict with policy ENV 1.
32. Policy ENV 2 of the ECLP is broadly consistent with the Framework in seeking to achieve well-designed developments that improve the character and quality of an area. The appeal site currently comprises an area of land with a levelled earth surface which, whilst clearly prepared in anticipation of expected development, is in itself a little incongruous within a residential estate. In replacing the levelled earth surface the development would represent a modest improvement to the character of the area. The proposed development therefore does not conflict with Policy ENV 2.
33. For all the above reasons, I find that the proposed development would not harm the character and appearance of the area, the CA or the setting of the nearby listed buildings. Therefore, it would not conflict with relevant parts of the Framework or statutory protections for heritage assets. I note that the Council does not suggest that there would be specific conflict with ECLP policies ENV 11 and ENV 12 which are intended to protect the significance of conservation areas and listed buildings, respectively, and I see no reason to take a different view.

Other Matters

34. I have been referred to a recent appeal decision⁵ in respect of outline consent for 5 proposed houses and access on land to the north east of the appeal site. I have sought comments from the main parties on the decision concerned. The Inspector's decision deals with the effect of that proposal on highway safety in the area. I have reached a different conclusion to the Inspector on this issue, because that proposal materially differs from this appeal proposal, in part in having access onto High Street and provision for vehicles to leave the site in a forward gear.

Planning Balance and Conclusion

35. As the Council cannot currently demonstrate a 5-year HLS, in accordance with paragraph 11 d) of the Framework, and this is an application for the provision of housing, the development policies which are most important for determining the application are considered out-of-date.
36. Therefore, it is necessary to consider first, as advised by Framework paragraph 11 d) i, whether the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Such policies include those relating to designated heritage assets, such as conservation areas and listed buildings, as detailed within section 16 of the Framework. As I have found no harm to the significance of the Chippenham Conservation Area or to the settings of nearby

⁵ APP/V0510/W/18/3198375

listed buildings within it, those policies to protect heritage assets do not provide a clear reason to dismiss the appeal.

37. Consequently, I am required to consider, as stated in Framework paragraph 11 d) ii, if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
38. There would be some economic uplift during construction through short-term employment and the purchase of building materials. Future occupiers would also contribute to the local economy. Socially, the development would add to the supply of housing in a location with access to services and facilities. That would be in accordance with the Government's objective of significantly boosting the supply of homes⁹, especially in a context where there is no 5-year HLS. Occupiers would also be likely to participate in the local community and use relevant services. However, these benefits would be relatively limited given that the proposal relates to just two houses. The development would result in a modest improvement to the character of the area.
39. Against that, although I have not found harm to heritage assets, the proposed development would have an unacceptable impact on highway safety and would thus conflict with Paragraph 109 of the Framework. For these reasons the harm caused by the development would significantly and demonstrably outweigh the relatively modest benefits when assessed against policies in the Framework taken as a whole. Consequently, the proposal cannot benefit from the presumption in favour of sustainable development.
40. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan, with which I have already found conflict. Therefore, I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

C Beeby

Inspector

⁹ Paragraph 59 of the Framework