
MAIN CASE

Reference No: 20/00630/FUM

Proposal: **Erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure**

Site Address: **Site South And West Of The Bungalow Brick Lane Mepal Cambridgeshire**

Applicant: **The Havebury Housing Partnership**

Case Officer: **Angela Briggs Planning Team Leader**

Parish: **Mepal**

Ward: **Sutton**
Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: **19 May 2020** **Expiry Date: 8th March 2021**

V140

1.0 **RECOMMENDATION**

- 1.1 Members are recommended to REFUSE the application for the following reasons:
1. The proposed development would be located outside of the development envelope of Mepal and is situated in the countryside. Developments within the countryside are normally restricted to that which is related to those exceptions listed within Policy Growth 2 of the East Cambridgeshire Local Plan, 2015. The site also falls within the designated Sutton Neighbourhood Plan boundary (although outside the Sutton development envelope) and therefore the Sutton Neighbourhood Plan, 2019, is relevant. Policy NP3 of the Sutton Neighbourhood Plan does not support any housing development outside of the settlement framework, and as such the proposal fails to comply with this policy which seeks sustainable development to be located within the development envelope.
 2. The proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. Furthermore, the proposal has not been designed in a comprehensive and coherent way to create a strong and attractive sense of place and local distinctiveness and fails to provide adequate plot sizes which, cumulatively, has an adverse impact on the reasonable residential amenity for future occupiers. The proposed development is therefore contrary to

the aims and objectives of Policy ENV2 of the East Cambridgeshire Local Plan, 2015, the Design Guide SPD, Chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.

3. The proposed development fails to demonstrate a biodiversity net gain on the site. The proposed development is therefore contrary to Policy ENV7 of the East Cambridgeshire Local Plan, 2015, Policy NP2 of the Sutton Neighbourhood Plan, Policy NE6 of the Natural Environment SPD, and paragraph 175 (d) of the NPPF.

2.0 SUMMARY OF APPLICATION

2.1 This application seeks full planning consent for the erection of 55 affordable dwellings, new estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure at site South of The Bungalow, Brick Lane.

2.2 The application is accompanied by a suite of documents, as follows:

- Affordable Housing Statement;
- Air Quality Assessment;
- Arboricultural Impact Assessment;
- Archaeology Evaluation Report and email from CHET (Cambridgeshire Historic Environment Team);
- Design, Access, Planning and Cultural Significance Statement;
- Energy and Sustainability Strategy;
- Measured Works Schedule – Detailed soft landscape proposal for plots and POS (Public Open Space);
- Noise Assessment;
- Phase One Desk Study Report (Land Contamination);
- Preliminary Ecological Appraisal and Bat Activity Report;
- Site Specific Flood Risk and SuDS Assessment;
- Statement of Community Involvement;
- Transport Statement;
- House Type plans and elevations etc.

2.3 In summary the application would provide 55 affordable units, comprising of the following mix:

House Type	Number of Units
1-bed house	6 (11%)
2-bed house	17 (31%)
2-bed bungalow	5 (9%)
3-bed house	16 (29%)
3-bed bungalow	5 (9%)
4-bed house	5 (9%)
5-bed house	1 (2%)
TOTAL	55

- 2.4 The proposal would include a small area of open space in the centre of the site and a further area of open space at the eastern side of the site.
- 2.5 The application is brought to Planning Committee because it involves development of over 50 dwellings, in accordance with the Council's Constitution.
- 2.6 The application has been amended since the original submission which included a revised site layout plan (includes a revised internal road layout plan), noise assessment, amended soft landscaping scheme, amended materials and boundary treatment plans, amended house type plans, a new street elevation plan, a response to the neighbour comments and an additional information brochure from the housing association.
- 2.7 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/>.

3.0 PLANNING HISTORY

- 3.1 None relevant.

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site, comprising 2.63ha (6.5 acres) is located in to the South of the village of Mepal, outside of the village framework, with Brick Lane forming the northern boundary, Sutton Road forming the eastern and southern boundaries while the A142 forms the western boundary. The site currently comprises an agricultural field south of Brick Lane. To the North of the site is a single storey detached dwelling, known as The Bungalow, which is accessed from Brick Lane and set back from Sutton Road. A ditch runs along the northern boundary of the site along Brick Lane.
- 4.2 An existing belt of trees and vegetation provides screening between the site and the A142 and Sutton Road, as well as a narrow belt of trees along the boundary with Brick Lane. The ground levels across the site vary in height, but from the level of the A142 road, there is a difference in ground level of approximately 4m/13ft, taken from the highest point (from the A142), to the lowest point which is nearest the Brick Lane/Sutton road junction area.
- 4.3 In terms of the wider environment, Brick Lane comprises predominantly two-storey semi-detached residential dwellings on its northern side with only the single dwelling, in the form of a bungalow, to the South at the junction of Brick Lane and Sutton Road (known as The Bungalow). Chestnut Way, opposite the site, is all single storey dwellings. Sutton Road is a mix of single and two storey dwellings. Witcham Road, also opposite the site, comprises mainly single storey dwellings with a cul-de-sac wing comprising of two-storey dwellings.

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.

5.2 **Mepal Parish Council - 13 July 2020**

Mepal wishes to object to this application, which is to develop 55 Affordable Homes in a village of 451 homes, in the strongest possible terms for the following reasons:

1. To support the 66 residents/households (as of the date of this letter), who we can see from the planning website, have written individual letters of objection to the application. This seems an extraordinary number for a small village of 451 homes and demonstrates the strength of opposition in the village. There is not one letter of support currently.
2. To support the additional individuals who have contacted the Parish Council asking us to object on their behalf but who have not written objection letters themselves.
3. The application does not comply with the National Planning Framework, Feb 2019
4. The application does not comply with the East Cambridgeshire Local Plan, 2015, policies HOU 2, HOU 3 and HOU 4
5. The application does not comply with the Sutton Neighbourhood Plan, May 2019
6. The density and design of the development shows poor design and is incompatible with and does not respect the local character of the village
7. To support and endorse the key local issues for objection highlighted by residents.

Each of these objections is explained in more detail, with supporting justification or evidence where applicable (**Attached as Appendix 1**).

Mepal Parish Council (following amendments) - 30 July 2020

We have reviewed the comments from Havebury, and it is clear that they have not amended their application in any way in response to the comments from Mepal Parish Council and the many parishioners who took time to make individual objections. Their comments have not altered our position regarding the status of the site, or any of our objections.

The Council request this application is Refused.

Mepal Parish Council (following amendments) – 9 November 2020

Having reviewed the amended planning application relating to the 20/00630 proposal for the erection of 55 dwellings, new access, estate roads, driveways, parking areas, open space, external lighting, substation and associated infrastructure on the site South And West Of The Bungalow Brick Lane Mepal Cambridgeshire, Mepal Parish Council would like to make the following additional statement.

The developer's amendments relating to noise assessments, landscaping and house type plans still do not address any of the central reasons for objections from both Mepal Parish council and the many parishioners who took time to make individual objections. In particular the minor amendments do not address our central strong concerns relating to transport and both the suitability of the current Brick Lane junction in terms of access to the development and the effect a large increase in cars will have in terms of general access in and out of the village. Other points we raised relating to the lack of an identified need for this level of housing in Mepal, the unacceptably high density of the proposed housing development and the increased pressure on drainage and sewerage systems where we already seen fairly frequent current problems in the village are also not addressed.

The amendment submitted has not altered our position regarding the status of the site, or any of our objections, and we feel strongly that a development of this type, size and density is not the right one for Mepal for all of our previously very detailed arguments.

Sutton Parish Council - 23 June 2020

No concerns about the application.

Sutton Parish Council (following additional information) - 3 August 2020

We have had a look this end, and as it is technically 'information only', we will not be adding any comments, but all original comments from the parish council still stand.

Witcham Parish Council - 13 July 2020

Witcham Parish Council considered the above application at its meeting last week and it was resolved that the Council had great concern about this development. Whilst it is not in the Parish of Witcham it does have an impact on our community. The density of housing is far too great for this rural location, and will generate a significant number of vehicles, many of which will take the back road up to Witcham, as a shortcut (as is already the known case), through Witcham village, and on up to Witcham Toll. There is already extensive queuing at Witcham Toll as vehicles travel to Cambridge, Ely, A10 north and Newmarket areas.

Witcham already experiences unacceptable levels of traffic, particularly at peak times, as people take the shortcut to Witcham Toll to avoid congestion at the Sutton roundabout on the A142, as Sutton vehicles and a great number from the west (Huntingdon/St Ives, Willingham and surrounding villages) join the A142. Increased traffic through Witcham will make problems at Witcham village crossroads as people leave High Street/Headleys Lane, Silver Street/Westway Place (where most of the housing in Witcham is located) causing more hazards for vehicles and pedestrians, particularly around the village bus stop and school bus stops (Children aged 4½ - 16) Unfortunately some of the vehicles taking the shortcut and coming through Witcham are also speeding and this again exacerbates our existing safety issues.

