

22/00057/RMM

Land Rear Of Garden Close

Sutton

Cambridgeshire

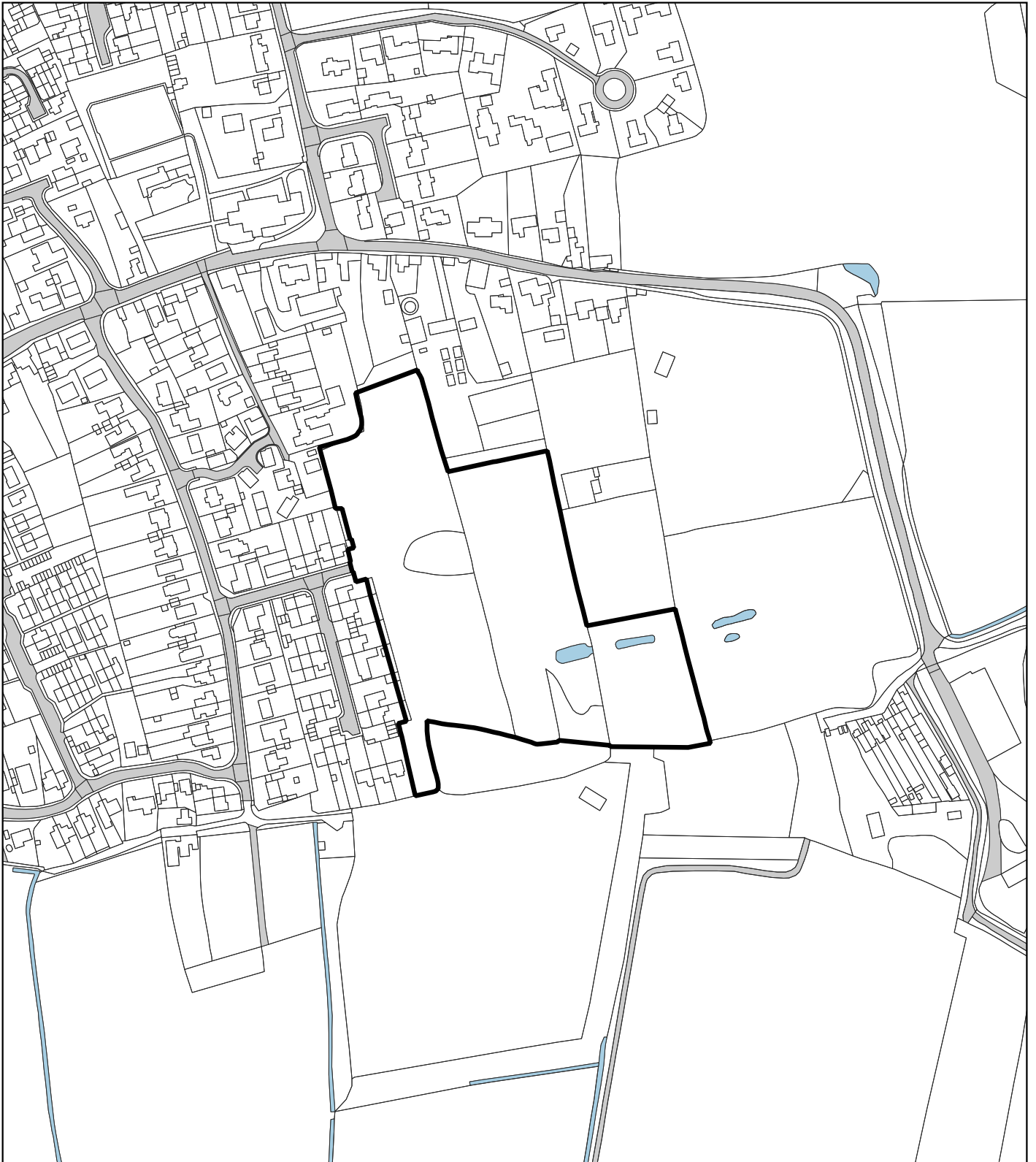
CB6 2RF

Reserved Matters for appearance, landscaping, scale and layout for the erection of 47 homes including public open space of previously approved Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access

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<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5PHF4GGK2F00>





22/00057/RMM

Land Rear Of
Garden Close
Sutton



East Cambridgeshire
District Council

Date: 11/04/2023
Scale: 1:3,500



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TITLE: 22/00057/RMM

Committee: Planning Committee

Date: 26 April 2023

Author: Planning Contractor

Report No: X196

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Site Address: Land Rear of Garden Close Sutton Cambridgeshire CB6 2RF

Proposal: Reserved Matters for appearance, landscaping, scale and layout for the erection of 47 homes including public open space of previously approved Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access

Applicant: Abbey Development Ltd

Parish: Sutton

Ward: Sutton

Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 14 January 2022

Expiry Date: 30 April 2023

1.0 RECOMMENDATION

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

- 1 Approved Plans
- 2 Updated LEMP
- 3 Updated ecology survey and mitigation re; trees and hedgerow removal
- 4 Arrangements for future management and maintenance of streets
- 5 Binder Course
- 6 Parking and turning
- 7 Visibility Splays

