
MAIN CASE

Reference No: 18/00781/OUT

Proposal: Proposed outline consent for the erection of 5 dwellings including details of means of access. Appearance, landscaping, layouts, scales to be reserved matters.

Site Address: Land Northeast Of 37 And 38 High Street Chippenham
Cambridgeshire

Applicant: Mrs Angela Reeder

Case Officer: Andrew Phillips Planning Team Leader

Parish: Chippenham

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

Date Received: 8 June 2018 **Expiry Date:** 1 October 2018

[T105]

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the following conditions:

1. Approved Plans
2. Reserved Matters – Time Frame/Details
3. Time Limit
4. Energy/Sustainability
5. Biodiversity Improvements
6. Contaminated Land
7. Unexpected Contamination
8. Construction Times
9. Archaeological
10. Arboricultural Impact Assessment
11. Foul/Surface Water
12. Pedestrian Visibility Splays
13. Highway Drainage
14. Nesting bird protection

2.0 SUMMARY OF APPLICATION

- 2.1 The proposal is for outline permission for five dwellings with only detailed consent for access being sought. With the previous application (17/01221/OUT) on site being refused on access grounds, the developer has now provided details on the access point onto High Street. This previous application is currently being appealed.
- 2.2 The application has been amended in order for a revised access arrangement to be submitted and revised forms to be submitted (including notification of County Council as a landowner).
- 2.3 The Chair and Vice-Chair of Planning Committee has confirmed this should be determined at Planning Committee, as the previous application was determined at Planning Committee.
- 2.4 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.**

3.0 PLANNING HISTORY

3.1

17/01221/OUT	Proposed outline consent for 5 new houses and access	Refused	05.10.2017
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17/01221/OUT was refused on the grounds of:

The application has not provided sufficient details to demonstrate that it is possible to achieve safe access onto the public highway or has taken into account the high volume of traffic during the rush hour period. The proposal is, therefore, significantly detrimental to the safety of both existing users of the public highway and the potential future residents of the proposal. The application does not comply with policy COM7 of the East Cambridgeshire Local Plan Adopted April 2015, by virtue of the harm to highway safety.

This application is currently being considered by the Planning Inspectorate.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site is located outside but adjacent to the village framework and Chippenham Conservation Area. It is within a Mineral Safeguarding Area. The site is in an open field surrounded by mature planting.
- 4.2 There is a Public Right of Way that is located on the northern and eastern boundary of the paddock, but is separated from the application site by at least 48 metres.

4.3 There is a Listed Building on the opposite side of the road and approximately 30m southwest of the proposed site entrance. 37 High Street has a contemporary style/materials and is adjacent to the entrance to the proposal.

4.4 Scotland End is a 1990s cul-de-sac development located to the southeast of the site.

5.0 RESPONSES FROM CONSULTEES

5.1 The full responses are available on the Council's web site.

Chippenham Parish Council – (17 July 2018) It objects to the proposal.

Traffic Survey – The overall traffic numbers are quite high for a small village due to commuter traffic.

The information submitted shows that 322 cars per week are travelling over 36mph, which was carried out in November. The Parish believes that cars travel faster in the summer, due to better visibility. An additional access will create a safety hazard.

Questions the number of journeys that the proposal will create.

Has noted comments in regards to the visibility splays and seeks a high standard due to the scope of accidents occurring with traffic travelling from so many different directions.

Outside village framework – The Parish Council has contributed in the local plan process and is only seeking infill development.

Chippenham has no village school, no shop, no GP and limited public transport.

This edge of the village already has speeding issues and visibility from the site is blocked by the land bank and chevrons.

If permission was granted it would set a precedent for further growth.

Proposal would affect the amenity of The Old Police House.

Style and positioning of the proposal not in keeping with the village or conservation area.

The Openreach box is located on the verge near this access and vans uses in the servicing of this box will further reduce visibility.

It appears as if the visibility splays are over highway land but also encroach on the neighbouring property.

Without prejudice if the application was approved seeks for a footpath to connect to the Public Right of Way.

Cllr Schunmann (Chair of Planning Committee) – (29 June 2018) Confirms it should go to Planning Committee.

Cllr Rouse (Vice Chair of Planning Committee) – (22 June 2018) Confirmed with the Case Office that this application should be determined by Planning Committee.

Ramblers, Newmarket and District Group – (22 June 2018) Asked for previous comments to be considered. These stated:

- Confirmed that they had walked the adjacent footpaths and the proposed dwellings are a significant distance from either footpath.
- Site is unusually shaped plot but should ensure that the current proposal will have little or no impact on the two public footpaths.

Environmental Health – (26 June 2018) Seeks standard contamination conditions and a condition to control construction/deliveries.

