
MAIN CASE

Reference No: 17/01445/OUM

Proposal: Outline planning application for erection of up to 53 houses to include public open space and details relating to access

Site Address: Land Rear Of Garden Close Sutton Cambridgeshire

Applicant: Endurance Estates Strategic Land Limited

Case Officer: Julie Barrow, Senior Planning Officer

Parish: Sutton

Ward: Sutton
Ward Councillor/s: Councillor Lorna Dupre
Councillor Lisa Stubbs

Date Received: 8 August 2017 **Expiry Date:** 10 January 2018
[S205]

1.0 RECOMMENDATION

1.1 Members are recommended to REFUSE the application for the following reasons:

1. The site is currently located outside the established development framework for Sutton. Part of the site is allocated in the Proposed Submission Local Plan for the development of 25 dwellings. The development of 53 dwellings on a larger site does not therefore accord with the draft allocation SUT:H2. The proposal would result in inappropriate development in the countryside that would be contrary to Policy GROWTH2 of the East Cambridgeshire Local Plan 2015 and Policy LP3 of the Proposed Submission Local Plan with no justification to override the normal presumption against development in such areas.
2. The scale and form of the proposed development does not accord with draft allocation SUT:H2 in the proposed Submission Local Plan. By extending the built form further north and south and increasing the density of the scheme from that envisaged by the draft allocation it is considered that the proposal would extend the village further into the countryside, to the detriment of the character and visual amenity of the area. The scheme as proposed fails to respect its edge of settlement location and brings it into conflict with Policy ENV1 of the East Cambridgeshire Local Plan and Policy LP28 of the Proposed Submission Plan and relevant policies within the National Planning Policy Framework that seek to conserve and enhance the natural environment.

3. The proposed development includes a comprehensive scheme of mitigation for the loss of habitats and woodland features on site including the creation of a nature reserve to enhance and protect the local Great Crested Newt population. These measures can only be considered satisfactory on the basis that their long-term future is secured. The applicant has failed to provide sufficient detail in respect of the management and maintenance of the on-site biodiversity features in the long-term. In addition the applicant has failed to demonstrate that the construction of the dwellings and any necessary dewatering of the site would not cause irreparable damage to the Great Crested Newt habitats on and off the site. The proposal is therefore considered to be contrary to Policy ENV7 of the East Cambridgeshire Local Plan 2015 and Policy LP30 of the Proposed Submission Local Plan and relevant policies within the National Planning Policy Framework that seek to conserve and enhance the natural environment.
4. A financial contribution towards education facilities has been requested by Cambridgeshire County Council. The applicant has indicated that it does not agree with the County Council's method of calculation or that the sums sought are reasonable and proportionate to the scheme, however, no evidence to support these claims has been submitted. In the absence of an agreement by the applicant to meet the financial obligation it is considered that the application fails to meet the requirements of Policy GROWTH 3 of the East Cambridgeshire Local Plan 2015, Policy LP16 of the Proposed Submission Local Plan and the Developer Contributions SPD in relation to infrastructure to support growth.

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning permission for up to 53 dwellings together with associated development including open space. Access is to be determined at this stage with appearance, landscaping, layout and scale to be reserved matters.
- 2.2 The application has been accompanied by the following documents:
 - Arboricultural Assessment
 - Archaeological Statement
 - Design & Access Statement
 - Ecology report
 - Flood Risk Assessment & Drainage Strategy
 - Geophysical Survey Report
 - Ground Investigation & Infiltration Assessment
 - Heritage Statement
 - Landscape & Ecology Management Plan
 - Landscape and Visual Impact Assessment
 - Phase 1 Ground Condition Assessment
 - Planning Statement
 - Renewable Energy and Water Consumption Assessment
 - Statement of Community Involvement
 - Transport Statement
 - Trial Trenching Report
 - Utilities Appraisal

- 2.3 A Parameter Plan submitted with the application sets out the broad land use framework across the site with areas of public open space, single storey dwellings and two-storey dwellings. An Indicative Masterplan demonstrates how the development could be accommodated on the site. A single point of access off Garden Close is proposed.
- 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.**
- 2.5 The application is to be determined by the Planning Committee in accordance with the Council's constitution as the proposal is for over 50 dwellings.
- 2.6 Prior to the submission of the application the applicant requested a Screening Opinion from the LPA. The Screening Opinion was carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (in force at the time) and it was considered that the significance of the environmental effects anticipated did not require an Environmental Statement to be submitted.

3.0 PLANNING HISTORY

3.1

17/00633/SCREEN	SCREENING OPINION - outline planning application for up to sixty houses including affordable housing with associated open space, local area of plan, green infrastructure, vehicular and pedestrian accesses and landscaping at the site.		04.05.2017
88/00158/OUT	RESIDENTIAL DEVELOPMENT	Refused	05.04.1988
81/00045/OUT	RESIDENTIAL DEVELOPMENT (NUMBER OF DWELLINGS UNKNOWN)	Refused	26.03.1981

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site extends to approximately 3.1 hectares and is situated outside the established development envelope of Sutton. The site adjoins the settlement boundary to the north and west, which marks the edge of the built-form of the village with modern residential development in Garden Close and a more historic pattern of development along Station Road. The applicant has stated that the site consists of

primarily mown amenity and grazing land. A number of ponds and water features are located in the south-eastern corner of the site and the site is bounded by hedgerow and woodland to the south and open land to the east. The Sutton Conservation Area adjoins the northern boundary of the site and there are a number of listed buildings on Station Road and within close proximity of the site, including the Grade1 listed Church of St Andrew.

5.0 RESPONSES FROM CONSULTEES

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

Sutton Parish Council – Recommends the application for refusal as:

- Significant development in a location not preferred by the Parish Council or residents;
- Impact on views, development should not be above bungalow height;
- Concerns regarding surface water drainage; and
- ECDC Planning Committee to determine the application.

Ward Councillor – Oppose this development on a number of grounds. The site of this proposed application is not the preferred site of the parish council, nor of local residents. In general it is accepted by residents of Sutton that any necessary development in the village should take place to the north, and not to the wetter south of the village where it slopes down to the fen.

Part of the site is included within the current draft of the district council's Local Plan, with an indicative allocation of up to 25 dwellings. The application for up to 53 dwellings, on a site that is extended to the north, south and south-east of the site in the draft Local Plan, is excessive and inappropriate.

The late landowner had envisaged up to 25 environmentally sustainable bungalow homes on the site. The applicants are proposing a scheme consisting almost totally of two-storey dwellings or above, which would negatively impact on the view and setting of the 14th century church, and would be out of keeping with the surrounding context, which consists almost entirely of bungalows.

The extension of the site to the south and south-east involved building on very wet land, where residents in surrounding properties describe ongoing problems with water management. Drainage is an ongoing issue in this part of the village. The site sits on the same level as the part of Red Lion Lane where the water from the springs that run along the high street meets the Kimmeridge clay that lies under the topsoil. Recent building at this level on Red Lion Lane appears to have exacerbated the persistent surface water problems at this location. It is not clear that the applicants' proposal adequately deals with known water management and drainage issues.

Meanwhile, the extension of the site to the north creates significant problems for the owner of 10 Oates Lane, who has already responded to this application. The owner of this site was recently granted consent (17/00765) for the construction of a 'lifetime home' on that site, to meet the very special needs of the family which he

describes in his submission. The owner of this site, unlike residents in Garden Close, has not been consulted by the applicant, nor offered the same 'buffer zone' between the proposed site and his property as residents in Garden Close have been: indeed, due to an error in the drawing of the boundary the built edge of the applicants' proposal sits right on the boundary of his property, with no separation at all. The owner of 10 Oates Lane has already made a very cogent submission about the problems relating to inaccurate drawing of boundaries, root protection areas for his trees, and the need to avoid overlooking of his family in the very particular circumstances he describes.