- 8 Specification for acoustic fence – to be erected prior to ground works and retained
- 9 Stock-proof fencing to be erected prior to occupation and retained
- 10 Management of fences
- 11 Piling details if piling necessary
- 12 Woodland and hedgerow management
- 13 Planting to be undertaken – phasing schedule to be agreed
- 14 Tree protection
- 15 Soft Landscape Audit
- 16 Site-wide Lighting scheme
- 17 Permitted Development - roof alterations
- 18 External materials specific – roof and walls
- 19 Provision of cycle sheds
- 20 Unadopted road surfacing

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks approval of Reserved Matters of layout, appearance, scale and landscaping, for the construction of up to 47 dwellings. The outline application which permitted the principle of development and committed access (17/01445/OUM) was refused by the Council but subsequently allowed on appeal Ref: APP/V0510/W/18/3195976 dated 18th January 2019.
- 2.2 The layout proposed is generally similar to that indicatively proposed at outline stage, with access already approved from Garden Close leading to a main spine road which leads to the eastern edge of the site, past the locally equipped area of play ('LEAP') and terminating at the SuDS drainage and nature reserve area. A secondary shared-surface street with turning head serves a pocket of bungalows at the north of the site. This area also links to a secured area of greenspace and which is proposed to be inaccessible to public but soft landscaped as a further biodiversity area and visible through 1.8m high stock-proof fencing. The western edge of this area is also proposed to incorporate a 2.4m high acoustic fence for amenity protection for occupiers of 10 Oates Lane.
- 2.3 A further shared-surface street leading south along the western boundary leads to a tertiary street serving a small pocket of dwellings. The perimeter of the site is mostly served with single-storey dwellings, with a grouping of 2-storey dwellings toward the centre of the site (as denoted on the submitted storeys-height plan).
- 2.4 A mixture of fencing and brick walls are used to secure residential boundaries. The development relies on some tree and hedgerow removal and a scheme of tree and hedge planting is proposed, mainly around the areas of open space, the nature reserve area and garden frontages.
- 2.5 The application comprises the following mix of accommodation:
Market Housing
 17 x 2no bedrooms (15 bungalows)
 10 x 3no bedrooms (7 bungalows)
 6 x 4no bedrooms
 Total 33

Affordable Housing

11 x 2no bedrooms (4 bungalows)

3 x 3no bedrooms

Total 14

- 2.6 The proposal has undergone several revisions since submission, to address matters in relation to design, layout, landscaping, noise mitigation and amenity protection and highways design.
- 2.7 The application is brought to Planning Committee as it was requested by Members upon resolution to grant permission for the Outline application 18/01053/OUM, that future reserved matters applications related to this site should also be considered by the Planning Committee.
- 2.8 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

Reference	Description	Decision
20/01169/RMM	Reserved matters for Outline planning application 17/01445/OUM for up to 53 houses to include public open space and details relating to access	Refused 04.01.2021 Appeal Dismissed ref: APP/V0510/W/21/3275044
20/00218/ADN	Sign board at site entrance	Granted 06.05.2020
20/00177/RMM	Reserved matters for Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access	Refused 19.06.2020
18/01053/OUM	Outline planning application for erection of up to 53 houses on land to the east of Sutton to include public open space and details relating to access	Granted 12.01.2022
17/01445/OUM	Outline planning application for erection of up to 53 houses to include public open space and details relating to access	Refused 05.01.2018 Appeal Allowed ref: APP/V0510/W/18/3195976

4.0 THE SITE AND ITS ENVIRONMENT

- 4.1 The site extends to approximately 3.17 hectares and is situated within the development envelope of Sutton following the allocation of the site in the Sutton Neighbourhood Plan as a housing allocation. The site adjoins the built form of the village along the north and west boundary, which marks the current edge of the built-form of the village with modern residential development in Garden Close and a more historic pattern of development along Station Road.
- 4.2 A number of ponds and water features are located in the south-eastern corner of the site inhabited by Great Crested Newts (GCNs). In terms of land levels there is a gradual slope down from north to south, representing approximately 7m across the length of the site.
- 4.3 The Sutton Conservation Area adjoins the northern boundary of the site and there are a number of listed buildings on Station Road and within close proximity of the site, including the Grade I Listed Church of St Andrew.
- 4.4 The site is bounded by hedgerow and woodland to the south and open land to the east and there is a Tree Preservation Order (E/04/20) on three groups of trees, a hedgerow of Hawthorn and a Field Maple.

5.0 RESPONSES FROM CONSULTEES

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

Sutton Parish Council - 29 March 2023

Does the Parish Council have any concerns about the application? Yes

Can these concerns be addressed by;

- a. amendments to the scheme
- b. conditions to be applied to any permission
- c. outright refusal of permission Yes

If the answer is 'Yes' to either a or b please state your concerns and how they could be addressed. If you would like the application refused, please give your reason(s) below.

