

**MAIN CASE**

**Reference No:** 18/01053/OUM

**Proposal:** Outline planning application for erection of up to 53 houses on land to the east of Sutton 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:** Anne James, Planning Consultant

**Parish:** Sutton

**Ward:** Sutton  
Ward Councillor/s: Councillor Lorna Dupré  
Councillor Lisa Stubbs

**Date Received:** 27 July 2018      **Expiry Date:** 9<sup>th</sup> November 2018  
[T127]

**1.0 RECOMMENDATION**

- 1.1 Members are recommended to delegate approval of this application to the Planning Manager subject to the completion of a S106 Agreement and subject to the draft conditions below (with any minor revisions to the conditions delegated to the Planning Manager).
- 1.2 The full planning conditions can be read in full on the attached Appendix 1.
- 1 Approved plans
  - 2 Time Limit –OUM
  - 3 Time Limit – OUT/RMM
  - 4 Number of dwellings
  - 5 Fire Hydrants
  - 6 Construction and delivery times
  - 7 CEMP
  - 8 SUDS
  - 9 Management and Maintenance of SUDS
  - 10 Energy and Sustainability Strategy
  - 11 Biodiversity Improvements
  - 12 Contamination
  - 13 Remediation Strategy
  - 14 Programme of Archaeological Works (WSI)
  - 15 Foul and Surface Water

- 16 Welcome Travel Packs
- 17 Roads and Footways
- 18 Maintenance of internal roads
- 19 Arboricultural Method Statement
- 20 Replacement Tree Plan
- 21 Tree Works
- 22 Woodland Management Plan
- 23 Protection of key views

## **2.0 SUMMARY OF APPLICATION**

- 2.1 The application seeks outline planning permission for up to 53 dwellings, 30% of which would be affordable, together with associated development including open space as well as a nature reserve. 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:
- Archaeological Evaluation
  - Design and Access Statement
  - Ecological Assessment
  - Flood Risk Assessment
  - Heritage Statement
  - Landscape Impact Assessment Plan
  - Landscape and Ecology Management Plan
  - Phase 1 Ground Conditions Assessment
  - Planning Statement
  - Renewable Energy and Water Consumption Assessment
  - Statement of Community Involvement
  - Transport Statement
  - Tree Survey
  - Utilities Statement
- 2.3 An illustrative Masterplan has been submitted with the application and this indicates the following accommodation mix:
- 8 x 2 bed houses
  - 1 x 2 bed bungalow
  - 24 x 3 bed houses
  - 10 x 4 bed houses
  - 2 x 1 bed apartment
  - 8 x 2 bed apartments
- 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 S106 negotiations are ongoing, however, a S106 Agreement would secure:

- Affordable Housing
- Public Open Space (management and maintenance thereof)
- Nature Reserve (LEMP - management and maintenance thereof)
- Education and libraries and lifelong learning

2.6 This application is being considered by Committee in view of the number of dwellings proposed which exceeds the 50 dwelling threshold as set out in the Council's Constitution

### 3.0 **PLANNING HISTORY**

3.1

17/01445/OUM	Outline planning application or the erection of up to 53 houses to include public open space and details relating to access	Refused on 3.01.18 Appeal decision pending
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17/00633/  
SCREEN

SCREENING OPINION – 04.05.2017  
outline planning application for up to sixty houses including affordable housing with associated open space, local area of play, green infrastructure, vehicular and pedestrian accesses and landscaping at the site.

### 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The site extends to approximately 3.1 ha 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

## 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.

### **Ward Councillors –**

24.08.18 In the diagrams on PP12 and 14 of the DAS it is stated that Station Road Sutton leads to Wilburton. In fact, Station Road is a cul de sac, and the village's vehicular connection to Wilburton is via the A142, A1421 and A1123. Is this a genuine error, or are the applicants attempting to give the impression that Sutton has better road connections than it actually does? It is not a claim that was made in the Design & Access Statement for the 2017 (refused) application.

The statement significantly overstates the bus service available to Sutton, which will reduce again with effect from 1 September.

18.08.18 This outline application, like application 17/01445/OUM before it, is for 53 dwellings, which is substantially more than the 25 dwellings allocated in the Submission Draft of the East Cambridgeshire Local Plan. As such, it represents considerable over-development of a site whose proposed sole access is through a small, quiet cul de sac of existing residential dwellings. The application also occupies a larger site footprint than that allocated in the Submission Draft.

