
MAIN CASE

Reference No: 17/00284/OUT

Proposal: Residential development with all matters reserved

Site Address: Land To North Side Of Mill Field Sutton Cambridgeshire

Applicant: Mr & Mrs Locke

Case Officer: Julie Barrow Senior Planning Officer

Parish: Sutton

Ward: Sutton

Ward Councillor/s: Councillor Lorna Dupre
Councillor Lisa Stubbs

Date Received: 21 February 2017 **Expiry Date:** 8 September 2017

[S83]

1.0 **RECOMMENDATION**

1.1 Members are recommended to APPROVE the application subject to the recommended conditions below. The conditions can be read in full on the attached appendix 1.

- 1 Approved plans
- 2 Time Limit - OUT/OUM
- 3 Time Limit - OUT/OUM/RMA/RMM
- 4 Site Characterisation
- 5 Reporting of unexpected contamination
- 6 Foul and Surface water drainage
- 7 Noise assessment
- 8 Construction Times
- 9 Construction Environmental Management Plan
- 10 Sustainable development - Full
- 11 Ecology

2.0 **SUMMARY OF APPLICATION**

2.1 The application seeks outline planning permission for residential development with all matters reserved.

2.2 The application was originally submitted in outline form for consent for ten dwellings on the site with access and layout to be determined. During the course of the application it has been established that it is unlikely that ten dwellings can be accommodated on the site due to the requirement to provide a satisfactory drainage strategy and the effects of noise on the site from the nearby A142. The applicant has therefore amended the proposal to establish the principle of development on the site with the precise number of dwellings, their scale and layout to be determined at reserved matters stage once further assessments in relation to drainage and noise have been carried out.

2.3 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.eastcambbs.gov.uk/online-applications/>. **Alternatively a paper copy is available to view at the East Cambridgeshire District Council offices, in the application file.**

2.4 The application has been called-in to Planning Committee by Cllr Dupre on the grounds of access, proximity to the A142 with noise and air quality issues, and relationship to Linden Homes site.

3.0 PLANNING HISTORY

3.1 No relevant planning history

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site extends to 0.39 hectares, is located on the north-eastern edge of the village of Sutton and located outside the established settlement boundary. The site does however adjoin the development envelope on its southern boundary and the land to the west of the site, on the opposite side of Mepal Road, is located within the development envelope and is allocated for residential development in the Local Plan 2015. A mature tree belt screens the site from the A142, which runs alongside the eastern boundary. The site itself is undeveloped and is overgrown with vegetation in places although there is evidence of some recent clearance works.

5.0 RESPONSES FROM CONSULTEES

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

Sutton Parish Council – Has concerns:

- Close proximity to A142
- Area not designated for development
- Concerns regarding separate garage block – may not be used for parking of cars and from a crime protection perspective

Ward Councillors – No comments received.

Local Highway Authority – Concerns regarding lack of safe level pedestrian access and internal road material not to an adoptable standard. Visibility splays below those required but as they are entirely within the adopted highway there is no objection to this aspect.

Lead Local Flood Authority – Object as there is insufficient information to determine the impacts of the proposal.

Natural England – No comments to make.

Historic Environment Team – No objections of requirements for this development.

Designing Out Crime Officer – Generally supportive of layout with the exception of the rear garages and car park areas.

Environmental Health (Technical Officer) – Have concerns regarding the potential noise impact of the A142 on the proposed dwellings. The noise report entitled *'Mill Field, Sutton, Ely: Acoustic Design Statement'* notes the short term indicative nature of the noise monitoring. The Council will require further details (including short term CRTN assessment) indicating the predicted noise levels and mitigation to ensure these fall within acceptable limits. This is regarding external and internal areas, including with windows open. If the applicants consider windows need to remain closed for internal noise guidelines to be met there will be a need for an alternative ventilation system which can achieve air changes comparable to an open window. It is unlikely that trickle vents will achieve this. The occupants of all habitable rooms will require a suitable ventilation system which achieves 2 - 4 Air Changes per Hour.