Sutton Parish Council's previous comments and concerns still stand.

Sutton Parish Council - 11 January 2023

The proposed amendments to the application do not alter the council's concerns and recommendation for refusal. All previous comments from the Parish Council on the application still stand. The application still does not comply with Sutton's Neighbourhood plan.

Sutton Parish Council - 24 August 2022

Sutton Parish Council acknowledges letter from resident at 10 Oates Lane and shares continued support of the objections already given and those of other

residents. The stance of the council has not changed there is still a clear violation of the Sutton Neighbourhood plan and East Cambs District Planning Policies. Drainage is still a cause for concern and Sutton Parish Council's concerns have not been addressed from previous applications.

The council recommends outright refusal of permission on this application.

Sutton Parish Council - 23 March 2022

The Parish Council has concerns about the application which can be addressed by outright refusal of the permission.

Previous comments by Parish Council still stand for the application.

Sutton Parish Council - 23 February 2022

The Parish Council supports the concerns submitted by local residents regarding the application. The Parish would also like to comment is not in accordance with the Made Sutton Neighbourhood plan May 2019

Policy NP2 – Protecting and Maintaining Features of Landscape and Biodiversity Value

All development proposals will be expected to retain to retain existing features of landscape and biodiversity value (including trees, woodland, hedgerows, the open nature of meadow land and verges) and where practical to do so, provide a net gain in biodiversity through, for example:

- The creation of new natural habitats;
- The planting of additional trees and hedgerows; and
- Restoring and repairing fragmented biodiversity networks.

Where loss or damage is unavoidable, the benefits of the development proposals must be demonstrated clearly to outweigh any impacts and the development shall provide for appropriate replacement planting on site together with a method statement for the ongoing care and maintenance of that planting.

Where a new access is created, or an existing access is widened through an existing hedgerow, a new hedgerow of native species shall be planted on the splay returns into the site to maintain the appearance and continuity of hedgerows in the vicinity.

Policy NP5 – Land East of Garden Close

The site is allocated for up to 25 dwellings that:

1. Are predominantly low-density single-storey dwellings
2. Retains existing mature trees and hedgerows
3. Preserves and enhances views from the south towards the Church, from Lawn Lane eastwards and Station Road westwards across the cricket fields and open spaces;

The site should be developed in accordance with the Concept Statement illustrated in Figure 2 in this Plan.

A site-specific flood risk assessment of the site will be required to be submitted as part of a planning application for the development. Development of the site should provide betterment, mitigation and management of flood risk, particularly in relation to surface and/or groundwater matters.

Policy NP7 – Housing Mix

Housing development must contribute to meeting the needs of the village. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people, particularly in the need for two bedroomed dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation.

Finally the Parish Council would like to refer the planning officers to review the substantial report by a neighbouring resident that the Parish Council fully support.

Ward Councillors Lorna Dupré and Mark Inskip - 9 January 2023

Biodiversity and trees

The location of this site, neighbouring the recreation ground, cricket pitches, allotments, and open space, is sensitive ecologically. The significance of these features is noted throughout the Sutton Neighbourhood Plan, which refers to the protection of local level habitats and green spaces capable of supporting wildlife; potential for the creation of additional areas for the enjoyment of leisure and wildlife within the Parish, in particular on the Old Recreation Ground; and the value of mature trees and planting around the village.

The proposal includes the unnecessary felling of fifteen Category B trees which even the applicant describes as 'not ideal'.

Disability

We note the comments of the Disabled Persons Transport Advisory Committee (2018) on 'shared spaces' and the risks they present to disabled people, not least those with neuro-diverse or mental health conditions, or a learning disability.

The shared surface roads in this development, coupled with the lack of adequate parking provision and the likelihood that vehicles will be parked indiscriminately on-street, have the potential to make this development a very unsafe space. We believe the proposed layout should not be supported for this reason.

Access

We note that there is no pedestrian or cycle access to or from the site other than via the entrance from Garden Close. This will discourage some journeys on foot or bicycle within the village. We would also want to see details of the pedestrian access from the site to the recreation ground.

Decarbonisation

We are concerned that, so close to the 2025 potential deadline for the installation of gas boilers in new dwellings, these properties are intended to be heated by gas, when alternatives such as air source heat pumps are readily available. Opportunities for measures such as triple-glazing and solar energy are missed, at a time when the costs of heating homes are escalating wildly.

Piling

We support the suggestion that percussion piling should not be permitted on this site.

In conclusion, we believe this latest iteration of a reserved matters application, like its predecessors, pays no heed to the Local Plan Neighbourhood Plan, Design Guide, or the assessed housing needs of the village. It should not be supported.

Ward Councillors Lorna Dupré and Mark Inskip - 30 August 2022

We are writing as the two district councillors for the Sutton ward to register our objection to this application for the reserved matters in respect of the approved outline planning permission for this site.