The reason given for the density in the Submission Draft is to maintain residential amenity and enable mature trees and hedgerows of value to be retained. The landscape amenity of the site is important to the local community, as attested in the response by the Sutton Conservation Society to application 17/01445/OUM, and as they will no doubt be reiterating in a response to this iteration.

The site is prone to serious water and drainage issues, as residents who witnessed the building of other properties nearby will attest. This part of the village slopes south, with a Kimmeridge clay base. Rainwater runs down all the slopes south of the High Street, with considerable force in heavy rainfall (an increasing phenomenon). Residents in nearby Link Lane live in regular fear of flooding from rainfall which does not drain properly. A spring runs along the High Street, and water percolates through the top layer; on reaching the impermeable clay it emerges by whatever route it can. Red Lion Lane, further to the west, also slopes down from the High Street and has seen water emerge continuously part-way down the slope creating a slip hazard which caused a resident to badly break a leg; recent attempts to remedy the water issues here have failed. There are potential signs that this may also be happening in Oates Lane, to the north west of the application site. I have been called upon by one resident near the application site whose garage regularly floods through the floor. These issues will not be easily remedied, and if this appeal is granted there is a risk that whoever eventually acquires the site from Endurance will be unable to develop it economically, leaving a blighted site.

This application overlaps the submission of an appeal by Endurance against refusal of their earlier application, for the same site footprint with the same number of dwellings. The two applications appear to differ only in the layout of the 53 dwellings on the site.

However, as both are outline applications, the indicative layout suggested by Endurance is immaterial to the determination of this application or indeed the appeal. Residents of the easternmost properties in Garden Close were promised a buffer of land between their homes and the development in the original (currently appealed) application. This buffer appears to have been partially lost in the fresh application, which promises instead a reconfiguration of the site to respect historic views of the listed church, and a bungalow at one location on the site where originally a two-storey dwelling was shown. However, as approval is not being sought for the layout of the site, these and other promises carry no weight—especially as the promise of the ‘buffer’ already appears to have been compromised in the fresh application.

Vehicle access onto the High Street from the site via Lawn Lane is problematic, with vehicles parked on either side of the junction seriously impairing visibility. A development of 53 dwellings is liable to result in over 100 additional vehicles regularly entering and leaving the site, adding to the pressure on the village road network. The village’s bus service has been reduced in recent years, to an unreliable two-hourly service which means that a 15 minute journey to Ely each way for a brief dental or other appointment can take half a day. Proximity to a bus stop is an insufficient measure of the convenience of local public transport.

### **Parish - Objects**

- Citing the same objections as the first application and to include two other planning related reasons that ECDC planning officer referred to in the report to the planning committee:
- Outright refusal of the application
- Significant development in the location nor preferred by the parish council or residents
- Impact on view, development should not be above bungalow height
- Concerns regarding surface water drainage
- ECDC committee to determine the application.

*Reason for refusal 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.*

*Reason for refusal 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.*

#### **Anglian Water Services Ltd – No objection**

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. Or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

The sewerage system at present has available capacity and foul drainage from this development is in the catchment of Witcham Water Recycling Centre that will have available capacity for these flows.

#### **The Ely Group of Internal Drainage Board - No Comments Received**

#### **Natural England - No Comments Received.**

However, Natural England assessed the previously refused application and made the following comments.

*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.*

**Historic England** - No comments to make.

**Cambridgeshire Archaeology** - No Comments Received

**Cambridgeshire County Council Education** – No Contributions required for primary schools as there is already capacity. A Contribution would be required for secondary education, libraries and lifelong learning.

**Cambridgeshire Fire And Rescue Service** – No objection. Would ask that adequate provision be made for fire hydrants.

**Cambridge County Council - Local Highways Authority** – No objection subject to conditions.

This is an all matters reserved accept access application however I have the following comments on the illustrative layout plan:

- The internal layout is not to an adoptable standard
- There are limited footways next to the roads and the majority of pedestrian connectivity is through POS
- Residents/pedestrian access is on to the carriageway/s not shared use areas. (The use of Shared Use Areas is currently under review by the DFT)
- The highway authority does not adopt POS or footpaths through these areas, SUDs, Swales, Areas of water filtration or attenuation, visitor parking bays unless they serve a highway function)

The Transport Assessment Team has not commented on this scheme however, commented previously that: *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.*

**CCC Growth & Development** - No Comments Received

**CCC - Lead Local Flood Authority** - No objection subject to conditions

The above documents demonstrate that that surface water can be dealt with on site by using swales, permeable paving, rain gardens and attenuation basins, restricting surface water discharge to 2l/s into an ordinary watercourse on the southern boundary

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 suitable mitigation measures have been incorporated.

