
MAIN CASE

Reference No: 19/00331/OUM

Proposal: Residential development of up to ten dwellings

Site Address: Land Off Scotland End Chippenham Cambridgeshire

Applicant: Mrs Rebecca Nicolle

Case Officer: Dan Smith, Planning Consultant

Parish: Chippenham

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

Date Received: 5 March 2019 **Expiry Date:** 28 February 2020
[U158]

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to approve the application subject to the signing of the s106 agreement and conditions covering the following matters with authority delegated to the Planning Manager and Legal Services Manager to complete the s106 and to issue the planning permission. The recommended planning conditions can be read in full within Appendix 1.
- 1.2 The s106 agreement will secure 30% affordable housing and the provision of waste bins.
- 1.3 Conditions
1. Approved Plans
 2. Timescale for submission of reserved matters
 3. Timescale for implementation
 4. Surface water drainage
 5. Surface water maintenance arrangements
 6. Foul water drainage
 7. Energy efficiency
 8. Arboricultural Impact Assessment
 9. Arboricultural Method Statement
 10. Contamination Investigation
 11. Unanticipated Contamination
 12. Archaeology
 13. Construction Hours

- 14. Piling
- 15. Highways details and construction details
- 16. Ecological Mitigation measures
- 17. Ecological Enhancement scheme

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for residential development of the site for up to 10 dwellings. The site measures 0.52 hectares. The application also details access arrangements at this stage which is to access the site via the existing cul-de-sacs on Scotland End. The other detailed matters of the appearance, layout and scale of the dwellings and the landscaping of the site are reserved for future consideration. The layout of the housing shown on the drawing no. 01B should therefore be considered indicative only.
- 2.2 The application has been amended to show amended access into and within the site and supplementary drainage information has also been provided.
- 2.3 The application has been referred to the Planning Committee by Councillor Julia Huffer on the grounds that there is considerable local concern regarding the proposed development.
- 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
- | | | | |
|--------------|--|---------|------------|
| 87/01021/OUT | Erection of 44 houses [on application site and now developed land to north west] | Refused | 14.11.1998 |
|--------------|--|---------|------------|

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The application site is an area of just over 0.5 hectares of improved grass land which is currently in use as paddock land. It is located south east of and immediately adjacent to the residential development of Scotland End. To the south west there are buildings on High Street and to the north east runs a public footpath (no. 49/4). The site is approximately a third of the wider paddock which is a total of approximately 1.4 hectares in size and extends to the rear of dwellings on New Street to the south east.
- 4.2 The boundary treatment to the north east alongside the public footpath is a mixture of hedging, more mature trees and open fencing. To the north western boundary with the Scotland End development the boundary is enclosed by close boarded fencing and sparse tree planting. The boundary to the south western end of the site is enclosed by a mixture of close-boarded fencing and post and rail fencing.

4.3 The site is located adjacent to but outside of the development envelope of Chippenham and outside but close to the Conservation Area. Two buildings on High Street (Tharp Arms and 47 High St) and three on New Road (nos. 7, 41 and 45) are Grade II listed. The site is within Flood Zone 1.

5.0 RESPONSES FROM CONSULTEES

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

Chippenham Parish Council - 9th April 2019

Objects to the proposed development on the following summarized grounds:

1. Impact on highway safety from additional vehicles using the junction of Scotland End with the High Street.
2. Loss of a green space and the impact on character and amenity
3. Development is contrary to the 2015 Local Plan
4. Adverse impact on wildlife
5. Quality of life for local residents
6. Concerns over density, access and turning, overlooking and overshadowing, foul water drainage and the precedent for the development of the remainder of the paddock.

It notes previous refusals of planning permission for the site.

Ward Councillors – 17 April 2019

Requests that in the event that the officer recommendation is approval that the application be referred to the Planning Committee due to the significant local concern about the proposed development.

Anglian Water Services Ltd – 11 April 2019

States that it has assets on or near to the site and that either the site layout should take that into account or sewers will need to be diverted at the developers cost. States that foul drainage from the development is in the catchment of Chippenham Water Recycling Centre which currently does not have capacity to treat the flows the development site but that it is obligated to accept the foul flows from the development and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should permission be granted. The sewerage system at present has available capacity for the flows from the development. In respect of surface water disposal, it notes that the proposed method of surface water management does not relate to Anglian Water operated assets and therefore does not comment on surface water management.