Background

A previous reserved matters application (20/01169/RMM) was refused by the Council in 2021. An appeal (APP/V0510/W/21/3275044) by the applicants against this refusal was dismissed by the Planning Inspector.

The Inspector found that 'the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies ENV1, ENV2, and ENV7 of the Local Plan; Policies NP2 and NP5 of the Neighbourhood Plan; and Policy NE8 of the Natural Environment Supplementary Planning Document (2020)'.

His decision noted 'the adverse effects arising from the mixture of dwellings within the development; the adverse effects upon the character and appearance of the surrounding area; the lack of appropriate living conditions for all the future occupiers of the development; and the erosion of the living conditions of the occupiers of a neighbouring property'.

The applicant has sought to argue that these objections have been addressed in the current iteration of the reserved matters, and the Council has (probably unwittingly) promoted the applicant's case in correspondence with adjoining residents.

We do not believe that the amendments made to the application have in fact addressed these objections, and we therefore maintain our objection.

The applicant's case

The applicant has made the following fourteen statements about the revisions to the reserved matters application, and we address each in turn.

1. Overall number of dwellings reduced from 51 to 46 (minus five dwellings, seven dwellings down from the outline consent) to address concerns regarding the proximity to No. 10 Oates Lane and officer comments regarding the flat block. The outline consent is for up to 53 dwellings on the site, so the statement that the application is 'seven dwellings down from the outline consent' is incorrect. The outline permission for up to 53 dwellings is contingent on the application satisfying the requirements of the Sutton Neighbourhood Plan, the East Cambridgeshire District Plan, and other relevant plans and policies. It will be seen from the following comments that it does not. The Sutton Neighbourhood Plan is a current, made plan, with full planning weight. Policy NP5 of the Plan states that the development shall be predominantly low-density single-storey dwellings. In dismissing the appeal by the applicants against refusal of previous application 20/01169/RMM, the Inspector drew attention to the harm it would do to the character and appearance of the surrounding area. There is little change in this fresh application to the general approach to the site. This breaches policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 as well as policy NP5 of the Sutton Neighbourhood Plan. The density of existing housing in this part of the village is low, at around sixteen dwellings per hectare. The density proposed for this site is significantly higher, at around twenty-five dwellings per hectare, and is out of keeping with the surrounding area and the expectations of policy NP5. To achieve their desired density, the applicant has proposed very small plot sizes, not only by limiting space for parking, but also by reducing garden space. This will be particularly significant for many older people seeking to downsize, but who will still want some opportunity for gardening for mental and physical health reasons. Policy NP7 of the Sutton Neighbourhood Plan particularly requires new developments in the village to reflect 'the needs of an ageing population looking to downsize into homes suitable for lifetime occupation'. Most of the plots (perhaps as many as 75 per cent) fall below the minimum size specified in East Cambridgeshire District

Council's Design Guide Supplementary Planning Document, and therefore breach Council planning policy as well as Policy NP7 of the Sutton Neighbourhood Plan.

2. Affordable provision changed to suit new total number of dwellings accordingly. The 'affordable' provision has been reduced by two properties compared to the refused application 20/01169/RMM, to correspond with the reduced number of dwellings overall. It remains no greater than that required by East Cambridgeshire District Council policy.

3. Affordable flat block omitted and replaced with a terrace of new two-bedroom affordable houses instead to address officer's comments. This change is noted.

4. The existing drainage ditch and hedge down the middle of the site has been accurately surveyed and plotted to suit. It no longer forms part of the private rear gardens and will be maintained by the site management company to address concerns raised by the drainage board and officers. The removal of the central drainage ditch from the private rear gardens, and its maintenance by the site management company, is welcome. However we are concerned that water from Premier Works and Milden Lodge to the north of the site will be discharged into the drain at the south of the site, which already has a propensity to flood. It is believed that this water has previously either discharged into ponds elsewhere on the site, or simply leached into the soil on the unbuilt garden which is the current state of the site. Added to the water planned to be routed into the southern drain from east and west of the site, this could increase the flood risk to the nearby recreation field. We believe these proposals should be examined more closely. A resident has suggested re-routing of the Premier Works and Milden Lodge drain into the proposed drain running down the centre of the proposed road, with the size of the buffer tanks recalculated to suit. This would avoid routing drainage under private gardens with the consequent creation of multiple riparian responsibilities. We believe that this suggestion should be investigated. We note that attenuation tanks under the road will prevent adoption of the highway by the highways authority. This has happened elsewhere in the village, but presents a far from ideal solution.

Drainage in this part of the village has been a problem for a number of existing residents. We believe the drainage issues on this site are so significant that a full drainage plan should be submitted, examined for safety as well as for flood risk, and endorsed by the Local Lead Flood Authority before the application is determined.

5. Changes to highway radii to address highways officer's comments. This change is noted. We note however that parking provision across the development will be cluttered due to inadequate provision on marked drives and parking spaces.

