

---

**MAIN CASE**

**Reference No:** 19/01707/OUM

**Proposal:** Outline planning application for the demolition of existing buildings and erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access.

**Site Address:** Land Adjacent 43 Mepal Road Sutton Cambridgeshire

**Applicant:** Linden Limited

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

**Parish:** Sutton

**Ward:** Sutton

Ward Councillor/s: Lorna Dupré  
Mark Inskip

**Date Received:** 7 January 2020

**Expiry Date:** 30<sup>th</sup> July 2021

**Report Number W11**

---

1.0 **RECOMMENDATION**

1.1 Members are recommended to approve the application subject to the signing of the s106 agreement, the conditions covering the following matters, and further negotiations to agree the off-site highway mitigation measures, with authority delegated to the Planning Manager and Legal Services Manager to complete the s106 and to issue the planning permission. The recommended draft planning conditions can be read in full within Appendix 1:

1. Approved Plans
2. Time Limit – for submission of reserved matters application
3. Time Limit – commencement of development
4. Ground conditions assessment for the proposed playing fields
5. Travel Plan
6. Off-site pedestrian improvements works
7. Upgrade existing B1381 Ely Road/A142/Elean Business Park roundabout
8. Upgrade existing A142/Haddenham Road (Witcham Toll) priority junction
9. Access details
10. Access drainage
11. Burial ground compliance

12. Remediation strategy and risk management plan – burial ground
13. Site characterisation – land contamination
14. Reporting of unexpected contamination
15. Fire Hydrants
16. Foul water drainage scheme
17. Surface water drainage scheme
18. Site-wide biodiversity scheme
19. Construction and Environmental Management Plan
20. Construction Hours
21. Details of the noise attenuation bund
22. Piling
23. Noise Impact Assessment
24. Waste Management and Minimisation Plan
25. Sustainability and Renewable Energy Statement
26. Tree protection
27. Broadband provision
28. Programme of Archaeological investigation.

## 2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks outline planning consent for up to 173 dwellings, and land for community facilities (sports pitches and burial ground). The only detailed matter included as part of this application is the means of access. Landscaping, scale, layout and appearance are all details not included as part of this application and will form reserved matters.
- 2.2 The application is supported by the following documents:
- Planning Statement (which includes affordable housing statement);
  - Design and Access Statement
  - Arboricultural Impact Assessment (AIA)
  - Preliminary Ecological Appraisal (PEA)
  - Archaeological and Heritage Desk Based Assessment
  - Baseline Noise Assessment
  - Phase 1 Geo-Environmental Desk Study
  - Transport Assessment
  - Travel Plan
  - Energy and Sustainability Strategy
  - Tier 1 ground water assessment (submitted after validation)
  - Biodiversity Metric Test (submitted after validation)
- 2.3 The application is brought to Planning Committee as it is for development of over 50 dwellings, in accordance with the Council's Constitution.
- 2.4 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

### 3.0 PLANNING HISTORY

3.1 None relevant on the site, but planning history on the adjacent site:

16/01772/FUM	Full application for the erection of 77no. dwellings for residential use along with access, associated landscaping, parking and infrastructure – Land adjacent 43 Mepal Road	Refused, 13 <sup>th</sup> July 2017. Appeal Allowed.
--------------	--	---

### 4.0 THE SITE AND ITS ENVIRONMENT

4.1 The site comprises circa 15.39 ha/30.02 acres of agricultural land and associated buildings located to the north of the village of Sutton. The site comprises a large eastern arable field and a smaller western grassland/pasture field. There is a grouping of agricultural barns located in the south-western part of the site which are proposed for demolition to facilitate the proposed development. The site used to comprise a former War Airfield and areas of hardstanding comprising former runways remain on the site.

4.2 Mature trees and hedgerows are scattered across the site and along its boundaries, however there is generally very little in the way of vegetation. There is a row of mature coniferous trees in the south west corner of the site. A dense hedgerow also separates the eastern and western fields.

4.3 The site is relatively flat, with an almost imperceptible rise from approximately 22m/75 ft AOD (Above Ordnance Data) at the eastern corner to 25m/82ft AOD in the western part of the site.

4.4 To the south-east of the site lies Phase 1 which is currently under construction by Vistry for 77 dwellings (Ref: 16/01772/FUM). The remainder of the southern boundary is defined by rear garden boundaries of properties on St Andrew's Close and The Orchards, with further residential properties beyond.

4.5 To the north, lies a farm track with further agricultural land beyond. To the west, lies agricultural fields and to the east lies Mepal Road and the A142 carriageway.

### 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 **Environmental Health (Domestic) - 21 January 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 Impact Assessment dated the 6th November 2019.

With regard to the external amenity spaces the report finds that with screening adjacent to the A142 sound levels are expected to be 54dB. ECDC would usually ask for a 50dB level but national guidance advises an upper limit of 55dB. The report goes on to say that they expect gardens to be enclosed with solid boundary fencing for security. The report also recommends that gardens to plots nearest to the A142 be set back behind dwellings in order to maximise the screening effect. If this is the case then I would expect sound levels in these spaces to comfortably be below 50dB and so would have no issues to raise.

With regard to the internal sound levels the report advises that for the properties closest to the A142, windows will need to remain closed and an alternative form of ventilation utilised in order to achieve acceptable sound levels. I am aware that this is not likely to be considered acceptable by the LPA so I would advise that for any future application and NIA the applicant explores other methods of achieving acceptable internal sound levels. This could be by moving dwellings further back from the road or ensuring that sensitive rooms are not on the facades facing the A142. Where this is not possible, dual aspect glazing may be appropriate so that if one window needs to remain closed then a separate window on a façade not facing the noise source can be opened. The report has also factored a 20dB reduction with a partially open window by taking in to account room effects and furnishings. I would be happier in future NIAs for the report to assume a 15dB reduction with a partially open window.

The report does however go on to say that -

"For facades at approximately 60m from the A142 it is calculated that a barrier of height 2.5m at 3.5m from the edge of the road would provide a screening effect of approximately 11dB at 1st floor windows and 12dB at ground floor windows for a source height of 0.5m."

With this mitigation in place the report is confident that acceptable levels can be achieved across the site with open windows. As this is an outline application and we don't currently have a site layout the NIA does not include any computer modelling of the soundscape so it is difficult for me to comment at this time.

I would not be looking to object at this time but I would expect additional NIAs with any future applications once there is a proposed site layout in place and with my comments taken in to consideration in order to demonstrate that acceptable levels can be achieved.

**Environmental Health (Domestic) (following further information) – 9 June 2020**  
No further comments.

**5.3 Environmental Health (Scientific Officer) - 9 March 2020**

I have read the Geo-Environmental Desk Study report dated October 2019 prepared by BRD and accept the findings. The report recommends that a Phase 2 intrusive investigation is carried out as well as a UXO study. I recommend that standard contaminated land conditions CM1A and CM4A are attached to any approval due to the proposed sensitive end use (residential).

**5.4 Sport England - 22 May 2020**

The Government, within their Planning Practice Guidance (Open Space, Sports and Recreation Facilities Section) advises Local Planning Authorities to consult Sport England on a wide range of applications.

This application falls within the scope of the above guidance as it relates to the provision of new playing fields.

Sport England assesses this type of application in light of the National Planning Policy Framework (NPPF) and against its own planning objectives, which are Protect - To protect the right opportunities in the right places; Enhance - To enhance opportunities through better use of existing provision; Provide - To provide new opportunities to meet the needs of current and future generations.

This outline application relates to erection of up to 173 dwellings and provision of land for community facilities (sports pitches and burial ground), including access (not internal roads), open space, sustainable urban drainage systems and associated landscaping. All matters reserved apart from access.

The application is only in outline form with no details of site layout etc.

By providing new pitches that could help address established playing pitch deficiencies, the proposal would meet objective 3, and therefore Sport England supports this application in principle.

The Football Foundation comment:

"Additional football pitches would be welcomed - a discussion on sizes and configuration to follow and detail of how pitch construction would ensure achievement of The FA Performance Quality Standard .

The proposed site plan does not account for an ancillary facility to support the pitches; we would ask whether the proposed AGP is required and if not, funds directed towards ancillary facilities".

Sport England recommends that a ground conditions assessment is undertaken by a sports turf specialist/agronomist who can recommend a scheme for preparing the playing fields to the required specification. The recommended scheme should then be implemented. Detailed guidance on the issues that require consideration is set out in Sport England's guidance 'Natural Turf for Sport',

### Conclusion

Sport England considers that the application is consistent with the following policy objective(s):

Objective 3 - provide new facilities to meet current and future needs.

This being the case, Sport England does not wish to raise an objection to this application

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement

If planning consent is granted, Sport England recommends that a condition is imposed requiring details of the ground condition (including drainage and topography).

## 5.5 **County Highways Transport Team - 19 February 2020**

### Policy Context

The Sutton Neighbourhood Plan (2019) expects the following highway related requirements to be included as part of the proposals (in combination with the adjacent consented 77 dwelling site):

- “Vehicular access from Mepal Road”
- “Safe routes for pedestrians and cyclists from the site to the village centre (through The Orchards) and Primary School and recreational facilities (through Stirling Way)”

### Existing Site Access

It is noted there is no existing access to the site off Mepal Road. Existing access to the site is currently taken off an unnamed road via The Brook, and a simple agricultural private drive access off the A142 to the northeast of the site.

### Local Highway Network

Mepal Road is a 30mph residential cul-de-sac which extends northwards from The Brook/Mepal Road/Ely Road roundabout. A 1.3m wide footway is situated on the western side of the carriageway. Approximately 25m north of the Mepal Road/Mill Field junction, access to the northern section of Mepal Road is restricted due to an earth bund. Beyond this point, Mepal Road becomes a byway with a bound surface of 6-7m width. This paved length of Mepal Road continues for approximately 140m in length where a 1m wide public footway continues up to the A142, where an uncontrolled pedestrian crossing is located, enabling pedestrians to cross the A142. It

is also noted a new kerbed priority junction access for the adjacent 77 dwelling development site has been constructed off Mepal Road.