The 2m high acoustic fence along the boundary is noted and will be beneficial. The applicants are advised to consider a clever layout and design of the properties to negate the requirement for internal mitigation. This can be achieved by methods such as:

- an adequate distance between source and noise sensitive building or area;
- screening by barriers, other buildings or non-critical rooms in a building,
- good sound insulation.

One of the main points to consider is careful thought of the orientation of windows, especially bedroom windows. Additional windows on quieter facades could also be beneficial.

It is therefore recommended that a more in depth noise assessment is submitted specifying the predicted impact of noise from the A142, including at the closest proposed property, and detailing mitigation measures to ensure noise levels at sensitive receptors are within appropriate limits.

Recommend that a Construction Environmental Management Plan (CEMP) is submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for noise, dust, lighting and vibration (piling activities) during the construction phase. These shall include, but not be limited to, aspects such as

access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times.

Notwithstanding the above it is also recommended that construction times and deliveries are restricted. For the avoidance of doubt this means no machinery or plant shall be operated outside of the agreed times.

Environmental Health (Scientific Officer) – The Envirosearch report dated 15 February 2017 has been considered. This land is former MoD land (RAF Mepal). Therefore disagree with the finding that there is no potential risk of contaminated land. Due to the previous MoD use of the site and the proposed sensitive end use (residential) it is recommended that standard land contaminated land conditions are attached to any grant of permission.

Trees Officer – This proposal is for a small development upon a recently cleared patch of scrub. To the North of the site is a fairly substantial tree belt that provides screen for a busy highway. A few remaining trees are required to be removed to implement the development while the tree belt is largely unaffected. There is no objection to this application as no trees worthy of retention are negatively affected. Recommend tree protection condition.

ECDC Waste Strategy Team – ECDC will not enter private property to collect waste or recycling. If access is unadopted some residents would be required to bring bags and bins to the adopted highway at Millfield. ECDC as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles. This contribution is currently set at £43 per property.

East Cambridgeshire Access Group – Will comment on full application.

Cambridgeshire Fire And Rescue Service - No comments received.

CCC Growth & Development – No comments received.

5.2 Neighbours – Site notice posted, advertisement placed in the Cambridge Evening News and 11 neighbouring properties were notified and the one response received is summarised below. A full copy of the responses are available on the Council's website.

- Object to development
- Impacts on residents in Millfield (specifically No. 1)
- Access will result in car lights shining into living room and being directly overlooked
- Millfield residents have to park on the road and this development will reduce parking
- Disturbance during construction
- Since the land has been cleared a significant increase in noise from the A142 has been noted and the proposed dwellings will be closer to it

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 2	Housing density
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 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

6 Delivering a wide choice of high quality homes

7 Requiring good design

11 Conserving and enhancing the natural environment

7.0 PLANNING COMMENTS

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

7.2 Principle of development

7.2.1 The site is located outside the established development framework, opposite a site allocated in the 2015 Local Plan for residential development. An application in respect of the allocated site was recently refused by planning committee for a number of reasons.

7.2.2 The local planning authority is not currently able to demonstrate that it has an adequate five year supply of land for housing. Therefore, all Local Planning policies relating to the supply of housing must be considered out of date and housing applications assessed in terms of the presumption in favour of sustainable development set out in the National Planning Policy Framework. This means that development proposals should be approved unless any adverse effects of the development significantly and demonstrably outweigh the benefits.

7.2.3 Policy GROWTH2 requires that development be permitted only within defined development envelopes provided and restricted in terms of dwellings to affordable

housing exception schemes and dwellings essential for rural workers. However, dwellings can be considered as an exception provided there is no significant adverse effect on the character and appearance of the area and that other local Plan policies are satisfied.