6. Ratio of bungalows increased significantly now 60 per cent. Policy NP5 of the Sutton Neighbourhood Plan states that the development shall be predominantly low-density single-storey dwellings. In order to appear to comply with policy NP5 of the Sutton Neighbourhood Plan, the applicant seeks to assert that two storey chalets are single storey bungalows. They are not, as building regulations make clear, so the proposal continues to be predominantly two-storey, and to breach policy NP5 of the Sutton Neighbourhood Plan. In refused application 20/01169/RMM, the applicants put forward just eight single-storey dwellings, fifteen per cent of the total. Their current proposal is for fourteen single-storey dwellings—thirty per cent of the total rather than the sixty per cent claimed. The remainder of the purported single-storey dwellings are in fact two-storey chalets with an upper floor, which stand higher than the proposed bungalows on the site, and very significantly (up to two metres) higher than existing bungalows in the surrounding area. Policy NP5 of the Sutton Neighbourhood Plan requires that any application for the site preserves and enhances views across the site from the south, west, and

east. The proposed heights and density of the dwellings the applicant wishes to place on this site will not achieve this objective. The Planning Inspector in his dismissal of appeal APP/V0510/W/21/3275044 referred to 'the adverse effects [of that application] upon the character and appearance of the surrounding area'. Respect for the character and appearance of the area is therefore clearly a strong consideration, and the excessive massing and height of this proposed development fails that test.

Thirty per cent is not predominantly, and two-storey chalets are not bungalows. This assertion by the applicant is therefore incorrect and misleading.

7. Number of M4(2) compliant dwellings now at 52 per cent. Policy NP7 of the Sutton Neighbourhood Plan draws particular attention to 'the needs of an ageing population looking to downsize into homes suitable for lifetime occupation'. This would indicate that a high proportion of these homes should be accessible. The accessible homes here are concentrated in the full market price sector, with over half of these accessible compared to just over a quarter of the affordable homes. Furthermore, in order to achieve the applicant's desired dwelling numbers, parking provision has been crammed into the site, with the result that the drives and parking spaces of many of these dwellings will not be usable by people with mobility issues.

8. Adopted road and footpaths now forms the whole eastern leg. This change is noted. We note however that parking provision across the development will be cluttered due to inadequate provision on marked drives and parking spaces.

9. Turning head areas adjusted. This change is noted. We note however that parking provision across the development will be cluttered due to inadequate provision on marked drives and parking spaces.

10. The omission of three dwellings in the northern area. We note this amendment as part of a package put forward in response to concerns regarding the protected characteristics of a resident at 10 Oates Lane. We leave the owners of 10 Oates Lane to comment on the extent to which this and other amendments meet the needs of the family.

11. The creation of a new bungalow house type in the area. The new three-bedroom 'bungalow' which is in fact a two-storey house stands a full two metres above existing genuine bungalows in the neighbourhood. Neither this, nor the large four-bedroom chalets elsewhere on the site, meet the housing needs of the village. Policy NP7 of the Sutton Neighbourhood Plan states that 'Housing development must contribute to meeting the needs of the village. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people, particularly in the need for two bedroomed dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation'. 53 per cent of the proposed market price housing on the site consists of four-bedroom properties (including the chalets misrepresented by the applicant as three-bedroom single-storey dwellings). Just 21 dwellings of the 46 overall are two-bedroom dwellings, most of these in the 'affordable' category. The recent Housing Needs Assessment (September 2021) produced for the parish council by AECOM concludes that based on predicted demographic change in the village, 'new development might involve the following share of dwelling sizes: 23% as 1 bedroom, 47% as two bedrooms, 18% as three bedrooms, 0% as four bedrooms and 12% as 5 or more bedrooms'. By contrast, this application provides no one-bedroom accommodation, 46 per cent two-bedroom, 17 per cent three-bedroom—and 37 per cent (over a third) four-bedroom where none are required. The housing mix proposed by the applicant breaches this Neighbourhood Plan policy, and fails to meet the identified needs of the village.

12. The northernmost plots have been moved significantly further south away from the southern boundary of 10 Oates Lane to provide greater separation. These bungalows are set at a lower ground level, as the ground slopes gently from north to south. Given there are no windows or any openings above the ground floor there will be no views from the properties or the curtilage of those properties in to 10 Oates Lane garden. We note this amendment as part of a package put forward in response to concerns regarding the protected characteristics of a resident at 10 Oates Lane. We leave the owners of 10 Oates Lane to comment on the extent to which this and other amendments meet the needs of the family.

13. A 2.4 metre high acoustic fence has been positioned six metres away from the boundary with 10 Oates Lane. The area between the site boundary and acoustic fence will be a landscape buffer. This will provide both visual screening for No 10 as well as reducing the potential for noise disturbance both ways. The fence will be planted on both sides to soften its appearance.

We note this amendment as part of a package put forward in response to concerns regarding the protected characteristics of a resident at 10 Oates Lane. We leave the owners of 10 Oates Lane to comment on the extent to which this and other amendments meet the needs of the family.