### Traffic Surveys

Weekday peak hour classified traffic surveys; including turning and queue surveys, undertaken on Wednesday 10<sup>th</sup> July 2019 between 07:30 and 09:30, and 16:30 and 18:30 for the following junctions have been submitted:

- Mepal Road/B1381 Ely Road/B1381 The Brook roundabout
- B1381 Ely Road/A142/Elean Business Park Roundabout
- The Brook/Stirling Way mini roundabout
- The Brook/High Street priority junction
- A142/Haddenham Road priority junction
- A142/A141/Doddington Road/Bridge Street roundabout
- B1381/A1123 Hill Row Causeway/Shelford Road/A1123 Earith Bridge mini roundabouts
- A142/Witchford Road/Lancaster Business Park roundabout
- Witchford Road/A10 roundabout.

The surveys were undertaken within the neutral time period before the last acceptable date and are acceptable for use within this assessment.

### Local Pedestrian and Cycling Infrastructure and Accessibility

The County Council are satisfied with the walking audit submitted. The site is located within acceptable walking and cycling distance to key facilities and amenities.

It is noted there is no specific cycling infrastructure present within Sutton. Cyclists are considered to use on road routes to access key facilities and amenities.

### Public Transport Accessibility

It is noted the two bus stops situated on The Brook within 500m of the site comprise a bus shelter with a flag and pole and real time information on the westbound stop and no infrastructure on the eastbound stop. Two further bus stops on Ely Road located within 820m of the site comprise flag and pole and real time information.

The bus stops mentioned above serve the No.39, No.8 and X8 services. The No.39 service comprises 7 services which operate Monday to Friday between March and Ely, whilst the No.8 and X8 services which operate between Cambridge and Ely, and March and Cambridge respectively operate on a less frequent basis.

Ely Railway Station is located 11.7km west of the site. It is considered residents will travel to the station by car given the distance of the station from the development site.

### Personal Injury Accident Data

The latest 60 months accident data obtained from the County Council has been used within this assessment. No accident cluster sites have been identified. This is acceptable for use within this assessment.

### Site Access

Two vehicular access points will be taken off Mepal Road; one is to be situated off the northern end of Mepal Road, whilst the other will adopt the recently consented adjacent scheme access off Mepal Road further south of the northern access(ref: 16/01772/FUM). Within the adjacent consented development, 3 further points of vehicular access into the development site will be delivered; two from the north of the consented development, and one from the west of the consented development. Site access details should be agreed with Highways Development Management who will provide separate comments.

### Car and Cycle Parking Provision

The applicant does not confirm the number of car and cycle spaces to be delivered as part of the proposals. Car and cycle parking provision should accord to the parking standards set out within the East Cambridgeshire Local Plan (2015).

### Refuse Strategy

Servicing details should be agreed with Highways Development Management who will provide separate comments.

### Preliminary Construction Traffic Management Plan

Details regarding the Construction Traffic Management Plan should be agreed with Highways Development Management who will provide separate comments.

### Vehicular Trip Generation

The trip generation rates obtained using TRICS software and approved as part of the consented adjacent application have been used to determine vehicular trip generation for the residential element of this development. This is agreed. The residential element of the development is anticipated to generate 124 two-way vehicular trips in the AM peak and 126 two-way vehicular trips in the PM peak.

TRICS software has also been used to determine the vehicular trip generation for the all-weather sports pitches to be allocated on-site. This is agreed. The all-weather sports pitches are anticipated to generate 3 two-way vehicle movements in the AM peak and 13 two-way vehicular movements in the PM peak.

Given the burial site is anticipated to generate minimal trips and that TRICS software does not cover burial ground land uses, the applicant has not considered vehicle trip generation associated with the burial site within this assessment. This is agreed. In consideration of this, the total-development is anticipated to generate 127 two-way vehicle trips in the AM peak and 139 two-way vehicle trips in the PM peak.

Multi-modal trip generation for the residential element of the development has been calculated using 2011 Census 'Travel to Work' data in conjunction with the vehicle trip rates which have been assigned to their mode share accordingly. This is acceptable for use.



### Trip Distribution

Use of the P/T2gravity model to distribute and assign the proposed development trips onto the surrounding highway network is agreed. It is noted such model utilised a 1 hour drive time for peak hour trips as requested within scoping discussions.

### Committed Developments

CCC are satisfied with the committed development included within this assessment.

### Assessment Scenarios

TEMPRO v7.2 software has been used to calculate background traffic growth. The County Council require the TEMPRO outputs in order to validate the growth rate figures used within this assessment.

The assessment scenarios utilised within this assessment are acceptable for use.

### Highway Impact

It should be noted that CCC typically consider a threshold increase of 30 trips requires the need for junction modelling rather than the 45 trips outlined within the Transport Assessment. The existing operation of a junction should also be considered when determining the requirement for junction modelling. This may mean that a junction requires modelling even if the additional trips added to the junction is below the 30 trip threshold.

Junctions 9 software has been used to analyse the capacity of the following junctions:

- Mepal Road/b1381 Ely Road/B1381 The Brook roundabout
- B1381 Ely Road/A142/Elean Business Park roundabout
- A142/Haddenham Road priority junction
- A142/Witchford Road/Lancaster Business Park roundabout
- Witchford Road/A10 roundabout.

The junction assessments have been undertaken using the 'ONE HOUR' profile type. This is not acceptable. The assessments should be undertaken using the 'DIRECT' profile type as this will give the most accurate results and does not rely on assumptions to be made. 'ONE HOUR' is the least accurate method and should only be used if only a limited amount of traffic data is available. Additionally, the junction assessments cannot be reviewed until the County Council are satisfied with the growth rate figures used within this assessment.

Furthermore, no details have been provided on why adjustments have been made to the slope intercept or any details on the calculations used. Such large adjustments would suggest there is an issue with the model that it is not representative of what is happening on the ground.

There is currently a strategic piece of work taking place looking at the triangle of roundabouts (A142, Witchford Road, A10) and how best to deal with the current capacity issues and the future growth coming forward. Therefore the Highway Authority would not wish for piecemeal mitigation to take place at these roundabouts.

Whilst it is noted the additional vehicles added onto The Brook/High Street junction is below the 30 trip threshold, the County Council are concerned with the existing operation of The Brook arm at this junction and so request the junction is modelled to demonstrate the additional trips generated by the development onto this arm will not cause detriment to this junction.

The highway mitigation measures cannot be reviewed until the County Council are satisfied with the junction assessments.

#### Opportunities for Sustainable Travel

Multi-modal trip generation for the development should be calculated for peak hour movements' not daily movements. Multi-modal trip generation should be calculated using 2011 Census 'Travel to Work' data for the East Cambridgeshire 002 MSOA. Such data should be factored alongside the proposed vehicular trip generation in order to determine the proposed multi-modal trip generation.

As part of the proposals the applicant has proposed to deliver the following measures to improve pedestrian access to the site:

- Provision of a 2.5m wide footway along the northern section of Mepal Road
- Provision of multiple footway routes leading into the adjacent consented residential development
- Pedestrian access into the site off Mepal Road
- Pedestrian access into the site through The Orchards, via the adjacent consented scheme
- At the later stages of development, pedestrian access into the site via the existing farm access past the Pavilion and Sutton Primary School, leading onto The Brook
- Enhancement of four uncontrolled pedestrian crossing points along the eastern footway on The Orchards to include tactile paving
- Installation of tactile paving at the uncontrolled pedestrian crossing at The Brook/Brookside junction, on the Brookside arm
- Installation of an uncontrolled pedestrian crossing on The Brook, to the east of its junction with Pound Lane, to include dropped kerbs and tactile paving

The applicant should provide scale drawings both detailing and showing the extent of the pedestrian improvements outlined above to be agreed with CCC. With regards to the applicant's decision to deliver a 2m wide footway along the northern section of Mepal Road, it should be noted the adjacent development site is conditioned to widen the existing footpath on the western side of Mepal Road from its site access to the Mepal Road/Ely Road junction. The applicant should link the proposed footway improvements on Mepal Road to the conditioned footway improvements for the adjacent site. In addition, the proposed footway works on Mepal Road should be in line with the adjacent development's works along Mepal Road. Additionally, the applicant should also consider providing a drop kerb crossing on the southern part of Mepal Road from the western side of the carriageway to the eastern side of the

carriageway to enhance access into the centre of Sutton. A detailed drawing would need to be submitted to demonstrate that there is enough space within the highway boundary for such works.

It was noted the two bus stops situated on The Brook within 500m of the site comprise a bus shelter with a flag and pole and real time information on the westbound stop and no infrastructure on the eastbound stop. The applicant should upgrade the existing eastbound bus stop on The Brook within 500m of the site to include a shelter, flag and pole and real time information. The applicant should submit a detailed drawing to demonstrate these works can be achieved within the existing highway boundary.

#### Travel Plan

CCC has not commented on any detail of the Residential Travel Plan at this stage. The Travel Plan should include suitable targets and measures inclusive of the provision of bus taster tickets or cycle discount vouchers. The Travel Plan will need to be subject to a condition should approval be given.

#### 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 (following letter dated 4<sup>th</sup> March from DLP Planning Ltd) – 26 March 2020**

The application as submitted does not include sufficient information to properly determine the highway impact of the proposed development. Were the 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 has been submitted and reviewed.

#### **County Highways Transport Team (following further information) – 2 July 2020** Witchford Road/A142/Elean Business Park roundabout

The modelling of the Witchford Road/A142/Elean Business Park is acceptable with the reduced, slope and intercept adjustments. However, the proposed mitigation measures will not achieve the intended objective in practice, given the unequal lane usage on the A142 (west) arm and the alignments of both the A142 entry arms.

#### Witcham Toll Junction

The modelling at this junction is considered acceptable. It is noted that T-junction modelling cannot be manipulated easily to validate against Queue lengths. The principle of the mitigation is acceptable. However, the alignment of the two lanes should be adjusted such that the offside lane is not directing vehicles to the left as is the case with the proposed scheme.

### Lancaster Way Roundabout

The modelling at this junction cannot be accepted as the queue length surveys are not sufficiently accurate to allow calibration of the base modelling. Any queues above 25 were not measured (as acknowledged in the technical note response).

The issues with the queue lengths do not allow the impact of the proposal to be accurately measured and therefore the proposed mitigation cannot be considered in detail at this stage.

Notwithstanding, we do have concerns regarding the effectiveness of the mitigation proposed.