Tree Officer – (13 July 2018) There appears to be trees close to this development, that might be affected. Seeks a Tree Constraints Plan to provide information upon the trees (including roots).

Historic Environment Team – (28 June 2018) Site is an area of high archaeological potential and seeks a pre-commencement archaeological investigation.

Burnt Fen Internal Drainage Board – (11 July 2018) No objections to proposal.

Waste Strategy (ECDC) – (21 June 2018) States as the site does not appear to be suitable for adoption all waste produced will need to be brought to the boundary of the adopted highway.

Given how close this location is to existing junction the waste team is extremely concerned that its crews and other road users would be at risk of injury.

RECAP Waste Management Design Guide defines how far a resident should have to wheel a bin to a collection point.

Provides details of bin charges.

Local Highways Authority – (10 July 2018) States:

“The vehicle access arrangement should be a crossover type as per CCC Standards. I would recommend that the submitted drawing is amended to CCC Vehicle Crossover standard (CCC HERCS April 2018). The highways authority would then have no objections in principal to this application subject to the following conditions.

Additional Comments

I have visited this site and Chippenham Village on a number of occasions and have reviewed in full the submitted Access Statement. I can confirm that I accept the data provided and agree with the summary conclusion within this Report. The access to this site is from a B classified road and the number of trips generated from this site

during peak hours is negligible the visibility at this location is also over and above the required length and as such I have no objections.

A traffic speed survey was not required for this application as the required visibility splays are achievable either side of the access (30mph requires 2.4m x 43m). The visibility splays within the submitted drawings are in fact in excess of what is required and they are entirely within the adopted highway. Even given the recorded speeds which are above the posted speed limit of 30mph the required splays are achievable these being a maximum of 56m (36mph). As such I would have no objections to the location of this access.

We would normally seek to adopt the internal roads of a development this size however the internal layout is not to an adoptable standard and as such we would not offer to adopt this

As there is an internal footway shown on the western side of the access I would recommend a Condition for the inclusion of pedestrian visibility splays within the curtilage of the land.”

Recommends conditions in regards to highway safety.

(17 July 2018)

“The crossover arrangement as shown is acceptable to the highways authority.

The alterations and increase to the access width up to 6m plus 2 x 0.5m maintenance strips would be to CCC adoptable standards.

Please add any previous and relevant highways comments, informatives and condition to any permissions the planning authority may grant using the amended drawing and associated drawing number 01-4 Rev A”

(27 July 2018) Confirmed with the Case Officer that only the pedestrian visibility splays are needed. The inter-vehicle visibility splays are within the highway.

(31 July 2018) Confirmed with the Case Officer that the pedestrian visibility splays need to be 1.5m x 1.5m.

Natural England – (10 August 2018) It has no comment to make on this application, as the proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

It is for the Local Planning Authority to determine if it accords with national and local policies.

Anglian Water Services Ltd - No Comments Received

National Grid - No Comments Received

Openreach New Sites - No Comments Received

Minerals and Waste Development Control Team - No Comments Received

Asset Information Definitive Map Team - No Comments Received

CCC Growth & Development - No Comments Received

Conservation Officer - No Comments Received

5.2 Neighbours – 25 neighbouring properties were notified, a site notice put up on the 29 June 2018 and a notice put in the press on the 28 June 2018. The responses received are summarised below. A full copy of the responses are available on the Council's website.

1 Scotland End – (4 July 2018) Presumes the application has been resubmitted due to the lack of a 5 year land supply.

Comments that the democratic process in October 2017 should have sufficed but "by way of shortcomings made at Tax payers expense, the whole charade reappears due to the Council's inability to demonstrate its 5 year housing supply in locations far more suited".

The previous committee meeting (17/01221/OUT) expressed concern about safe access, rat run and dangerous junction.

Questions:

- Developer's statement does not provide comprehensive information, despite this 28% of traffic still exceeds the speed limit.
- Believes the number of vehicles speeding would be 40%.

Objects to the proposal on the grounds of:

- Chippenham has no infrastructure or services/facilities to cope with additional houses.
- Proposal is not in keeping with the historical form of the village.
- Proposal would damage the village edge.
- Chippenham is only seeking infill development.
- Proposal would not comply with policies Growth 2, ENV1 or ENV2.
- Access point is unsafe and is in area of speeding.
- Covenants on the land are to preserve the agricultural/equestrian land.

1 Scotland End – (3 July, different occupant) The resubmission of the application so soon shows disrespect.

The applicant has now included a traffic survey report but this does not overcome the previous reason for refusal.

The developer's report clearly demonstrates there is a speeding problem in front of the proposed access road.