Asset Information Definitive Map Team - 14 March 2019

Does not object to the proposal. Notes the public Byway to the north east and the Byway must remain open and unobstructed at all times, building materials must not be stored on it and contractors' vehicles must not be parked on it. Requests informatives be applied to any permission advising of the requirements and responsibilities in respect of the public footpath.

CCC Growth & Development

No Comments Received

Conservation Officer

Does not object to the proposed development stating it would have a neutral impact on the setting of nearby listed buildings and the adjacent Conservation Area.

ECDC Trees Team - 4 April and 21 August 2019

Initially stated it was not possible to assess this application as no information on existing trees on site had been submitted.

Subsequently noted that only a Tree Survey, rather than an Arboricultural Method Statement and Arboricultural Impact Assessment had been submitted in response to his request for further information. Noted that garages should not be positioned within the root protection areas of trees and details and locations of protective fencing were required. Requested that an AMS and AIA were required by condition to ensure those matters were addressed in the final design.

Minerals And Waste Development Control Team

No Comments Received

Ramblers Association South - 21 March 2019

Notes the characteristics of the site and the presence of the public footpath to the north east of the site. States that in terms of the public right of way an objection would be difficult to justify but recommends that a formal pedestrian link is created from the site to the footpath enabling access from the site and the wider Scotland End development to the footpath, allotments and play area off New Street.

Scientific Officer - 18 March 2019

States that the findings of the submitted Phase I Geo-environmental Study are accepted and that a Phase II Ground Investigation is carried out. Recommends a condition requiring such investigation and a condition in respect of any unanticipated contamination discovered during construction.

Waste Strategy (ECDC) - 2 April 2019

States it will not enter private property to collect waste receptacles and notes recommended maximum bin drag distances. It notes that based on the indicative layout that a bin collection point would be required for the dwellings on plots 6 and 10. It also notes its prerogative to charge for the provision of waste receptacles

Cambridgeshire Archaeology - 22 March 2019

Notes that the site lies in an area of high archaeological potential. Does not object to development but considers that the site should be subject to a programme of archaeological investigation secured through the inclusion of a condition.

Cambridgeshire Wildlife Trust - 15 August 2019

States that the risk of harm to protected species is minimal, provided the mitigation and enhancement recommendations in section 6 of the submitted Technical Note are secured by condition. With regard to compensation for the loss of habitats and whether the proposals would deliver a net loss or gain in biodiversity, it states that detailed designs would need to include areas of habitat creation in order to avoid a net loss.

Environment Agency – 30 July 2019

States it has no formal comment to make on this application. Offers advice to the applicant in respect of the location of the site above a Principal Aquifer and within a Source Protection Zone (SPZ 2) and the need to address risks to controlled waters from contamination at the site. Notes that if the development proposes to use deep infiltration systems including boreholes and other structures that by-pass the soil layer we would wish to be re-consulted. In respect of foul drainage it notes that the site is located in an area served by the public foul sewer and that foul water from the proposed development should be discharged to the public foul sewer with the prior written approval of the sewerage undertaker.

Lead Local Flood Authority – 3 June, 6 August, 10 September and 28 November 2019 and 8 January 2020.

Initially objected to the proposed development on the basis that contrary to paragraph 163, no site specific surface water drainage strategy had been submitted.

Following the submission of a Flood Risk Assessment and Drainage Strategy, the LLFA maintained its objection on the basis that neither proposed strategy had been demonstrated to be effective or viable. It later maintained that objection and expressed concern regarding the use of shared soakaways and issues with the swale design.

It subsequently considered an updated FRA and Drainage Strategy and removed its objection, noting that the on-site infiltration testing had adequately demonstrated that soakaways could be used. It stated that it did not support the use of shared soakaways and that this would need to be addressed during the design of the layout of the final scheme.

It noted that the site is located within Flood Zone 1 and that it was at very low risk of surface water flooding and that groundwater was not encountered during on-site investigations so is unlikely to present a risk of flooding on the site.