### A142/A10 (BP) Roundabout

The modelling at this junction cannot be accepted as the queue length surveys are not sufficiently accurate to allow calibration of the base modelling. Any queues above 25 were not measured (as acknowledged in the technical note response). The issues with the queue lengths do not allow the impact of the proposal to be accurately measured and therefore quantifying the mitigation is not possible.

Notwithstanding, we do have concerns regarding the effectiveness of the mitigation proposed.

### Conclusion

The Highway Authority is undertaking work to understand the future operation of the Lancaster Way roundabout and the BP roundabout on the A142/A10. Both are currently over capacity and suffer from long delays and this will only get worse with future development coming forward.

Individual developments undertaking piecemeal works at these two roundabouts is not going to solve the capacity issues and is not acceptable to the Highway Authority. A major improvement scheme is needed in this area to deal with future traffic demand.

The proposed development would add additional vehicles to the back of the existing queue and would therefore have an unacceptable impact on the highway network.

The planning application as submitted demonstrates that the proposed development would have a severe impact on the highway network, and therefore the Highway Authority could not support these proposals. Furthermore, we have concerns about the traffic impact assessment as set out in this response, which the applicant needs to address.

**County Highway Transport Team (following further information) – 28 February 2021**

Having undertaken a full review of all the modelling submitted to support the planning application and further discussions with the applicant, the Highway Authority have the following comments to make.

In the traffic data submitted by the applicant, the queue of vehicles at the BP roundabout and Lancaster Way roundabout extended back past the cameras. Therefore the full-length of the current queues is unknown.

Since the applicant undertook their original traffic surveys, the BP roundabout has received improvements, with works also to follow at Lancaster Way.

Due to current lockdown restrictions it has not been possible to undertake new traffic surveys at either junction, as traffic flows are not representative of a normal day. In light of this, the applicant has been unable to achieve a representative queue count at the junctions to validate the modelling.

Cambridge County Council and the Combined Authority have determined and have delivered/are delivering interim improvements at the BP Roundabout and Lancaster Way respectively. However, there remains a need for further strategic intervention in this area. An indicative scheme has been identified, and this is being further investigated/developed.

The Transport Assessment Team have reviewed the applicant's trip generation, which is acceptable and looked at its impact on the two roundabouts. The County considers it appropriate and reasonable to request a financial contribution to support the delivery of the required strategic intervention in this area.

**The Highway Authority does not wish to object to the application** subject to the following -

1. Prior to first occupation of any dwelling, the applicant shall pay a contribution of £300,000 (three hundred thousand pounds) towards improvements at the BP and Lancaster Way roundabouts in Ely. The contribution will be returned to the applicant if unspent after 10 years.
2. Prior to first occupation of any dwelling, the applicant shall upgrade the existing eastbound bus stop on The Brook within the vicinity of the site to include a flag and pole and a Real Time Passenger Information display unit. Details shall be submitted to and approved in writing by the Local Planning Authority. (S106 payment of £10,500 (ten thousand five hundred pounds) for maintenance of the RTPi unit)
3. Prior to first occupation of any dwelling, the applicant shall be responsible for the provision and implementation of a Residential Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of cycle discount vouchers and/or bus taster tickets. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
4. Prior to first occupation of any dwelling, the applicant shall deliver the off-site pedestrian improvement works comprising:
  - Provision of a 2.5m wide footway along the northern section of Mepal Road on the western side of the carriageway from the development site access off Mepal Road to the site access junction of the adjacent development site (ref: 16/01772/FUM).
  - 2m wide pedestrian access into the site from The Orchards, via the adjacent consented scheme (subject to land ownership confirmation)

- Enhancement of the uncontrolled pedestrian crossing points along the eastern footway on The Orchards in the form of tactile paving
- Installation of tactile paving at the uncontrolled pedestrian crossing at The Brook/Brookside junction, on the Brookside arm
- Installation of an uncontrolled pedestrian crossing on The Brook, to the east of its junction with Pound Lane, to include dropped kerbs and tactile paving

Details shall be submitted to and agreed in writing with the Local Planning Authority.

5. Prior to first occupation of any dwelling, the applicant shall upgrade the existing B1381 Ely Road/A142/Elean Business Park roundabout as shown in principle on drawing no. 002-1 Issue 3. Details shall be submitted to and agreed in writing with the Local Planning Authority.

6. Prior to first occupation of any dwelling, the applicant shall upgrade the existing A142/Haddenham Road (Witcham Toll) priority junction as shown in principle on drawing no. 005-1 Issue 1. Details shall be submitted to and agreed in writing with the Local Planning Authority.

#### 5.6 **Local Highways Authority (proposed access) – 11 February 2020**

The Highway Authority requests a holding objection until the following information has been submitted for review.

1. Scaled and dimensioned junction with the highway including the proposed footway along Mepal Road

Without the above information I am unable to determine if the proposed access arrangement is suitable for this size development or if will be able to be installed within the highway or if it is laid out to CCC standards e.g. 6m radii with 5.5m carriageway and 2m footways.

The southern footway along Mepal Road was conditioned to be widened as part of the approval for the first phase of this development land. To date this has not been installed and as such should be shown and conditioned as appropriate and as part of this application to ensure it is delivered as stated in the TA assessment and master plan.

This application is for outline with access and as such I will require the above information to determine if the access arrangement is suitable and so that it may be conditioned as appropriate.

#### **Local Highways Authority (following further information) – 8 April 2021**

After a review of the amended plans I have no further objections subject to the following conditions being attached to any permission that planning authority is minded to grant.

This application is for outline permission with access only and as such I have not commented on the internal arrangement or suitability for future highway adoption of the internal roads. However, we are unable to adopt areas of POS, SUDs, water courses, ditches, swales or verges that do not serve as visibility splays.

Conditions recommended in relation to highway works in accordance with the approved plan and no drainage into the public highway.

**Local Highways Authority (following Transport Team's recommendations) – 17 May 2021**

I have subsequently discussed the proposals independently with two separate road safety auditors, and my Assistant Director, Andy Preston.

The net outcome of such discussions confirms my initial response in relation to the need for Road Safety Audit (RSA) stage 1 before planning permission is granted.

Both junctions lie on the County Primary Route Network and there therefore subject significant levels of traffic.

**Mepal Roundabout (Elean Business Park roundabout):**

According to the accident database available to me, the roundabout has 3 x serious and 4 x slight recorded Personal Injury Accidents in the last 5 year period; a further 2 x slight injury accidents are apparent on the north west arm (Mepal), which I believe relate to approach speeds on the arm subject to the proposed alterations. Both Auditors raised concerns at the changes to the entry path, potentially increasing entry/ approach speeds. From a Highways Development Management perspective, I have concerns in relation to the generation of the widening from the existing carriageway alignment, which is severe, unconventional and does not appear to reflect the geometric requirements of DMRB document CD 116 – 'Geometric Design of Roundabouts'.

**Witcham Toll:**

This junction is a former accident black site, and is compromised in terms of junction layout and the reverse stagger to Witcham. The vicinity A1421 arm has 2 x serious and 3 x slight personal recorded Personal Injury Accidents in the last 5 years. Any alterations to this junction must be subject to stage 1 RSA at planning stage. Again, I have concerns with regard to the severe and unconventional layout of the widened lane which again appears contrary to the principles of DMRB document CD 123 – 'Geometric design of at grade priority and signal controlled junctions', which also alters the cycleway crossing on the A142.

Once planning permission is granted, CCC is obligated to implement the approved layout; as such, CCC simply cannot advocate the approval of the alterations to these junctions without the Stage 1 Road Safety Audit being undertaken.

I would also point out that the outcome of any audit and design review may result in an increased level of mitigation works; presumably the client will need to be aware of the implications/ costs, and again, CCC simply cannot be in a position where the extent of any works is disputed post planning permission.

Finally, I would remind all those involved in the design and approval process, and ultimately the client MD's (Vistry), of their obligations and ultimate liabilities under the CDM Regs 2015 and relevant legislation if works are approved and implemented

without due process being undertaken, and should a subsequent serious safety issue arise.

5.7 **Parish Council - 19 February 2020**

The Parish Council would wish to see the removal of the proposed small development area in the south west corner of the site. This would allow for the construction of the green buffer strip between the site and the existing neighbouring properties. It would also form a green corridor from the existing playing fields to the proposed site.

The Council would also not wish to see any raising of the ground levels on this site, to prevent drainage issue to adjacent properties.

The Parish Council could like to commence negotiations with Linden homes regarding the public open space, potential burialground and football pitches prior to the submission of the full or reserved matters application.

**Parish Council - 31 March 2020**

The Parish Council has no concerns with the amendment, however the concerns and comments on the original application still stand.

5.8 **Environment Agency – 16 January 2020**

No comments.

**Environment Agency (following discussions with the EA) – 25 February 2020**

We object to this planning application as submitted because the proposed cemetery development would pose an unacceptable risk of pollution of groundwater. We recommend that planning permission should be refused on this basis, in line with paragraph 170 of the NPPF.

**Environment Agency (following further information) - 18 May 2020**

We welcome the proposal to undertake a Tier 2 assessment. Notwithstanding, **we maintain our objection to the development**, and the proposed cemetery in particular, as it has not been satisfactorily demonstrated that the site will be suitable for human burials.

**Environment Agency (following firther information) - 29 June 2020**

We have reviewed the submitted letter and are **minded to withdraw our objection** to this planning application. We consider that planning permission could be granted to the proposed development as submitted subject to conditions relating to further details of the burial ground and a condition requesting a remediation strategy to be submitted to address any previously unexpected contamination during development.

5.9 **Cambridgeshire Archaeology - 9 March 2020**

I am writing to you with regard to the archaeological implications of the above referenced planning application.