**Technical Officer Access – No objection**

Good lighting required particularly on the footpaths. No provision for visitor parking. Concerns on the increased traffic on other roads nearby. Look forward to seeing more detailed plans.

**Senior Trees Officer – No objection subject to conditions.**

**Conservation Officer** - No Comments Received. Any comments will be reported to Committee.

**Environmental Health - No objection**

Subject to conditions governing the construction and delivery times and a CEMP. Previous comments regarding the pumping station have been referred to the need for further details regarding the plant.

The Scientific officer had no objection to the scheme initially subject to the imposition of the standard contaminated land conditions are attached to any grant of permission.

**Strategic Planning** - No Comments Received. Any comments will be reported to Committee.

**Housing Section – No objection**

Development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sqm or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%.

All new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.

Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis.

Should consent be granted, I would request a s106 Agreement containing the following Affordable Housing provisions:

1. That the dwellings will be Affordable Housing in accordance with the definition contained in NPPF.
2. That the dwellings will transfer to a provider of social housing approved by the Council, either a Private Registered Provider or an alternative affordable housing provider (including but not limited to a housing trust or company, a community land trust or an almshouses society).



3. That the tenure of each dwelling will be Affordable Rent or shared ownership, and no subsequent alteration will be permitted without the Council's prior approval.
4. That the rent charged for the Affordable Rented properties will not exceed Local Housing Allowance rate for the equivalent property size.
5. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
6. That occupation will in accordance with a nomination agreement.
7. That these affordable housing conditions shall be binding on successors in title, with exceptions for mortgagees in possession and protected tenants.

**Waste Strategy (ECDC) -** No objection subject to conditions and informatives

**Design Out Crime Officers –** No objection

I have inspected the amended Design and Access Statement and Planning Statement. It is clear that the design team have considered some elements of Crime and Community Safety and the indicative proposals for this site would appear to be acceptable. Should this Application secure Outline approval could I please request early consultation to ensure that the detailed development and layout design, fully addresses vulnerability to crime.

**Cambs Wildlife Trust -** No Comments Received to this application. However, they had no objection initially subject to appropriate 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.

**NHS England -** No Comments Received

Neighbours – A site notice was erected on 2<sup>nd</sup> August 2018 and the application was advertised in the Cambridge Evening News on 9<sup>th</sup> August 2018. 40 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

*Policy*

- Alternative site already allocated in local plan
- Non conformity with policy
- Neighbourhood plan
- Site for 25 properties not 53
- Unbalanced level of development in contrast to other villages
- Outside of the development envelope

*Visual amenity*

- Visual amenity
- Street scene
- Form and character

*Residential amenity*

- Loss of privacy

- Overlooking
- Noise
- Loss of light
- Amenity of future occupiers in terms of garden sizes etc.
- Proximity to existing dwellings

#### *Historic Environment*

- Conservation Area
- Views of listed building

#### *Natural Environment*

- Trees
- Landscape
- High Landscape value
- Loss of habitats
- Great crested newts

#### *Infrastructure*

- Surface water drainage
- Foul water drainage
- Groundwater and flooding
- School at capacity
- Lack of facilities and services
- Change in dynamics of occupiers
- Maintenance responsibilities of SUDS
- Garden grabbing
- Pumping station already unable to cope with existing development

#### *Highway safety*

- Parking and turning
- Additional traffic on to local road through a conservation area
- Right of Access
- Public Right of Way
- Visibility at junction restricted