The developer's report shows that the Councillor's who knew the area were wise to reach their decision as there is a correlation between spend and risk of serious injuries.

The proposal would lead to the loss of character of Chippenham and the gradual erosion of this historical small village, as well as the character of the village edge.

The proposal is not supported by either the current or submitted Local Plans.

The village envelope has been carefully considered.

The village does not have the services, facilities or infrastructure to support 5 additional dwellings.

(27 July 2018) Does not consider the amended plan to be accurate and relies on 37 High Street removing some of their trees and shrubs. Also requires the removal of a street sign and telegraph pole.

(17 August 2018) Seeks that the developer undertakes an ecology survey in order to ensure it is carefully scrutinised.

2 Scotland End – (1 July 2018) Objects to the proposal on the following grounds:

- “perplexed as to why this new application has been accepted and validated” as it has already been refused by Planning Committee (4 October 2017) and no changes have been made to this proposal.
- The Access Statement cannot be used by the Local Planning Authority unless it enters into a contractual agreement with SLR Consulting Ltd.
- The Local Planning Authority encouraged more dwellings on site before Planning Committee refused the application on good reasons.
- A single dwelling might be more acceptable.
- Local Planning Authority did not take any notice of covenants on the land.
- Developer as submitted the application in order to fulfil the Local Planning Authority’s housing shortfall rather than listening to local people.
- Previous letters of refusal in regards to 17/01221/OUT resubmitted (can be viewed on Council’s website).

(22 July 2018) raises objections to access amendment on the grounds of:

- Shows no separation between vehicles and pedestrians and object to this on grounds of safety.
- States that there is no provision for the turning of large waste/recycling collection vehicles and this will create a danger to pedestrians.
- 01-04 Revision B has been altered by hand, which has caused some confusion.
- Neither 01-4 revision A or B shows the current high hedge, which is in place to the right of the proposed access. The high hedge is under the ownership of 37 High Street, this plus potential future items are intrusive with the visibility of the junction.
- There is on street parking, which forces traffic using the roadway to travel in the centre of road.
- The roadway immediately at the proposed access has no continuous footpath, which causes highway safety concerns.
- Vans park outside 37 High Street to service the Openreach exchange box that will clearly block visibility.

- The visibility splays cross the front of 37 High Street.
- Drivers would be required to nose out to achieve clear visibility splays.
- The existing highway conditions plus the proposed access would result in an increase risk of collisions.
- Drawings 01-01, 01-2 and 01-3 have not been revised.
- The applicant has given an incorrect address for the proposal which is misleading and an offence appears to have been committed as can be seen on the Certificates and Notice served.

(1 August) Provides further objection to the development:

- The lack of reconsultation with the Council's Waste Team.
- No comments received by the Conservation Officer.
- Not all the drawings have been amended.
- Existing hedge under ownership of 37 High Street.
- Site address is incorrect.
- Certificate B was not correctly sent to the relevant landowner (County Council).
- Local Highways Authority has accepted liability for the developer's highways information.

5 Scotland End – (2 July 2018) Seeks to highlight that the developer's traffic report is misleading. They have estimated that the report concludes that 16% - 54% of vehicles during the busiest hours are speeding.

Also believes the developer has under estimated the number of cars the development will add to the high street. Developer says 3 vehicles, while residents suggests 5 for four bedroom properties.

Objects on the following reasons:

- Junction of Chippenham Road and B1104 is dangerous.
- Village is used as a shortcut by commuter traffic.
- A dedicated speed watch team has been set up to try and deal with speeding vehicles through the village.
- The proposal will affect the land bank, which was installed due to the number of accidents at this junction.
- There are chevrons on the land bank that will block views of traffic exiting the proposed entrance.
- Proposal will make nearby driveways suffer due to the increase in use.
- There are large amounts of development in Isleham and Fordham that will add to rush hour traffic.
- Proposal will lead to traffic accidents.

5 Scotland End - (3 July 2018, different occupant) Has written in to express concerns over the proposal. Wishes to make the following points:

- Surprised that this application has been made while the previous application (17/01221/OUT) is still being considered at appeal.
- The developer's traffic survey date shows that vehicles are speeding.
- Proposal still creates an additional risk to road safety.

- 30.33% of traffic was in excess of 31mph, with a maximum speed of 56mph past the proposed site entrance.
- Proposed access is very close to the existing 60mph speed limit.
- The High Street is used as a rat run.
- The land bank introduced to reduce visibility and speed will be affected by the proposed access.
- The chevrons will block visibility of those using the proposed entrance.