The effect on the local wildlife, and on this historic surrounding properties in the village's conservation area, is also of great significance, as are the traffic issues which this application will exacerbate on the high street in both directions, on the top of Oates Lane, and on Church Lane and Station Road.

The view of the parish council is supported that this application should come to the Planning Committee to determine, and that they should refuse it.

Local Highway Authority (22nd August 2017) – No objections in principle. The application is for the access to the site only and the no objection response is based on this element alone. However, it is noted that the indicative plan as submitted (1690-A112) would not be acceptable for adoption as there is no priority routes at the internal junctions OR correctly achievable visibility splays at these junctions and no appropriately laid out vehicle turning facilities.

Local Highway Authority (13th November 2017) – The highways authority request the following aspect of this application be addressed prior to its determination.

It has been proposed that works are completed on the junction of High Street with Lawn Lane. After a review of this proposal the following comments are made:

1. There has been a Road Safety Audit (RSA) completed and submitted by the applicant. The highways authority is unable to accept this and any information or recommendations therein, as it has not been reviewed by CCC's Road Safety Audit Team.
2. There are two junction designs proposed as recommended within the RSA. Both of these are unacceptable as they do not meet the highways authority standards.

The design drawing should be amended to include the following:

- High Street should be a min of 6.1m to allow larger vehicles such as buses, HGVs and agricultural vehicles to pass unobstructed.
- The visibility splays are shown at the back of the existing footway. This is incorrect as the installation of the build-outs are supposed to alter the direction of the visibility to the back edge of the build-outs.
- High Street/Lawn Lane junction does not have any parking restrictions therefore although these build-outs will likely improve the visibility of drivers at this location. Vehicles will not be restricted on the location and proximity of parking at this junction and the introduction of such restrictions would likely not be supported.

Local Highway Authority (27th November 2017) – An amended arrangement drawing for the junction of Lawn Lane with the High Street has been submitted – drawing number 36783/2001/005 Rev B. This layout is acceptable and incorporates the min visibility splays for this speed of road (30mph).

Although this arrangement does not include parking restrictions around the junction it is the opinion of the LHA that this is an improvement on the current situation, where vehicles are observed to regularly park within the vicinity of this junction and restrict and obstruct drivers' visibility.

Transport Assessment Team (30th August 2017) - The document reviewed is the Transport Statement dated August 2017 prepared by Peter Brett Associates, to accompany a planning application for the erection of 53 dwellings on Land Rear of Garden Close, Sutton.

2.1 Policy Context

The Transport Statement is acknowledged to accord with the appropriate Local and National policies.

3.4 Public Transport Provision

It should also be made clear within the Transport Statement whether the High Street bus stop serves both eastbound and westbound services and if not, the distance to the nearest stop serving the opposing route should be provided.

3.6 Road Safety Assessment

The latest 60 months accident data obtained from CCC has been provided. No accident clusters have been identified, this is acceptable for use.

4.3 Pedestrian and Cycle Access Strategy

It is noted that the development is proposed to provide sustainable connections to the existing network. As such, as part of the proposed development the existing 5.5m wide carriageway and 1.8m wide well-lit footpaths of Garden Close will be extended into the site.

4.7 Parking Strategy

It is noted the development will adopt the parking standards outlined within the ECDC Local Plan.

5.2 Trip Generation

The person trip rate assessment using the TRICS database is acceptable for use. Full outputs have been provided within the appendix.

CCC are satisfied with the calculated trip generation within this assessment. It is noted the proposed development will generate 40 two-way vehicle trips in the AM peak and 35 two-way vehicle trips in the PM peak.

6.2 Assessment Scenarios

The assessment of the following junctions is agreed by CCC:

- Garden Close/Lawn Lane 'T' junction
- Lawn Lane/High Street 'T' junction

CCC are satisfied with the assessment scenarios used within the junction capacity assessment.

6.5 Committed Developments & Background Growth

It is noted there are no local committed developments that concern the development site.

Background traffic growth has been applied to the assessment using TEMPRO software. CCC are satisfied with the growth factors obtained from TEMPRO.

6.7 Junction Capacity Assessments

The junctions assessed are noted to operate well within capacity for all assessment scenarios. The Picady outputs for all scenarios concerning the Garden Close/Lawn Lane junction flash up a data warning stressing that the vehicle mix matrix input has not been completed. This should be addressed.

Conclusion

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed the Highway Authority would reconsider the application. 3

CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

Transport Assessment Team (6th November) – Transport statement review:

4.3 Pedestrian and cycle access strategy

It is noted that the development is proposed to provide sustainable connections to the existing network. As such, as part of the proposed development the existing 5.5m wide carriageway and 1.8m wide well-lit footpaths of Garden Close will be extended into the site.

5.2 Trip generation

CCC are satisfied with the calculated trip generation within this assessment. It is noted the proposed development will generate 40 two-way vehicle trips in the AM peak and 35 two-way vehicle trips in the PM peak.

6.5 Committee developments & background growth

The following committed developments have been identified:

- SUT.H1 250 dwellings (allocation site)
- 16/01645/FUL Convenience store and A5 (hot food takeaway) retail unit

These should be taken into account and applied to background traffic growth

6.7 Junction capacity assessments

CCC are satisfied with the assessment scenarios used within the junction capacity assessment.

The junction capacity assessment is not acceptable as committed development have not been taken into consideration. The junctions utilised within the capacity

assessments should be remodeled to consider the committed developments identified above.

Transport Assessment Team (29th November 2017) -

Background

The document reviewed is the Response Note dated 16th November 2017 prepared by Peter Brett Associates provided in response to the Count Council's comments dated 6th November 2017. The proposals comprise the erection of 53 dwellings on Land Rear of Garden Close, Sutton.

Site Access

The proposed vehicular site access details in addition to the Lawn Lane/High Street junction improvements should be agreed with Geoff Ellwood who will provide separate comments

Committed Developments & Junction Capacity Assessment

The following committed developments have been identified:

- SUT.H1 250 dwellings (allocation site)
- 16/01645/FUL - Convenience store and A5 (hot food takeaway) retail unit

The applicant has demonstrated that the above committed developments have been considered within the original junction capacity assessment. The capacity assessment demonstrates that the development will not cause detriment to the junctions assessed. This is acceptable for use.

Conclusion

The application as submitted is not expected to have any significant impact on the local highway network. Therefore the Highway Authority does not wish to object to the application as submitted.

Lead Local Flood Authority – The LLFA has reviewed the submitted documents and can confirm that there is no objection in principle to the proposed development.

The applicant has demonstrated that surface water can be dealt with on site by using swales, permeable paving, a rain garden and attenuation basins, restricting surface water discharge to 2l/s into an ordinary watercourse.

The LLFA is supportive of the use of the proposed SuDS features as in addition to controlling the rate of surface water leaving the site they also provide water quality treatment which is of particular importance when discharging into a watercourse.

Residual flood risk both on and off site from overland flows and groundwater/springs has also been considered and mitigation measures have been incorporated.

Request conditions relating to the submission of a detailed surface water drainage scheme and details of maintenance arrangements.

Anglian Water –

Wastewater treatment – The foul drainage from this development is in the catchment of Witcham Recycling Centre that will have available capacity for these flows.

Foul sewerage network – The sewerage system at present has available capacity for these flows via a gravity fed regime.

Surface water disposal – The proposed method of surface water management does not relate to Anglian Water operated assets.

Historic England – On the basis of the information available to date Historic England do not wish to offer any comments. It is suggested that the LPA seeks the views of their specialist conservation and archaeological advisers, as relevant.

Conservation Officer – This application affects a number of designated heritage assets including several listed buildings and Sutton Conservation Area.

St Andrew's Church is correctly identified as being a highly significant heritage asset with architectural, aesthetic, communal and social significance within the village. The heritage statement concludes that the proposed development will not have a direct impact upon the church, but recognizes that it will have an impact on the wider setting of the listed building.