#### *Design*

- No ridge height mentioned
- Density of development too high

#### *Other issues*

- Reduces the viability of the development sites preferred by local people to provide enhanced local amenities
- Lack of local support
- Information submitted is misleading and confusing those unfamiliar with planning
- 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.
- Still concern regarding the spatial distance between the new development and that of 10 Oates Lane and is privacy boundary enforceable. Request that a minimum distance of 25m be retained between the Oates Lane boundary to the end of any garden in the development and that any house is single storey or if not any windows facing 10 Oates Lane be non-opening and obscure glass. Moreover, that the intervening land is not accessible.
- 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.
- Consider that the site is unviable.
- No need for 53 houses
- Availability of more suitable sites

## **6.0 THE PLANNING POLICY CONTEXT**

- 6.1 The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015. S38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination

of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

6.2 Those policies of relevance to the scheme are:

*East Cambridgeshire Local Plan 2015*

GROWTH 1	Levels of Housing, Employment and Growth
GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 11	Conservation Areas
ENV 12	Listed Buildings
ENV 14	Sites of archaeological interest
COM 7	Transport impact
COM 8	Parking provision

Part Two: Village/Town Visions: Sutton

*Supplementary Planning Documents*

East Cambridgeshire Design Guide

Developer Contributions and Planning Obligations

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

Flood and Water

*National Planning Policy Framework 2018*

- |    |  |
|----|--|
| 2  | Achieving Sustainable Development                                    |
| 5  | Delivering a sufficient supply of homes                              |
| 6  | Building a strong, competitive economy                               |
| 8  | Promoting healthy and safe communities                               |
| 9  | Promoting sustainable transport                                      |
| 11 | Making effective use of land   |
| 12 | Achieving well designed places                                       |
| 14 | Meeting the challenge of climate change, flooding and coastal change |
| 15 | Conserving and enhancing the natural environment                     |
| 16 | Conserving and enhancing the historic environment                    |

*The Submitted Local Plan 2018*

The Council submitted the Local Plan Review to the Secretary of State in February 2018 and an Independent Examination in Public is underway. It is anticipated that the Local Plan will be formally adopted in late 2018.

Those policies of relevance to the application are:

- 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

Policy SUT. H2 - land east of Garden Close

#### *Planning Practice Guidance*

Due regard has been had to the guidance contained within the PPG.

## **7.0 PLANNING COMMENTS**

The main issues to consider in the determination of the application are:

- principle of development;
- visual amenity;
- historic environment;
- residential amenity;
- highway safety;
- flood risk;
- drainage;
- biodiversity and ecology;
- Other matters;

### **7.1 Principle of Development**

- 7.1.1 An assessment of the planning application has been undertaken within the following sections of the report using the principles of the presumption in favour of

sustainable development, as set out in the revised version of the NPPF, the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018.

- 7.1.2 Para 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. However, the presumption in favour of sustainable development does not change the statutory status of the development plan.
- 7.1.3 The Council is currently unable to demonstrate a five year housing supply and therefore the policies within the Local Plan which relate to the supply of housing are now out of date.
- 7.1.4 Policy GROWTH 2 relates to locational strategy where the majority of development will be focused on the market towns of Ely, Soham and Littleport. For the rural areas the Local Plan seeks to deliver new housing in appropriate locations to meet local needs.
- 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.
- 7.1.6 Part of the site has been allocated for residential development in the Submitted Local Plan 2018. 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 Submitted 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 In principle, the application for residential development on the scale proposed on the site was considered to be contrary to the adopted and emerging development plans and refused in January 2018 for the following reason, namely:

*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.*

- 7.1.9 Clearly, this decision was issued on the basis that the Council had a 5 years’ supply of housing land, and before the Public Inquiry on the Gladman site in Fordham [Appeal Ref: APP/V0510/17/3186785 Land off Mildenhall Road, Fordham], when the Inspector found that the Council could only demonstrate 3.86 year housing land supply. The appeal was allowed on this basis.
- 7.1.10 The applicants have already lodged an appeal on the previously refused scheme (17/01445/OUM) and the Inspector’s decision is awaited.
- 7.1.11 As a consequence, planning applications for housing within the district should now be considered on the basis of the presumption in favour of sustainable development.
- 7.1.12 In the assessment of the scheme currently under consideration, the applicants have taken on board comments raised by the Council, statutory consultees and local community and have amended the masterplan in relation to landscape character and residential amenity issues. The provision of 53 dwellings, 30% of which would be affordable is afforded significant positive weight in the planning balance.
- 7.1.13 In line with para 11 of the NPPF, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

## **7.2 Residential Amenity**

- 7.2.1 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.