Our records indicate that this site lies in an area of archaeological potential within the bounds of the former Mepal Airfield. The document submitted in support of this latest application which is incorrectly labelled as 'Archaeological Evaluation Report' on the planning portal is not an evaluation report, it is a desk-based assessment which



incorporates data from the Cambridgeshire Historic Environment Record (CHER). This document correctly identifies that an evaluation of the south-eastern portion of the field (not south-western as per 7.2.1) was conducted in advance of 77 houses comprising Phase 1 of the development and revealed little of archaeological interest other than evidence of medieval and post-medieval agricultural activity in the form of ridge and furrow cultivation on varying alignments, along with small quantities of medieval and post-medieval pottery and remains relating to the airfield (CHER refs ECB5555, MCB26926). However, evaluation of a large land-parcel north of The Brook (and immediately adjacent to the south-western boundary of the area proposed for development under 19/01707/OUM) revealed part of a previously unknown settlement of Mid-Iron Age to Roman date in the north-west corner of the investigation area, in close proximity to the boundary (MCB16274). A large watering hole for cattle was excavated and found to contain large quantities of domestic refuse including Middle Iron Age and early Roman pottery, animal bone and daub with wattle impressions, with environmental evidence showing that crop processing was taking place in the vicinity. Remains dating from the Iron Age through to the medieval period were also identified to the south-west during two phases of archaeological investigations on land adjacent to Sutton Primary School (MCB17411). Whilst truncation due to activity on the former airfield is possible in this location, if further archaeological remains do survive within the application area they are likely to be damaged or destroyed by the proposed development.

We therefore **do not object** to development proceeding in this location but consider that the site should be subject to a programme of archaeological investigation secured through the inclusion of a negative condition.

5.10 **Ward Councillors** - No Comments Received

5.11 **Cambridgeshire Fire And Rescue Service** - 6 February 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.

5.12 **CCC Growth & Development** – 12 June 2020

The following education contributions would be required:

None for Early Years

Primary Education - £335,475

Secondary Education - £880,000

Libraries and Life Long Learning - £25,547

**TOTAL = £1,241,022**

5.13 **Lead Local Flood Authority** - 5 February 2020

Based on these, as Lead Local Flood Authority (LLFA) we have **no objection** in principle to the proposed development.

The submitted documents demonstrate that surface water from the proposed development can be managed through the use of a swale conveying surface water to an attenuation basin with low flow channels, before controlling discharge to the

adjacent watercourse at a rate of 18.3l/s. It should be noted for the detailed design of the development, source control must be incorporated within the development proposals, in line with section 6.3.7 of the adopted Flood and Water Supplementary Planning Document. This could be through the use of SuDS features such as permeable paving, green roofs or rain gardens.

We request a condition relating to further details of the surface water drainage scheme is imposed.

**5.14 ECDC Trees Team - 6 February 2020**

The site is not within a conservation area and no Tree Preservation Orders impact upon the site, being agricultural land there are no significant trees within the site, treed vegetation is limited to the hedgerow boundaries.

The arboricultural report identifies that there is no direct conflict with any of the trees on site therefore there are no arboricultural reason to object to the proposals.

A comprehensive and robust landscaping scheme will be required to assimilate the development into the landscape.

**5.15 Housing Section - 6 February 2020**

The Strategic Housing Team supports the above application in principle, as it will meet Policy HOU 3 of East Cambridgeshire Local Plan 2015 (as amended) to deliver 30% affordable housing on site. (Up to 173 dwellings will secure up to 52 affordable dwellings)

Developers will be encouraged to bring forward proposals which will secure the affordable housing tenure as recommended by the most up to date SHMA at 77% rented and 23% intermediate housing.

Detailed discussions are recommended with the developer prior to submission of the reserved matters application in order to secure an affordable housing mix that meets the housing needs of the area. Early indications suggest that we will be requiring an affordable housing mix of one to four bedroom homes on site.

**5.16 Anglian Water Services Ltd - 17 January 2020**

No objection.

Wastewater Treatment

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

Used Water Network

This response has been based on the following submitted documents: FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY Development may lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. It is noted that the foul drainage proposal is to split flows over two connects points, via one gravity, and one pumped connection. The planning application states that 173 dwellings will be connecting to the network. whereas

drawing number 985-00- 02 Rev A shows that a minimum of 230 dwellings may be connecting. In order to make an accurate capacity assessment we require confirmation of the numbers connecting at each location and a discharge rate/rising main size for the pumped element of the development. We therefore request a condition requiring an on-site drainage strategy

#### 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 reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

#### Suggested Planning Conditions

Anglian Water would therefore recommend a planning condition if the Local Planning Authority is mindful to grant planning approval in relation to foul water drainage.

5.17 **The Ely Group Of Internal Drainage Board** - No Comments Received

5.18 **Cambs Wildlife Trust** - 5 February 2020

In general, I am satisfied with the conclusions that the site is currently of relatively low ecological value with limited potential for protected species. However, the existing buildings on site do not appear to have been assessed for their bat roost potential (the PEA mentions these were not accessible), and this should be done before this application is determined, in order to ensure that East Cambs District Council is fully aware of implication for protected species and any additional mitigation that may be required.

I am satisfied with the remainder of the mitigation recommendations in section 5.1 of the PEA report.

As stated in the report, Natural England should be consulted with regards to potential impacts on the Ouse Washes. The proposal site is within the Impact Risk Zone for the Ouse Washes.

Finally, regards to biodiversity enhancements, and whether the proposals could deliver a net gain in biodiversity, in line with local and national planning policy, it appears from the information provided that this may be possible. Comparing the existing habitat map with the proposed development framework plan, and using some of the area figures provided, I consider a net gain may be achievable.

However, this will depend on the detailed habitat creation and enhancement proposals, the areas of semi-natural habitats to be included in the open space, and whether suitable management to sustain such habitats is viable in the future.

I recommend that an overview of habitat losses and gains (using a recognised biodiversity accounting tool such as the Defra Biodiversity Metric 2.0) is provided to demonstrate how this development can achieve a measurable net gain in biodiversity, and I recommend this is provided before this application is determined.

**Cambs Wildlife Trust - 8 April 2020**

Further to my previous comments on the above application, I am pleased to see a Biodiversity Metric has now been provided.

However, I consider the habitat unit calculations need some revisions and clarifications.

In accordance with current metric guidance regarding habitat connectivity, habitats of high distinctiveness should be given a connectivity score of moderate, all other habitats should currently be scored as low connectivity. I also question whether appropriate habitat types have been entered in some of the habitat creation areas.

I attach a version of the calculator with connectivity scores revised, and my specific comments and queries in the reviewer comments field. If the applicant could address the questions in the comments field and re-submit a revised calculator, I can provide updated comments on whether a net gain is achievable.

**Cambs Wildlife Trust - 30 April 2020**

I have reviewed the submitted Biodiversity Impact Assessment. This has used the Defra Biodiversity Metric 2.0, which is an acceptable approach. The submitted Biodiversity Metric concludes that the development could deliver a net gain of 1.38 Biodiversity Units (BU) or 2.42% net gain. The baseline assessment of habitats appears an accurate reflection of the site and the assessment of changes in hedgerows appears accurate. However, on reviewing the submitted document, I cannot agree with some of the predicted net gains for habitats. In particular, the grassland habitats are highly unlikely to achieve the predicted good condition, due to their urban context and small size within multifunctional greenspaces which will severely limit the application of high quality conservation management throughout the lifetime of the development. I have therefore assessed the grassland habitat as achieving a moderate condition, which reduces the number of predicted Biodiversity Units. This is in line with the position agreed with other developers and their ecological consultants for other developments across Cambridgeshire. I have also made a couple of other changes involving the habitats within the LEAP and corrected one other minor error. My reviewer comments have been added to the attached spreadsheet, for transparency and return to the applicant. The result of my review is that I believe the development as proposed is likely to result in a net loss of 3.89 BU, or a net loss of 6.83%.

I do not believe there is much scope with the number of dwellings and the amount and size of open spaces proposed through this development to achieve a net gain in biodiversity within the red line boundary. East Cambs DC and the applicant should

therefore consider whether a biodiversity offsetting scheme in an alternative off-site location would be a better approach to meeting the biodiversity net gain policy requirement. Without a change to the scheme layout or an appropriate off-site habitat creation scheme, this development will not show a net gain in biodiversity and therefore East Cambs DC should not approve it in its current form.

**Cambs Wildlife Trust - 18 June 2020**

The additional information from ADAS answers the query raised by The Wildlife Trust in our original response in February 2020. The issue of bats has therefore been adequately addressed.

**Cambs Wildlife Trust – 21 July 2020**

A Biodiversity Calculation using the Defra Metric 2.0 has been submitted with the application for this site. This is an acceptable method. I have reviewed this document and I am broadly happy with the revised assessment of the types of habitats in both the baseline assessment and those proposed post development, including the assessment of their distinctiveness and proposed condition.

The proposals deliver a marginal net gain in biodiversity units of 1.35%. There is a high risk that this marginal net gain could easily turn into a net loss depending on the quality of future management of the open spaces or should there be any reduction in their area. How East Cambs DC secure the future delivery of the proposed open space habitats and their ongoing management will therefore be critical in determining whether this development can deliver the predicted biodiversity net gain.

While there is no reason to refuse this application as it is compliant with planning policy at the current time, it should be noted that it falls well below the recommended minimum 10% likely to be mandated in the forthcoming Environment Bill currently going through parliament. Depending on how the mandatory net gain requirement is implemented, there could be a requirement for a higher level of net gain provision at reserved matters stage. It may therefore be prudent for the applicant to explore how they could deliver a greater % biodiversity net gain within the red line boundary or through a biodiversity offsetting scheme. They may also wish to consider doing this as a company-wide approach. Should they wish to explore the opportunity to secure greater net gain we would be pleased to work with them to identify potential solutions.

5.19 **Asset Information Definitive Map Team - No Comments Received**

5.20 **Natural England - 7 February 2020**  
No objection.

5.21 **Infrastructure & Strategy Manager - ECDC - No Comments Received**

5.22 **Technical Officer Access - 22 January 2020**  
No comments on this application, but we would welcome an opportunity when more detailed plans are available.

5.23 **Economic Development - No Comments Received**

5.24 **Waste Strategy (ECDC) - 3 February 2020**  
No objection subject to contributions secured for ECDC waste and recycling services.

- 5.25 **Ambulance Service** - No Comments Received
- 5.26 **NHS Cambridgeshire** - No Comments Received
- 5.27 **NHS England** - No Comments Received
- 5.28 A site notice was displayed near the site on 21 January 2020 and a press advert was published in the Cambridge Evening News on 23 January 2020.
- 5.29 **Neighbours** – 57 neighbouring properties were notified and 4 responses were received which are summarised below. No letters of support were received. A full copy of the responses are available on the Council’s website.