It requested conditions be applied requiring a full surface water drainage scheme and details of long-term maintenance arrangements and to ensure that shared soakaways are either not used or are located in public areas to allow maintenance.

Specialist Housing Strategy & Enabling Officer - 19 March 2019

Requests that provisions are made in s106 to secure affordable housing on site if the development delivers 10 dwellings.

Design Out Crime Officers - 27 March 2019

Notes that its records show reports of burglaries and some anti-social behavior and vehicles incidents in the local area. Requests that should planning approval be granted that the applicant consult with its office to mitigate against vulnerability to crime. States it has no further comments objections or recommendations at this stage.

Environmental Health - 13 March 2019

Does not object to the proposed development. Requests conditions restricting construction hours as well as the provision of a Construction Environmental Management Plan to control pollution from noise, dust, lighting during construction.

Local Highways Authority - 2 April, 12 June, 5 August and 22 October 2019 States it has no objections in principle as Scotland end is capable of accommodating additional traffic that would be generated from the development. Notes that as access is proposed at this stage, and adequate level of detail in respect to carriageway and footway dimension is required.

It later commented again on the principle of the development in respect of the junction of Scotland End with the High Street and the capacity of junction. It confirmed that the junction and Scotland End itself were capable of accommodating well in excess of the existing and proposed number of dwellings and that there was no justifiable reason for refusing the application on highway safety or capacity grounds.

It later commented again on the widths of the access roads, noting that the footway widths to the South-western access are not dimensioned on plan but appear to show continuity of the existing footway width. States that while the layout is not committed at this stage, the applicant should note that a turning head would be required on the north-eastern arm, due to the length the road is extended. Requests conditions in respect of the provision of a detailed site layout [which would come forward at reserved matters stage] and a detailed engineering scheme for the accesses.

Commented that the indicative surface water drainage strategy indicates that drainage would be via swale and soakaways and that the LHA would only adopt roads and footways drained in this way if the drainage system were adopted by a competent authority. Notes that permeable paving would not be considered sufficient to prevent run-off onto the public highway and additional measures would be required to prevent such run-off.

5.2 **Public Consultation**

Three site notices were displayed near the site on 26 March 2019 and a press advertisement was published on 21 March 2019. In addition, 48 neighbouring properties were directly notified by letter. Responses were received from the owner/occupiers of 18 neighbouring properties and the concerns raised in those responses are summarised below. A full copy of the responses are available on the Council's website:

- Affect on Conservation Area
- Affects a Right of Access
- Affects a Right of Way
- Affects public views
- Biodiversity impact
- Capacity of village for more housing
- Contrary to Policy
- Form and character
- Foul water drainage
- Highway safety
- Lack of services and facilities
- Landscape impact
- Loss of privacy

- Loss of public amenity
- Noise sensitive
- Over looking
- Over shadowing
- Parking and Turning
- Precedent for further development
- Residential amenity
- Surface water drainage
- Visual amenity

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 5	Presumption in favour of sustainable development
HOU 1	Housing Mix
HOU 2	Housing density
HOU 3	Affordable housing provision
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

6.2 Supplementary Planning Documents

Design Guide – Adopted March 2012

Flood and Water – Adopted November 2016

Contaminated Land: Guidance on submitted Planning Application on land that may be contaminated - Adopted May 2010

Developer Contributions and Planning Obligations – Adopted May 2013

6.3 *National Planning Policy Framework 2019*

Section 2	Achieving sustainable development
Section 4	Decision-making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 11	Making effective use of land
Section 12	Achieving well-designed places
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

6.4 *Planning Practice Guidance*

6.5 *ECDC Statement on the Seeking of Affordable Housing Developer Contributions – October 2019*

6.6 *ECDC Interim Policy Support Viability Assessment Information v2 - April 2019*

7.0 PLANNING COMMENTS

7.1 The main planning considerations in this case are the principle of development, affordable housing, housing mix, the impact on the character of the area, the historic environment, residential amenity, highway safety and parking provision, ecology and trees, flood risk and drainage and land contamination.