14. The open space to the east of 10 Oates Lane has been fenced off with a low fence and planted in such a way as to discourage its use as any sort of formal play area. The area could be promoted as an ecological area to further discourage its use as a play area. We note this amendment as part of a package put forward in response to concerns regarding the protected characteristics of a resident at 10 Oates Lane. We leave the owners of 10 Oates Lane to comment on the extent to which this and other amendments meet the needs of the family.

Additional issues

We wish to draw to your attention a number of other issues not covered by the applicant's summary of the amendments to this application.

Biodiversity

The location of this site, neighbouring the recreation ground, cricket pitches, allotments, and open space, is sensitive ecologically.

The significance of these features is noted throughout the Sutton Neighbourhood Plan, which refers to the protection of local level habitats and green spaces capable of supporting wildlife; potential for the creation of additional areas for the enjoyment of leisure and wildlife within the Parish, in particular on the Old Recreation Ground; and the value of mature trees and planting around the village.

Detailed representations have been made by others about the flora and fauna on and around the site. Without an updated Landscape Ecological Management Plan it is impossible to assess the impact of the applicant's proposals for these important local features.

Disability

We note the comments of the Disabled Persons Transport Advisory Committee (2018) on 'shared spaces' and the risks they present to disabled people, not least those with neuro-diverse or mental health conditions, or a learning disability.

The shared surface roads in this development, coupled with the lack of adequate parking provision and the likelihood that vehicles will be parked indiscriminately on-street, have the potential to make this development a very unsafe space. We believe the proposed layout should not be supported for this reason.

Access

We note that there is no pedestrian or cycle access to or from the site other than via the entrance from Garden Close. This will discourage some journeys on foot or

bicycle within the village. We would also want to see details of the pedestrian access from the site to the recreation ground.

Decarbonisation

We are concerned that, so close to the 2025 deadline for the installation of gas boilers in new dwellings, these properties are intended to be heated by gas, when alternatives such as air source heat pumps are readily available. Opportunities for measures such as triple-glazing and solar energy are missed, at a time when the costs of heating homes are escalating wildly.

Piling

We support the suggestion that percussion piling should not be permitted on this site.

Ward Councillor Lorna Dupré – 1 April 2022

I am writing to express my concern about the safety implications of the proposed configuration of development along the central drain on this site. The applicant has proposed to create a large number of separate riparian ownerships, with the gardens of all the involved properties backing on to the drain. The Lead Local Flood Authority has already objected on this point. It is inevitable that these gardens will be fenced off by the owners. Many of them will forget, if they were ever told, that they have responsibility for maintaining the free flow of water in the ditch behind their fence, and for the overgrowth which will spring up on its banks. A small child entering, or falling into, the fenced off, overgrown watercourse will not be seen, and may not be found for hours—or more. It seems to me essential that for this reason if no other, the central drain should be held in single ownership, and remain clearly visible rather than fenced away.

Ward Councillors Lorna Dupré and Mark Inskip - 9 February 2022

The site is subject to the policies contained in the Sutton Neighbourhood Plan, including policies NP2 and NP5. The latter policy specifically relates to the community's expectations for the land at Garden Close.

Policy NP7 of the Neighbourhood Plan also establishes general policy about the housing mix on new developments

The application does not comply with the requirement of Policy NP5 of the Sutton Neighbourhood Plan that the development shall be low-density.

To overcome the challenges of the southern portion of the development area, the proposed dwellings are crammed in the centre of the site, at a considerably higher density than the established nearby housing.

The dwellings have very small rear gardens, and minimal space between them. There is barely room for a car to be parked on the drive and for the doors to be opened. By contrast, the space between existing properties in Garden Close which back on to the development site is typically ten metres or more.

The lack of space to manoeuvre on driveways is likely to lead to parking on the internal roads. This is particularly the case for the 'accessible' homes intended for lifetime occupation, which are not accompanied by accessible parking provision which would enable car doors to be opened wide for people with restricted mobility or a wheelchair to be loaded on and off a vehicle.

The application does not comply with the requirement of Policy NP5 of the Sutton Neighbourhood Plan that the development shall be predominantly single-storey.

The 51 dwellings proposed for the site include only 15 single storey dwellings—this cannot be classed as 'predominantly' single storey development. A further

11 dwellings are chalets, with living accommodation in the upstairs roof space. These cannot be classified as single storey as they have an upper floor. The remainder of the dwellings are flats (eight) or two-storey houses.

The NP5 policy requirement for single storey dwellings is to ensure any development on the site is in keeping with its surroundings—the Inspector who dismissed appeal APP/V0510/W/21/3275044 noted that 'policy is also consistent with the Framework for it is intended to ensure that the development of this site maintains the character and appearance of the surrounding area'.

The applicant claims that the proposed bungalows and chalets 'are no taller than a normal bungalow'. However the ridge heights of the chalets in the application are 5.9 metres. Bungalows in the surrounding areas of Garden Close, Lawn Lane, and Link Lane are 3.5-4.5 metres, averaging 4.2 metres—1.5 metres lower.