- 7.2.2 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.
- 7.2.3 A number of concerns have been raised by residents in Garden Close that the height of the development is not shown and therefore dwellings along the western boundary will lead to an unacceptable loss of light and privacy. Whereas the layout of housing would be dealt with at the detailed design stage, 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, in accordance with the East Cambs Design Guide SPD - 2012.
- 7.2.4 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.
- 7.2.5 The Illustrative Masterplan indicates that only one bungalow is proposed adjacent to the north-west boundary some distance away from the boundary with 10 Oates Lane. 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.
- 7.2.6 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, and the site is allocated (albeit for a reduced number of dwellings), 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.

- 7.2.7 It is considered that the proposal could satisfy the requirements of Policies ENV 2 and LP22 at reserved matters stage.

### **7.3 Visual Amenity**

- 7.3.1 In considering the visual impact on the landscape, Policy ENV1 of the Local Plan 2015 and LP28 of the Submitted Local Plan 2018 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.
- 7.3.2 The village of Sutton has developed over time through the creation of lanes extending south from the higher ground on the High Street. Garden Close and Oates Lane are examples of this pattern of development and are based on the medieval strip field pattern.
- 7.3.3 The application site lies outside of 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 distance views towards the site from Haddenham with the southern and eastern boundaries partially screened by existing vegetation.
- 7.3.4 A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application [prepared by LDA dated July 2018]. 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.
- 7.3.5 The LVIA considers that the site is well screened by vegetation and built form when viewed from within the surrounding landscape. Both vegetation within the site and that which forms the southern boundary restrict views of the site and render it clearly indiscernible in middle to longer distance views, with the southern boundary vegetation an effective screen to may potential views of the site from the south.
- 7.3.6 In considering the previously refused scheme, the impact on the visual amenities of the area was comprehensively assessed on the basis that the location of the development would extend the built 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.

- 7.3.7 However, in view of the fact that the previous scheme was not refused on the basis of impact on visual amenity and as the Council cannot demonstrate a 5 year housing land supply, then it would not be reasonable to cite this consideration as having a significant and demonstrable detrimental impact on the visual amenities of the area. As such this matter is now afforded limited weight.

#### *Housing Mix and Density*

- 7.3.8 Local Planning Authorities are charged with significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay, para 59 of the NPPF refers.
- 7.3.9 Policy HOU 3 of the current East Cambridgeshire Local Plan seeks 30% (in the north of the district) or 40% (in the south of the district) of the total number of dwellings provided on sites of 10 or more to be for affordable housing provision.
- 7.3.10 Policy LP6 of the Submitted Local Plan requires that development proposals of 11 or more dwellings (or fewer dwellings if the combined gross floorspace totals 1000 sq m or more) should provide 30% affordable housing except in Soham and Littleport where it is set at 20%. The applicant has proposed 17 affordable homes which complies with the existing Local Plan policy.

The affordable housing would be as follows:

- 2 x 1 bed apartments
- 8 x 2 bed apartments
- 2 x 2 bed house
- 5 x 3 bed house

- 7.3.11 However, Developers will be encouraged to bring forward proposals which will secure the market and affordable housing mix as recommended by the most up to date SHMA which is 77% rented and 23% intermediate housing. The exact mix of affordable property types should be agreed with the council on a site by site basis. The Council would enter into a S106 Agreement whereby tenure mix can be agreed.
- 7.3.12 The scheme would provide 17 affordable homes which is policy compliant and this factor is afforded significant positive weight.
- 7.3.13 There is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which considerable weight should be given.

#### *Design*

- 7.3.14 The NPPF states that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Development should function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development and provide for an appropriate mix of uses; respond to local character and history; create safe and accessible environments which are visually attractive.
- 7.3.15 Policies ENV2 of the Local Plan 2015 and LP22 of the Submitted Local Plan 2018 require new development to respect and complement the physical characteristics of the site and the surroundings. The East Cambridgeshire Design Guide is also a key reference tool in the design process.
- 7.3.16 The scheme would provide a mix of accommodation types and further information can be provided at the detailed design stage.