Section 7.3 of the heritage statement surmises that "The proposed development is a natural and logical projection of the existing 20th century development to the east". It is accepted that this area of development grew up to the south of the village in the mid 20th century, however all of this development is accessed from lanes running south from High Street, similar to the historic lanes further west in the village.

The proposed development has attempted to retain this linear form of development running north/south along the site however it should also be noted that there has been no development to the rear of High Street/Station Road any further east than St Andrews Church, and I would question whether this has somewhat been influenced by the edge of settlement feel in this area combined with the fact that there are views across the application site towards Haddenham that would be altered fundamentally by development in this location.

The applicant has looked at views out of and across the site from the churchyard; it doesn't appear that any of the visual assessments have been carried out from the church tower. We have sought for applicants to show how this has been considered in previous applications for development that is likely to be visible from church towers, regardless of whether that tower is publically accessible or not. The heritage statement does not show consideration of the wider landscape views of the church tower, although this appears to have been done as part of the Landscape Impact Assessment. Much of the mitigation for the scheme appears to centre on the fact that the site is bounded by mature trees and planting that will be retained. Trees and planting are not permanent features in the landscape so it will be imperative that an appropriate long-term management plan is secured for the retention and maintenance of any field boundaries that are relied upon to help mitigate visual impact.

Rectory Farmhouse & Rathmore - These are two grade II listed buildings located to the front of the site; the heritage statement acknowledges that the proposal will impact the immediate setting of Rectory Farmhouse in terms of the proposed

development being located on the paddocks that would have historically been associated with the farm.

The proposal again seeks to mitigate this impact by retaining historic field boundaries, although I'm not sure from looking at the plans other than the east and west boundaries the rest of the field boundaries appear to have been lost within the application site.

The impact on the setting of Rathmore will also potentially be affected by the proposed development and the heritage statement identifies that this will be less than substantial harm. However, it does not explain how this conclusion was reached in terms of assessing the impact.

The proposal also has the potential to impact the views to the south from both listed buildings which also could be considered a positive contribution to their wider setting. This hasn't been addressed in the heritage statement.

Conservation Area - The statement does consider the impact on the conservation area and its setting, including views towards and out of the conservation area. Again, much of the argument for minimal impact appears to be limited as a result of the extensive mature planting and trees that currently screen the site and as seen in many of the associated photographs within the heritage statement. So the previous comment regarding a robust strategy for maintenance and retention will be needed to ensure that these are retained and managed appropriately.

General - Overall a development of the scale proposed has the real potential to cause harm to the significance of several heritage assets. The proposal appears to present a relatively well balanced assessment of the significance of the identified heritage assets and the potential impact on their significance.

The main concern is the amount of development and the extent to which the proposed scheme extends south and east. Whilst it is accepted that there is existing modern development to the west of the application site, it follows the traditional pattern of access via lanes running south from High Street.

Historic Environment Team (CCC) – Do not object to development in this area but advise that the Masterplan requires alteration to enable it to harmonise with archaeological evidence recovered from the site.

The archaeological evidence from geophysical survey and evaluation trenching has demonstrated that the current field divisions are historic, and that more subdivisions formerly existed than are currently present in the landscape. We do not know if the hedgerows and tree lining the current boundaries pre-date 1850 (see The Hedgerows Regulations 1997, see Part II Criteria, Archaeology and history, part 5a <http://www.legislation.gov.uk/ukxi/1997/1160/schedule/1/made>), and refer you to your Hedgerow Team for an opinion, but we consider that the historic character of the strip system could better influence the masterplan for the layout of the proposed development. The two NNW-SSE roads do preserve the general trend of the fields, but more could be done to indicate the narrow field system plan through the

retention of the hedge line in the central area, where a currently staggered boundary exists at the rear of the central housing blocks, that could continue as an interrupted boundary in the area of the LEAP. The use of trees might serve this purpose well, and they would need to be protected for long term boundary delineation.

Earthworks of archaeological bank and divisions on the general trend lines also exist in the area, more apparently at the south-western end of the site closer to the extant ponds in an area proposed as a nature reserve. We recommend that the earthworks should remain intact and be avoided by construction impacts and development as, in our view, they are allied to the strip system and possibly the ponds – depending on their date. A detailed earthwork survey should be undertaken to enable their form to be better understood and to indicate the boundary of the construction zone beyond which the preservation in perpetuity of the earthworks can be enable.

The area of new ponds at the south-eastern extent of the application area has not been evaluated as it is understood that no work is to occur here. The archaeological character of this area is not known. Consequently, if required as balancing or SuDS features, it is recommended that these are subject to archaeological investigation and recording should the scheme gain consent.

CCC Growth & Development – Request financial contributions towards Early Years, Primary and Secondary education and Libraries and Lifelong Learning.

Cambs Fire & Rescue – Should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants.

Natural England – Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Ouse Washes SPA and Ramsar has been classified. Natural England therefore advises that the LPA is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Ouse Washes SSSI has been notified.

Natural England has not assessed this application and associated documents for impacts on protected species.

Wildlife Trust – The Wildlife Trust has no comments to make on this application subject to the imposition of relevant conditions covering ecology including the recommendations relating to protected species in the Ecology Report, and the completion of the S106 Agreement to include the proposed ecological requirements as set out in the Heads of Terms document.

The outline landscape and ecological management plan will need to be updated with more detail and the Wildlife Trust would be pleased to comment at a later date. It would be desirable to include additional biodiversity measures such as the enhancement of the grassland habitats to include the addition of locally appropriate native wildflower species. It will also be essential to ensure that the effective long-term management of the nature reserve area is secured as set out in the submitted documentation.

Designing Out Crime Officer – The documentation has been reviewed. No comments in relation to community safety, crime and disorder at this stage.

East Cambridgeshire Access Group – There should be a continuous footpath along the primary and secondary routes. Look forward to viewing the full plans.

Housing Strategy & Enabling Manager – The proposed affordable housing mix accords with housing need and is acceptable and the tenure split (70% rented and 30% shared ownership) is appropriate.

Sutton Conservation Society –

- Housing should be appropriate to the surroundings and in keeping with the area (low level, not large or multi-storey)
- The area is on a slope, there are already problems at times of high rainfall. More areas of hardstanding will have a detrimental effect on ponds and meadowland to the south.
- The ditch at the bottom of the hill is in poor condition.
- Dangerous surfaces in winter when surface water freezes.
- Disturbance to Great Crested Newts.
- Site is a rare habitat that should be protected for the benefit of wildlife and future residents.
- Extra pressure on Garden Close, Lawn Land and High Street from vehicles.
- Many people use lanes when visiting allotments and the old rec is used for dog walking, sports etc. Risk of accidents and air pollution will only increase.

Sutton Poor's Land Charity – Owns the Recreation Ground that is adjacent to the site. Surface water will go into the ditch that is between the Recreation Ground and the site and is owned by the Charity. The ditch will not be able to cope with the extra water as the run-off into the surrounding water course is very poor and the extra surface water would cause the ditch to overflow. This could result in the Recreation Ground being flooded. The Trustees object to the application because of the damage it would do to their land and possibly to farmland around.

Environmental Health (Technical Officer) – Due to the proximity of current residents to the site it is advised that construction times and deliveries are restricted. A Construction Environmental Management Plan should also be submitted, and agreed with the Local Planning Authority, regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc.) during the construction phase.

Environmental Health (Scientific Officer) – The Phase 1 Ground Contamination Assessment dated August 2017 produced by Peter Brett Associates is accepted. The report finds the site to be at low risk from land contamination but recommends a Phase 2 investigation to confirm this. As this application is for a sensitive end use (residential) it is recommended that standard contaminated land conditions are attached to any grant of permission.

Trees Officer – This proposal is for a moderately sized development upon land within an open area adjacent the current settlement boundary. There are a number of trees within the site impacted and the removal of substantial hedging is also required, to fulfill the proposal. There is an attractive woodland area to the south of the development site potentially impacted and an area including a number of scrub groups within the southeast of the site. A full Arboricultural Impact Assessment has been submitted.