9 Scotland End – (30 July 2018) Objects to this proposal on the grounds of:

- Danger to drivers and pedestrians.
- Speeding in to the village.
- Access road appears to be single file, which would create problems especially for larger vehicles.
- Is not in keeping with the village vision.
- If approved the rest of the paddock might be built on.
- The site is outside of the village development plan.
- There is a covenant on the land.
- There is not the amenities within the village to cater for more housing and the services are already at capacity.
- Questions landownership.
- Proposal would damage the conservation area.
- “We personally have many birds and hedgehogs who visit our garden and this habitat would be gone”
- How is it possible to have two applications for the same development?

9 Scotland End – (23 July 2018, different occupant) Presents the following views:

- Having moved recently into the area finds the access in and out of Scotland End dangerous.
- Cars are constantly exceeding 30 miles per hour.
- Made worse by the redevelopment of 37 High Street.
- Another side street will only add to the risk of a serious accident.
- Entering Chippenham the road has a grass bank to try and slow drivers. Changes will make this less effective and will add to the risk of drivers and pedestrians.
- There is a covenant on the land restricting it to agricultural use only.
- Does not comply with the village vision.
- Village does not have the amenities to support development of this size.

10 Scotland End – (10 July 2018) The application is identical to 17/01221/OUT.

The additional information submitted only highlights the danger of speeding traffic into Chippenham.

Additional housing in Fordham and Isleham will add to commuter traffic.

The developer’s highlight that only 3 vehicles entering/leaving the site per day, this is considered to be totally unrealistic.

Chippenham does not have the infrastructure to support additional dwellings.

11 Scotland End – (8 July 2018) Is confused as to why this application has been accepted for consideration when it is identical.

Objects to this proposal on the grounds of:

- The speed survey confirms the well known speeding problem in the village.
- An additional junction cannot be considered to be safe.
- With the application more than 5 dwellings could be built and this should be taken into account.
- Chippenham has very limited village services and facilities.
- Seeks a site visit by the Council.

11 Scotland End (different occupant) – (12 July 2018) Is confused to why this application has been accepted when the previous is currently at appeal. Raises the concerns of:

- The developer's data highlights the well known speeding problem in the village.
- An additional junction will cause highway safety issues.
- More than five dwellings might be built.
- Chippenham does not have the services or facilities to cope with the development.

15 Scotland End – (9 July 2018) Comments that the proposal looks identical to the refused application of the previous refusal on site.

The application still does not demonstrate a safe access can be achieved or taken into account the high levels of traffic on this road.

The submitted data clearly shows the amount of speeding traffic.

Chevrons and the raised grass banking to reduce speed will affect the visibility of the new access.

While the traffic report states the road is only at 50% capacity this is far busier than what is expected for a rural village.

Large developments in Fordham and Isleham will only add to commuter traffic going through the village.

The number of predicted cars entering/leaving the site is very low.

Local services and facilities cannot cope with additional dwellings.

15 Scotland End – (10 July 2018, different occupant) The previous application was refused on highway safety grounds.

Analysis of the submitted traffic survey data it only serves to reinforce that this application should be refused on highway safety grounds.

The amount of traffic using the High Street at peak times makes it difficult for pedestrians to cross, as well as raising other pedestrian safety concerns.

The nearby chevrons and raised grass banked area will reduce visibility for potential occupants of the proposed development.

19 Scotland End – (12 July 2018) Does not see how the concerns of 17/01221/OUT have been overcome.

Proposal would exacerbate traffic danger and Chippenham is already used as a rat run.

The village does not have the infrastructure to cope with additional dwellings.

37 High Street – (12 July 2018) The proposal is exactly the same as previously refused (17/01221/OUT).

The new information confirms that is already known in that vehicles entering the village speed.

Wishes to raise the following points in regards to access on to the High Street:

- Cars parked along the High Street already cause other vehicles to negotiate them.
- High volumes of traffic during peak period.
- Another access will add to highway safety risk.
- Proposal will affect the purposefully designed speed bank.
- The proposed visibility splays will be affected by the existing hedge and will go over the exit footpath of No.37.
- No consideration has been given to pedestrians.
- Might affect the safety of horse riders.

States: "I am disappointed the ECDC, whom we have been advised are extremely busy, have got time to process this application seriously, I can only surmise they have to be seen to be considering every application to fulfil their targets"

Wants committee to consider their comments relating to 17/01221/OUT, as part of this application and the appeal.

(25 July 2018) – Disagrees with the case officer's positioning of the site notice and recommends a closer telegraph pole within a hedge.

The site location description takes focus away from the site being paddock land.

Submitted drawing does not show their hedge, which will impact visibility.

The visibility splays will cut across the access to No.37 and if a kerb is placed will completely eliminate No.37s driveway.