Visual impact - the proposed dwellings will have an adverse effect on this traditional rural village. The development is located at the one and only entrance point to the village and will totally change the character and current genuine rural feel of the

village. It is bound on the west side by the A142 which is one of the busiest A roads in the county. The proposed new dwellings will be victim to noise and air pollution. Vans not permitted on the estate - this will mean some residents will need to find on-street parking at other locations around the area causing congestion and potential hazards for other street users.

The proposed development is not in-keeping with the National Planning Policy Framework and several East Cambs Housing Policies. The existing infrastructure, services and facilities, including public transport do not lend themselves to supporting such a high number of dwellings of the proposed type.

We will copy this email to Mepal Parish Council. We understand there are a number of people in Mepal who are also concerned about the suitability of this application.

5.3 **Cambs Wildlife Trust - 4 June 2020**

1. The PEA appears to describe the character of the site accurately and covers protected species issues in accordance with established ecological practice.
2. However, it has not identified that the site and proposed development of over 50 dwellings is within the Impact risk Zones for the Ouse Washes SPA / SSSI. The LPA should therefore seek the views of Natural England, and further assessment of the potential impacts on the Ouse Washes may be required.
3. The application also does not include an assessment of Biodiversity Net Gain contrary to the NPPF and as an application for over 50 dwellings on a site of 2.6 Ha, I would expect such an assessment to be included.
4. The PEA notes presence of Wych Elm in the text where it is recognised that they support invertebrates such as white-letter hairstreak. However, they are not in the species list at appendix 1 and neither are they referred to in the recommendations. Elms are a typical species of Cambridgeshire and the Isle of Ely and support a number of specialist species such as white-letter hairstreak and white-spotted pinion moth. They should therefore be highlighted as having some ecological value, even if those on site are suffering from Dutch elm disease. Further the arboricultural survey highlights these for removal, and there does not appear to be provision made for native elms within the landscaping scheme.
5. Not all of the landscape plans appear to have been uploaded to the planning portal, as I could not find plan 18/317-03, which should have the species lists for the proposed wildflower meadow and trees and shrub species. I can therefore not comment on the suitability of the proposed species mixes.
6. Finally, there do not appear to be any management recommendations for the areas of open space and retained broadleaved woodland, or indications of how they will be maintained in the future, though I may have missed something within the documentation in this regard.

Following clarification on point 5 of initial comments:

The proposed wildflower mix is acceptable, however my previous comments regarding making provision for elms either retaining them within the existing hedgerows or including in the new hedge. I am also surprised there is no hawthorn included in the native hedge mix? Another possible option for including elms within

the scheme, would be to include them as part of enhancement / management of the broadleaved woodland.

Cambs Wildlife Trust - 10 November 2020

No further comments to make on the revised plans.

5.4 County Highways Transport Team - 9 June 2020

Transport Statement Review

Sustainable Travel Provision

The development is located within suitable walking and cycling distance to local facilities and amenities. The pedestrian and cycle audit is acceptable for use within this assessment. The surrounding pedestrian and cycle facilities are suitable to accommodate the development. The public transport audit is acceptable for use within this assessment.

Accident Data

The accident data submitted is out of date. The latest 60 months accident data should be provided for the Highway Authority to review. The developer should obtain and provide an analysis of the latest available data from the County Council via: Business.Intelligence@cambridgeshire.gov.uk.

Traffic Data

The traffic survey data used within this assessment is acceptable for use.

Development Proposals

The development is proposed to be served via a new access off Brick Lane. Site access details should be agreed with Highways Development Management who will provide separate comments. It is noted car and cycle parking provision will accord to parking standards listed within ECDC Local Plan. A new footway is proposed to be delivered along the northern site frontage. A dropped kerb crossing with tactile paving is also proposed to be delivered northeast of the site to connect the site to the existing pedestrian network in Mepal.

Development Trip Generation

The TEMPRO growth factors used within this assessment are acceptable for use.

Vehicle trip generation for the development should be calculated as vehicle trips rather than PCUs for CCC to review. Furthermore, the applicant is advised to undertake a TRICS assessment to calculate vehicle trip generation for the proposed development for comparison purposes.

Trip Distribution

Distribution of development traffic has been based on the observed turning proportions obtained from the traffic surveys. This is agreed.

Highway Capacity

The junction capacity assessments cannot be reviewed until such a time as the development vehicle trip generation is agreed.

Conclusion

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the above issues addressed, the Highway Authority would reconsider the application. CCC therefore requests that this application not be determined until such time as the additional information above has been submitted and reviewed.

County Highways Transport Team – 3 July 2020

These comments regard the Transport Statement Rev A dated June 2020 submitted by Richard Jackson Ltd for the full planning application concerning the erection of 55 dwellings on the land to the south of Brick Lane, Mepal.

Transport Statement Review

Accident Data

The latest available accident data has been presented as an update to the previous 60 months accident data submitted. Upon review of all the accident data, no accident cluster sites have been identified. This is acceptable for use.

Development Proposals

A new footway is proposed to be delivered along the northern site frontage. A dropped kerb crossing with tactile paving is also proposed to be delivered northeast of the site to connect the site to the existing pedestrian network in Mepal.

Development Trip Generation

The methodology used to determine vehicle trip generation for the development is agreed. The proposed development is anticipated to generate 35 two-way vehicle trips in the AM peak and 55 two-way vehicle trips in the PM peak.

Highway Capacity

CCC are satisfied with the junction assessments included within this assessment. It is noted all junctions modelled are anticipated to operate within capacity for all assessment scenarios.

Conclusion

The application as submitted is not anticipated to cause detriment to the surrounding highway network. **CCC therefore have no objections to the application as submitted.**

5.5 **Ward Councillors** – Cllr Dupre and Cllr Inskip (District Councillors for Mepal) – 7 July 2020

Object.

Please see **Appendix 2** for full comments.

5.6 **Environmental Health (Scientific Officer)** - 1 September 2020

I have read the Air Quality Assessment report dated 06/12/19 prepared by MLM and accept the findings that the development is unlikely to have a significant impact on air quality.

I have read the Phase One Desk Study report dated March 2019 prepared by Richard Jackson and accept the findings that the risk of contamination is likely to be negligible. The report recommends limited contamination sampling to confirm this. However, this does not need to be controlled by a condition. I recommend that a condition requiring site investigation, etc. is not required. I recommend that standard contaminated land condition 4 (unexpected contamination) is attached to any grant of permission due to the proposed sensitive end use (residential).

Environmental Health (Domestic) - 2 June 2020

Due to the proposed number of dwellings and the close proximity of existing properties I would advise that construction times and deliveries during the construction phase are restricted to the following:

07:30 - 18:00 each day Monday - Friday
07:30 - 13:00 on Saturdays and
None on Sundays or Bank Holidays

I would also advise that prior to any work commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing with the Local Planning Authority (LPA) regarding mitigation measures for the control of pollution (including, but not limited to noise, dust and lighting etc.) during the construction phase. The CEMP shall be adhered to at all times during the construction phase, unless otherwise agreed in writing with the Local Planning Authority (LPA).

If it is necessary to undertake ground piling I would request that a method statement be produced and agreed in writing with the Local Planning Authority (LPA) before work takes place. If there is no intention to utilise ground piling then I would request this be confirmed in writing and a condition which prevents it be attached until such time as a ground piling method statement is agreed with the LPA.

I have read the noise report produced by Cass Allen and dated 4th December 2019. The noise report relies on closed windows and trickle ventilation to achieve target internal sound levels. Although I acknowledge that this is in line with national policy I am aware that the LPA will not find this acceptable and will expect internal levels to be met with a partially open window. Based on the average noise levels on the western edge of the site facing the road I do not expect acceptable internal levels to be met without mitigation. I would suggest that a combination of an acoustic barrier/fence, sensitive room placement and dual aspect glazing may be required to achieve acceptable internal sound levels.

With regard to external amenity areas, sound levels are expected to exceed the upper 55dB limit without mitigation. It is predicted that with 1.8m high closed boarded timber fence in locations depicted in Appendix 4, Figure 1 that levels can be achieved and I have no issues to raise with this.

To summarise, due to the close proximity to the A142 I am not comfortable supporting this application until a revised NIA is submitted which can demonstrate that acceptable internal sound levels can be achieved across the site with partially open windows.

No other points to raise at this time but please send out the environmental notes.