Recommended that a revised layout is sought. Concerned that this proposal will have a negative impact upon the landscape character which would be in conflict with guidance within the local plan. It is considered that the proximity of development to the trees (G002) is too close and not sustainable in the long-term. It is also considered that the road's proximity to the woodland area (W002) too close and likely to negatively impact this young woodland which is objectionable. The loss of the internal hedgerows is regrettable yet without objection.

The informal open space scrub area is pivotal to supporting the proposal and the proposed retention is welcomed. It is advised that confirmation of future management is agreed prior to any approval as it would be extremely detrimental if this area was to decline as a result of this development.

ECDC Waste Strategy – Require confirmation that all the roadways within the site will be built to the standard adopted by County Highways.

ECDC will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set £43 per property.

5.2 Neighbours – Site notice posted, advertisement placed in the Cambridge News and 27 neighbouring properties were notified and the 20 responses received including one response in support of the application, are summarised below. A full copy of the responses are available on the Council's website.

- Drainage is already bad and this will add to it. Water table in the field is high.
- Access is unsuitable and will lead to increase in traffic for Garden Close, Lawn Lane and the whole village.
- Doctors surgery at capacity.
- Disruption to wildlife.
- School stretched to capacity.

- Amenities at an acceptable level for village. If more houses are built all residents may as well live in a city.
- Noise/disruption during construction and will look unsightly when completed.
- Depreciation of property values.
- Do not wish to build ghettos. No facilities for young teens.
- So called affordable houses will be for fat cats from cities to buy up and rent out.
- Poor visibility at the top of Lawn Lane.
- Pumping station at the bottom of Lawn Lane hardly copes now.
- Facilities will not cope within this development and development at land north of The Brook.
- Inadequate bus service to Cambridge
- Believe that Great Crested Newts in the pond are protected.
- Planning refused several times over the past 50 years.
- Difficulty exiting Oates Lane in the mornings.
- Do we have to wait for someone to get injured or fatal accident to stop more houses and vehicles in Sutton.
- 10 Oates Lane purchased to construct a 'lifetime' home to provide 24/7 care for severely disabled son for the rest of his life.
- Had understood that that a low-density, single-storey development was proposed.
- Not all adjoining neighbours were consulted by the applicant.
- Being offered a wholly unacceptable distance between the boundary of 10 Oates Lane and the outline development area – violates privacy and is on top of root protection area of several major trees.
- Identified errors in the location/boundary plans.
- Would like to see the edge of any built area 12-20m away from the boundary with 10 Oates Lane – would mirror the distance afforded to other homeowners who border the area.
- Deeply uncomfortable with the prospect of a 2 storey house looming over the garden where care team will be interacting with and caring for disabled son.
- Significant impediment to views from the south from the conservation area and will have an impact on the setting of Grade II listed Rathmore House.
- Development outside of the area shown in the Local Plan.
- There are discrepancies between the Design & Access Statement and plans in relation to building heights.
- Development is far too big and is totally unsympathetic to the historic heritage centre of the village.
- High Street is impeded by on-street parking – effectively single-track for a length.
- A significant number of horses and their riders need to make safe use of High Street – speaks to mitigating and reducing traffic not increasing it.
- Applicant wants to narrow top of road – not thinking about buses/lorries passing.
- There are mistakes regarding groundwater calculations.
- Applicant has told residents that the trees at the rear of Garden Close will move ownership. This should be secured by planning condition.
- Development does not conform to the NPPF.

- Loss of privacy from proposed chalet dwellings adjacent to dwellings in garden Close – overlooking/loss of light/light pollution/noise.
- Loss of green space – serious effect on the character of the area.
- Residents have voted that out of 4 locations on offer this is the one they would least like to see developed.
- Will obstruct stunning view of the church over the meadow.
- Small village of Sutton is earmarked for numerous large developments which are unrealistic and unsustainable and damaging to the beautiful landscape.
- Narrow bend from Church Lane towards High Street is already a rat run and heavily congested.
- HGVs travel through village delivering to One Stop and using the road as a cut through from the A142.
- View of village from Haddenham will be altered and ruined by development.
- Vast majority of residents believe no planning should be granted on this land.
- In the large village category Sutton has had the greatest increase in dwellings since 2001 – unbalanced level with a low level of facilities.
- Owner keeps area ‘like a garden’ – so planning applications are easier to progress.
- The Cheffin’s document is misleading.
- No evidence that the village supports the application.
- No evidence of economic benefits.
- Two developers since the refusal by the Secretary of State in 1988 have looked at the site.
- No unmet demand for houses on this scale in the village.
- No evidence that business parks are craving employment. At least two working occupants will travel through the village.
- Junction of High Street/Church Lane/Station Road often blocked by HGVs. Accidents on this corner can be anticipated.
- Density would overwhelm area/Conservation Area.
- Value of Rathmore (listed building) is in setting in Conservation Area with grassland below it.
- No reference to underground spring and the consequences.
- Land adjacent to historic livestock farm. Strong odour issues at certain times of the year.
- Rathmore has an easement to pass foul water through the drain that crosses the land to join the public sewer.
- Recreation ground is a very well used resource contrary to comments made and is waterlogged in the winter.
- Site was not included in current Local Plan as it was not favoured by village residents, had high landscape value and was important to ecology. None of these factors have changed.
- Boundary line on plans is 2m wide so it is not know where the boundary with 10 Oates Lane is.
- There is ambiguity and uncertainty regarding the root protection areas and the development is still too close to the trees in the north-west corner for them to survive undamaged. There are discrepancies between the applicant’s tree survey and the tree survey obtained by 10 Oates Lane.

- Concerned that dwelling closest to 10 Oates Lane will be overshadowed by trees and any loss of boundary trees will be to detriment of privacy of 10 Oates Lane and impact character of area.
- Repeat request for houses to be moved away from the boundary with 10 Oates Lane.
- All other objections previously submitted remain.

One response in support of the application:

- Much needed and welcome addition to village.
- Relatively small impact will benefit many people.
- Hope developers have foresight to invest in local infrastructure.

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
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

Developer Contributions and Planning Obligations

Design Guide

Contaminated Land - Guidance on submitted Planning Application on land that may be contaminated

Flood and Water

6.3 National Planning Policy Framework 2012

- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 11 Conserving and enhancing the natural environment
- 12 Conserving and enhancing the historic environment

6.4 Proposed Submission 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

LP16 Infrastructure to Support Growth

LP17 Creating a Sustainable, Efficient and Resilient Transport Network

LP20 Delivering Green Infrastructure, Trees and Woodland

LP21 Open Space, Sport and Recreational Facilities

LP22 Achieving Design Excellence

LP24 Renewable and Low Carbon Energy Development

LP25 Managing Water Resources and Flood Risk

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

The main issues to consider in the determination of the application are the principle of development, visual amenity, historic environment, residential amenity, highway safety, flood risk and drainage and biodiversity and ecology.

7.1 Principle of development

7.1.1 The National Planning Policy Framework promotes sustainable development and states at Paragraph 49 that new housing applications should be considered in the context of the presumption in favour of sustainable development. The Framework supports the delivery of a wide range of high quality homes. It specifically states at paragraph 14 that local planning authorities should normally approve planning applications for new development in sustainable locations that accord with the development plan or, where the development plan is absent, silent or relevant policies are out of date, with the policies contained in the Framework; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where specific policies in the Framework indicate development should be restricted.

7.1.2 The adopted Local Plan aspires to deliver managed and sustainable growth over the plan period to 2031. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs. In doing so, the Plan identifies those rural settlements where some new development within defined settlements will in principle be appropriate; both in the form of allocations and windfalls. These settlements are the subject of Vision Statements which set out the growth aspirations for each one. The Local Plan seeks to prevent new development taking place outside the defined settlements unless certain specific exemptions are met. Sutton is one such settlement and the application site lies outside but close to the defined settlement boundary for the village.