7.2 **Principle of Development**

7.2.1 The development would not normally be considered acceptable in principle in this location as the application site lies outside the defined development envelope of Chippenham in the countryside. Development envelopes define where policies for the built up areas of settlements give way to policies for the countryside. Policy GROWTH 2 of the Local Plan states that outside of defined development envelopes the only housing development which will be permitted is affordable housing exception schemes where those schemes have no significant adverse impact on the character of the countryside or other Local Plan policies. The current scheme does not meet that definition. However, further assessment is required in order to determine whether the proposal can be supported which is explained in more detail as follows.

7.3 **Affordable Housing**

7.3.1 The scheme proposes up to 10 dwellings on a site in excess of half a hectare and is therefore categorised as Major Development. As per the Council's endorsed *Statement on the Seeking of Affordable Housing Developer Contributions* dated October 2019, affordable housing is sought for all major developments. As the site is outline in nature, it is possible that a number of dwellings less than 10 might be built, however it remains likely that the floor space of any such development would exceed 1,000m², in which case the development would still fall into the category of major development.

7.3.2 Local Plan Policy HOU 3 states that for sites within the south of the district, 40% of the dwellings provided will be expected to be affordable. However, the Council's most up-to-date assessment of affordable housing viability, the *Interim Policy Support Viability Assessment Information v2* dated April 2019 recommends that an affordable housing be sought at 30% in the south of the district.

7.3.3 The scheme therefore does not accord with Policy HOU 3 but does meet the requirements of the more recent viability assessment. The precise number and tenure of the affordable dwellings would be decided when the final number of dwellings is known at reserved matters stage. The provision of affordable housing

would be secured by a planning obligation within a section 106 agreement. Such an agreement is currently being prepared and any resolution to approve the application made by Planning Committee should be to give delegated powers to approve once the s106 securing that obligation has been completed.

- 7.3.4 The proposed development is therefore considered to be acceptable in respect of the provision of affordable housing in accordance with the Council's current requirements.

7.4 Housing Mix

- 7.4.1 The mix of market housing proposed on the application form, namely 20% 2-bedroom, 40% 3-bedroom and 40% 4-bedroom dwellings, is broadly consistent with the indicative size guide for open-market housing detailed within table 4.1 of the supporting text to Policy HOU 1. The proposed development is therefore considered to be acceptable in respect of the mix of housing in accordance with Policy HOU 1 of the East Cambridgeshire Local Plan 2015.

7.5 Residential Amenity

- 7.5.1 While layout, scale and design as well as landscaping of the site are reserved for future consideration, the indicative block plan demonstrates that adequate separation between the proposed dwellings and the existing dwellings and their gardens could be achieved to ensure there would be no significant loss of light, visual intrusion or overshadowing of those properties. Separation distances are in excess of those required in the Council's Design Guide SPD.
- 7.5.2 The existing dwellings on the High Street and Scotland end which back onto the site would lose their outlook over the paddock and some distance views, however this loss of view is not a material consideration as occupiers do not have a right of view over land in third party ownership. Given the separation distances that could be achieved between the existing and proposed dwellings including the use of single storey elements where necessary, it is considered that a final scheme could be designed which would not cause any significant visual intrusion or a sub-standard outlook for those neighbouring dwellings. These matters would be considered in detail at the reserved matters stage.
- 7.5.3 The extension of the existing cul-de-sacs into the application site would result in additional vehicle movements passing dwellings on Scotland End and those properties closest to the end of the cul-de-sacs would notice an increase in vehicle movements. However it is not considered that this increase would cause any significant harm to the residential amenity of occupiers, given the distance between their gable ends and frontages with the accesses and the relatively limited number of vehicle movements that would be associated with the proposed development.
- 7.5.4 It is therefore considered that this outline application has adequately demonstrated that up to 10 dwellings could be accommodated on site without necessitating any significant loss of amenity to neighbouring dwellings.
- 7.5.5 In terms of the amenity of future occupiers of the development, the indicative layout is sufficient to demonstrate that up to 10 dwellings could be accommodated on site

while providing adequate outlook, natural light and privacy for those dwellings. The site area and indicative layout are also sufficient to demonstrate that an acceptable level of private amenity area could be provided for each dwelling, in excess of the minimum of 50m² which is required for new dwellings by the Design Guide SPD.