Environmental Health (Domestic) – 13 October 2020

I have read the revised NIA (Revision 5) dated the 1st October.

This latest revision incorporates the newly proposed 3.3m high acoustic barrier to the west of the site.

Assuming that you find the proposed barrier acceptable and you find the development necessary and desirable and relax the target internal sound levels by 5dB, Plots 6, 8, 14, 17, 18 and 27 are calculated to still marginally exceed acceptable levels by 1 dB (or 2dB in the case of Plot 8) during the night. Daytime noise levels are calculated to meet acceptable levels in all cases with the exception of Plots 8 and 27 where a 1dB exceedance is calculated. The report considers these to be minor exceedances which are negligible in practice as a change of up to 3dB is generally imperceptible in a normal environment.

I have examined the floor plans for Plots 6, 17, 18, 27 where I can confirm that sensitive room placement has been taken in to account with bedrooms located on the quieter façades.

I can't view the façade levels for the first floor of Plot 8 and I can't find the most current floor plan for Plot 14 (there are two superseded plans on the Portal) but with the minor exceedance levels being discussed I would be confident in stating that the acoustician and architect have designed the site to be as noise sensitive as possible with the layout proposed. The NIA has demonstrated compliance with national policy and the acoustic modelling will have a margin of error so I would not feel justified in raising objections on noise grounds. If you do not find the levels acceptable then a new site plan will likely be required.

5.7 Anglian Water Services Ltd - 28 September 2020

Section 1 - Assets Affected

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.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

The foul drainage from this development is in the catchment of Mepal Water Recycling Centre that will have available capacity for these flows

Section 3 - Used Water Network

This response has been based on the following submitted documents: Flood Risk Assessment.

The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 4 - Surface Water Disposal

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented.

5.8 **Building Control - East Cambridgeshire District Council - 25 June 2020**

The statement mentions that the dwelling design features will exceed the minimum fabric requirements of Approved Document L1a and as such this is acceptable from a building Control perspective, this would need to incorporate 2016 amendments.

A design SAP would need to be provided for each dwelling when an application for building regulations is submitted.

5.9 **Cambridgeshire Archaeology - No Comments Received**

5.10 **Cambridgeshire Fire And Rescue Service - 28 May 2020**

With regard to the above application, should the Planning Authority be minded to grant approval, the Fire Authority would ask that adequate provision be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition.

5.11 **Local Highways Authority - 19 June 2020**

The highways authority has no objections in principal to this application

These comments do not supersede the comments and information requested by the CCC Transport Assessment team. They relate to the proposed access and internal arrangement only.

The junction with Brick Lane and Sutton Road is laid out to CCC standards and has the required inter-vehicle visibility for the posted speed limit. Brick Lane is also laid out to a standard that would accommodate the increase in traffic associated with a development of this size

The internal estate roads are not adoptable due to their arrangement. There is a proposed three-way junction at the centre of the estate. This layout has no priority direction and is potentially unsafe to road users so would not be accepted by the highway's authority. There is a standard road arrangement by plot 42 but has no footway on the desire line leading to the shared use area. This would likely result in pedestrian walking in the road to reach this area and would potentially be unsafe. The square raised table / area by plots 20/21 does not appear to be legible or suitably laid out for vehicle use. East Cambs as the parking authority should ensure that the parking spaces shown are large enough so that vehicles do not overhang the footways and they are practically placed and functional so as not to encourage residents to park on the estate roads.

Local Highways Authority (following amendments) - 02 November 2020

After a review of the amended layout I have the following comments:

- The junction at the centre of the development has been improved. However, without a tracking diagram and shown radii dimensions I am unable to determine if the layout is acceptable for adoption but in my opinion it is no longer a highways safety concern
- There is a footpath shown through the POS with the entry / exit on to a vehicle crossover to plot 26 which is not acceptable
- Visitor parking space are not adoptable by the HA unless they serve a highways function and in this case they do not
- Adoptable shared use areas should have pedestrian platforms on either side (where a footway is present on either side of the access) to at min of 1m in to the shared use area
- I cannot commit the HA to adoption of this developments estate roads at this time for the above reasons. However, it is now laid out to a standard expected by the planning and highways authority

Local Highways Authority (following further amendments) – 11 January 2021

No objection to the widening of the road width to 5.5m/18ft (from 5m/16.4ft) and reduction in the foot ways to 1.8m/5.9ft (from 2m/6.56ft).

5.12 **CCC Growth & Development - 15 June 2020**

Education Setting	Contribution sought
<u>Early Years</u>	Contribution = £17,636 per place x 7 FTE = £123,452 Trigger: 50% prior to commencement, 50% prior to occupation of 50% of the scheme
<u>Primary provision</u>	No contribution required. There are forecast to be 18 children generated by this development. This means that by 2023/24 the total population will be 103 pupils and there will be sufficient capacity at Mepal and Witcham Primary School to meet this demand.
<u>Secondary provision</u>	Contribution = £24,163 x 10 = £241,630 Trigger: 50% prior to commencement, 50% prior to occupation of 50% of the scheme
<u>Libraries and Life Long Learning</u>	Contribution = 138 residents x £59 = £8,142 or £148 per dwelling.
TOTAL:	£372,757

5.13 **Minerals And Waste Development Control Team - No Comments Received**

5.14 **ECDC Trees Team - 24 June 2020**

No tree related objections to this application please see comments below.

The submitted Arboricultural Impact Assessment (AIA) is acceptable please condition a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.

- d) A full specification for the installation of boundary treatment works within or adjacent RPA's.
- e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Methodology and detailed assessment of any agreed root pruning.
- l) Details of Arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Details for reporting of inspection and supervision.
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping.

The submitted soft landscaping scheme if sufficient please condition its compliance and that the soft landscape works shall be audited at completion and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval.

ECDC Trees Team (following amendments) – 4 November 2020

No further comments from 24th June 2020.

5.15 Housing Section - 4 June 2020

The Strategic Housing Team supports the above application in principle, as it will exceed Policy HOU 3 of East Cambridgeshire Local Plan 2015 to deliver over 30% affordable housing on site. (55 dwellings to be secured as 100% affordable housing)

I note within the Design and Access Statement that the developer has advised they will be delivering 55% rented and 45% shared ownership which the council supports as it will help to meet a range of affordable housing needs across the development. I note that the DCLG; National Describes Space Standards are also being met.

Should consent be granted, I would request the s106 Agreement contains 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, Social 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 Affordable Dwellings are constructed to DCLG, National Described Space Standards or as a minimum all new dwellings should meet Building Regulation Part M (Volume 1), Category 2, unless there are exceptional design reasons why this is not possible.
6. That the Provider will not dispose of any dwelling by outright sale (except any sale to a tenant under statutory provisions)
7. That occupation will be in accordance with a nomination agreement.

5.16 **Waste Strategy (ECDC) - 15 June 2020**

No objection.

Each new property requires two bins; this contribution is currently set at £43 per property.

5.17 **NHS England - No Comments Received**

5.18 **Natural England - 12 June 2020**

Please refer to Natural England's letter dated 12 July 2019 regarding appropriate consideration of recreational pressure impacts, through relevant residential development, to sensitive Sites of Special Scientific Interest (SSSI)

Natural England's generic advice on other natural environment issues is set out at Annex A.

Other advice

Your authority is advised to ensure that appropriate foul and surface water drainage strategies are agreed and delivery secured through planning conditions to ensure no adverse effect to the natural environment including the nearby Ouse Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on

"Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website.

5.19 **Parks And Open Space - No Comments Received**

5.20 **Environment Agency - 28 May 2020**
No comments.

5.21 **Strategic Planning - No Comments Received**

5.22 **Design Out Crime Officers (Police) - 8 June 2020**

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime and completed a search of the Constabulary crime and incident systems for Mepal covering the last 2 years. I consider this to be an area of low vulnerability to crime.

While there is no specific security or crime prevention section in the Design and Access statement some consideration has obviously been given. This does appear to be an acceptable layout in relation to crime and the fear of crime but I would like to see an external lighting plan when available.

This office would be happy to consult with the applicant to discuss Secured by Design and measures to reduce the vulnerability to crime.

I have no further comment or objection at this time.

5.23 **Technical Officer Access (Access Group) - 8 June 2020**

The off-road parking is suitable for blind and partially sighted people because this keeps cars off the pavement.

The tactile paving where a new pavement is being formed on Brick Lane is a useful indicator for blind and partially sighted people when navigating the area.

With the bins having an allocated place to be stored, this is good for blind and partially sighted people as it keeps the bins off the pavement.