- 7.1.3 The Council is currently preparing a replacement Local Plan covering the period from 2016 to 2036. At a meeting of Full Council held on 5th October 2017, Members considered an updated report on the latest draft of the emerging replacement Local Plan (the 'Proposed Submission Local Plan') accompanied by a Five Year Housing Land Supply Report. This report was agreed by Council, which has established that East Cambridgeshire District now has a five year housing land supply; currently calculated to be 6.94 years. Consequently, Paragraphs 14 and 49 of the Framework are not engaged and the housing supply policies contained in the Local Plan are no longer considered to be out of date. Paragraph 11 of the Framework makes it clear that the Framework does not change the statutory status of the development plan as the starting point for decision making. This states that "proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The Framework is one such material consideration and should be taken into account.
- 7.1.4 Adopted policy GROWTH 2 and emerging policies LP1 and LP3 all seek to manage new development so that it takes place in sustainable locations. In respect of open market housing, these are considered to be within defined settlements where there is ready access to shops, services and facilities that meet the day to day needs of those communities. Policy GROWTH 2 states that the majority of development will be focused on the market towns of Ely, Soham and Littleport with more limited development taking place in villages which have a defined development envelope, thereby helping to support local services, shops and community needs. It then states that outside of these settlements new development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages. Development outside these settlements will not be permitted except where it complies with a limited range of specified categories detailed in that policy; none of which pertain to the current proposals.
- 7.1.5 The emerging policy LP3 lists Sutton as a "large village" and has a range of services available as set out in the Local Plan 2015. The settlement is defined by a development envelope. This sets the limit of the physical framework of the built-up area of the settlement and its primary purpose, and the policies which apply within and outside them, is to prevent the spread of development into the countryside, to maintain the essential character of the settlement and control the growth within and outside it in accordance with the settlement hierarchy in policy LP3. Policy LP31 relates to new development in the countryside and it sets out the type of development that might be appropriate, including new residential development. These policies reflect the Government's guidance on rural development contained in the Framework and they establish a range of development types that require a countryside location as an exception to the strategy of focussing most new development within sustainable settlements. The proposed development does not fulfil any of the listed exceptions in either policy.
- 7.1.6 Part of the site has been allocated for residential development in the Proposed Submission Local Plan. Approximately 1.8 hectares of the site is allocated for the construction of 25 dwellings (indicative figure). Policy Sutton 5: SUT.H2 Land east of Garden Close goes on to state that the following special considerations/requirements apply to proposals for this site:

- Development of the site will be low density, providing approximately 25 dwellings. This will maintain residential amenity and enable mature trees and hedgerows of value to be retained, and responds appropriately to the built character and proximity to the Conservation Area;
- The development should conserve and enhance views of St Andrews Church;
- A site-specific flood risk assessment of the site will be required as part of a planning application. Development of the site should provide betterment, mitigation and management of flood risk, particularly in relation to surface and/or groundwater matters.

7.1.7 The full application site was subsequently put forward at the second stage of consultation of the draft Local Plan and the Strategic Planning Team carried out a further assessment of the proposal based on an indicative figure of 60 dwellings. The full site was rejected and has not therefore been carried forward into the Proposed Submission Local Plan. The Site Assessment Report (November 2017) states that *“The proposed scheme is a significant extension of draft site allocation SUT.H2. The parish council has expressed its support for SUT.H2, but indicates it does not support a larger scheme. Any development of this site has the potential to impact upon the listed buildings, conservation area and their setting. Sutton’s infrastructure is constrained and it is considered that other more suitable sites available in the village.”* Policy Sutton 4 relates to the preferred site within Sutton to the north of The Brook and west of Mepal Road. This site is allocated for approximately 250 dwellings together with associated infrastructure and open space. This follows on from the allocation in the current Local Plan of a smaller site for 50 dwellings but which envisages that a wider area will be developed.

7.1.8 The principle of residential development on the scale proposed on the application site is therefore considered to be contrary to the adopted and emerging development plans. It will be necessary, therefore, for the applicant to demonstrate other material planning considerations in line with the Framework and emerging Policy LP1 that justify development outside of the settlement boundary. If there are other material planning considerations that weigh in the development’s favour then those should be considered carefully in the planning balance to assess whether or not they should prevail. The remainder of this report considers those material factors before reaching a conclusion on the proposals.

7.2 Visual amenity

7.2.1 As stated above, the site lies outside the established development framework and marks the edge of the built-form of the south-east corner of the village. The site is bounded on the east and south by open space, in use for recreational purposes by local residents. There are long distant views towards the site from Haddenham with the southern and eastern boundaries partially screened by existing vegetation. The village of Sutton has developed over time through the creation of lanes extending south from the higher ground on High Street. Garden Close and Oates Lane are examples of this pattern of development and are based on the Medieval strip field pattern.

7.2.2 This proposal seeks to extend the pattern of built-form and the Illustrative Masterplan suggests that two north-south roadways could be incorporated into the scheme. The Historic Environment Team has raised concerns regarding this and

suggests that more could be done to preserve the general trend of the existing field pattern through the retention of the hedge line in the central area. This point is also picked up in the proposed allocation SUT.H2, with the policy stating that a low density form of development would be appropriate to enable mature trees and hedgerows of value to be retained.

- 7.2.3 The application site was considered by the Planning Inspectorate in 1988 following refusal of planning permission for residential development. The applicant at the time indicated that 75 dwellings of varying types would be constructed. The Inspector's report refers to the fact that the development would continue the spread of buildings outward from the village, a pattern that was already established at the time. The report goes on to state that the Inspector regarded the development as a peripheral expansion of the village and, with the scale of development proposed, he did not regard it as a logical rounding off to the existing settlement pattern but more as an intrusion into the countryside.
- 7.2.4 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA places the site within the Fenland Landscape Character Area as identified by the East of England Landscape typology and Cambridgeshire Landscape Guidelines. The East of England Landscape Typology study places the site in the Lowland Village Farmlands and Planned Peat Fen areas. The LVIA acknowledges that large scale effects would occur across the site itself and the immediate fringes and fields to the east of the site. Medium scale effects are anticipated to the boundaries of Station Road and the cricket field, with small scale effects to the recreation ground immediately south of the site. The overall effect on the Lowland Village Farmlands is described as being of negligible magnitude and minimal significance. A similar conclusion of the effects on the Planned Peat Fen character area is also reached.
- 7.2.5 The LVIA considers that the proposed development would 'round-off' the south eastern extent of the village in a sensitive manner, that it would be read as part of Sutton and not as an incongruous incursion into the fen countryside. The LVIA also concludes that there are limited views of the site from within Sutton and that any impact would be of slight significance. The scale of effects on the open space to the south and east are described as being minimal with effects on longer range views negligible.
- 7.2.6 Although the application is in outline with all matters reserved save for access, the visual impact of the development of up to 53 dwellings must be assessed in principle. The Illustrative Masterplan indicates that a Local Equipped Area for Play (LEAP) extending to 400 square metres can be incorporated together with 3,622 square metres (0.36 hectares) of informal open space. The scheme also proposes to include a nature reserve area in the south eastern corner of the site. The nature reserve, together with the area of woodland that adjoins the southern boundary will to some extent act as a buffer to views of the development from the south and east.
- 7.2.7 The draft allocation SUT: H2 envisaged that 25 dwellings would be accommodated within a site area of 1.8 hectares. This equates to a density of 13.8 dwellings per hectare (5.6 per acre) and is approximately 20% less than the density proposed under the current application (17 per hectare/6.9 per acre). To achieve the layout proposed on the Illustrative Masterplan a number of the established hedgerows will

be removed and as stated by the Historic Environment Team, this goes against the historic field pattern of development. It is therefore considered that the proposed scheme does not meet the aspirations of allocation SUT: H2 due to the extent of the application site and its incursion further into the countryside, the density of the proposed development and the fact that mature trees and hedgerows of value cannot be retained. The proposal would extend the build form further north and south than that envisaged by allocation SUT: H2 and the scale and form of development, with two-and-a-half storey buildings proposed to the south of the site, being inappropriate in this edge of village location. It is considered that the effects of the proposal on the visual amenity of the area would be greater than that suggested by the LVIA and that the proposal would be harmful to the character and appearance of the area contrary to policy ENV1 of the current Local Plan and policy LP28 of the Proposed submission Local Plan. The weight of the adverse environmental impacts would significantly and demonstrably outweigh any benefits, when assessed against the policies of the Framework taken as a whole.