- 7.2.4 Given the absence of the 5 year housing land supply, the boundary limitation placed by the settlement's development envelope would not apply with instead, the presumption in favour of sustainable development contained within both Policy GROWTH 5 of the Local Plan and paragraph 14 of the NPPF taking precedence in this respect.
- 7.2.5 Sutton is described in the 2015 Local Plan as a large village with a range of local services. The site lies adjacent to the development envelope with convenient access to the goods and services on offer in the village. The site is therefore considered to be in a sustainable location.
- 7.2.6 Although the number of dwellings is unknown at this time any additional dwellings will make a contribution towards the shortfall in housing land supply therefore attracting significant weight in the planning balance. A benefit of this development would therefore be the contribution it would make in terms of housing supply within the District as a whole as well as the economic benefits of construction and additional population to support local businesses.

7.3 Visual amenity

- 7.3.1 The site is currently undeveloped and the introduction of dwellings onto the site will change its appearance. The site is however a natural extension to this northern edge of the village, with any further development prevented by the A142. The site is located opposite a site allocated for residential development and the future development of this site will reflect the general pattern of development in the area. The site is well screened from the A142 by an existing tree belt and in any event the dwellings would be seen against the back drop of the existing built form on Mepal Road and Millfield. It is therefore considered that the development of the site for residential purposes would not have a significant and demonstrable harm to the visual amenity of the area. Subject to an appropriate design and use of acceptable materials, which can be determined at reserved matters stage, it is considered that the proposal complies with Policies ENV1 and ENV2 in this regard.

7.4 Residential amenity

- 7.4.1 An Acoustic Design Statement has been submitted with the application, which has been assessed by the Council's Environmental Health team. The report indicates that further assessments need to be carried out to determine the full impact of noise on future residents. In turn this will directly affect the number of dwellings that can be accommodated on the site, whether they are single or two-storey and how they will be laid out internally. It is considered that the careful layout and design of dwellings, together with the use of an acoustic fence inside the tree belt on the eastern boundary, could negate the need for internal mitigation.
- 7.4.2 Consideration has also been given as to whether an air quality assessment is required. Environmental Health has advised that the size of the site and scale of

development is not such that it triggers the need for an assessment. In addition the proposal is not expected to give rise to significant changes in air quality and the site is not located in an Air Quality Management Area. Based on the above it is not considered reasonable to require an assessment to be carried out.

- 7.4.3 Should outline planning permission be granted any future applicant will need to ensure that the proposal meets the requirements of Policy ENV2 and the East Cambridgeshire Design Guide SPD in relation to plot sizes and amenity space. It is considered that there is sufficient room on the site to achieve a satisfactory relationship between plots.
- 7.4.4 The site is separated from existing development on Millfield by the highway and it is considered that any dwellings on this site would not appear overbearing and could be designed in such a way so as to avoid overlooking and a loss of privacy to existing occupiers.
- 7.4.5 On balance therefore it is considered that residential amenity and noise pollution can be adequately dealt with through a reserved matters application and that the proposal accords with Policies ENV2 and ENV9 in this regard.

7.5 Highway safety

- 7.5.1 The Local Highway Authority initially raised concerns regarding the proposal and the fact that no safe pedestrian access was being provided and that the internal road was not to an adoptable standard. Access is now a reserved matter and as such it is considered that the issues raised by the Local Highway Authority can be addressed at a later stage. There are no fundamental objections to the principle of developing the site and it is considered that a satisfactory access can be achieved onto Millfield. The proposal therefore complies with Policy COM7 in this regard.
- 7.5.2 The applicant is aware that two parking spaces per dwelling are required in accordance with Policy COM8 and it is considered that this can be addressed at reserved matters stage.

7.6 Drainage and flood risk

- 7.6.1 The site is located in Flood Zone 1 where the majority of development should be directed.
- 7.6.2 The application as originally submitted fell into the category of 'major' development and the Lead Local Flood Authority are therefore required to comment on the proposal. An objection was raised by the LLFA on the basis that insufficient drainage and flood risk information had been submitted.
- 7.6.3 The applicant has been made aware that the area in which the site is located is not suitable for infiltration and that an alternative surface water drainage strategy will need to be employed. Based upon the Acoustic Design Statement discussed above it is unlikely that ten dwellings can be accommodated on the site and the application is no longer considered to be a 'major' development. It is therefore considered that the surface water drainage details can be secured by condition and the applicant

will need to take this into account in the final layout. The proposal can accord with Policy ENV8 in relation to drainage and flood risk.