- 7.5.6 It is therefore considered that the outline application has demonstrated that a development of the scale proposed could be accommodated on the site without causing any significant harm to the residential amenity of occupiers of nearby residential properties and providing adequate amenity to future occupiers in accordance with Policy ENV 2 of the East Cambridgeshire Local Plan 2015.

7.6 Visual Amenity

- 7.6.1 The proposed development of the site would result in the loss of approximately one third of the existing paddock and the new dwellings would sit adjacent to the existing Scotland End development and would function and appear as an extension of that development.

- 7.6.2 It is considered that the loss of the open space would not result in the loss of any significant public views into the wider landscape and the site is enclosed on all sides by existing development. However the paddock does currently contribute to the pleasant semi-rural character of the area on the fringes of the settlement of Chippenham and this is appreciated primarily in glimpsed views from the footpath to the north. The loss of the site as open paddock and its development for housing is considered to cause a limited amount of harm to the visual amenity and character of the area, albeit that this is mitigated by the retention of the majority of the paddock as open paddock.

- 7.6.3 The layout, scale and design of the buildings, as well as the landscaping of the site is reserved for future consideration, however given the size of the site and the number of dwellings proposed it is possible that a scheme similar in density and character to the existing Scotland End scheme could be accommodated on the site. This is broadly what is shown on the submitted indicative block plan.

- 7.6.4 Given the loss of part of the existing open field and the limited harm which would be caused the visual amenity of the area, the proposed development is considered to conflict with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan 2015.

7.7 Historic Environment

- 7.7.1 The proposed development would be located outside the existing Conservation Area with the south western corner of the site adjacent to the Conservation Area boundary. It is not considered that the development would cause any harm to the setting of the Conservation Area. It would appear in character with the existing Scotland End development which sits similarly behind the Conservation Area on the High Street and would have a neutral impact on its setting.

- 7.7.2 The proposed development would be located offset to the rear of two Grade II listed buildings on the High Street and on the other side of the existing paddock from the rear of three listed buildings on New Road. The development would not be

prominent in the setting of those listed buildings being to the rear and offset from them and the Council's Conservation Officer is content that it would have a neutral impact on their setting.

- 7.7.3 The County Archaeologist has identified that the site is within an area of high archaeological potential being close to known historic settlements, buildings and previous archaeological remains including bronze age and roman era remains. It does not object to development from proceeding in this location provided that a programme of archaeological investigation is secured by condition to identify, record and, where appropriate, catalogue archaeological remains on the site.
- 7.7.4 It is therefore considered that the proposed development is acceptable in terms of its impact on the historic environment including the archaeological interests of the site in accordance with Policies ENV11, ENV 12 and ENV14 of the East Cambridgeshire Local Plan 2015.

7.8 Highway Safety and Parking Provision

- 7.8.1 The site would be accessed at two points both off existing cul-de-sacs on Scotland End to the north west. The indicative block plan shows five dwellings served off each spur although this particular layout would not be fixed at outline stage. Only the points of access are being considered in detail at this outline stage and therefore the application needs to consider whether the access to the site can be achieved safely and whether adequate parking and turning for the proposed number of dwellings can be accommodated on site.
- 7.8.2 The Local Highways Authority (LHA) has considered the proposals and does not object to the proposed use of Scotland End to access the site in the manner shown on the block plan and states that Scotland End is capable of accommodating the additional traffic that would be generated by the provision of 10 additional dwellings. It has stated that the footway widths are not dimensioned on plans but that the plans show a continuity of that footway into the site. It requested further dimensioned drawings to evidence that, however as the layout of the site is reserved for future consideration and it is only the detailed matter of access to the site which is being considered and would be fixed at this stage, the level of detail shown on the submitted plans is considered adequate to enable that consideration.
- 7.8.3 The LHA has been made aware of local concerns including from the Parish Council regarding highway safety close to the junction of Scotland End and High Street and has been provided with speed survey information for the High Street provided by the Parish Council. It has considered that information but remains of the view that the junction of Scotland End and High Street is safe and that the proposed development would not impact on highway safety in the area. It has stated that the Geometry and visibility at the junction of Scotland End with High Street meets appropriate standards and that the streets serving the proposed development operate safely, are of appropriate dimension and have sufficient residual capacity to cater for the limited form of development proposed, such that there is no justifiable reason refuse the application on highway safety or capacity grounds.
- 7.8.4 The LHA has noted that given the length of the northern access road a turning head would be required. This is not shown on the indicative layout, however it is

considered that adequate turning could be provided with limited adjustment to the layout with up to 10 dwellings still being accommodated on site. This would also address the comments of the Waste Strategy team in respect of the maximum reserving distances of bin wagons by providing turning for such vehicles on the northern side. Again, the detailed layout including turning facilities would be considered at reserved matters stage and the information provided at this stage is sufficient to demonstrate that the site can be safely accessed for up to 10 dwellings.