- More housing encroaching on the green space
- Sports facilities too close to no.126 St Andrew’s Close
- Development out of keeping
- Danger to children from cars
- Housing along edge of development should be single storey so not to impact on privacy and views
- Current local facilities not adequate to handle increase in housing
- Traffic problems
- Parking issues
- The additional 77 houses being built has caused issues with flood water and rats
- Local Plan amounts being exceeded
- Infrastructure not adequate with school and doctors unable to cope
- Overlooking
- Proposed planting might make flood risk worse
- What is the recreational route intended for and will this be adequately lit/safe?
- Excess mud on the roads from existing development, need a condition on 2<sup>nd</sup> phase to address this issue.

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 3	Affordable housing provision
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy efficiency and renewable energy in construction
ENV 7	Biodiversity and geology
ENV 8	Flood risk
ENV 9	Pollution
ENV 14	Sites of archaeological interest

COM 4            New Community Facilities  
COM 7            Transport impact

6.2            Sutton Neighbourhood Plan 2019

NP1            Local Green Spaces  
NP3            Sutton Development Framework  
NP4            Land north of The Brook and west of Mepal Road  
NP2            Protecting and Maintaining Features of Landscape and Biodiversity Value  
NP12          Sport and Recreation Facilities

6.3            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  
Custom and Self-Build Housing SPD

6.4            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 & enhancing the historic environment

6.5            Planning Practice Guidance

7.0            PLANNING COMMENTS

7.1            The main considerations in determining this application is the principle of development, highway safety and accessibility, flood risk and drainage, biodiversity and ecology and trees, residential amenity, visual amenity and landscape impact, open space and sports facilities, and other matters.

7.2            **Principle of Development**

7.3            This is an outline application with only means of access included. Landscaping, appearance, scale, and layout are all reserved matters not included as part of this application. The application is also accompanied by a Development Framework Plan which illustrates the different components of the development including the open spaces and the areas where there would be ecological and landscaping

enhancements, routes through the site for cyclists and pedestrians, the location of the burial ground and the sports pitches and the village green. Areas for housing are also shown on this plan, although layout is not for consideration as part of this application. Other infrastructure features are also shown.

- 7.4 This outline proposal follows a previous scheme for the site adjacent, to the south, Ref: 16/01772/FUM, which was a full application for the erection of 77no. dwellings. This application was brought to planning committee with a recommendation of approval. The application was refused by Members. An appeal was lodged and the appeal was allowed. In his appeal decision, the Planning Inspector concluded that the proposed development was acceptable in terms of the impact on the character and appearance of the area (design, scale and layout), housing mix (quantum of market and affordable housing), drainage, highway safety, and local infrastructure (S106 contributions) This site is currently under construction and some of the dwellings are already occupied.
- 7.5 The application is assessed in accordance with the development plan which comprises East Cambridgeshire Local Plan 2015 and the Sutton Neighbourhood Plan 2019. Also relevant are the associated Supplementary Planning Documents, the National Planning Policy Framework (NPPF) and the Planning Practice Guidance.
- 7.6 On 26<sup>th</sup> March 2021 East Cambridgeshire District Council issued a Single-Issue Review of the East Cambridgeshire Local Plan 2015. One area has been identified as being in need of update, namely Policy GROWTH1 which uses an out of date housing requirement figure. The need to review the Local Plan was triggered by a number of factors including the need to re-examine the appropriate level of housing growth, to ensure there is sufficient housing land supply and to ensure the Local Plan remains up to date. The review focusses on one aspect of the Local Plan only. For the avoidance of doubt, the vast majority of the Local Plan 2015 will not be amended. While the Emerging Plan is at an early stage and carries no weight in the determination of this application, it is worth noting the current policy position.
- 7.7 Policy GROWTH 2 of the Local Plan 2015 sets out the overall strategy for the distribution of growth across the district focussing on the Market Towns of Ely, Soham and Littleport. The policy is up-to date and aims to ensure that growth takes place in appropriate locations across the district. Within the defined development envelopes housing, employment and other development to meet local needs will normally be permitted, provided there is no significant adverse effect on the character and appearance of the area and that all other material planning considerations are satisfied. It then states that outside of development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the setting of towns and villages.
- 7.8 The NPPF promotes sustainable development and the delivery of high quality homes, it specifically states at paragraph 12 that *“the presumption in favour of sustainable development does not change the statutory starting point for decision making”*.
- 7.9 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 2020 to 31 March 2025' (published December 2020). The latter report confirmed that from 1 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%. 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.

- 7.10 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.
- 7.11 The site, subject of this application, is an allocated site in the Sutton Neighbourhood Plan (Policy NP4) and identified on the Sutton Policies Map as part of the Local Plan, 2015. The application proposes to construct up to 173 dwellings, with sports facilities, new village green and green corridor areas, and the provision of a burial ground on-site. Policy NP4 includes the land which is currently being constructed for 77no. dwellings, under Ref: 16/01772/FUM, as the policy allocates the site for approximately 250 homes in total. The number of dwellings proposed as part of this application (up to 173), plus the dwellings currently under construction (77) would amount to the total specified in Policy NP4 and is therefore acceptable in this respect. The policy also requires a number of infrastructure improvements such as retention of existing landscaping features and the inclusion of safe routes for pedestrians and cyclists from the site to the village centre, primary school and recreation facilities. A new vehicular access is proposed from Mepal Road which is also included as part of this application and in accordance with Policy NP4 of the Sutton Neighbourhood Plan.
- 7.12 It is therefore considered that in terms of principle, the proposed development is acceptable and complies with Policies Growth 2 of the Local Plan, 2015, and NP4 of the Sutton Neighbourhood Plan, 2019.
- 7.13 **Highway Safety and Accessibility**
- 7.14 The application includes means of access as the only detailed matter as part of this outline application. Policy COM7 of the Local Plan, 2015, relates to transport impact and states that development proposals shall provide safe and convenient access to the highway network. The Policy also requires development proposals to:
- Provide a comprehensive network of routes giving priority for walking and cycling;
  - 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; or if the proposals are likely to result in significant transport implications be accompanied by a Transport Assessment. The coverage and detail of this should reflect the scale of development and the extent of the transport implications.

(Note: The full policy criteria are not quoted above, only those most relevant).

- 7.15 The application is accompanied by a detailed access plan which shows how the new access would be created (Drawing no. C5081-M-012 001 Rev A). The new access would be to the north of the access which already serves the first phase of development currently under construction, to the South of the proposed site. The access would include an uncontrolled pedestrian crossing (dropped kerb crossing) and a new 2m wide footway would extend to the south, up to the adjacent development access ensuring a link between the two sites and to the village centre.
- 7.16 The proposed access has been considered by the Local Highway Authority and is supported.
- 7.17 In relation to the impact of the proposed development on the wider highway network, a Transport Assessment has been submitted as part of the application. Officers have worked hard with our colleagues from the County Highway Transport Team, who initially raised concerns with the impact of the development on the wider highway network, namely the A142 road between Sutton and Ely. The concern raised by the Highway Authority related to capacity issues at the Lancaster Way Business Park and the BP roundabouts and the impact of additional traffic derived from the proposed development, compounding an existing traffic capacity problem. Many discussions took place over several months with the Transport Team to reach a resolution which would be acceptable to the Highways Authority and the developer. These agreed mitigation measures are set out in the Transport Team's response (numbered 1-6) under paragraph 5.4, dated 28<sup>th</sup> February 2021, and will be secured by either S106 legal agreement or as a condition to the outline consent. The mitigation measures would include improvements to the Witcham Toll junction, and the Elean Business Park roundabout (locally known as the Mepal roundabout). This would ensure that there is capacity within the wider highway network that could accommodate the additional traffic derived from the proposed development and therefore not cause a significant impact on highway safety.
- 7.18 Following the County Transport Team's recommendations in relation to the two junction mitigation measures at Witcham Toll and the Mepal roundabout (Elean Business Park), the Local Highways Authority have since made some comments which advises that a Stage 1 Road Safety Audit should be undertaken before the granting of planning permission, as explained in their comments above in paragraph 5.6. The applicant has confirmed that they will be submitting an independent road safety audit (RSA) to the LPA for consideration by the Local Highways Authority, however, the final outcome of this RSA will not be known by the time Members come to consider this application at committee as it may take 6-8 weeks for a RSA to be assessed. The applicants are confident that they can agree the fundamental principles of the RSA with the Local Highways Authority within the next two weeks to provide Members with the comfort that the mitigation measures at these two junctions can be safely delivered and in accordance with the County Highway's specifications and standards. The Local Highways Authority, however, advise in their comments that there may be cost/design implications as part of the review of the proposed mitigation measures. Therefore, in consultation with the Local Highways Authority the LPA is still recommending approval of the application, subject to further negotiations with the Local Highways Authority to agree the off-

site highway works and this is reflected in the recommendation to Planning Committee. Members will be verbally updated at the meeting.

- 7.19 The application is also accompanied by a residential Travel Plan, which sets out some basic principles of a travel plan, however, more information is required and the Highways Authority, as part of their response, have recommended a condition to secure the submission of a detailed Travel Plan, if the application was approved.
- 7.20 In relation to connectivity through the site, the proposal would include pedestrian and cycle links. These would be located at various points including three points from Phase 1, currently under construction, links from The Orchards, the existing play area and the existing sports pitches and bowls club, to the south of the site. The County Transport Team have also recommended improvements to the existing eastbound bus stop on The Brook with associated Real Time Passenger information display unit. These will be secured by a financial contribution through the S106 legal agreement.
- 7.21 In relation to car and cycle parking, these details are not included as part of this outline application but would be considered as part of a reserved matters application to ensure that they comply with Policy COM8 of the Local Plan, 2015.
- 7.22 The proposed development therefore complies with Policy COM7 of the Local Plan, 2015, and Policy NP4 of the Sutton Neighbourhood Plan, 2019.
- 7.23 **Residential Amenity**
- 7.24 In relation to residential amenity, Policy ENV2 and ENV9 of the Local Plan, 2015, are relevant. Policy ENV2 states that all new development will be expected 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. Policy ENV9 seeks all new development to minimise, and where possible, reduce all emissions and other forms of pollution, including light and noise pollution, and ensure no deterioration in air and water quality.
- 7.25 The application is outline with means of access included only, and therefore detailed matters of layout, scale and appearance are reserved and not included as part of this application. The nearest residential properties to the site are those that are currently under construction under 16/01772/FUM, to the south, and dwellings at The Orchards and St Andrew's Close, to the south of the site. The site also abuts the existing recreation ground/bowls club to the south west of the site. The submitted site layout plan, is indicative only and shows areas where housing could be constructed on the site. The proposed development would change an undeveloped piece of agricultural land to residential development that would clearly impact on the outlook and setting of the occupiers living on the estate currently under construction and to those nearest existing occupiers at The Orchards and St Andrew's Close. However, the illustrative plan shows that there would be sufficient space to adequately mitigate for any adverse impact with the use of soft landscaping around the edges of the site and sufficient set back distances, in accordance with the Council's Design Guide SPD.