## **7.4 Historic Environment**

- 7.4.1 Section 16 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal including development that may affect the setting of a heritage asset.
- 7.4.2 Policy ENV14 of the adopted Local Plan 2015 requires that new development should have regard to the impacts upon the historic environment and would require the submission of an appropriate archaeological evaluation/assessment. Policy LP27 of the Submitted Local Plan requires all new development to respect and enhance or reinforce where appropriate the local character and distinctiveness of the area in which it would be situated.
- 7.4.3 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.
- 7.4.4 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.
- 7.4.5 A Heritage Statement [LanPro dated July 2018] has been submitted with the application which refers to views of the Conservation Area from the site including Rectory Farmhouse, Rathmore, 4 Station Road and the Church of St Andrew which lie to the north. It is acknowledged that the proposed development would result in a change to a small part of the Conservation Area's setting. The scheme has drawn sightlines to ensure the most significant views looking south, out of the area are now retained and this has been achieved by realigning the internal layout and increasing the amount of landscaped areas to the north of the site and a condition is

recommended that the design/layout of the site should be based on protecting these sightlines.

- 7.4.6 Historic England was consulted on the application due to the proximity of the Grade I Listed 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.
- 7.4.7 The Historic Environment Team have not commented on this scheme, however, in reviewing their comments on the previously refused scheme requested that the area be subject to an archaeological investigation. This could be secured by planning condition.
- 7.4.8 The Council's Conservation Officer has not commented on this scheme and any comments received will be reported to Members. However, previous comments on the refused scheme were 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.
- 7.4.9 In view of the fact that the views of the Conservation Area and the heritage assets located within it have been enhanced, then 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 Submitted Local Plan 2018. This factor is afforded neutral weight in the planning balance.

## **7.5 Highways**

- 7.5.1 It is necessary to consider whether the proposed development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and that safe and suitable access can be achieved.
- 7.5.2 Policy COM7 of the Local Plan also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.
- 7.5.3 Policy LP17 of the Submitted Local Plan requires proposals for new development to demonstrate that appropriate, proportionate and viable opportunities have been taken into consideration. Amongst other criteria, to ensure safe, convenient access to the existing highway network and reducing the need to travel by ensuring that development is accessible, being well located in relation to existing or proposed services and facilities.
- 7.5.4 A Transport Statement [Peter Brett Associates dated July 2018] has been submitted with the application and this report considers existing traffic flows and the impact of the development in the future as well as junction capacity assessments on the

Garden Close/Lawn Lane and Lawn Lane/High Street junctions. Junction visibility improvements are proposed at the Lawn Lane/High Street.

- 7.5.5 In terms of its broader location, Sutton is identified in the Local Plan as a large village which is one of the old islands in the fen. It has a range of local services, including a shop and two takeaways, a post office, doctor's surgery, pharmacy, Royal British Legion, public house, community rooms and pavilion, two hairdressers, a primary school, pre-school and children's centre with a regular bus service to Ely and Cambridge.

#### *Access*

- 7.5.6 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 have now been agreed and it is considered that this could be secured by way of a Grampian planning condition.
- 7.5.8 The Highways Authority, whilst raising no objection to the scheme, has stated that the internal road layout is not of an adoptable standard and that due to the limited footways the majority of pedestrian connectivity would be through the public open space. That said, the internal road layout is only indicative and there would be no detrimental impact with regard to highway and pedestrian safety and therefore the scheme would not be in conflict with Policies COM7 of the Local Plan and LP17 of the Submitted Local Plan. This factor is afforded neutral.

#### *Parking*

- 7.5.9 Policy COM8 sets out parking provision outside of town centres and requires 2 spaces per dwelling plus up to 1 visitor parking space per 4 units. Cycle parking should also be provided at 1 space per dwelling. Policy LP22 of the Submitted Local Plan requires that new development should provide attractive, accessible and integrated vehicle parking.
- 7.5.10 From the application form the number of parking spaces provided on site would be 102 which is below the Council's maximum parking provision which would require 106 parking spaces with 13 visitor spaces, however illustrative masterplan indicates that a proportionate number of parking spaces can be achieved on site, albeit some of which are tandem spaces. In any event, this matter can be dealt with at the detailed design stage in order to comply with COM8 of the adopted Local Plan 2015 and this is afforded neutral weight.

#### **7.6 Ecology**

- 7.6.1 Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings. Policy LP30 of the submitted Local Plan 2018 requires that through development management processes, management procedures and

other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network.