- 7.8.5 In respect of parking, the indicative layout plan shows that the provision of two spaces per dwelling, via a combination of carports, garaging and driveway spaces would be possible. This is in accordance with the Council's adopted parking standards. The detailed arrangements would not be fixed at this stage and it is only necessary that the application demonstrate in principle that the site could accommodate up to 10 dwellings with adequate parking. It is considered that the indicative layout plan achieves this.
- 7.8.6 It is therefore considered that the proposed development is acceptable in terms of its impact on highway safety and parking provision in accordance with Policies COM 7 and COM 8 of the East Cambridgeshire Local Plan 2015.

7.9 Ecology and Trees

- 7.9.1 The site is primarily improved grassland with native planting around parts of the boundary of the site. The submitted Ecological Survey Technical Note concludes that while there would be some loss of biodiversity habitat as a result of the development, this could be mitigated by measures including protective fencing for retained trees and hedging, appropriate construction practices and minimising light disturbance. The Wildlife Trust has considered the ecological information submitted and is content that the mitigation measures are sufficient to ensure no harm to protected species. These mitigation measures would be required by condition.
- 7.9.2 The Wildlife Trust has also considered the proposals for ecological enhancement contained within the technical note. Such enhancement is required in order to ensure a biodiversity net gain in accordance with national and local planning policy. It recommends that the detailed designs should include areas of habitat creation which go beyond the existing recommendations of the Technical Note. That note recommends an either/or approach in respect of native hedging and a SuDS pond and the selection of one of either bat boxes, bird boxes or climbing plants. The Wildlife Trust recommends that more of those measures be selected in order to achieve a net gain and there is nothing in principle to suggest that a greater level of enhancement could not be provided. On that basis, a condition would be applied to the permission securing a scheme of ecological enhancement sufficient to achieve a net gain in biodiversity.
- 7.9.3 The proposed development would involve the removal of boundary trees at the access points to the site. It is not considered that this would cause a significant loss of amenity and none of the individual trees affected contribute significantly to the amenity of the area. The loss of those trees could be adequately compensated for by a high quality landscaping scheme. The landscaping of the site has been reserved for future consideration however it is considered that there is adequate opportunity for a high quality landscaping scheme to be designed into the final

layout. The existing boundary planting is not of a high quality overall, however the quality trees on the boundaries of the site could be retained and protected during construction by tree protection fencing and ground protection measures. These measures would be detailed as part of an Arboricultural Method Statement which would be required by condition. Native boundary planting on the existing open boundary to the south east as well as the supplementation of existing boundary planting with native hedging and trees would more than compensate for the loss of the trees at the access points to the site.

- 7.9.4 The proposed development is therefore considered to be acceptable in terms of its impact on and enhancement of biodiversity on site and its impact on existing trees and hedgerow in accordance with Policies ENV 2 and ENV 7 of the East Cambridgeshire Local Plan 2015.

7.10 Flood Risk and Drainage

- 7.10.1 The site is located wholly within Flood Zone 1, meaning it is at the lowest risk of flooding. The Lead Local Flood Authority (LLFA) has noted that the site is at very low risk of surface water flooding and that groundwater was not encountered during on-site investigations. The development is therefore unlikely to be susceptible to flooding or to present a significant risk of flooding.
- 7.10.2 The LLFA initially expressed concerns regarding surface water drainage of the site as no Flood Risk Assessment or drainage strategy had been provided. Once that drainage information had been provided the LLFA retained its objection as the drainage strategies had not been demonstrated to be effective. Further infiltration testing was carried out on behalf of the applicant and the results provided to the LLFA as well as updated drainage strategies. The LLFA has now removed its objection to the proposed development and is content for permission to be granted, subject to conditions securing a detailed drainage scheme based on the final layout of the site and a long term maintenance plan. It notes that shared swales are not appropriate in private areas as these are difficult to maintain.
- 7.10.3 On the basis of the above, it is considered that the proposed development is acceptable in terms of its location within an area at low risk of flooding and the adequate surface water drainage of the development and would comply with policy ENV8 of the East Cambridgeshire Local Plan 2015.