- 7.26 Furthermore, the illustrative plan, indicates a dense area of a landscaped bund to the north of the site, nearest the A142, to further mitigate against noise pollution, and a condition would be recommended to request further details of this bund to ensure that the residential amenities of future occupiers can be adequately mitigated. The application is accompanied by a noise impact assessment. This has been assessed by the Environmental Health Officer who has raised no objection to the proposal and acknowledges that the mitigation measures stated in the report could be achieved, subject to a sensitive layout and orientation of dwellings on the site (to ensure residents are able to open their windows and still achieve acceptable noise levels), which would be subject of a reserved matters application showing these details.
- 7.27 It is therefore considered that the proposed development complies with Policies ENV2 and ENV9 of the Local Plan, 2015 and the Design Guide SPD, in relation to residential amenity.
- 7.28 **Visual Amenity and Landscape Impact**
- 7.29 In relation to visual amenity, Policy ENV1 of the Local Plan, 2015, is relevant and relates to landscape and settlement character. The policy states that development proposals should demonstrate and where possible enhance the pattern of distinctive historic and traditional landscape features, such as watercourses, characteristic vegetation, individual and woodland trees, field patterns, hedgerows and walls, and their function as ecological corridors for wildlife dispersal and enhance the settlement edge, space between settlements, and their wider landscape setting.
- 7.30 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). This document acknowledges that the site lacks a strong landscape framework and field boundary vegetation is largely absent. The LVIA states in paragraph 6.4 *“The Site and the surrounding farmland do not have any statutory or non-statutory designations for landscape character or quality. It comprises predominantly large-scale open farmland located on a plateau on the northern edge of Sutton. This farmland is mainly in arable use, although the western field within the Site is grassland. The Site and the adjoining farmland lack a strong landscape framework and field boundary vegetation is largely absent. In addition, this area has a somewhat disturbed character in places owing to sand and gravel extraction within the land to the north of the site. To the South, the site lies adjacent to the built edge of Sutton which exerts an urban influence over the southern parts of the site and is visible on the approach along the A142 from the north”*.
- 7.31 The proposed development would be seen as a continuation of the development currently under construction to the south of the site. The site is currently mainly agricultural land with very little existing landscape features and is fairly flat in terms of its topography. The proposed development would be visible from the A142 to the east and from parts of the existing settlement of Sutton from the south. However, the illustrative plans show dense areas of landscaping around the edges of the site which would limit these views and provide a more softer view towards the development and therefore reduce the impact on the visual amenity of the area. This proposed landscaping would also help to assimilate the development into its

rural surroundings. The details of landscaping are not included as part of this application and would be subject of a reserved matters application.

7.32 It is therefore considered that the proposed development complies with Policy ENV1 of the East Cambridgeshire Local Plan, 2015, in relation to visual amenity and landscape impact.

### 7.33 **Biodiversity and Ecology and Trees**

7.34 Policy ENV7 of the Local Plan is relevant and requires all new development proposals 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. Also, to 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 development proposals. Further emphasis of these principles are stated within paragraph 174 of the NPPF. Paragraph 170(d) emphasises the need to minimising impacts on and providing net gains for biodiversity. Furthermore, Policy NE6 of the Council's Natural Environment SPD states that "*all development proposals should contribute to and enhance the natural and local environment by firstly avoiding impacts where possible, where avoidance isn't possible, minimising impacts on biodiversity and providing measurable net gains for biodiversity*". Policy NP2 of the Sutton Neighbourhood Plan is also relevant and supports protecting and maintaining features of landscape and biodiversity value.

7.35 Within 5km (16,404 ft) of the site there is the Ouse Washes, as Ramsar Site, Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). Within 2km (6562 ft) of the site there are two County Wildlife Sites (CWS) – Hundred Foot Bank Swamp and Ditch (North-west of the site), and River Close Parkland (North of the site).

7.36 In terms of biodiversity the application is accompanied by a Preliminary Ecological Appraisal (PEA) which identifies that there were no signs of any amphibian species recorded during the field study and that the site had habitats that were sub-optimal for great crested newts. Furthermore, the distance of the great crested newt pond, the lack of suitable ponds within 500m (1640 ft) and the presences of barriers to movement (roads and residential development etc) indicate that the site is unlikely to support these features. Bats species were recorded within 2km (6562 ft) of the site including the common pipistrelle, brown long-eared bat, Daubenton's bat, Natterer's Bat, Noctule Bat, Soprano Pipistrelle Bat and Whiskered Bat. The trees present on the site were assessed for bat roost potential. The linear tree lines, scrub and hedgerows provide potential foraging habitat for bats. Several bird species were also recorded within 2km (6262 ft) of the survey site. These included Black Redstart, Brambling, Cetti's Warbler, Fieldfare, Hobby, Marsh Harrier, Merlin and Red Kite. During the field survey, Skylark, Starling, House Sparrow and Crow were also recorded on the site or in the adjacent area. The scattered trees and scrub offer potential nesting bird habitat for common bird species. Hawthorn and bramble present on the site provides a food source for bird species. There is also potential for Skylark to use the arable fields for nesting, although they were not at

the time of the survey due to the type of crop planted and the density of cover provided. Other species (dormice, invertebrates, otters, grass snake, water vole, white-clawed crayfish) were mentioned in the report, however these were recorded over previous years, from 2012 – 2015 and not found on the site itself during the most recent survey.

- 7.37 The Cambridgeshire Wildlife Trust have assessed the PEA and advised that a Biodiversity Net Gain calculation would be required to demonstrate that a net gain could be achieved and that a bat survey was required due to the agricultural buildings on the site and the potential for bat roosts. Further information was received by the applicant's ecologist to demonstrate that the buildings are not suitable for bat species due to their construction. The Wildlife Trust have accepted this view and a bat survey is no longer required. The applicants submitted a biodiversity net gain calculation which demonstrated that the net gain could be achieved at 2.42%. However the Wildlife Trust took a different view and did not agree with some of the predicted net gains for habitats. The applicant reviewed the calculation and concluded that a net gain of 1.35% could be achieved through the retention of existing hedgerows and if any are to be lost, a replacement hedge will be planted to sustain and encourage bats and birds. Furthermore, the proposed development would incorporate boxes for birds and bats (26 boxes in total). Areas of wildflower and shrub planting would also be undertaken around the perimeter of the site to create a landscaped edge, which is shown on the illustrative development framework plan, and in accordance with the mitigation measures stated in section 5.1 of the PEA. These measures are supported by the Wildlife Trust and is acceptable in terms of policy.
- 7.38 Natural England were also consulted on the proposal as the site lies within 2km of the Ouse Washes, to the north west of the site, and falls within the special designated areas as specified in paragraph 7.31 above. Natural England have not objected to the application but have advised to consider the impact on the SSSI, biodiversity, protected species and local sites and priority habitats and species, ancient woodlands and trees, protected landscapes, access and recreation, agricultural land and soils, rights of ways and environmental enhancement. The application has adequately considered all of the relevant environmental and ecological issues in relation to this proposal. The site is situated outside of the Geese and Swan Impact Zone, and therefore a Habitats Regulations Assessment is not required. It is considered that the proposed development would not significantly impact on the SSSI (Ouse Washes), and would not result in added pressure from recreational use as a result of the development.
- 7.39 In relation to trees, the application is accompanied by an Arboricultural Impact Assessment (AIA), which identifies that the site has little existing landscaping features. The proposed development would result in the loss of a small number of trees, however, none are of notable quality or condition. These are indicated on the Arboricultural Impact Assessment Plan as being within the Group G area, to the south western end of the site and are Hawthorns. There is a hedgerow along the wetsren boundary which is indicated on the illustrative plan as to be retained along with the existing planting around the south and south-western side of the site, and the existing trees along the eastern boundary of the site. The plan indicates that there would be no loss of trees to facilitate the proposed access. The AIA indicates that tree protection measures would be put into place to protect these trees during

construction. The Council's Tree Officer has raised no objection to the details submitted, subject to a condition requiring a comprehensive and robust landscaping scheme to help assimilate the development into the existing landscape. However, landscaping is a reserved matters, and will therefore be dealt with at the time such application is submitted. A condition requiring tree protection measures is also recommended.