7.3 Historic environment

- 7.3.1 The application site lies to the south of the Sutton Conservation Area. The current boundary of the Conservation Area stretches the length of the historic town and is focussed mainly along High Street. When the original Conservation Area was drawn up only the first few properties down each lane that leads off High Street were included in the original boundary. This suggests that the boundary was drawn to reflect the rear property boundaries along High Street.
- 7.3.2 There are a number of listed buildings within close proximity of the site, the closest being Rathmore and Rectory Farmhouse, both of which are Grade II listed with the dwellings themselves approximately 30m from the northern boundary of the site. The Grade I listed Church of St Andrew is situated on higher ground on the northern side of Station Road. There are limited views of the site from the churchyard in front of the church.
- 7.3.3 A Heritage Statement submitted with the application refers to the physical dominance of the Church in the landscape and concedes that the proposed development will have some impact upon its wider setting. The Statement suggests that only development 'of an extraordinary vertical and lateral scale in close proximity' could comprise the visual and historic significance of the Church and that the Illustrative Masterplan demonstrates that sightline through the development will be retained from key viewpoints within the Conservation Area around the Church.
- 7.3.4 At the request of the Conservation Officer the applicant considered how the proposed development would be viewed from the Church tower. Additional information submitted suggests that any view from the Church tower is likely to be a 360 degree panoramic view that takes in historic and modern built form and the fenland landscape beyond. Development on the 'islands' within the fens is characteristic of settlement patterns and the proposed development would not alter the character or appreciation of this, and would constitute small-scale development within the Church's setting. The Conservation Officer does not dispute this and it is considered that any harm caused to the setting of the Church of St Andrew would be minor and falling within the less than substantial threshold set by the NPPF.

- 7.3.5 The Heritage Statement also addresses any potential impact upon the setting of the two Grade II listed buildings immediately to the north of the site. Some harm is likely to be caused to the setting of Rectory Farmhouse given that the application site does comprise some of the farmhouse's wider agricultural setting, in the form of paddocks. The harm to significance is stated to be low and again below the threshold set by the NPPF. The Heritage Statement acknowledges that the proposed development may contribute to a sense of enclosure around Grade II listed Rathmore but it will not physically impede upon the building's rear garden. Again, any harm is considered to be slight and less than substantial. The Conservation Officer has now confirmed that she agrees with the assessments carried out in respect of the impact of the proposal upon the listed buildings and any harm would be less than substantial.
- 7.3.6 The assessment of the effect of the proposal on Sutton Conservation Area points towards the fact that the Area's special architectural and historic interest lies in the survival of a large number of late/post Medieval and Georgian buildings. This is supported by the narrow application of the Conservation Area boundary around the High Street. The Sutton Conservation Area Appraisal refers to the fact that the main key views within the Conservation Area are views up to St Andrew's Church from the junction with Station Road. These views will remain unchanged by the proposal.
- 7.3.7 The Conservation Area Appraisal goes on to state that some of the other key views are out of the Conservation Area, down the lanes and out into open countryside. These views are also important in highlighting the elevated position of the settlement within the wider landscape. As stated above, there are limited views of the site from Station Road and the Church of St Andrew. The Illustrative Masterplan demonstrates how any impact on key views out of the Conservation Area can be minimised. As the land falls away from Station Road views out into the wider landscape can be preserved and the wider fenland will not change as a result of the proposal. On balance therefore it is considered that any harm caused to the significance of Sutton Conservation Area will be minor.
- 7.3.8 Historic England was consulted on the application due to the proximity of the Grade I list Church, however, it declined to comment and stated that the local planning authority should rely upon its specialist conservation and archaeological advisers. Based on the above it is considered that the proposal will result in less than substantial harm being caused to the setting of the listed buildings and the historical and visual significance of Sutton Conservation Area. The public benefits of the scheme, including the provision of up to 53 dwellings including 16 affordable dwellings, open space and the nature reserve are considered to outweigh any harm caused and do not bring the proposal into conflict with policies ENV11 and 12 of the current Local Plan and policy LP27 of the Proposed Submission Local Plan.
- 7.3.9 The comments made by the Historic Environment Team (detailed at 7.2.2 above) relate in the main to the form and pattern of development on the site and it is considered that the concerns raised could be addressed through a reduced scheme. In the event that any excavation or similar work is to be carried out in the south-east corner of the site the Historic Environment Team has requested that the area be subject to an archaeological investigation. This could be secured by planning condition.

7.4 Residential amenity

- 7.4.1 Policy ENV2 of the Local Plan and LP22 of the Proposed Submission Local Plan, seek to protect the residential amenity which would be enjoyed by both future occupiers of the development and occupiers of existing properties close to the site. There are a number of residential properties within close proximity in Garden Close, a number of which are single storey.
- 7.4.2 The change from an undeveloped piece of land to a residential development will clearly have an impact on the outlook and setting of these properties and they will be likely to experience an increase in activity from the occupants of that development. In particular activity on Garden Close and Lawn Lane will increase and the dwellings that adjoin the western boundary will be impacted by the proximity of the new dwellings to the boundary. The Illustrative Masterplan submitted with the application is only indicative and full details of scale, appearance and siting would be dealt with at reserved matters stage.
- 7.4.3 A Parameters Drawing submitted with the application is intended to set a limit on the number of storeys of the proposed dwellings and sets broad development blocks. A number of concerns have been raised by residents in Garden Close that one-and-a-half storey dwellings along the western boundary will lead to an unacceptable loss of light and privacy. The parameter plan refers to this area as being formed of 1-1.5 storey dwellings and it would be incumbent on any future developer to demonstrate that the proposed dwellings will not have an unacceptable effect on the living conditions of existing residents. The development block is located approximately 16m from the boundary and it is considered that this would provide a sufficient separation distance, subject to appropriate design.
- 7.4.4 Detailed representations have been received from the owners of 10 Oates Lane, located immediately adjacent to the north-west corner of the site. The site has the benefit of planning permission for the construction of a replacement dwelling together with associated infrastructure and parking. The proposed dwelling has been designed to meet the very specific needs of the owners' disabled son and is considered by them to be a 'lifetime home' since their son will require constant care for his entire life. Concerns have been raised by the owners that the introduction of two storey dwellings in close proximity to their boundary and the impact that this will have upon their privacy and future needs of their son. Questions have also been raised regarding the precise position of the boundary.
- 7.4.5 Based upon the plans submitted by the applicant the northern development block is approximately 4m from the boundary (as shown on the plans) at its closest point. The development block is shown to include 1-2 storey dwellings. The Illustrative Masterplan indicates that only one single storey dwelling is proposed, some distance away from the boundary with 10 Oates Lane, with two storey dwellings in between. On the basis that this is an indicative plan only it is considered that the future layout of the development can take into account the special requirements of the owners of 10 Oates Lane and that refusal of the application on residential amenity grounds at this stage could not be justified.