The proposed access drawing does not show other junctions, thus making it appear it will cause less of an impact.

Proposal will lead to significant and detrimental risk to themselves and their visitors entering and leaving their property.

40 High Street – (12 July 2018) Expresses confusion to why this application is being considered.

Objects to the proposal on the grounds of:

- Is not supported by current or proposed local plans and should be rejected on this alone.
- Chippenham has a lot of greenfield land within the village envelope and this should be built on.
- There is already plenty of other development in more sustainable villages.
- There is a covenant on the land.
- The site form part of the attractive countryside that can be publically viewed.
- Proposal will add to highway safety risk.
- Will create noise and light pollution.
- Will disturb birds.
- Traffic generation will be higher than developer's prediction that might cause disturbance to No.37.
- Developer's report has highlighted the speeding problem.

6 Manor Farm Barns – (7 August 2018) Objects to the proposal on the grounds of:

- Highway safety concerns.
- Would add to the difficulty to the access in and out of Manor Farm Barns.
- The Conservation Area and Listed Buildings will be negatively affected.
- Old trees opposite the site that would be affected.
- Chippenham Fen and biodiversity would be negatively affected.
- Consultation has not been wide enough.
- Would grow and be out of proportion to the village.
- Services would be unable to cope with additional development.
- The appeal should be declined.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 1	Levels of housing, employment and retail growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk

ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision
EMP 5	Equine development
EMP 6	Development affecting the horse racing industry

6.2 Supplementary Planning Documents

Developer Contributions

Design Guide

Contamination

Cambridgeshire Flood and Water

6.3 National Planning Policy Framework 2018

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

14 Meeting the challenge of climate change, flooding and coastal change

15 Conserving and enhancing the natural environment

16 Conserving & enhancing the historic environment

6.4 Submitted Local Plan 2017

LP1 A presumption in Favour of Sustainable Development

LP2 Level and Distribution of Growth

LP3 The Settlement Hierarchy and the Countryside

LP6 Meeting Local Housing Needs

LP9 Equine Development

LP10 Development Affecting the Horse Racing Industry

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP18 Improving Cycle Provision

LP22 Achieving Design Excellence

LP23 Water Efficiency

LP24 Renewable and Low Carbon Energy Development

LP26 Pollution and Land Contamination

LP27 Conserving and Enhancing Heritage Assets

LP28 Landscape, Treescape and Built Environment Character, including Cathedral Views

LP30 Conserving and Enhancing Biodiversity and Geodiversity

LP31 Development in the Countryside

7.0 PLANNING COMMENTS

7.1 Principle of Development

7.2 The Council cannot currently demonstrate a robust five year housing supply and therefore the policies within the Local Plan relating to the supply of housing should not be considered up-to-date. In light of this, applications for housing development, such as this one, should be considered in the context of the presumption in favour of sustainable development as set out in paragraph 11 of the National Planning Policy Framework (NPPF).

7.3 The key considerations in determining this application are therefore; whether any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the NPPF taken as a whole, and against the policies within the Local Plan which do not specifically relate to the supply of housing; or, whether any specific policies within the NPPF indicate that the development should be restricted.

7.4 It should be noted that Paragraph 11 does not overrule any specifically protected land as identified in the NPPF, this includes:

- Green Belt
- Local Green Space
- SSSIs
- Compensatory land for biodiversity protection on habitat sites
- Listed Buildings and other designated heritage assets
- Areas of specific archaeological importance

7.5 While the proposal is outside of the village framework it is adjacent to the framework and has access by public footpath into the village, which makes the site relatively sustainable within the village.

7.6 While adjacent to the Conservation Area and in close proximity to a Listed Building it will have a neutral impact upon the character and importance of these historical assets.

7.7 The site is not a SSSI, area designated for habitat protection, designated as Local Green Space or Green Belt. In addition with only a pre-commencement archaeological investigation required the site is not considered to be of specific archaeological importance.

7.8 The proposal is, therefore, considered in principle to be acceptable as it provides a small provision of dwellings in the village that will help the district meet its requirement to provide a continuous 5 year land supply of housing.

7.9 Sustainability

7.10 As mentioned above the Council cannot demonstrate a five year land supply, which means that many of the settlements within the district will need to find additional land for dwellings. A shortfall in dwellings within an area greatly harms social and economic sustainability, as the area cannot provide a home for everyone or a strong

local work force. Having to travel long distance between home and work can also lead to environmental damage, if private motorised vehicles are required.