There's no paving to turn right onto Sutton Lane. As per section 1.5 in the introduction for the transport statement, it mentions being able to get to the primary school accessibly, but not the bus shelter or anything else on the south side of Sutton Road. This provision needs to be in place to ensure blind and partially sighted people can get to the bus stops for instance.

Current public transport provision is poor and irregular.

5.24 **The Ely Group Of Internal Drainage Board (IDB) - 11 June 2020**

The Board has no objection from a drainage point of view

5.25 **Lead Local Flood Authority (LLFA) – 11 January 2021**

Object on the following grounds:

1. Flood Risk to adjacent areas not sufficiently addressed
The North-west corner of the site and the existing properties along the western end of Brick Lane are at high risk of surface water flooding. The site has a dominant slope to the north-west and lies significantly higher than the adjacent residential area. Information should be provided on how existing flood risk will be managed to prevent overland flows from the site exacerbating existing flood risk to the north-west.
2. Watercourse condition/capacity
It has been proposed to discharge surface water from the site into the existing watercourse along the north-western boundary of the site. This watercourse is presumed to be the cause of high surface water flood risk in this part of the site, as highlighted in Section 5.3 of the Flood Risk Assessment. The condition and capacity of this watercourse must therefore be assessed to determine whether this watercourse is able to capture flows from the site without posing a risk of flooding to the site or adjacent areas.
3. Insufficient treatment of highway drainage
Surface water from the highway is to be attenuated in oversized pipes before being discharged into the adjacent watercourse. Whilst a proprietary system has been proposed to treat surface water prior to it being discharged into the watercourse, such systems can be subject to blockage if not regularly maintained. We therefore advise that the proprietary system is complemented by additional SuDs to provide a sufficient level of surface water treatment in line with the Ciria SuDs Manual.
4. Insufficient SuDs for amenity and biodiversity
Whilst the development proposes to incorporate permeable paving throughout the site, providing surface water quantity and quality management, the proposals do not satisfy the amenity and biodiversity pillars of SuDs design. The open space on site should be utilised to incorporate additional SuDs that offer benefits for amenity and biodiversity.
5. Shared maintenance of permeable paving
According to the Maintenance Regime in Appendix I, all proposed permeable paving will be managed by homeowners. Householders should only be responsible for maintaining permeable paving within their individual property boundary. Permeable paving on shared surfaces should be managed by a private management company or adopting body.

5.26 **Lead Local Flood Authority (following amendments) – 03 February 2021**

Based on the amended Site Specific Flood Risk and SuDs Assessment, dated 18th January 2021 and the response to the LLFA objection dated 18th January 2021, the LLFA can now **remove their objection** to the proposed development, subject to conditions requiring further surface water drainage details and securing the principles within the agreed Site Specific Flood Risk and SuDs Assessment, and to ensure that the watercourse to the north of the site has been rejuvenated to an

acceptable condition to ensure no increased flood risk on or off site from the proposed development.

5.27 **Neighbours** – 102 neighbouring properties were notified, three site notices were posted on 11th June 2020, and an advert published in the Cambridge Evening News. The responses received are summarised in **Appendix 3**. A full copy of the responses is available on the Council's website. No letters of support were received.

6.0 The Planning Policy Context

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 3	Infrastructure requirements
GROWTH 4	Delivery of growth
GROWTH 5	Presumption in favour of sustainable development
HOU 1	Housing mix
HOU 2	Housing density
HOU 4	Affordable housing exception sites
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
ENV14	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

Natural Environment SPD

Climate Change SPD

Sutton Neighbourhood Plan - Policy NP3 (Sutton development boundary), NP7 (Housing Mix), NP2 (Protecting and Maintaining Features of Landscape and Biodiversity Value)

6.3 National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land

- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

6.4 Planning Practice Guidance
 6.5 National Design Guide, 2019

7.0 PLANNING COMMENTS

7.1 The main considerations in determining this application are the principle of development, visual amenity, design and layout, residential amenity, affordable housing and mix, trees and landscaping, drainage, biodiversity, highway safety and parking provision, energy efficiency and renewable energy strategy.

7.2 **Principle of Development**

7.3 The proposal would provide 55no. single storey and two-storey affordable dwellings, open space areas and associated infrastructure provisions. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The adopted Development Plan is the East Cambridgeshire Local Plan, 2015 and due to the site's location, the Sutton Neighbourhood Plan, 2019.

7.4 Since April 2020 the Council has been able to demonstrate an adequate 5 Year Housing Land Supply, as demonstrated first in its *Five-Year Land Supply Report – 1 April 2019 to 31 March 2024* (published April 2020) and later in its updated *Five-Year Land Supply Report – 1 April to 31 March 2025* (published December 2020). The latter report confirmed that from January 2021 the Council had a 6.14-year supply of deliverable housing land. That calculation included a 20% buffer as required by paragraph 73 of the NPPF based on a 2019 Housing Delivery Test (HDT) result of 66%.

7.5 The 2020 HDT result (published in January 2021) indicates that housing delivery in the District has improved to 87%. As a result of the HDT exceeding 85%, the appropriate paragraph 73 buffer falls to 5% which has the effect of increasing the Council's housing land supply to 7.01 years. This adequate housing land supply means that the Council considers its policies relating to housing delivery up-to-date and gives them full weight in the determination of this application.

7.6 The site is situated outside of the defined development envelope of the Parish of Mepal and therefore is considered to be in the countryside, as set out within Policy GROWTH 2 of the Local Plan. However, the site also falls within the designated Sutton Neighbourhood Plan area boundary and therefore the policies within the Sutton Neighbourhood Plan, 2019 also form part of the assessment of this proposal.

7.7 Paragraph 78 of the NPPF states that to promote development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Policy Growth 2 of the Local Plan, 2015, states that outside development envelopes, development will be restricted and controlled, having

regard to the need to protect the countryside and the setting of towns and villages. Development will be restricted to a limited list of exceptions such as for affordable housing schemes, dwellings for essential rural workers etc, as listed in the Policy. Therefore, this proposal is considered to be development which would meet this policy as the proposal is a 100% affordable housing exception scheme and therefore in accordance with this policy it should be assessed under Policy HOU4 of the Local Plan.

- 7.8 However, as mentioned above, the site falls within the Sutton Neighbourhood area and therefore the Sutton Neighbourhood Plan (SNP), 2019, is relevant and would apply in this case. Policy NP3 of the SNP is particularly relevant as it refers to the development envelope and supports sustainable proposals within the envelope provided there are no other material impacts on residents and the local environment. The policy also states:

“Land outside of the Development Envelope is defined as countryside where development will normally only be allowed for agriculture, horticulture, forestry, outdoor recreation and other uses which can demonstrate a need to be located in the countryside”

- 7.9 The site is situated outside of both the Mepal and Sutton development envelopes. The proposed development is considered to be a rural exception site as the scheme proposes 100% affordable housing and would therefore fall under Policy HOU4 of the Local Plan. However, the Sutton Neighbourhood Plan is the most up to date plan. Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in light of all material considerations including local priorities and needs, as guided by the NPPF. The Sutton Neighbourhood Plan was adopted in May 2019 and therefore the policies contained within this document carry full weight against the Local Plan in determining planning applications within its boundary as it is the most up to date policy. The proposed site falls within the Sutton Neighbourhood Plan boundary, and therefore Policy NP3 applies which is clear in that it does not support any housing development outside the settlement boundary. The proposed development therefore fails to comply with this policy and cannot be supported in principle.

- 7.10 A letter from Birketts LLP on behalf of the agent was received on 15th January 2021 which advises that there is no conflict between policies NP3 of the Sutton Neighbourhood Plan and Policy HOU4 of the Local Plan (attached as **Appendix 4**). The letter also claims that the Sutton Neighbourhood Plan is silent on rural exceptions sites and that Policy NP3 does not preclude development outside of the settlement boundary. The letter does not acknowledge Section 38(5) of the Planning and Compulsory Purchase Act 2004 which clearly states that where there is conflict between policies, we must favour the most up to date adopted policy, which is Policy NP3. Therefore, the LPA disagrees with this view. Furthermore, it is considered that the Sutton Neighbourhood Plan is not silent on rural exception sites, rather, policy NP3 clearly states development that is acceptable within development envelope. The policy does not intend to prescribe what is not allowed outside the

framework; instead it prescribes what is allowed, and within that list, affordable housing development is not one of them. It is therefore considered that Policy NP3 has been correctly applied to this proposed development and in accordance with Section 38(5) of the Planning and Compulsory Purchase Order, 2004. Further assessment of the other relevant materials considerations of the proposal are addressed below in this report.

7.11 It is considered that the proposed development is contrary to Policy NP3 of the Sutton Neighbourhood Plan, 2019, and is therefore not acceptable in principle.