- 7.40 It is therefore considered that the proposed development complies with Policies ENV1, ENV2, and ENV7 of the East Cambridgeshire Local Plan, 2015, Policy NE6 of the Natural Environment SPD, Policy NP2 of the Sutton Neighbourhood Plan, and paragraph 170 (d) of the NPPF, in relation to trees and biodiversity.
- 7.41 **Flood Risk and Drainage**
- 7.42 Policy ENV8 of the Local Plan requires all developments to contribute to an overall flood risk reduction. Paragraph 155 of the NPPF also emphasises the need to divert development away from high flood risk areas. Cambridgeshire's Flood and Water SPD is also relevant which supports Policy ENV8.
- 7.43 The site lies within Flood Zone 1, which is an area of low flood risk and where development should be directed to. Due to the scale of the proposed development (over 1ha/2.47 acres in size) a Flood Risk Assessment (FRA) is required. A FRA accompanies the application and has been assessed by the Environment Agency (EA), the Lead Local Flood Authority (LLFA) and Anglian Water.
- 7.44 The proposed development would include a burial ground as part of the overall scheme, in accordance with Policy NP4 of the Sutton Neighbourhood Plan. This is indicated on the illustrative development framework as being located on the North-West corner of the site, behind the proposed sports pitches. The Environment Agency raised an initial objection to the proposed cemetery due to the risk of pollution of groundwater. The applicant liaised with the Environment Agency and submitted a Tier 1 Groundwater Risk Screening document. The Environment Agency were still not satisfied with the details of the Tier 1 assessment and maintained their objection. Further information was provided by the applicant in relation to their objection, which clarified that the risk to groundwater would not be significant and further details could be requested by condition. The Environment Agency were satisfied with this view, and accepted that conditions requiring further investigation and a remediation strategy and risk management plan is submitted for prior approval.
- 7.45 In relation to surface water drainage, drainage details were submitted as part of the FRA. The Lead Local Flood Authority (LLFA) were consulted and raised no objection to the drainage strategy, concluding that the document demonstrates that surface water from the proposed development can be managed through the use of swales conveying surface water to an attenuation basin with low flow channels, before controlling discharge to the adjacent watercourse at a rate of 18.3l/s. They further advise that, it should be noted for the detailed design of the development, source control must be incorporated within the development proposals, in line with section 6.3.7 of the Council's Flood and Water SPD. This could be through the use of SuDs features such as permeable paving, green roofs or rain gardens. The LLFA

therefore recommend a condition requesting further details of the surface water drainage scheme for the site.

- 7.46 In relation to foul water drainage, Anglian Water have confirmed that the foul drainage from the proposed development is in the catchment of Witcham Water Recycling Centre that will have adequate capacity for these flows. However, they have also recommended a condition to ensure that an adequate foul drainage scheme can be achieved, which is included as part of the draft conditions.
- 7.47 It is therefore considered that the proposed development complies with Policy ENV8 of the East Cambridgeshire Local Plan, 2015, paragraph 155 of the NPPF, and the Flood and Water SPD.

#### 7.48 **Open Space and Sports Facilities**

- 7.49 Policy NP4 of the Sutton Neighbourhood Plan, includes a specific criteria for development of this site to bring forward a new village green, all weather pitch and sports pitches located adjacent to the existing facilities at the Primary School and Brooklands Centre. Policy Growth 3 of the Local Plan also requires new developments to provide adequate infrastructure such as open space and play area facilities. Policy COM4 of the Local Plan relates to the provision of new community facilities and to ensure that they are appropriate and do not have a significant impact on the character of the locality or the amenity of nearby properties. As shown on the illustrative development framework plan, an area to the west of the site is allocated for the sports pitches and village green. Extensive discussions took place over several months between officers, the developer and the Parish Council to discuss this and to ensure that the proposed development would bring forward a facility that would be a benefit to the local community. During these discussions, the Parish Council advised that an all-weather sports pitch would not be necessary, however, suggested that the existing Multi-Use Games Area (MUGA) could be upgraded instead. This area is located directly to the south of the development site, adjacent to St Andrew's Close, and is in need of modernisation. As this is outside of the proposed site area, the only option to secure the upgrade of this area would be to accept a financial contribution as part of a s106 legal agreement, from the developer, which would be secured and ringfenced for this specific upgrade. Further discussions also took place involving the Council's Sports and Recreation Officer to establish the financial amount required to upgrade the MUGA. These discussions are still on-going, however, the developer has agreed to this financial contribution in principle and this would be secured as part of the S106 legal agreement.
- 7.50 In relation to the proposed open spaces, the illustrative development framework plan indicates areas of open space within the site, besides the sports pitches and new village green, which appear to meet the requirements of the policy for open space provision set out within the Developer Contributions SPD, and Policy Growth 3 of the Local Plan. The open spaces are also intended to contribute towards ecology enhancements by creating wildflower areas within the open space and to encourage informal play. The open spaces would be secured as part of a S106 legal agreement in accordance with the Council's Developer Contributions SPD.



- 7.51 It is therefore considered that the proposed development would comply with Policies Growth 3, COM4 and ENV2 of the East Cambridgeshire Local Plan, 2015, Policies NP1, NP4 and NP12 of the Sutton Neighbourhood Plan, and the Developer's Contribution SPD.
- 7.52 **Other Material Matters**
- 7.53 Self-Build Dwellings
- 7.54 Policy HOU1 of the Local Plan requires all developments of 100 or more dwellings to provide a minimum of 5% self build properties. The applicant has agreed to provide 5% in accordance with this policy which will be secured as part of the S106 legal agreement. The proposed development therefore complies with Policy HOU1 of the East Cambridgeshire Local Plan, 2015 and the Custom and Self-Build Housing SPD.
- 7.55 Renewable Energy and Climate Change
- 7.56 Policy ENV4 of the Local Plan relates to energy and water efficiency and renewable energy in construction. The policy requires all proposals for new development should 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 Council's Climate Change SPD supports Policy ENV4 and encourages developers to submit a Sustainability Statement with their proposals.
- 7.57 The application is accompanied by an Energy and Sustainability Strategy which sets out a fabric first approach to sustainable construction to deliver the requirements of Part L of the Building Regulations, demonstrating that improvements in insulation specification, efficient building services, a reduction in thermal bridging and unwanted air leakage, and further passive design measures will ensure that energy demand and consequent CO2 emissions are minimised. It is therefore considered that the proposed development complies with Policy ENV4 of the East Cambridgeshire Local Plan, and Policy CC1 of the Climate Change SPD.
- 7.58 Affordable Housing
- 7.59 The proposed development is required to deliver 30% affordable housing in accordance with Policy HOU3 of the Local Plan. The Planning Statement sets out and confirms to deliver this as required by the Policy and would also provide a mix which reflects the latest Strategic Housing Market Assessment, i.e. 77% rented and 23% intermediate housing. The Council's Housing Strategy and Enabling Officer has supported this proposal, and this can be secured through a S106 legal agreement. It is considered that the proposed development therefore complies with Policy HOU3 of the East Cambridgeshire Local Plan, 2015, in relation to affordable housing.

7.60 Developer S106 Contributions

7.61 Policy Growth 3 of the Local Plan requires development proposals to make contributions towards infrastructure in accordance with the Council's adopted Community Infrastructure Levy Charging Scheme (CIL) and where this is not provided through CIL, this will be through on or off site provision or through financial payments, and secured via planning conditions or planning obligations (S106 legal agreements). The Council's Developer's Contribution SPD supports this policy and provides further guidance. Negotiations are still continuing to secure the necessary contributions through a S106 legal agreement, which will include:

- Education (Primary, Secondary, Libraries and Life-Long Learning)
- Contribution towards upgrade of the existing MUGA
- Provision of land for community facilities (sports pitches and burial ground)
- Affordable Housing
- Off-site Highways mitigation works
- Improvements and contribution towards the existing bus stop
- Waste
- SuDs maintenance
- Self-Build plots
- Open Space and play facilities

The list of conditions is yet to be finalised based on these negotiations. However, Officers are seeking approval from Members to agree the draft list of conditions, and to delegate powers to the Planning Manager to agree the final conditions

7.62 Archaeology

7.63 Policy ENV14 of the Local Plan relates to sites of archaeological interest, Development proposals at or affecting all sites of known and potential archaeological interest will have regard to their impacts upon the historic environment and protect, enhance and where appropriate, conserve nationally designated and undesignated archaeological remains, heritage assets and their settings. The application is accompanied by an archaeological assessment. The County Archaeology team have assessed the document and commented that *"evaluation of a large land-parcel north of The Brook (and immediately adjacent to the south-western boundary of the area proposed for development under 19/01707/OUM) revealed part of a previously unknown settlement of Mid-Iron Age to Roman date in the north-west corner of the investigation area, in close proximity to the boundary (MCB16274). A large watering hole for cattle was excavated and found to contain large quantities of domestic refuse including Middle Iron Age and early Roman pottery, animal bone and daub with wattle impressions, with environmental evidence showing that crop processing was taking place in the vicinity. Remains dating from the Iron Age through to the medieval period were also identified to the south-west during two phases of archaeological investigations on land adjacent to Sutton Primary School"*. However, the archaeology team do not raise any objection to the proposed development and recommend a condition requiring a programme of archaeological investigation being undertaken. The proposed development therefore complies with Policy ENV14 of the East Cambridgeshire Local Plan, 2015.

## 7.64 **Planning Balance**

- 7.65 The site is allocated in the Sutton Neighbourhood Plan, under Policy NP4. The benefits of the development are the contribution it would make in terms of housing supply as well as the economic benefits of construction and additional population to support local businesses and the provision of affordable housing, and self-build plots. The proposal would be seen as a continuation from the first phase, currently under construction, to the south of the site, which will include the provision of community facilities (Sports pitches, new village green and the burial ground). The benefits of the proposal attract significant weight in favour.
- 7.66 The proposal will not have a significant impact on the wider highway network, and mitigation measures, and a financial contribution, will be secured via a S106 legal agreement and conditions. The proposed access to the site is acceptable and would not have an adverse impact on highway safety.
- 7.67 The applicant has demonstrated that a net gain in biodiversity can be achieved and conditions are recommended to ensure that a high quality site-wide biodiversity strategy comes forward either prior to, or as part of, a reserved matters application. The proposed illustrative development framework provides an opportunity to create a landscape/wildlife corridor, details of which can be requested by condition. This weighs in favour of the proposal.
- 7.68 The applicant has demonstrated that a satisfactory drainage strategy can be put in place to minimise flood risk and conditions requiring further details of the foul and surface water drainage system is recommended.
- 7.69 The County Council has confirmed that additional education contributions are required to mitigate against the development on local schools which is accepted by the developer. This and all other mitigation/contributions would also be secured by the S106, as listed above in paragraph 7.60.

## 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 ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 8.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.4 In this case members' attention is particularly drawn to the following points:

- The site is allocated in the Sutton Neighbourhood Plan for housing development and community facility provision;
- No objections from the LLFA, Environment Agency, Highways Authority;
- Policy compliant on affordable housing and for self-build plots;
- All other material planning considerations are satisfactory.