- 7.6.2 The Ecology Report [Applied Ecology dated 2018] has been 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.
- 7.6.3 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.
- 7.6.4 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.
- 7.6.5 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.
- 7.6.6 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.
- 7.6.7 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.
- 7.6.8 The Wildlife Trust initially raised no objections to the application provided the mitigation measures outlined above are implemented and secured by way of a S106 Agreement. Natural England was consulted on the refused scheme but has not commented on this proposal. However, NE acknowledged that the site had assessed the potential impact of the proposal on the Ouse Washes SSSI. Based on the information submitted Natural England was satisfied that the scheme would not damage or destroy the interest features for which the Ouse Washes has been notified.
- 7.6.9 A Tree Survey, Arboricultural Impact Assessment and Preliminary Arboricultural Method Statement have been submitted with the application [Hayden's Arboricultural

Consultants dated 27<sup>th</sup> July 2018]. The reports has assessed 23 individual trees, five areas of trees, 6 groups of trees, 8 hedges and two woodlands which were inspected. Seven trees require felling irrespective of development and fell two individual trees and five landscape features in order to achieve the proposed layout. Additionally, one tree and one landscape feature require tree surgery to permit construction space or access. Furthermore, the alignment of the proposed dwellings do not encroach within the root protection areas of any trees that are to be retained. Footpaths to the south nominally intrude within the RPA of one tree and 4 landscape features which are to be retained and it is not considered that these would be unduly affected given the use of modern no dig construction techniques.

7.6.10 It is acknowledged that some trees and hedgerows would be lost to the development. The Trees Officer has assessed the application on this basis and has commented that any individual or groups of trees were worthy of retention bearing in mind the final layout of the development would be dealt with at reserved matters stage and a detailed Arboricultural Method Statement and Tree Protection Plan would be required. Furthermore a condition has also been requested to re-position any trees that can be moved at spade depth to other areas within the site.

7.6.11 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.

7.6.12 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 submitted a S106 Agreement with the application and this provides details of the LEMP as well as maintenance contributions and nomination agreement.

## **7.7 Flood Risk and Drainage**

7.7.1 Policy ENV8 of the Local Plan requires that all developments should contribute to an overall flood risk reduction. LP25 of the Submitted Local Plan seeks to ensure proposals for new development appropriately manage flood risk and protect the water environment. The site is located in Flood Zone 1 and therefore is at low risk of flooding. As the site comprises over 1ha a Flood Risk Assessment [Peter Brett Associates dated July 2018] has been submitted with the application.

7.7.2 As before the surface water drainage strategy seeks to replicate the existing greenfield run-off regime by restricting the rainfall run-off generated by the development and provide attenuation in the form of permeable paving, swales, permanent wet ponds and an attenuation basin located in the south-western corner of the site which will comprise an outfall pipe into the ditch which runs parallel to the southern boundary.

Overland flow from offsite areas has been addressed through the introduction of cut off drains and a proposed rainwater garden within the northern area of the site.

- 7.7.3 The LLFA has raised no concerns with this method of surface water drainage and as such the drainage strategy meets the requirements of policies COM8 and LP25 as well as the principles for surface water and sustainable drainage systems contained within the Cambridgeshire Flood and Water SPD. The S106 Agreement would ensure the SUDS would be installed and completed to the written satisfaction of the Council and a contribution paid in full for the ongoing maintenance thereof.
- 7.7.4 Foul drainage from the site is proposed to connect to an existing foul sewer south of the site. 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.
- 7.7.5 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. This factor is afforded neutral weight.

## **7.8 Other Matters**

### *Contaminated land*

- 7.8.1 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.

### *Energy and water efficiency*

- 7.8.2 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.

### *CIL*

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



### *Sutton Neighbourhood Plan*

- 7.8.4 Sutton Parish Council at its meeting on 26<sup>th</sup> June 2018 approved the Draft Neighbourhood Plan for consultation. The consultation on the draft NP started on 16<sup>th</sup> July and ran until 10<sup>th</sup> September 2018. In view of the early preparation of the Neighbourhood Plan, no weight can be attributed to the Plan.
- 7.8.5 Concerns raised that the development will result in a reduction in the value of existing dwellings is not a material planning consideration.