- 7.4.6 It is considered that an acceptable development could be designed at reserved matters stage to ensure that there were no adverse impacts on the residential amenity of adjoining residents or future occupiers of the site by paying particular attention to the garden sizes, overlooking, overshadowing, and buildings being overbearing and ensuring compliance with the Design Guide SPD. It is considered that there would be an increase in traffic noise and disturbance as a result of people entering and leaving the new development, via garden Close and Lawn Lane. This is a concern raised by local residents. However as this serves a significant number of dwellings at present it is considered that this increase would not have a significant harmful effect to the existing residents such that planning permission could be refused on this basis.
- 7.4.7 It is considered that the proposal could satisfy the requirements of Policies ENV 2 and LP22 at reserved matters stage.
- 7.5 Highway safety
- 7.5.1 Access to the site is proposed off Garden Close. The existing 5.5m wide roadway with 1.8m footpath to either side will be extended into the application site. Garden Close is accessed via Lawn Lane and the applicant has put forward a proposal to improve visibility on the junction of Lawn Lane and High Street. This proposal has been the subject of discussion between the applicant and the Local Highway Authority and a number of solutions were initially put forward. A programme of works to widen the footway and/or introduce road markings has now been agreed and it is considered that this could be secured by way of a Grampian planning condition.
- 7.5.2 The Transport Assessment Team has reviewed the Transport Statement submitted with the application and has considered the impact of the proposal on the wider highway network. A number of residents have commented on the likely increase in volume of traffic travelling through Sutton and that a number of junctions do not have capacity or are not safe to accommodate this traffic.
- 7.5.3 The Transport Assessment Team initially stated that there were no local committed developments that concern the development site. These comments were later revised and the proposed allocation at The Brook (250 dwellings) and the proposed convenience store and A5 (hot food takeaway) retail unit were taken into account by the applicant in its assessment of junction capacity. In its most recent set of comments the Transport Assessment Team has stated that the capacity assessment carried out by the applicant demonstrates that the development will not cause detriment to the junctions assessed. On this basis the Transport Assessment Team concludes that the application is not expected to have any significant impact on the local highway network and therefore the Highway Authority does not object to the application as submitted.
- 7.5.4 The proposal is therefore considered to meet the requirements of Policy COM7 and policy LP17 of the Proposed Submission Local Plan and the applicant has demonstrated that all users will have safe, convenient access to the existing highway network.

- 7.5.5 The Illustrative Masterplan indicates that there is sufficient space within the site to accommodate the required number of parking spaces (both under the current Local Plan and Proposed Submission Local Plan) and provision for cycle storage can also be addressed at reserved matters stage. A road constructed to adoptable highway standards can also be incorporated. On this basis the proposal also complies with policies COM8 and LP22 in this regard.
- 7.6 Flood risk and drainage
- 7.6.1 The site is located in Flood Zone 1, which is at the lowest risk of flooding. The site does however extend to more than 1 hectare and the applicant is therefore required to submit a Flood Risk Assessment. The Flood Risk Assessment and Drainage Strategy submitted with the application states that groundwater levels are shallow and mitigation is therefore required. Vulnerability to flooding from other sources is considered to be low and there is a low risk of increased flood risk to third parties.
- 7.6.2 A number of local residents along with the Parish Council, Ward Councillor, Sutton Conservation Society and Sutton Poor's Land Charity (who own the recreation ground to the south of the site) have raised concerns about the site's capacity to accommodate surface water given the topography of the site, its high groundwater levels and the presence of a spring(s).
- 7.6.3 The applicant proposes to employ a combination of an attenuation basin, permeable paving and swales to produce a sustainable drainage system for the site. The surface water will ultimately discharge via gravity drainage to the attenuation basin in the south east corner of the site. The basin will work in conjunction with the storage provided by upstream ponds and swale features located immediately west of the basin, all of which will be located within the nature reserve. The existing ponds will also be provided with surface water run-off from the development.
- 7.6.4 The Flood Risk Assessment and Drainage Strategy recommends that a cut off drain is incorporated along the north east boundary to pick up any overland flow from the springs north of the site with a connection to a rain garden/bioretention area within the open space. Any additional flow will then be directed to the attenuation area in the south of the site.
- 7.6.5 The Lead Local Flood Authority has examined the Flood Risk Assessment and Drainage Strategy and is supportive of the proposed scheme. The LLFA considers that the applicant has adequately addressed the management of water on site and that residual flood risk both on and off site from overland flows and groundwater/springs has also been considered and mitigation measures have been incorporated. The LLFA has been made aware of the concerns raised by Sutton Poor's Land Charity regarding the watercourse between the site and the recreation ground. The LLFA has acknowledged the concerns but states that the proposed drainage strategy is robust and that off-site flood risk has been considered.
- 7.6.6 On the basis of the information submitted it is considered that the surface water drainage strategy meets the requirements of policies COM8 and LP25 together with the principles for surface water and sustainable drainage systems contained within the Cambridgeshire Flood and Water SPD.

7.7 Biodiversity and Ecology

- 7.7.1 The Ecology Report submitted with the application describes the site as being dominated by improved grassland and amenity grassland habitats of low nature conservation value. In addition there are areas of woodland, dense scrub and species-poor intact hedges which possess elevated ecological interest. The two ponds and associated scrub in the south east periphery are of elevated ecological interest.
- 7.7.2 The majority of habitat loss would be amenity grassland and improved grassland and small areas of broadleaved plantation woodland, dense scrub and species-poor intact hedgerow. This would result in the loss of some nesting and foraging habitat for birds and bats. The eastern boundary hedgerow is of most value to foraging and commuting bats and is to be retained.
- 7.7.3 There are two existing ponds within the site and another two within close proximity. These ponds, together with a fifth pond further away from the site were assessed as potential habitat for Great Crested Newts, a protected species. The four ponds in the site or close to it are considered to support the same Great Crested Newt population. The fifth pond does not support a population. A European Protected Species licence will be required in order for development to take place on the site.
- 7.7.4 The Ecology Report suggests that the ponds within the site are not being actively managed and are subject to either shading by scrub or grazing and poaching by livestock and are therefore in decline.
- 7.7.5 The applicant intends to create a nature reserve in the south east corner of the site to mitigate for the potential loss of Great Crested Newt habitat and ensure that the retained habitats are preserved and enhanced. Further mitigation for the general loss of habitat on the site comes in the form of the retention of an area of woodland as part of the open space and new tree and scrub planting within the nature reserve. Compensation for the loss of hedgerow would be provided by new hedgerow and tree planting in the nature reserve and adoption of a Landscape and Ecological Management Plan (LEMP) for the nature reserve.
- 7.7.6 An outline LEMP has been submitted with the application that sets out the aims, objectives and long-term management strategy of landscape and ecological resources connected with the site. The purpose of the LEMP is to ensure that once implemented, the landscape is managed and maintained to a high standard.
- 7.7.7 The Wildlife Trust raises no objections to the application provided the mitigation measures outlined above are implemented and secured by way of a S106 Agreement. Natural England has also been consulted on the proposal and has assessed the potential impact of the proposal on the Ouse Washes SSSI. Based on the information submitted Natural England is satisfied that the scheme would not damage or destroy the interest features for which the Ouse Washes has been notified.
- 7.7.8 A Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement have been submitted with the application. A revision to this document has also been submitted to correct errors made in the assessment of the

trees in the north west corner of the site, on the boundary with Oates Lane. The Illustrative Layout has been amended to ensure that any proposed dwellings in this area of the site do not encroach on the root protection area of trees in this location. A Schedule of Trees and the work required to individual and groups of trees and hedgerows within the site has been submitted. As stated above, the final layout of the development would be dealt with at reserved matters stage and the Arboricultural Impact Assessment would need to be updated accordingly. However, it is accepted that some trees and hedgerows would be lost to the development if it went ahead. The Trees Officer has assessed the application on this basis and has commented that a revised layout would be needed in order to ensure that the long term vitality of trees and hedgerows is maintained. It is considered that this could be adequately dealt with at reserved matters stage. The Trees Officer is not suggesting that any individual or groups of trees are worthy of retention and states that the loss of internal hedgerows is regrettable yet without objection.