7.12 **Residential Amenity**

7.13 In terms of residential amenity, Policy ENV2 of the Local Plan is relevant and seeks to ensure there is no significantly detrimental effect on the residential amenity of nearby occupiers, and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.

7.14 The proposal would provide a mix of both single storey and two storey dwellings. There would be 10 single storey bungalows located at plots 1, 2, 7, 8, 50 – 55, mainly to the northern side of the site. The rest of the site would comprise of two-storey dwellings. The nearest existing dwelling to the site is The Bungalow on the corner of Brick Lane and Sutton Road. There is a row of two-storey semi-detached dwellings along Brick Lane, which would be opposite the site. The proposed dwellings which surround The Bungalow, are all single storey. Plots 1 and 53 are the dwellings nearest The Bungalow. Plot 1, to the West of The Bungalow measures 4.9m/16ft in height and is positioned 6.5m/21.3ft away from the common boundary with The Bungalow, measured from the nearest points. The built form of the proposed property would be 36m/118ft from the existing bungalow, and there is a single storey flat-roofed garage in between these buildings. The Council's Design Guide SPD recommends that the rear elevation of any dwelling to be located at least 10m/32ft from the rear boundary. Plot 1 would be less than 10m away from the rear boundary. However, given there is a garage in between the proposed building and the existing building, they are both single storeys and the actual buildings/inter-visible windows are separated by more than 20 metres/66ft, as stated in the Design Guide, it is considered that this relationship is acceptable and would not be detrimental to the residential amenity of either existing or future occupiers. The proposed Plot 1 is a corner plot and has a more spacious amenity space around the building, with a building footprint of 90m²/969sq.ft. Plot 53 is to the South of The Bungalow and also measures 4.9m/16ft in height and its side elevation is positioned 4.5m/14.8ft away from the common boundary with The Bungalow. It is also considered that this relationship is acceptable and would not be detrimental to existing or future residents' amenity.

7.15 Plot 2 is also a single storey dwelling facing onto Brick Lane, plots 3 – 6 are all two-storey dwellings, and plots 7 and 8 are single storey dwellings. These are all set back from the road, opposite the existing dwellings along Brick Lane. It is considered that the relationship between these plots and the existing built form is acceptable and would not cause an unacceptable or significant impact on the residential amenities of these properties by way of over-looking or over-shadowing. The rest of the proposed dwellings are far enough away from existing residential

properties within Mepal and would not cause any significant harm to residential amenity on this basis.

- 7.16 In relation to residential amenity for future occupiers, the Council's Design Guide SPD recommends that all new dwellings should have a minimum of 50m²/538sq.ft of private amenity area and a plot size of no less than 300m²/3229sq.ft. 35 (64%) out of the 55 plots have plot sizes of less than 300m²/3229sq.ft, but the footprint size of the proposed dwellings is no more than a third of the plot size, which is another requirement of the Design Guide. Plot 25 is the smallest plot at 147m²/1582sq.ft. However, given that there is a high number of plots sizes below the recommendation, this causes concern and it is considered that cumulatively, this would result in some plots not offering adequate or healthy amenity space for future occupiers and is unacceptable.
- 7.17 The western boundary of the site is situated adjacent to the A142 road, which is a busy 60mph single-carriage road. It is worth noting that there is a thick and dense area of vegetation which separates the site from the road, and that the road level is approximately 2.5m/8.2ft higher than the nearest part of the site. The vegetation then becomes less dense and sparser as you enter Sutton Road, skirting around the eastern edge of the site. The ground levels also start to drop as you follow Sutton Road round into the village. The applicant has submitted a noise assessment in relation to residential amenity. The assessment considers noise levels in living rooms during the day, noise levels in bedrooms during the day and at night, and average noise levels in external areas during the day. The assessment does state that noise levels around plots 6, 8, 14, 17, 18 and 27 would marginally exceed the guidance figure at night time by about 1dB (or 2dB in the case of Plot 8). The noise mitigation measures proposed would also include a 3.3m high acoustic barrier which would run along the entire western boundary, stopping at plot 26. This barrier would be set behind the dense thick vegetation and would not be highly visible and would help to attenuate any traffic noise from the A142 road.
- 7.18 The noise assessment has been reviewed by the Environmental Health Officer and identifies that the most sensitive plots would be plots 6, 8, 14, 17, 18 and 27. He also acknowledges the night time noise levels but has advised that the extra 1dB, or 2dB in the case of plot 8, would not be significant. Furthermore, the design of these dwellings has considered the relationship with the road, and the most sensitive habitable rooms are located on the quieter façade and would therefore not suffer from undue daytime or night time noise. These minor exceedances in noise levels would affect only a small number of plots on the development and it is considered would not be sufficient to warrant refusal of the application on this basis. It is considered that the impact of noise on residential amenity would not be significant, allowing future occupiers to be able to open their windows for fresh air and not rely on mechanical ventilation.
- 7.19 It is therefore considered that the proposed development would not have a significant impact on the residential amenity of existing or future occupiers by way of over-looking, over-bearing, nor from significant impact from noise pollution and the proposed development would comply with the relevant sections of Policies ENV2 and ENV9 of the Local Plan. However, it is considered that the inadequate plot sizes for the majority of the plots do not comply with the recommendations from the Design Guide SPD and would cumulatively have an impact on the reasonable

residential amenity for future occupiers. The proposed development therefore does not wholly comply with Policy ENV2 of the Local Plan, 2015 and the Design Guide SPD, in relation to ensuring high standards of amenity.

7.20 **Visual Amenity, Design and Layout**

7.21 Policy ENV1 of the Local Plan, 2015 relates to landscape and settlement character. In particular to this application, the policy seeks:

“Development proposals should demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance:

- *The pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerow and walls, and their function as ecological corridors for wildlife dispersal;*
- *The settlement edge, space between settlements, and their wider landscape setting;*
- *Key views into and out of settlements;*
- *Public amenity and access”*

7.22 Policy ENV2 of the Local Plan, 2015 relates to design and states:

“Design which fails to have regard to local context including architectural traditions and does not take advantage of opportunities to preserve, enhance or enrich the character, appearance and quality of an area will not be acceptable and planning applications will be refused”

The policy goes on and states that *“All new development proposals, including new buildings and structures and extensions and alterations to existing buildings and structures will be expected to:*

- *Make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area;*
- *Be developed in a comprehensive way, avoiding uncoordinated piecemeal development, to create a strong and attractive sense of place and local distinctiveness;*
- *Ensure that the location, layout, scale, form, massing, materials and colour of buildings relate sympathetically to the surrounding area and each other, as well as creating quality new schemes in their own right;*
- *Provide structure and legibility to navigate through developments by making use of existing views, vistas, landmarks, and built and natural landscapes and creating new ones;*
- *Provide enclosure to streets and spaces through the grouping, positioning and height of buildings and landscape features, and road layouts”*

7.23 The National Design Guide, 2019, is a Planning Practice Guidance document which supports the Council’s Local Plan and SPDs and provides guidance in terms of

design. The National Design Guide sets out the characteristics of well-designed places and demonstrates what good design means in practice and therefore is a useful tool to be read alongside our Local Plan Policies and our Design Guide SPD to encourage good design. The National Design Guide encourages well-designed places to have individual characteristics which work together to create its physical character. The National Design Guide identifies 10 main characteristics to help to nurture and sustain a sense of community and they all contribute towards the cross-cutting themes for good design set out in the NPPF. These characteristics are: Context, Identity, Built Form, Movement, Nature, Public spaces, Uses, Homes and buildings, Resources and Lifespan. These characteristics are all echoed within our Local Plan across a number of policies.