The application does not comply with the requirement of Policy NP7 of the Sutton Neighbourhood Plan which establishes a requirement for two bedroomed dwellings and properties suitable for downsizing into, and for lifetime occupation.

The applicant has slightly increased the number of two bedroomed properties (from 18 to 23), and also what are claimed to be three bedroomed properties (from 20 to 24). It has been suggested that the chalets described in this application as three bedroomed properties are being marketed elsewhere by the applicant as high value premium four bedroomed properties.

This is not the housing mix required by Policy NP7 and the application is therefore non-compliant.

The site is subject to the policies contained in the East Cambridgeshire Local Plan, including policies ENV1 and ENV2.

ENV1 Landscape and settlement character

The application does not comply with the requirement of Policy ENV1 of the East Cambridgeshire Local Plan that the development shall respect the character of the area and create positive, complementary relationships with existing development.

This crammed development does not respect its edge of settlement location or the key views as required by ENV1 and the Neighbourhood Plan. As noted above, the scale and form will also dominate the existing single storey homes in surrounding streets.

The proposed development has the potential to affect significant neighbouring habitats including the Old Recreation Ground and Plantation Wood, where various flora and fauna have been identified. It is not evident that the application would protect, conserve or enhance the landscape, as required by Policy ENV1. Indeed the Trustees of the Sutton Poor's Land Charity has submitted a detailed letter of objection.

At the time of writing the applicant has not provided an updated Landscape & Ecological Management Plan against which to assess this aspect of the application.

Policy ENV1 also requires development to protect, conserve, and where possible enhance the pattern of distinctive historic and traditional landscape features, such as watercourses. The Lead Local Flood Authority has rightly objected to the way in which the application establishes multiple riparian responsibilities along the central watercourse leading to potential flood issues elsewhere on the site.

ENV2 Design

The application does not comply with the requirement of Policy ENV2 of the East Cambridgeshire Local Plan that the development shall ensure

conflict between motor vehicles and pedestrians and cyclists is minimised, or that safe and convenient access is provided for people with disabilities. The design of the development incorporates 'shared space' roads with no separation of pavements for pedestrians and highway for vehicles. Such spaces are widely recognised to present dangers to people with disabilities, often creating no-go areas, and are currently deprecated by the Department for Transport whose Inclusive Mobility Strategy paused such developments in 2018. As noted above, the 'accessible' properties intended for lifetime occupation do not make provision for accessible parking. This, along with the generally crowded nature of the development, will result in most vehicles being parked on the 'shared space' roads creating further hazards for pedestrians and cyclists. We object to this application on the above grounds and urge the District Council to refuse permission.

Local Highways Authority - 24 March 2023

The changes in the revised submission are unlikely to have any adverse highway safety implications and I maintain that I still do not object to the application.

Please append the following conditions and informative to any permission granted:

Conditions

HW2A: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing 1925/P/210.02 Revision G in writing by the Local Planning Authority.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

HW23A: No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Non-standard condition: Prior to occupation of a dwelling, the pedestrian visibility splay pertaining to its access, as shown on drawings SK03 Rev I and SK04 Rev I, shall be maintained free from obstruction from a height of 600mm above the adjoining footway surface.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Local Highways Authority - 20 December 2022

The changes in the revised submission are unlikely to have a material highway impact and I still do not object to the application.

Previous comments regarding adoptability remain valid, which have been repeated below for convenience:

"Corner radii should be 6m, not 6.5m as shown for the turning head in front of Plot 18. The carriageway at this location needs to be 5m and not 4.8m. While not a basis for objection, this radius should be amended to meet CCC's adoption criteria.

In the interest of aiding any future S38 application I would like to highlight the following advisory comments to the applicant:

- o Where trees are planted within 5m of the highway proposed for adoption, there will need to be an intervening root protection barrier to a depth of 1.2m.

- o The drainage strategy is only acceptable if the attenuation pond is adopted by Anglian Water, the District Council or the Parish Council, or if the intervening piped system is first adopted by Anglian Water.

- o Adoption will only be considered where the construction complies with CCC's Housing Estate Road Construction Specification.

- o The adoption of proposed highway will be subject to a Section 38 Agreement of the Highway Act 1980 and comments made within this response are done so on a without prejudice basis to any such agreement taking place. In the interest of avoiding any abortive construction works, I strongly advised that should the applicant be granted planning approval, no construction works take place for proposed adoptable highway prior to the applicant entering into a Section 38 Agreement with the Local Highway Authority.

This site would benefit from a construction traffic management plan, to manage and mitigate any negative impacts from the construction phase on the highway."

The applicant should also be made aware since previous correspondence, CCC full council has passed a resolution that new residential roads will only be adopted whereby the streets are restricted to 20mph, enforced by an appropriate Traffic Regulation Order. Should the applicant wish for the roads to be adopted, the order can be applied for during the S38 adoption process.