## 9 APPENDICES

9.1 Draft list of conditions

---

<u>Background Documents</u>	<u>Location</u>	<u>Contact Officer</u>
19/01707/OUM 16/01772/FUM	Angela Briggs Room No. 011 The Grange Ely	Angela Briggs Planning Team Leader 01353 665555 angela.briggs@eastcambs.gov.uk

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

Sutton Neighbourhood Plan, 2019 -

<https://www.eastcambs.gov.uk/sites/default/files/Made%20Sutton%20Neighbourhood%20Plan%20May%202019%20SMALL%20FILE.pdf>

## APPENDIX 1 - 19/01707/OUM Conditions

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

Plan Reference	Version No	Date Received
C5081-M- 012 -001	A	12th May 2021
C5081-M-005-1	1	22nd April 2021
C5081-M-0020	3	22nd April 2021
CSA/4405/107	B	9th December 2019
CSA/4405/105	G	9th December 2019
Archaeological Evaluation Report		9th December 2019
Noise Impact Assessment		9th December 2019
Sustainability Statement		9th December 2019
Flood Risk Assessment		9th December 2019
Phase 1 Geo-Environmental		9th December 2019
Landscape Impact Assessment		9th December 2019
Ecological Assessment		9th December 2019
Arboricultural Implications Assessment		9th December 2019

- 1 Reason: To define the scope and extent of this permission.
- 2 Approval of the details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced, and shall be carried out as approved. Application for approval of the reserved matters shall be made within 2 years of the date of this permission.
- 2 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 3 The development hereby permitted shall be commenced within 2 years of the date of the approval of the last of the reserved matters.
- 3 Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended.
- 4 No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

- 4 Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy Growth 3 and COM4 of the East Cambridgeshire Local Plan, 2015. This condition is pre-commencement in order to ensure that the sports pitches comply with the site allocation requirements of Policies NP4 and NP12 of the Sutton Neighbourhood Plan.
- 5 Prior to the first occupation of any dwelling, the applicant shall be responsible for the provision and implementation of a Residential Travel Plan to be submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall include the provision of cycle discount vouchers and/or bus taster tickets. The plan is to be monitored annually, with all measures reviewed to ensure targets are met.
- 5 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 6 Prior to first occupation of any dwelling, the applicant shall deliver the off-site pedestrian improvement works comprising:
  1. Provision of a 2.5m wide footway along the northern section of Mepal Road on the western side of the carriageway from the development site access off Mepal Road to the site access junction of the adjacent development site (ref: 16/01772/FUM);
  2. 2m wide pedestrian access into the site from The Orchards, via the adjacent consented scheme (subject to land ownership confirmation);
  3. Enhancement of the uncontrolled pedestrian crossing points along the eastern footway on The Orchards in the form of tactile paving;
  4. Installation of tactile paving at the uncontrolled pedestrian crossing at The Brook/Brookside junction, on the Brookside arm; and
  5. Installation of an uncontrolled pedestrian crossing on The Brook, to the east of its junction with Pound Lane, to include dropped kerbs and tactile paving.

Details shall be submitted to and agreed in writing with the Local Planning Authority, prior to the occupation of any dwelling, hereby approved, and the works shall be completed in accordance with the approved details.

- 6 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015, and Policy NP4 of the Sutton Neighbourhood Plan, 2019.
- 7 Prior to the first occupation of any dwelling, the existing B1381 Ely Road/A142/Elean Business Park roundabout shall be upgraded as shown in principle on drawing no. 002-1 Issue 3. Details shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be completed only in accordance with the approved details.
- 7 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.

- 8 Prior to first occupation of any dwelling, the existing A142/Haddenham Road (Witcham Toll) priority junction shall be upgraded, as shown in principle on drawing no. 005-1 Issue 1. Details shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be completed only in accordance with the approved details.
- 8 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.
- 9 Prior to the occupation of the first dwelling, the access, hereby approved, shall be constructed in accordance with drawing no. C5081-M-012 001 rev A. The works shall be completed only in accordance with approved details.
- 9 Reason: In the interests of highway safety, in accordance with policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015, and Policy NP4 of the Sutton Neighbourhood Plan, 2019.
- 10 The access and all hardstanding within the site shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway and retained in perpetuity.
- 10 Reason: To prevent surface water discharging to the Highway, in accordance with policies ENV2, ENV7 and COM7 of the East Cambridgeshire Local Plan 2015.
- 11 All burials on the site shall be:
1. Outside a source protection zone 1 (SPZ1).
  2. At least 250 metres from any well, borehole or spring supplying water for human consumption or used in food production.
  3. At least 30 metres from any spring or watercourse not used for human consumption or not used in food production.
  4. At least 10 metres from any field drain, including dry ditches.
  5. No burials shall take place in standing water and the base of the grave must be a minimum of 1 metre above the local water table.
- 11 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy ENV9 of the East Cambridgeshire Local Plan, 2015, Policy NP4 of the Sutton Neighbourhood Plan, 2019, National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.
- 12 Prior to the commencement of any burial ground development, a remediation strategy and risk management plan detailing any measures and ongoing groundwater monitoring that may be required in the interests of groundwater protection shall be submitted to and approved by the Local Planning Authority. The measures and monitoring specified in this plan shall be implemented as agreed.
- 12 Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with Policy ENV9 of the East Cambridgeshire Local Plan, 2015, Policy NP4 of the Sutton Neighbourhood Plan,

2019, National Planning Policy Framework (NPPF), paragraphs 170, 178, 179 and Environment Agency Groundwater Protection Position Statements.

- 13 No development shall take place until an investigation and risk assessment of the nature and extent of any contamination on the site, whether or not it originates on the site, has been undertaken. The investigation and risk assessment must be undertaken by competent persons, and a written report of the findings must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) A survey of the extent, scale and nature of contamination;
  - (ii) An assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Any remediation works proposed shall be carried out in accordance with the approved details and timeframe as agreed in writing by the Local Planning Authority.

- 13 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 14 Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy ENV9 of the East Cambridgeshire Local Plan 2015.
- 15 No above ground construction shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service or alternative scheme has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative scheme shall be installed and completed in accordance with the approved details prior to the occupation of any part of the development.



- 15 Reason: To ensure proper infrastructure for the site in the interests of public safety in that adequate water supply is available for emergency use. This is supported by paragraph 95 of the NPPF.
- 16 No development shall take place until a scheme to dispose of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of any dwelling.
- 16 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 17 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment & Drainage Strategy prepared by Amazi Consulting Ltd (ref: AMA759 Rev C) dated 01 November 2019 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) , inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site Investigation and test results to confirm infiltration rates;
- f) Temporary storage facilities if the development is to be phased;
- g) A timetable for implementation if the development is to be phased;
- h) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- i) Full details of the maintenance/adoption of the surface water drainage system;
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the NPPF PPG

- 17 Reason: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted and the details need to be agreed before construction begins.
- 18 Prior to or as part of the first Reserved Matters application, a site-wide Biodiversity Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be based upon the Preliminary Ecological Appraisal prepared by ADAS dated 25th June 2019 and shall set out how the development will improve the biodiversity of the site and protect existing wildlife. All development shall be carried out in accordance with the approved strategy.
- 18 Reason: To protect and enhance species in accordance with policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, Policy NP2 of the Sutton Neighbourhood Plan, 2019, and the Natural Environment SPD, 2020.
- 19 Prior to any work commencing on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of development etc. The CEMP shall be adhered to at all times during all phases.
- 19 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 20 Construction times and deliveries, with the exception of fit-out, shall be limited to the following hours: 0730 to 1800 each day Monday - Friday, 0730 to 1300 Saturdays and none on Sundays, Bank Holidays and Public Holidays.
- 20 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 21 As part of a reserved matters application, details of the noise attenuation bund along the north-eastern boundary of the site, as illustrated on the development framework plan, shall be submitted to and approved in writing by the local planning authority. The works shall thereafter be completed only in accordance with the approved details, prior to the occupation of any dwelling.
- 21 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 22 In the event of the foundations from the proposed development requiring piling, prior to the commencement of development the applicant shall submit a report/method statement to the Local Planning Authority, for approval in writing, detailing the type of

piling and mitigation measures to be taken to protect local residents from noise and/or vibration. Noise and vibration control on the development shall be carried out in accordance with the approved details.

- 22 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 23 As part of a reserved matters application, a full noise impact assessment shall be submitted to and approved in writing by the local planning authority. The noise impact assessment shall be based upon the Acoustics report by Hoare-Lea dated 6th November 2019 and shall set out how the development will mitigate against noise pollution from future occupiers. All development shall be carried out in accordance with the approved strategy.
- 23 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 24 Prior to the commencement of development a Detailed Waste Management and Minimisation Plan (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
- a) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction
  - b) anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste.
  - c) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site.
  - d) any other steps to ensure the minimisation of waste during construction
  - e) the location and timing of provision of facilities pursuant to criteria a/b/c/d.
  - f) proposed monitoring and timing of submission of monitoring reports.
  - g) the proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development.
  - h) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material
  - i) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles

The Detailed Waste Management and Minimisation Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 24 Reason: In the interests of maximising waste re-use and recycling opportunities; and to comply with policy CS28 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and the Recycling in Cambridgeshire and Peterborough (RECAP) Waste Design Guide 2012; and to comply with the National Planning Policy for Waste October 2014; and Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC), Department for Communities and Local Government, December 2012. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.
- 25 Prior to or as part of the first reserved matters application, an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.
- 25 Reason: To ensure that the proposal meets with the requirements of sustainability as stated in policy ENV4 of the East Cambridgeshire Local Plan 2015 and Policy CC1 of the Climate Change SPD, 2020
- 26 No development shall take place until a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to design, demolition and construction - Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 26 Reason: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement in order to ensure that the protection measures are implemented prior to any site works taking place to avoid causing damage to trees to be retained on site.
- 27 Prior to the commencement of development, a strategy for the facilitation of latest technology broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, open access ducting to industry standards to facilitate the provision of a broadband service to that dwelling, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to

dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

- 27 Reason: To ensure that the needs of future residents to connect to the internet do not necessarily entail engineering works to an otherwise finished and high quality environment, and to assist community integration, economic vibrancy and home working, in accordance with Policies ENV2 and COM6 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted; and to ensure that the opportunity to provide any necessary enabling works is not missed.
- 28 No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 28 Reason: To ensure that any archaeological remains are suitably recorded in accordance with policy ENV14 of the East Cambridgeshire Local Plan 2015. The condition is pre-commencement as it would be unreasonable to require applicants to undertake this work prior to consent being granted.