- 7.7.9 Based on the information submitted it is considered that the applicant has sought to minimise harm or loss to environmental features such as trees and hedgerows. In addition the scheme includes the preservation and enhancement of areas of woodland and the ponds in the south east corner of the site. The creation of the nature reserve will protect the population of Great Crested Newts and it is considered that the scheme has addressed these elements of policies ENV7 and LP30 in relation to biodiversity and ecology. However, although an outline LEMP has been submitted, which details how all areas of landscape and ecological value across the site will be managed, the proposals do not provide details of the body that will be responsible for the management of the site. The applicant has indicated that initial discussions with Sutton Conservation Society in relation to the management of the site are unlikely to result in the Society formally taking on the site.
- 7.7.10 The Council has indicated to the applicant that it would be willing to take on the site subject to the payment of a commuted sum in respect of the costs of managing and maintaining the site for a period of a least 25 years. The applicant has been asked to submit details of the sums involved and confirm a financial contribution will be made via the S106 Agreement. At the time of writing this report this information has not been submitted and in the absence of an agreement from the applicant to meet these costs it is considered that the proposal fails to fully meet the requirements of policies ENV7 and LP30 in respect of the effective management of the site.
- 7.7.11 The Flood Risk Assessment and Drainage Strategy contains reference to the impact that high groundwater levels may have on the construction process. In particular the document makes reference to the fact that the developer should consider the need for dewatering during construction. It is considered that dewatering may have an effect on the ponds in the south east corner of the site that will become part of the nature reserve. Any significant fluctuations in water levels may therefore have an impact on the Great Crested Newt population and any other species reliant on the water features. The applicant has been asked to provide an assessment of the likely need and effects of dewatering. At the date of writing this information has not yet been submitted and the LPA are unable to fully assess this issue.

7.8 Other matters

- 7.8.1 Affordable housing
- 7.8.2 The applicant has confirmed that 30% of the dwellings proposed will be affordable units and that 70% of these units will be affordable rented with the remainder shared ownership. The precise mix of house types would be agreed at reserved matters stage but based on the indicative mix put forward at this stage the applicant is proposing to offer 2 one-bed dwellings, 10 two-bed dwellings and 5 three-bed dwellings. The Housing Strategy & Enabling Manager has confirmed that this mix does accord with housing need and is acceptable. The affordable housing would be secured through the S106 Agreement and the applicant has confirmed its agreement to this.
- 7.8.3 Education contribution
- 7.8.4 Cambridgeshire County Council has been consulted on the proposal and has indicated that a financial contribution towards early years, primary and secondary education provision is required together with a libraries and lifelong learning contribution. A total sum of £912,176 has been requested.
- 7.8.5 The applicant has indicated that it considers the County Council's submission as being unsubstantiated and somewhat arbitrary and that it would be providing a detailed response on this point for the LPA to consider. At the time of writing the applicant has not put forward any counter argument to the County Council's comments and nor has it indicated that it will make the financial contribution requested. On this basis it is considered that the application fails to meet the requirements of policies GROWTH 3 and LP16 in relation to infrastructure to support growth.
- 7.8.6 Foul drainage
- 7.8.7 Anglian Water has confirmed that foul drainage from the development is in the catchment of Witcham Water Recycling Centre that will have available capacity. In addition, the sewerage system at present has available capacity via a gravity fed regime.
- 7.8.8 Contaminated land
- 7.8.9 A Phase I Ground Condition Assessment has been submitted with the application. This has been reviewed by the Council's Scientific Officer, who confirms that the recommendation within the report to carry out a Phase II Assessment should be followed. The submission of this assessment can be secured by planning condition.
- 7.8.10 Energy and water efficiency
- 7.8.11 A Renewable Energy and Water Consumption Assessment has been submitted with the application. This outlines a number of key policy targets for the development in relation to energy, CO2 emissions and water consumption and how these can be met. It is expected that all developments will optimise energy efficiency and that consideration will be given to the use of renewable and low carbon energy sources. Developers should also consider how the design and

orientation of buildings can affect their efficiency and the installation of items such as electric vehicle charging points. It is considered that these matters will be addressed further at reserved matters stage and applicants will be required to demonstrate that the requirements and aspirations of policies ENV4, LP 23 and LP24 are met.

7.8.12 CIL

7.8.13 The development will be subject to the Community Infrastructure Levy and health facilities are included on the Council's Regulation 123 List.

7.8.14 Sutton Neighbourhood Plan

7.8.15 Sutton Parish Council is in the process of preparing a Neighbourhood Plan. As yet no weight is attributed to the Plan given that it is in the early stages of preparation.

7.8.16 Concerns raised that the development will result in a reduction in the value of existing dwellings is not a material planning consideration.

7.9 Planning Balance

7.9.1 It is considered that the scale and form of the proposed development does not accord with the draft allocation SUT:H2. By extending the built form further north and south and increasing the density of the scheme it is considered that the proposal would extend the village further into the countryside, to the detriment of the character and visual amenity of the area. It is considered that the scheme as proposed fails to respect its edge of settlement location and brings it into conflict with policy ENV1 of the Local Plan 2015 and emerging policy LP28. The scheme does not meet any of the exceptions to development in the countryside and the proposal as submitted is therefore contrary to policies GROWTH2 and LP3.

7.9.2 The proposal would result in minor harm being caused to Sutton Conservation Area and Rathmore and Rectory Farmhouse, both of which are Grade II listed buildings. However, it is considered that the public benefits of the scheme are such that they outweigh any harm caused.

7.9.3 The application is made in outline form with only access to be determined at this stage. It is considered that residential amenity could be adequately addressed at reserved matters stage and the specific requirements/needs of the occupiers of 10 Oates Lane have been noted.

7.9.4 The Local Highway Authority is satisfied that access to the site via Garden Close can be achieved and that the scheme as a whole will not be to the detriment of highway safety and that the local highway network can safely accommodate the traffic generated by the development.

7.9.5 The applicant has presented a satisfactory scheme to address surface water drainage and it is considered that this can be adequately addressed at reserved matters stage and through the imposition of planning conditions.

- 7.9.6 The proposal would result in the loss of some amenity grassland, improved grassland and species-poor intact hedgerow. The applicant has however put forward a comprehensive scheme of mitigation, including the creation of a nature reserve to enhance and protect the local Great Crested Newt population. The scheme put forward attracts weight in favour of the proposal but only on the basis that its long-term future is secured. The applicant has failed to provide sufficient detail of future costs associated with the management and maintenance of the biodiversity features and secure a public body to take on this role. On this basis the weight afforded to the biodiversity improvements is reduced. In addition the applicant has failed to demonstrate that the construction of the dwellings and any necessary dewatering of the site would not cause irreparable damage to the Great Crested Newt habitats on and off the site.
- 7.9.7 The proposal will result in increased pressure on education services for school places. Cambridgeshire County Council has indicated that mitigation in the form of additional places can be achieved subject to a financial contribution. The applicant has been made aware of this requirement but to date has not confirmed either its agreement to make the construction or put forward an alternative solution. The proposal is therefore contrary to policies GROWTH 3 and LP16.
- 7.9.8 It is considered that the harm caused to the character and appearance of the area together with the potential harm caused to biodiversity and ecology through the failure to secure the long term management of the site attract significant weight against the proposal. In addition, the failure to mitigate the impact on education services also attracts weight against the scheme. The benefits of the scheme, including the provision of a number of affordable dwellings are outweighed by the harm caused and the application is therefore recommended for refusal.
- 8.0 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 ie relating to the way a matter has been dealt with or substantive ie 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.
- 8.4 In this case Members' attention is particularly drawn to the following points:
- There are no objections from the Local Highway Authority or Lead Local Flood authority

9.0 APPENDICES

9.1 Draft allocation SUT.H2

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/01445/OUM	Julie Barrow Room No. 011 The Grange	Julie Barrow Senior Planning Officer
17/00633/SCREEN	Ely	01353 665555
88/00158/OUT		julie.barrow@eastca
81/00045/OUT		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>