- 7.11 Both the Adopted and Submitted Local Plans focus development on (or around) the more major settlements of Ely, Soham and Littleport. The growth of each settlement has been carefully considered to ensure that development is suitably spread across the district. The need to provide dwellings for those that work (or want to work) within the area will lead to settlements growing in size. However, the Adopted Local Plan does not currently demonstrate enough housing stock for the demand in the district and the Submitted Local Plan only has limited weight as it is still going through the examination process.
- 7.12 With the proposed level of development being relatively very small the impact on any services or facilities will be negligible, thus not creating significant or demonstrable harm to these services to warrant refusal. The development will also be liable to pay Community Infrastructure Levy (CIL) in order to help finance much needed infrastructure/service improvements within the district.
- 7.13 The site is defined as greenfield. With this district being mostly greenfield sites, it would be impractical to rely primarily on brownfield sites to provide housing given the nature of the district and the number of dwellings needing to be provided.
- 7.14 The loss of private paddock land of this size is not considered to have an adverse impact upon the horse racing industry within the district.
- 7.15 With the size of the development it is expected that any approved dwellings would provide renewable energy or energy efficiency measures above the basic standard in accordance with policy ENV4 of the adopted Local Plan and policies LP23 and LP24 of the Submitted Local Plan 2017.
- 7.16 The need to use a vehicle in a district that is mostly rural is not considered to cause significant and demonstrable harm, with the site being adjacent to the village framework.
- 7.17 The proposal for five dwellings is considered to be an acceptable increase to the housing stock in Chippenham that will not lead to an unsustainable level of growth within the settlement.
- 7.18 Highway Safety
- 7.19 This proposal seeks an access onto the Chippenham High Street to be determined, designed to meet the requirements of a shared use road. A shared use road is designed in order to allow pedestrians and vehicles to use the road together, which can generally serve a maximum of 14 dwellings and should be designed with a 6m road width, with two 0.5m wide maintenance strips; drawing 01-4 Rev B meets this requirement plus will allow 1.5m x 1.5m pedestrian visibility splays to be provided within the site.
- 7.20 The Local Highways Authority have confirmed that the inter-vehicular visibility splays are entirely within land that they control and for this reason do not need to be conditioned; any changes to land levels or landscape is therefore already under the

control of the Local Highways Authority. The proposed road width is in excess of that required to allow two cars to pass, but this is due to the need to provide pedestrians/vehicles room to manoeuvre.

- 7.21 The Access Statement submitted by the developer includes a traffic count and speed survey that demonstrates that the majority of the people using the road obey the speed limit past the site. It stated that between 16 November 2017 – 22 November 2017:
- 6587 vehicles travelled past the site travelling between 26 – 30 mph
 - 2903 vehicles travelled past the site travelling between 21 – 25 mph
 - 808 vehicles travelled past the site travelling between less than 6mph – 20mph
- 7.22 It also stated that a large proportion of drivers break the speed limit past the site:
- 4450 vehicles travelled past the site travelling between 31 -35mph
 - 1692 vehicles travelled past the site travelling between 36-40 mph
 - 551 vehicles travelled past the site travelling between 41 – 50 mph.
 - 26 vehicles travelled past the site travelling over 51 mph.
- 7.23 While it is noted that many drivers are breaking the speed limit, it is not for the developer or the Local Planning Authority to police this matter. It would be extremely unreasonable to expect a small development to either overcome this existing problem or seek to enforce national laws. The application must be assessed on its own merits, as an access for five dwellings onto a 30mph road.
- 7.24 It is noted and should be praised that local residents are trying to get attention (and improvements) to ensure that speed limits through their village are obeyed. The potential CIL money from this development to the Parish Council may help in funding road calming measures.
- 7.25 The developer has stated that during the AM rush hour peak 2 cars will enter the public highway and 2 will arrive during the PM peak period based on village TRICS data. While it is accepted that each dwelling will likely have two cars per property, they will not all enter on to the High Street at the same time. In addition to this the High Street is stated at operating at around 50% capacity during peak hours.
- 7.26 The Case Officer has discussed this application with the Local Highways Authority on several occasions in order to provide clarity and certainty on the acceptability of an access and what conditions would be needed if the application was approved.
- 7.27 The NPPF states that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”
- 7.28 The decision maker is therefore tasked to consider the development and can only refuse on highway safety grounds if it would cause an unacceptable impact. The issue highlighted by both the developer and residents makes it clear that the fundamental unacceptable impact is not caused by the development but drivers travelling through Chippenham. With no objections from the Local Highways

Authority refusing the application now could be considered to be unreasonable and place the Council at significant risk of costs being awarded against it.