- 7.24 The site is currently an unoccupied agricultural field, surrounded by vegetation along the boundaries with the A142, Sutton Road, and Brick Lane (in part), but nonetheless, a green field as you enter the village. The site is accessed via a new access from Brick Lane. It is considered to be a sensitive site as it sits on the edge of the village and provides a green buffer as you enter the village. However, the site has no special designation and is not specifically protected for its local landscape value in the area. It is accepted that Mepal village is defined by a mix of dwelling types and has had several new developments approved during the last 20 or so years which has introduced modern architecture into the village among the traditional styles. The site area is 2.63ha/6.5 acres. The density of the proposed development is 21 dwellings per hectare/8 dwellings per acre. The proposed density is considered to be acceptable for this edge of settlement location where lower densities are considered to be more appropriate, respecting the rural character of the village and wider landscape.
- 7.25 The proposal is essentially split up into three quite differently designed parts, separated by the spine road. Brick Lane has quite a unique form of dwellings, which is very traditional and uniform. The semi-detached, two-storey forms, set back from the road, define Brick Lane and is distinctive. The proposed development would be introducing built form on the opposite side of the road, removing a vast and established line of hedgerow. Plots 1, 2, 7 and 8 would be single storey whilst the plots in between (Plots 3-6) would be two storeys. The single storey dwellings would measure 4.7m/15.4ft in height, plots 3 & 4 would measure 8m/26.2ft in height and plots 5 & 6 would measure 8.3m/27.2ft in height. Plot 1 is detached from this row along Brick Lane and is considered to relate more with the adjacent plots on this eastern corner of the site. It is considered that plots 2-8 do not strictly reflect the character of Brick Lane as all the dwellings are 2-storey and therefore makes this section of the site unbalanced. Whilst the dwelling, known as The Bungalow, sits on the corner of Brick Lane, it is the only property that is single storey and therefore it is considered that this does not pre-dominates the character of Brick Lane, which comprise mainly of two-storey dwellings. It is considered that the built form on Brick Lane is strong, and the proposed built form does not respect the character or existing pattern of development on Brick Lane. Furthermore, it does not relate sympathetically with the existing dwellings as the proposed dwellings are positioned closer together and do not benefit from the wider gaps that are evident along the existing row of dwellings. 4no. separate accesses would be created along Brick Lane to serve plots 2-8, which would involve culverting a ditch which currently runs along this side of Brick Lane. It is considered that whilst these accesses do not themselves necessarily harm the character of the

area, the built form which they serve would not be appropriate and does not create a quality scheme in their own right.

- 7.26 The north eastern corner of the development would comprise of all single storey dwellings (Plots 1, 50-55). This area is already characterised by the single storey existing dwelling, known as The Bungalow, which sits on the corner of Brick Lane and Sutton Road. Plot 1 and plots 50 -55 would be 4.7m/15.4ft in height. In terms of the layout, it is considered that the pattern of the proposed housing is awkward and fails to take the opportunity to respond to the contours of the road form and bring a sense of identity through its built form. Parking spaces are located tight to the footway and to the shared spaces, which will depend on occupiers parking their cars very careful on the plot to avoid any over-hang onto the public footway or highway. Parking dominates this section and it is unsure how the green spaces contribute to this part of the site, as it does not seem to have a specific function or use, and would not be adopted as public open space.
- 7.27 The remainder of the site comprises all two-storey houses. In terms of the general layout, the development is accessed from Brick Lane with the access framed by two detached bungalows (Plots 1 and 2). The right-hand arm of the access road turns through ninety degrees and passes a street scene of detached and semi-detached dwellings with the 'pocket park' and crescent forming the southern street scene. The road then turns left through another ninety degrees with residential properties on the left with parking and landscaping planting forming the boundary (with the acoustic barrier) with the existing vegetation along the A142. The road then turns again before terminating in a residential mews style development arranged around a central parking area.
- 7.28 The left-hand arm of the access road is characterised by the single storey development on the left before encountering a large area of open space fronted by detached family homes, which provide natural surveillance over the open space as well as a street scene to the Sutton Road.
- 7.29 In terms of the design and layout, it is considered that this section lacks identity and distinctiveness which does not respect the edge of settlement character of the village. The design and layout does not take the opportunity to provide character areas that are meaningful and provide visual interest or features to help navigate through the development. The layout does not provide any focal buildings which draws the eye and to also add interest within the street scene. The form and layout of the built form and its relationship with the open spaces and the road fail to create a sense of place, promoting inclusion and cohesion. The parking layout around the crescent that surround the pocket park area are poorly positioned, and the parking for plot 36 is not adjacent to its host dwelling.
- 7.30 The mews style development in the southern end of the site appears very cramped and contrived with car parking dominating the hard-landscaped areas. This style of development is not characteristic of Mepal and is not considered to be appropriate on an edge of village location where we would expect development forms to be looser and less cramped.
- 7.31 In relation to the proposed design of the dwellings, the dwellings are traditional in their style, however they lack interest and detail. The local identity is made up of a

varied character. However, the National Design Guide PPG advises that *“Well-designed places are visually attractive and aim to delight their occupants and passers-by. Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty”*. It is considered that in terms of the architectural style, the applicants have missed an opportunity to bring creativity and incorporate some sympathetic and interesting detailing such as chimneys, for example, which help to break up and introduce visual interest across the roof scape. Chimneys are a feature seen on Brick Lane and along Sutton Road. Furthermore, the site is situated on an important corner of the village and would be visible from Sutton Road and Brick Lane. Therefore, it is disappointing that the scheme does not take advantage of creating a sense of place which is attractive and distinctive. On this note, The National Design Guide states: *“Well-designed places contribute to local distinctiveness. This may include introducing built form and appearance that adds new character and difference to places”*. It is not always a requirement to design new communities which reflect existing house types, and it is clear from Planning Guidance and Policy ENV2 of the Local Plan that we should be aiming to improve the quality of places by being creative and sympathetic to the existing built environment and the wider landscape setting. It is considered that this proposal does not achieve this.

- 7.32 In relation to visual amenity, the site ground levels are lower than the roads, the natural vegetation which bounds the site from the road help to mitigate the visual impact of the development, although where the vegetation is sparse along Sutton Road and from Brick Lane, clear views can be seen of the development at these points. Street elevations have been submitted which demonstrates that the proposal would not be highly visible in the landscape from long distance views.
- 7.33 The site is closely situated to the main village and therefore connectivity to the wider area is acceptable. A new footpath would be created along Brick Lane in front of the proposed dwellings, connecting to Brick Lane, and a dropped kerb with tactile paving would also be created to allow a safe crossing to the north side of Brick Lane to ensure a safe route to the rest of the village.
- 7.34 It is considered that, cumulatively, the proposed development has not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. Furthermore, it is considered that the proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. The proposed development, is therefore considered to be contrary to the aims and objectives of Policy ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.
- 7.35 **Affordable Housing and mix**
- 7.36 The proposal is intended to deliver 100% of the 55 dwellings on site as affordable housing. The tenure split is proposed to be roughly 45:55 shared ownership and rented, the details of the split are outlined below:

House Type	Tenure		Total
	Shared Ownership	Rented	
1-bed House	2	4	6
2-bed House	5	12	17
2-bed Bungalow	3	2	5
3-bed House	8	8	16
3-bed Bungalow	4	1	5
4-bed House	3	2	5
5-bed House	0	1	1
TOTAL	25	30	55

7.37 Policy HOU4 allows for development outside defined settlement boundaries for affordable housing, where a number of criteria are met. The proposed development would normally be assessed against this policy as it meets the definition of an exception site under Policy Growth 2 of the Local Plan. However, as addressed under paragraph 7.7 of this report, this policy is overridden by Policy NP3 of the Sutton Neighbourhood Plan which is more up-to-date and does not support this type of development outside of the village framework.

7.38 Mepal Parish Council, in their comments, refers to guidance within the NPPF relating to entry level exception sites (paragraph 71) and has quoted footnote 33 of the paragraph which states that entry level sites should not be larger than one-hectare in size or exceed 5% of the size of the existing settlement. Entry level exception sites would only be encouraged to meet a housing need that is not otherwise being met in the authorities' area. The applicant has confirmed that the proposed development has come forward as a rural exception site (policy HOU4 of the Local Plan) and that an entry level exceptions site is not being proposed for this development, therefore paragraph 71 of the NPPF is not relevant in the consideration of this application. Paragraph 77 of the NPPF specifically relates to rural exception sites and that local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs.

7.39 In relation to the proposed mix of affordable dwellings, Policy HOU1 of the Local Plan is relevant and suggests that there is a need for more 2 and 3 bed dwellings which this proposed development would provide. Policy NP7 of the Sutton Neighbourhood Plan is also relevant and echoes Policy HOU1 but with emphasis on housing development contributing to meeting the needs of the village. the Council's Housing Strategy and Enabling Officer advises that the mix is acceptable and meets the current local need. The Design and Access Statement states that the local housing register identifies that 83 people have a preference to live in Mepal and 11 people have a local connection. After speaking to the Housing Officer regarding these figures, she has advised that these figures are out of date and would not

reflect the current housing need, through the passage of time (The figures quoted are from 2019). In order to have a clear and up-to-date understanding of the local housing need, it was advised that a Housing Needs Survey should be carried out, which would specifically identify the housing need for Mepal. This has not been carried out and therefore this claim cannot be substantiated. However, a Housing Needs Survey is not necessary in assessing whether an application should be refused on this basis, and as the Housing Officer is advising that the scheme is acceptable to meet a local need. This is supported and can be secured as part of the S106 Legal Agreement to allow the housing to be offered to any local residents in the first instance with a hierarchy mechanism which allows the affordable housing to be offered to those on the housing needs register from nearby villages. Therefore, it is considered that the proposed development, if approved, would contribute towards meeting a local need and the mix proposed is considered to be acceptable.