7.11 Land Contamination

- 7.11.1 The submitted Phase I Geoenvironmental Desk Study concludes that the former use of the wider site as a nursery and the presence of made ground warrant further investigation. Given that residential use is sensitive to the presence of contamination, the Council's Scientific Officer is in agreement that a Phase II intrusive site investigation is required in order to determine the extent and nature of any contamination and to specify any necessary remediation. Such investigation and remediation as well as the handling of any unanticipated contamination would be secured by planning conditions.

7.11.2 It is therefore considered that the proposed development is acceptable in terms of the risks of land contamination in accordance with Policy ENV9 of the East Cambridgeshire Local Plan 2015.

7.12 Planning Balance

7.12.1 As detailed in the Principle of Development section above the development is contrary to the adopted policy of restraint in respect of market housing in the countryside set out in policy GROWTH 2 of the East Cambridgeshire Local Plan 2015.

7.12.2 The Council currently cannot demonstrate a 5 year housing land supply and therefore the housing policies within the Local Plan are considered to be out of date. Paragraph 11 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development. In practice the presumption in favour of development means that development proposals should be approved 'unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance [including areas at risk of flooding or coastal change] provides a clear reason for refusing the development proposed; or,
- ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the National Planning Policy] Framework taken as a whole'.

7.12.3 Given the conclusions reached on the impacts of the development detailed above, it is not considered that the application of specific policies in the NPPF that protect areas of particular importance provide a clear reason for refusing the development referred to in clause i. It is therefore necessary to consider whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits of the scheme under the 'tilted balance' as detailed in clause ii.

Benefits

7.12.4 The benefits of the scheme are considered to be the provision of up to 10 dwellings which would make a modest but meaningful contribution towards the housing stock in the district and would help to address the shortfall in a five year housing land supply and this is given significant weight. The construction of the dwellings would bring about temporary economic benefits in the form of employment of construction workers albeit that these benefits would be limited to the construction period. The new households accommodated in the dwellings would provide support to local services and facilities.

7.12.5 In addition, the scheme would provide 30% of those dwellings for affordable housing which would make a small contribution towards the need for affordable housing in the district.

7.12.6 The site is located outside but close to the development envelope of Chippenham and is considered to be sustainable located in terms of the access to the services and facilities provided in the village.

7.12.7 The scheme would also require a net gain in biodiversity be provided and this is considered to provide a very limited benefit in terms of the environmental impact of the development.

Adverse impacts

7.12.8 As detailed above in the Visual Amenity section, the proposed development is considered to result in some limited harm to the visual amenity and character of the area in conflict with policies ENV 1 and ENV 2 of the Local Plan. It is therefore necessary to consider whether that harm significantly and demonstrably outweighs the benefits of the scheme identified above.

Conclusion

7.12.9 It is considered that the harm caused by the development would be relatively limited albeit that this limited harm would be relatively prominent in public views of the site from the public footpath to the north of the site. The fact that the majority of the field would remain open is considered to mitigate the harm to the character and appearance of the area.

7.12.10 The benefits of the scheme are considered to be modest, primarily in the provision of up to 10 additional dwellings towards the Council's housing stock including 30% affordable housing.

7.12.11 It is considered that the identified visual harm is not so severe that it would significantly and demonstrably outweigh the benefits.

7.12.12 The consideration of the scheme on the tilted balance as per clause ii of paragraph 11.d of the NPPF therefore indicates that the proposed development should be approved.

COSTS

8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.

8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.

8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

9.0 APPENDICES

9.1 Appendix 1 - Conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
19/00331/OUM	Dan Smith Room No. 011 The Grange Ely	Dan Smith Planning Consultant 01353 665555 dan.smith@eastca mbs.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>