- 7.29 With the site connecting up to the public footpath into the village it would be unreasonable to require the developer to fund additional footpath improvement in order to overcome an existing problem of lack of a safe route to the Public Rights of Way; this is also not made necessary by the development.
- 7.30 The remainder of the material issues were discussed and considered during the previous application, but for ease of reference are covered below.
- 7.31 The proposal, subject to conditions, is in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted Local Plan 2017
- 7.32 Visual Impact/Historic Environment
- 7.33 The proposal is all matters reserved, apart from access, so many of the details submitted by the developer are indicative only and should not form part of the approved plans.
- 7.34 The proposal has a density of approximately 12 dwellings per hectare (4.7 per acre), which is a very low density and in keeping with a village edge location.
- 7.35 The character of this part of Chippenham has been largely defined by the adjacent development of Scotland End that projects significantly northeast wards. This is similar in nature to Tharp Way in Chippenham, located on the eastern access/exit to the village. The character of Chippenham on its northern side is cul-de-sac roads projecting into the countryside, which this proposal seeks to follow and for this reason is in keeping with the character of Chippenham.
- 7.36 There is no reason to consider that at reserved matters stage there will be any problems designing suitable dwellings that will either preserve or enhance the streetscene.
- 7.37 The site is adjacent to a conservation area but its impact is considered to be neutral. This is due to the side and rear boundaries of 37 and 38 High Street providing a strong visual separation between the site and the conservation area. The listed building to the southwest is considered to be too far away and of an obscure angle to be affected by this proposal.
- 7.38 The impact on the historic environment is considered to be neutral to negligible.
- 7.39 An archaeological pre-commencement condition is considered to be entirely reasonable in order to ensure there is no archaeological artefacts within the site.
- 7.40 The proposal is considered to comply with policies ENV1, ENV2, ENV11 and ENV12 of the Adopted Plan as well as Policies LP22 and LP27 of the Submitted Local Plan and Chapter 16 of the NPPF.
- 7.41 Residential Amenity

- 7.42 With scale and layout not being agreed at this stage it grants flexibility, if the application is approved, to protect residential amenity at the reserved matters stage.
- 7.43 37 High Street does not have any habitable windows that face directly towards the access; vehicle movements to and from the proposed development is unlikely to cause detrimental harm to No.37's residential amenity.
- 7.44 With the location of the site it is very unlikely that the dwellings will have any impact upon any other property's residential amenity but this will need to be ensured at reserved matters stage(s).
- 7.45 Conditions regarding construction hours and potential contamination are considered reasonable; as it will protect both existing and future residents.
- 7.46 It is considered that all the plots will be able to be designed with suitable amenity space, layout and scale come a reserved matters application. There are no concerns in regards to residential amenity that would warrant refusal.
- 7.47 The proposal, subject to conditions, is in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015 and LP22 of the Submitted Local Plan 2017.
- 7.48 Ecology
- 7.49 The likelihood of protected species on the site is extremely low (as the site is used as paddocks) and the proposal is unlikely to have a detrimental impact upon biodiversity. Some species might cross the site or use the site as a food source, but the small scale of the site means the proposal again is unlikely to affect the habitats of local fauna. The developer provided an ecology report on the 30 August 2018 that backs up the view that the only potential detrimental impact is if development took place in the small area of scrub land during bird nesting season. A condition could be added in order to prevent nesting birds being disturbed.
- 7.50 It is considered reasonable to add a biodiversity enhancement condition to any approval. This could include but not limited to hedgehog holes in fences, bird/bat boxes and nectar rich/fruit planting.
- 7.51 The proposal, subject to enhancement condition, is in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015 and LP28, LP22 and LP30 of the Submitted Local Plan 2017
- 7.52 Flood Risk and Drainage
- 7.53 The site is located within floodzone 1 and therefore the risk of flooding is very low. With a lack of detail on surface and foul water drainage, a condition would be required to ensure that appropriate drainage was brought forward before any occupation. This is required in order to prevent water pollution or localised surface water drainage issues.
- 7.54 Proposal, subject to a condition, is in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and LP22 and LP25 of the Submitted Local Plan 2017