7.40 **Highway Safety and parking provision**

7.41 Policy COM7 of the Local Plan refers to Transport Impact and expects all new development to:

- provide safe and convenient access to the highway network;
- provide a comprehensive network of routes giving priority for walking and cycling;
- consider the travel and transport needs of people with disabilities;
- be capable of accommodating the level/type of traffic generated without detriment to the local highway network and the amenity, character or appearance of the locality;
- be accompanied by a Transport Statement where appropriate

7.42 The application has been accompanied by a Transport Statement which has been assessed by the County's Transport Team. After receiving further information, the details are supported by the County's Transport Team and they conclude that the proposal would not have a detrimental impact on the wider highway network.

7.43 The site and the village of Mepal is connected to the A142 single carriage road which connects Mepal to our other District villages and towns to the south and beyond, and Fenland District Council settlements to the North and beyond. It is the main road which connects the village to the wider area and it is acknowledged that this road carries a lot of traffic, although this has recently been affected by the Covid-19 pandemic.

7.44 It is understood that due to the development proposing 55 units, a full Transport Assessment is not required, as this number of dwellings is not expected to have a significant impact on the highway network. The LPA also have a number of current planning applications which also feed into the same highway network (A142) which are larger and propose more residential units. The County's Transport Team have objected to these larger schemes because of their impact on the highway network which is already at over capacity for coping with traffic and any further development along this route would put additional pressure on the wider highway network to the detriment of highway safety. Further clarification from the County's Transport Team

was sought to understand this situation, and to ensure consistency, which is as follows:

“Application 20/00630/FUM is for 55 dwellings, and therefore due to its size only requires a Transport Statement (TS) in accordance with the County Council Transport Assessment (TA) Requirements document and the NPPF. Sites of below 70 dwellings are not required to produce a TA or undertake junction modelling, the reason being that the trip impact of smaller developments is not significant, with the impact falling within normal daily variation i.e. the modest number of trips from these smaller developments are not statistically significant.

Application 19/01707/OUM is for 173 dwellings and due to its size does require a TA with full junction modelling to assess its impact on the highway network. This application is triple the size of the aforementioned, and it will therefore result in a more significant trip intensification – leading to potentially severe impacts”.*

*This application is at Mepal Road, Sutton, and is currently pending consideration.

- 7.45 The site plan has been amended also to overcome concerns raised by the Local Highways Authority relating to the internal road design, which have now been amended to ensure that the road widths are 5.5m in width with a 1.8m wide footway. The access from Brick Lane was also assessed, together with the new footpath to be created along Brick Lane, and the dropped kerb and tactile paving crossing, and are considered acceptable from a highway safety point of view.
- 7.46 It is therefore considered that the proposed development would not have a significant detrimental impact on the highway network and complies with Policy COM7 of the Local Plan, 2015.
- 7.47 In relation to the parking provision, Policy COM8 of the Local Plan is relevant. The policy states that development proposals should provide adequate levels of car and cycle parking, and make provision for parking in accordance with the Council’s parking standards. The proposed development provides 2 car parking spaces per dwelling, in accordance with our standards, plus one visitor space per four dwellings. A minimum of two cycle parking spaces can be accommodated in the secure garden sheds, which would also be provided for each dwelling.
- 7.48 It is therefore considered that the proposed development complies with Policies COM7 and COM8 of the Local Plan, 2015, in relation to highway safety and parking provision.
- 7.49 **Trees and Landscaping and Public Open Space**
- 7.50 In terms of trees and landscaping, Policies ENV1 and ENV2 of the Local Plan are relevant. Policy ENV1 relates to Landscape and settlement character and expects all new development proposals to demonstrate that their location, scale, form, design, materials, colour, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features and their function as ecological corridors for wildlife dispersal. The policy also seeks to protect conserve or enhance the settlement

edge, space between settlements, and their wider landscape setting, and key views into and out of settlements. Policy ENV2 of the Local Plan seeks all new development to retain existing important landscaping and natural and historic features and include landscape enhancement schemes.

- 7.51 The application is accompanied by a detailed landscaping plan and an Arboricultural Impact Assessment. As part of the soft landscaping plan, the existing vegetation along the boundary with the A142 would be mostly retained and would act as a natural buffer between the A142, the acoustic fencing proposed and the site. The applicant proposes to remove a section of existing hedgerow on the site in order to facilitate the new access via Brick Lane. Additional planting will be created along the Brick Lane frontage to help soften the edge and provide a replacement habitat for wildlife. The applicant proposes sections of wildflower seeded areas around the edges of the development and around the main public open space area. There would also be a number of trees planted across the site, within the public open space areas, along the A142 frontage, and in-between car parking spaces. A Measured Work Schedule for the detailed soft landscaping proposal has also been submitted with the application. It is understood that all of the landscaping for the public open spaces (and all communal areas) would be maintained by a management company, details of which are contained within this document. The Shared Ownership occupiers would be responsible for their immediate plot area and any adjoining land, and the occupiers of the social rented properties would be responsible for the plot areas only.
- 7.52 The Council's Tree Officer has assessed the soft landscaping plan and the Arboricultural Impact Assessment and has advised that both are acceptable and has recommended conditions requesting a tree protection plan and an Arboricultural Method Statement to be submitted prior to any development taking place. It is also noted from the Wildlife Trust's comments that there are some important Wych Elm trees on the site which are proposed to be removed. Elms are a typical species of Cambridgeshire and the Isle of Ely and support a number of specialist species such as white-letter hairstreak and white-spotted pinion moth. It has been suggested that the re-planting of Elm should form part of the overall tree planting strategy which would also help to support these moths. These details can be secured by condition, if the application is approved. Notwithstanding the concerns about the overall design and layout of the proposed development, mentioned in this report, the landscaping proposal is considered to be acceptable and a condition can be appended to secure these details.
- 7.53 In relation to the open spaces, the proposal is required to provide open space in accordance with Policy Growth 3 of the Local Plan and the Developer Contributions SPD. The proposed development would provide two areas of open space, the main area, to the eastern edge of the site, and a small crescent area ('Pocket Park') in the middle of the site. The main POS would provide some play equipment and incorporate planting and trees. The 'Pocket Park' crescent would be a laid to lawn with three trees planted. It is also indicated that some seating equipment would also be added to this area, details to be confirmed as part of a condition if the application is approved. The total amount of public open space provision is 3,857.2sqm/41,516.4sqft. The area required to be policy compliant is 3,462.3sqm/37,268sqft. Therefore, this provision exceeds the requirement by 394.9sqm/4,251sqft and is therefore considered to meet the requirements of the

Developer Contributions SPD and the needs of future occupiers. Therefore it is considered that the quantum of public open space is acceptable and accords with Policy Growth 3 of the Local Plan and the Developer Contributions SPD.

7.54 **Biodiversity**

7.55 In relation to biodiversity, Policy ENV7 of the Local Plan and Policy NP2 of the Sutton Neighbourhood Plan are relevant and expects all new development to:

- Protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland and ponds;
- Provide appropriate mitigation measures, reinstatement or replacement of features and/or compensatory work that will enhance or recreate habitats on or off site where harm to environmental features and habitat is unavoidable; and
- Maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of the development proposals.

7.56 The Natural Environment SPD is also relevant, in particular Policy NE6 – Biodiversity Net Gain, which supports Policy ENV7 and states *“Proposals which do not demonstrate that the post-development biodiversity value of the onsite habitat will not significantly exceed the pre-development biodiversity value of the onsite habitat will be refused”*.

7.57 The application is accompanied by a Preliminary Ecological Appraisal and Bat activity report. The site itself is not covered by any statutory or non-statutory wildlife site designation. However, the site is within 2km of the Ouse Washes SSSI, Special areas of Conservation (SACs) and Special Protection Area (SPA). The Ecological report concludes that the site has a low ecological value, although the vegetation that surrounds the site would provide some habitat value for wildlife and act as a wildlife corridor around these edges. In relation to bats, the survey confirmed that the northern hedgerow was used by individual common pipistrelle bats for commuting and common and soprano pipistrelle bats for foraging, and that they are considered to be of District, Local or Parish importance for both commuting and foraging bats. The proposal to remove and replace the hedge as part of the development construction to facilitate the new access should not result in significant adverse impacts on the local bat population. The woodland in the southwest of the site is to be retained and the proposed development should not result in a significant adverse impact on foraging bats. The site is likely to be of value to a small range of common hedgerow nesting bird species, but not an assemblage that would confer the site with any particular ornithological significance.