7.6. Ecology and biodiversity

7.6.1 At the request of the LPA an Ecological Appraisal has been submitted. The report demonstrates that the habitats on site are of low to moderate ecological value and that there are no significant ecological constraints that would prevent the development from proceeding. The site is located within 2km of two statutory protected sites but the scale and location of the proposal will have no adverse effects on these sites, as confirmed by Natural England.

7.6.2 The Appraisal makes recommendations in relation to the remainder of the site clearance and for a number of enhancements to be included in any future scheme. A condition can be imposed requiring any development to be carried out in accordance with these mitigation and enhancement recommendations and on this basis the proposal is considered comply with Policy ENV7.

7.6.3 A Tree Survey has also been submitted, which has been examined by the Trees Officer. This confirms that no trees worthy of retention are being removed and that subject to appropriate tree protection measures being put into place there is no objection to the development proceeding.

7.7 Other matters

7.7.1 A contaminated land report has been submitted with the application and examined by the Council's Scientific Officer. This suggests that no further contaminated land investigation is required. The Scientific Officer disagrees with this conclusion as the site was formerly part of RAF Mepal. It is therefore recommended that further investigative work be carried out, which can be secured by condition.

7.7.2 The applicant is encouraged to consider the incorporation of energy and water efficiency measures in respect of this site and a condition is recommended relating to the submission of a sustainability strategy.

7.7.3 The Historic Environment Team has confirmed that an archaeological investigation is not required.

7.8 Planning balance

7.8.1 As stated above the proposal would provide a number of additional dwellings to add to the Council's housing stock and this attracts significant weight in favour of the proposal. The short and long term economic benefits also add weight in favour, albeit limited.

7.8.2 The proposal would not result in an unacceptable level of harm to the visual amenity of the area and it is considered that matters in relation to residential amenity, highway safety, drainage and ecology can be adequately addressed at reserved matters stage. On balance therefore it is considered that there are no adverse effects that would outweigh the benefits of the proposal.

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:
No objection from the Local Highway Authority and matters relating to residential amenity and drainage can be addressed at reserved matters stage.

9.0 APPENDICES

- 9.1 Appendix 1 - Draft planning conditions

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
17/00284/OUT	Julie Barrow Room No. 011 The Grange Ely	Julie Barrow Senior Planning Officer 01353 665555 julie.barrow@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>

APPENDIX 1 - 17/00284/OUT Conditions

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

Plan Reference	Version No	Date Received
17:035-1	B	14th July 2017

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 3 years of the date of this permission.
- 2 Reason; The application is for outline permission only and gives insufficient details of the proposed development, and to comply with Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
 - (i) A survey of the extent, scale and nature of contamination;
 - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.
- 4 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 5 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 6 No development shall take place until a scheme to dispose of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to first occupation
- 6 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 7 As part of the submission of the first reserved matters application a noise assessment shall be carried out and details submitted with the application. The assessment should provide details of the predicted noise levels and impact from the A142 together with mitigation details, including external and internal areas with windows open. The assessment shall also include details of an acoustic fence on the boundary with the A142. The noise assessment shall inform the design and layout of the development.
- 7 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 8 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 08:00-18:00 each day Monday-Friday, 08:00-13:00 Saturdays and none on Sundays, Public Holidays or Bank Holidays.
- 8 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 9 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-

commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.

- 10 Prior to the commencement of development, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 10 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015. This condition is pre-commencement as some of the measures may be below ground level.
- 11 The development shall be carried out strictly in accordance with the 'Recommended mitigation and enhancements' contained within the Preliminary Ecological Appraisal prepared by Greenlight Environmental Consultancy Limited dated 5 July 2017.
- 11 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.