- 7.55 Other Material Matters
- 7.56 Private legal agreements 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.
- 7.57 The site description is considered to accurately describe the site's location and it is considered all landowners of the site have been properly notified (though this is the responsibility of the developer).
- 7.58 The site notice was put up in a reasonable location close to the site and where people were likely to see it. Letters and a notice in the local paper was also used to consult the wider public.
- 7.59 There is no reason to believe that a future reserved matters application would not be able to provide two parking spaces per dwelling in accordance with policy COM8 of the adopted Local Plan.
- 7.60 RECAP Guidance supports those collecting waste or recycling to go onto private land in order to collect it. There is no requirement for residents to bring their waste/recycling to the highway edge under planning policy. If the developer is wanting an internal road to be adopted it will need to provide a layout that includes a turning head in order to allow large vehicles to enter and leave in a forward gear. The Local Planning Authority usually requires any road built that serves five or more dwellings to be built to adoptable standards, which the developer should note if future reserved matters are submitted.
- 7.61 Questions have been raised to why the Local Planning Authority is considering this application. The Local Planning Authority is duty bound to consider all applications submitted to it and must approve an application unless there are clear reasons to why permission should be withheld. The only time the Local Planning Authority can refuse to determine an application is if there is required information missing at point of submission or if the exact same application is consistently being submitted. With access being submitted for consideration there is a fundamental difference to 17/01221/OUT where all matters were reserved and seeks to overcome the reason for refusal. The Local Planning Authority does, therefore, need to consider this application carefully in order to determine if it is acceptable in planning terms.
- 7.62 Questions have also been raised by the drawing 01-4 Rev B. The Case Officer corrected this drawing to ensure it referred to revision B in all relevant places. It is not considered that this change has affected the quality in the consideration of this proposal and is therefore immaterial to the determination of this application.
- 7.63 Conclusion
- 7.64 The proposal is considered to provide a reasonable level of housing growth within the village of Chippenham and without a five year land supply this should be

considered to be a significant benefit. It has also been demonstrated that a safe access can be achieved onto a 30mph public highway.

- 7.65 The main detrimental harm identified is drivers travelling into the village breaking the speed limit, which is outside the control of both the developer and the Local Planning Authority as part of this application.
- 7.66 The only harm identified that is both a planning matter and cannot be mitigated via a condition is that the scheme is outside of the village framework, which has very limited weight while the Council cannot demonstrate a five year housing supply. With the substantial need for additional housing within the district, which is having a continuous negative impact on the sustainability of the district additional areas for housing are needed. The number of dwellings is considered to be a reasonable provision within the village, where local services could adapt to the small increase in pressure on those services.
- 7.67 All other concerns raised can be dealt with by condition or do not demonstrate that there is significant or demonstrable harm from this proposal.
- 7.68 The application is, therefore, recommended for approval as the merits significantly outweigh the harm.
- 8.0 APPENDICES
- 8.1 Appendix 1 – Suggested Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
18/00781/OUT	Andrew Phillips Room No. 011 The Grange	Andrew Phillips Senior Planning Officer
17/01221/OUT	Ely	01353 665555 andrew.phillips@ea stcambs.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 - 18/00781/OUT Conditions

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

Plan Reference	Version No	Date Received
01 - 4	Rev B	13th July 2018
01-1		14th June 2018

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason: The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 4 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and LP23 and LP24 of the Submitted Local Plan 2017. This condition is pre-commencement as some of the measures may be below ground level.
- 5 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.
- 5 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 Submitted Local Plan 2017.
- 6 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken

by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;
- (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 6 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 Submitted 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.
- 7 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.
- 7 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 Submitted Local Plan 2017.
- 8 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, Public Holidays or Bank Holidays.
- 8 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 Submitted Local Plan 2017.
- 9 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.

- 9 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 Submitted 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.
- 10 Prior to or with the first reserved matters a detailed Arboricultural Impact Assessment (AIA) shall be submitted and approved in writing by the Local Planning Authority. The (AIA) shall provide information to show how trees/hedging worthy of retention would be sustainable and justification and mitigation measures for any tree removal proposed. The AIA shall identify areas to be excluded from any form of development, specify protective fences for these exclusion areas and for individually retained trees, life expectancy of trees, recommendation for any remedial work, identify acceptable routes for all mains services in relation to tree root zones, identify acceptable locations for roads, paths, parking and other hard surfaces in relation to tree root zones, suggest location for site compound, office, parking and site access, identify location(s) for replacement planting and show existing and proposed levels. All works shall be carried out in accordance with the agreed AIA.
- 10 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 Submitted 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.
- 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 of any dwelling.
- 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 and LP22 and LP25 of the Submitted 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 and the details need to be agreed before construction begins.
- 12 Prior to the commencement of the use hereby permitted visibility splays of 1.5m x 1.5m shall be provided each side of the vehicular access measured from and along the edge of the public highway. Such splays shall thereafter be maintained free from obstruction exceeding 0.6m above the level of the highway verge.
- 12 Reason: In the interests of highway safety, in accordance with COM7 and COM8 of the East Cambridgeshire Local Plan 2015 and LP17 of the Submitted 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.

- 13 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.
- 13 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015 and LP17, LP22 and LP30 of the Submitted Local Plan 2017.
- 14 Development shall comply during the entire construction period with the recommendations contained within Castle Hill Ecology letter received on the 30 August 2018.
- 14 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 Submitted Local Plan 2017.