7.58 Natural England have been consulted and have advised to follow their standing advice in relation to the recreational pressure impacts on the SSSI. It is considered that the proposed development would not detrimentally affect the SSSI site and would include a good level of on-site open space which would reduce the recreational pressure impacts on the SSSI. The site also does not have any direct routes or public access to the SSSI, further reducing the impact.

- 7.59 The Wildlife Trust were consulted and requested that a biodiversity net gain calculation should be submitted in accordance with Paragraph 175 (d) of the NPPF. This was requested but has not been received and therefore it has not been sufficiently demonstrated that the proposal can achieve a net gain in biodiversity. It is therefore considered that the proposed development does not comply with Policy ENV7 of the Local Plan, 2015, Policy NP2 of the Sutton Neighbourhood Plan, 2019, paragraph 175(d) of the NPPF, or Policy NE6 of the Natural Environment SPD.
- 7.60 **Flood Risk and Drainage**
- 7.61 In relation to flood risk and drainage, Policy ENV8 of the Local Plan is relevant. The policy seeks to ensure that all new developments and re-developments should contribute to an overall flood risk reduction. The policy also seeks to ensure that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site.
- 7.62 The site is located within Flood Zone 1 which is at low risk of flooding and where new development should be directed to. A detailed site-specific flood risk and SuDs assessment accompanies the application which has been assessed by the Lead Local Flood Authority (LLFA). The LLFA objected to these details for the reasons set out in paragraph 5.25 of this report and requested further information.
- 7.63 Amendments to the Flood Risk and SuDs Assessment were received, along with further information and the LLFA were re-consulted. The LLFA have advised that these amendments are acceptable and has withdrawn their initial objection, subject to 2 conditions requesting further surface water drainage details and securing the principles within the agreed Site-Specific Flood Risk and SuDs Assessment, and to ensure that the watercourse to the north of the site has been rejuvenated to an acceptable condition to ensure no increased flood risk on or off site from the proposed development.
- 7.64 In relation to foul water drainage, Anglian Water have confirmed in their comments that there is sufficient capacity in the existing drainage system (Mepal Water Recycling Centre) to accommodate the proposed development.
- 7.65 It is therefore considered that the proposed development complies with Policy ENV8 of the Local Plan, 2015 in relation to flood risk and drainage.
- 7.66 **Other Material Matters**
- 7.67 In relation bin storage and collection, a plan has been submitted to show that there would be adequate bin storage for each property and bin collection points, including communal collection points across the site. The Council's waste team has raised no objection to this plan and therefore the details comply with Policy ENV2 of the Local Plan.
- 7.68 In relation to pollution, Policy ENV9 of the Local Plan is relevant. The Policy seeks all new development proposals should minimise, and where possible, reduce all

emissions and other forms of pollution, including light and noise, and ensure no deterioration in air and water quality.

- 7.69 Given the proximity of the A142 and the level of traffic using the road, an assessment of air quality on the site accompanies the application and concludes that with appropriate mitigation measures, including a construction environmental management plan, the residual impacts of the construction phase on air quality will be negligible. The air quality assessment has been assessed by the Council's Scientific Officer who advises that it is acceptable.
- 7.70 Furthermore, land contamination has also been considered. A phase one desk study has been submitted and assessed by the Council's Scientific Officer who advises that it is acceptable and that a further assessment (Phase 2) is not required. A condition can be appended requesting the reporting of any further site contamination to the LPA, if the application was approved. The proposed development therefore complies with Policy ENV9 of the Local Plan, in respect of pollution.
- 7.71 In relation to archaeology, the application is also accompanied by a Written Scheme of Investigation (WSI) in accordance with Policy ENV14 of the Local Plan. The post excavation evaluation report concludes that *"while any land on Fen Islands has the potential to contain archaeological remains due to dry land being scarce (Bray 1997,5)....it appears that the land to the South of Mepal village was primarily used for agriculture"* The County Archaeology team were consulted but made no comments, and based on the conclusions of the WSI, no additional archaeological investigations are proposed as the risk to archaeology would not be significant. The proposed development therefore complies with Policy ENV14 of the Local Plan.
- 7.72 In relation to renewable energy and sustainability, Policy ENV4 of the Local Plan is relevant and requires all proposals for new development to aim for reduced or zero carbon development in accordance with the zero-carbon hierarchy; first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable. Policy CC1 of the Climate Change SPD is also relevant. An Energy and Sustainability Statement accompanies the application and would offer a fabric first approach, using more sustainable materials for construction and for windows and doors etc, and the use of solar panels on the roofs. The document has been reviewed by the Council's Building Control Department, who has advised that the proposal meets Part L of the Building Regulations which relates to new construction projects and sets the standards for the energy performance and carbon emissions of new buildings. The document suggests that there could be scope to introduce further renewable energy options across the site, and the details of this could be secured by condition, to ensure that the potential for achieving greener energy efficiency is maximised. A template condition is suggested within Policy CC1 of the SPD and could be applied if the application was approved. It is therefore considered that the proposed development would comply with Policy ENV4 of the Local Plan, and Policy CC1 of the Climate Change SPD.
- 7.73 In relation to the developer contributions, the County have requested contributions to be made towards education, please see paragraph 5.12 for details, which the applicant has accepted, and these would be secured via a S106 legal agreement. The S106 agreement would also secure the affordable housing provision, public

open space and SuDs maintenance and waste and recycling contributions. The proposed development would therefore comply with Policy Growth 3 and the Developer Contributions SPD.

7.74 Planning Balance

7.75 The proposed development either complies with the policy criteria, or further details can be secured by condition to ensure it complies, in respect of affordable housing mix, highway safety and parking provision, waste bin provision and collection, trees and landscaping, public open space provision, land contamination, renewable energy and sustainability, air quality, flood risk and drainage, and archaeology.

7.76 However, the site is situated outside of the settlement framework of Mepal where development is normally restricted. The site also falls within the designated Neighbourhood Plan boundary of Sutton, but is also situated outside of the settlement boundary of Sutton. The proposal would deliver 55no. affordable dwellings, which would normally be considered acceptable (subject to meeting the relevant criteria) under the rural exception policy, Policy HOU4 of the Local Plan. However, Policy NP3 of the Sutton Neighbourhood Plan is also relevant. Under Section 38(5) of the Planning and Compulsory Purchase Act 2004, if a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. Conflicts between development plan policies adopted, approved or published at the same time must be considered in light of all material considerations including local priorities and needs, as guided by the NPPF. The Sutton Neighbourhood Plan was adopted in May 2019, and after the adoption of the Local Plan (2015) and therefore the policies contained within this document carry full weight in determining planning applications within its boundary. The proposed site falls within the Sutton neighbourhood boundary, and therefore Policy NP3 applies which is clear in that it does not support any housing development outside the settlement boundary and only the uses listed and those which can demonstrate a need to be located in the countryside. The proposed development therefore fails to comply with this policy and cannot be supported in principle.

7.77 Secondly, it is considered that, cumulatively, the proposed development has not been developed in a comprehensive way to create a strong and attractive sense of place and local distinctiveness. Furthermore, it is considered that the proposed development, by virtue of its design, layout and form, fails to relate sympathetically to the surrounding area and each other, and does not create a quality scheme in its own right. The proposed development, is therefore considered to be contrary to the aims and objectives of Policy ENV2 of the Local Plan, the Design Guide SPD, chapter 12 of the NPPF, 2019, and the National Design Guide PPG, 2019.

7.78 Thirdly, the proposed development fails to demonstrate a biodiversity net gain on the site, and therefore would not comply with Policy ENV7 of the Local Plan, Policy NP2 of the Sutton Neighbourhood Plan, Policy NE6 of the Natural Environment SPD and paragraph 175 (d) of the NPPF.

7.79 Therefore, on balance, the proposed development is not acceptable and is recommended for refusal.

8 COSTS

- 8.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 8.2 Unreasonable behaviour can be either procedural i.e. relating to the way a matter has been dealt with or substantive i.e. relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.
- 8.4 In this case members' attention is particularly drawn to the following points:
1. The site is situated outside of the development envelope. The proposal does not comply with Policy NP3 of the Sutton Neighbourhood Plan and therefore cannot be supported in principle.
 2. The proposed design and layout of the scheme does not represent a high-quality scheme in its own right;
 3. The proposed development fails to demonstrate a biodiversity net gain on the site.

9 APPENDICES

- 9.1 Appendix 1 – Mepal Parish Council comments
- 9.2 Appendix 2 – Comments from District Councillors Dupre and Inskip
- 9.3 Appendix 3 – Neighbour comments
- 9.4 Appendix 4 – Letter from Birketts LLP

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer(s)</u>
20/00630/FUM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@east camb.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.eastcambbs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>