### *PROW*

- 7.8.6 There are no public rights of way running through the application site. PROW 221/2 runs in an east west direction approximately 30 m from the southern boundary where passes through the adjacent recreational field. Rights of access are not a material planning consideration and therefore not referred to in this report.

### *Public Open Space*

- 7.8.7 Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. Policy LP21 of the Submitted Local Plan 2018 requires a level of open space, sport and recreational facilities. For a development of this size and scale the provision of on-site open space is assessed on a case by case basis, informed by local evidence, discussions with the parish council.
- 7.8.8 The scheme proposes a nature reserve of approximately 0.84 ha with the remaining level of POS equating to 0.77 ha. This comprises a centrally located POS with a children's' Locally Equipment Area of Play (LEAP) as well informal open space. The level of POS is in excess of the Council's adopted standards and a contribution towards the management and maintenance of these areas is included in the s106 Agreement, alongside a requisite to provide this amount of open space.

## **7.9 Planning Balance**

- 7.9.1 The NPPF seeks the delivery of a wide choice of high quality homes and there is no reason that the site could not be delivered within the next five year period making a contribution to the District's housing land supply which would be a benefit to which significant weight should be given.
- 7.9.2 In the context of the Council currently being unable to demonstrate a 5 year housing land supply such weight is tempered given its location outside the settlement envelope so that only moderate weight can be afforded. In this case, the benefits to which positive weight can be given are firstly, the provision of 53 dwellings, 30% of which would be affordable, which would add to the District's housing stock. Given the reduction in weight attached to Policy GROWTH 2 should only be modest and taking into account the level of growth already anticipated for Sutton in the future through the allocation of sites in the Submitted Local Plan 2018, it is considered that this should be given moderate positive weight. The provision of affordable housing was raised by the Inspector in the Gladman appeal (see paras

7.1.9 and 7.1.12) and this is now afforded significant positive weight. The provision of public open space which is in excess of the Council's adopted standard is also afforded significant positive weight.

- 7.9.3 It is considered that the construction of 53 houses would have temporary economic benefits, including the employment gains extending from the construction of the site. As these would be temporary in nature, the economic benefits of the scheme are afforded limited weight. There would also be an impact on the local economy, which in Sutton's case supports a number of services and facilities within the village and the development through the increase in population would continue to serve this as well as support future services through increased local spending. The increase in population may also contribute to the local labour market. This factor is afforded moderate positive weight.
- 7.9.4 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.
- 7.9.5 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.
- 7.9.6 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.
- 7.9.7 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 provided 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 afforded neutral weight.
- 7.9.8 In terms of the landscape character the scheme is considered to provide sufficient natural buffer so that its impact on the visual amenities has been mitigated as such the impact on the visual amenities of the area is afforded limited negative weight. So too as the impact on the heritage assets. The scheme has been amended to enhance views of the heritage assets located within the Conservation Area and therefore this factor is now afforded neutral weight.

## **8. CONCLUSION**

- 8.1 This application has been evaluated against the extant Development Plan which is the starting point for all decision making. The Development Plan comprises the East Cambridgeshire Local Plan 2015 and the Submitted Local Plan 2018. The

report has assessed the application against the core planning principles of the NPPF and whether the proposal delivers sustainable development.

- 8.2 In view of the above factors it is considered that the planning balance that applies in determining applications is a straightforward balancing exercise of weighing the benefits of the proposed development against the harm, having regard to the three dimensions to sustainable development.
- 8.3 The scheme is considered to represent sustainable development and as such the benefits of the development do not significantly and demonstrably outweigh the adverse impacts of the scheme.

## **9. COSTS**

- 9.1 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.
- 9.2 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.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 9.4 In this case Members' attention is particularly drawn to the following points:
- No objections from statutory consultees.
  - Previously refused by Planning Committee but only on the basis of the Council having a 5 year housing land supply.
  - The Council is now unable to demonstrate a 5 year housing land supply

## **10. APPENDICES**

- 10.1 Appendix 1 - Conditions

<b><u>Background Documents</u></b>	<b><u>Location</u></b>	<b><u>Contact Officer(s)</u></b>
18/01053/OUM	Anne James Room No. 011 The Grange	Anne James Planning Consultant 01353 665555

Ely

anne.james@eastc  
ambs.gov.uk

National Planning Policy Framework -

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](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>