Please append the following conditions and informative to any permission granted:

Conditions

HW2A: Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining County road in accordance with the details approved on drawing 1925/P/210.02 Revision E in writing by the Local

Planning Authority.

HW14A: Prior to first occupation or commencement of use of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and to park clear of the public highway. The area shall be levelled, surfaced and drained and thereafter retained for that specific use.

HW23A: No development shall commence until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the Local Planning Authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Non-standard condition: Prior to occupation of a dwelling, the pedestrian visibility splay pertaining to its access, as shown on drawings SK03 Rev H and SK04 Rev H, shall be maintained free from obstruction from a height of 600mm above the adjoining footway surface.

Informatives

Works in the Public Highway

This development may involve work to the public highway that will require the approval of the County Council as Highway Authority. It is an OFFENCE to carry out any works within the public highway, which includes a public right of way, without the permission of the Highway Authority. Please note that it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consents or approvals under the Highways Act 1980 and the New Roads and Street Works Act 1991 are also obtained from the County Council.

Local Highways Authority - 4 February 2022

There are no items within this application which will result in material highway safety issues. However, the applicant has indicated that they wish for most internal roads to be adopted at the public expense. In anticipation of, and without prejudice to such an agreement, below are comments which need to be addressed prior to the signing of any adoption agreement. Some of these will result in minor changes to the planning layouts.

A 2m wide footway should adjoin both side of the carriageway on a traditional road, including a return around any turning head. This includes the turning head / access to a private parking court north of Plot 30. At this location a 2m footway should be provided along the south and west of the carriageway, and access to the parking court via a vehicular crossover.

Where the ends of the shared surfaces are rounded, they should be replaced with squared ends. The unnecessary maintenance burden of rounded kerbs at the end of the shared surface roads would not be acceptable to CCC.

The corner radius for all internal roads should be 6m. The radii shown for two of the turning heads in the shared surface areas are 5.4m and 6.5m, which will need to be amended. CCC's specification states that all kerbs up to a radius of 12.5m shall be comprised of appropriate radius kerbs rather than laid in straight sections. Radius kerbs of 5.4m and 6.5m cannot be easily procured. There is a sharp bend in the road's horizontal alignment outside Plots 31-38 which is followed by a row of parking bays. The applicant should highlight what forward visibility is achievable around this bend so that I can determine if this forward visibility gives appropriate advance warning to road users of a vehicle exiting the nearest space. It is unclear from the submitted drainage strategy which drains (if any) are proposed for adoption by CCC. Please note that CCC will only be enter into a Section 38 Agreement for the adoption of highway, if the highway including its drainage infrastructure aligns with the requirements set out in our Housing Estate Road Construction Specification. I note that surface water for roads proposed for adoption is discharged to an attenuation pond. Such an arrangement is acceptable only if the pond (or any other SUDS feature) is adopted by a public body with a successor or if highway water is first discharged to an Anglian Water sewer. CCC will not adopt SUDS. I recommend that applicant highlight the management proposals for the highway drainage systems. Other detailed engineering elements such as the cross-sections and long sections will be reviewed post planning when the applicant submits an application for an adoption agreement. In the interest of streamlining such an application, the applicant should be aware of the following key points.

• All roads must be in camber, not crossfall. • No private surface water may enter the highway proposed for adoption. This includes private drives and visitor parking bays (which CCC will not adopt). • Where block paving is proposed, the gradient can be no shallower than 1 in 80. • Root protection to a depth of 1.5m must be provided where any tree is proposed to be planted within 5m of the highway proposed for adoption. • No highway may be adopted until the sewer system has first been adopted by Anglian Water.

I would like to invite the applicant to respond to the above comments prior to recommended any conditions or informatives.

Lead Local Flood Authority – 20 March 2023

The applicant has provided a plan showing access to the watercourse passing through the centre of the site. It is noted that there is a condition on the outline permission and we can await for the details of the discharge of conditions application to request the detailed calculations. Therefore, we have no further objection points on the reserved matters application.

Lead Local Flood Authority - 16 February 2023

Thank you for your re-consultation which we received on 2nd February 2023.

At present we maintain our objection to the reserved matters application for the following reasons:

1. Hydraulic Calculations

The submitted hydraulic calculations are volumetric calculations for the attenuation systems. However, at this stage, as the layout is being agreed, we require detailed network calculations, demonstrating that the system will perform in the proposed layout. Until these hydraulic calculations have been provided for the during the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm event, including a suitable allowance for climate change, we are unable to support this application.

2. Riparian Ownership

It is noted that the ditch passing through the centre of the site is not a major watercourse, and the fence line may have been moved to accommodate an access point for maintenance. However, the LLFA requires a clear plan showing this easement strip and access point along with a maintenance plan for the ditch to demonstrate that the access strip will provide enough space for the required maintenance activity.

Informatives

Ordinary Watercourse Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly

during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Lead Local Flood Authority - 6 January 2023

At present we maintain our objection to the grant of planning permission. It is acknowledged that an updated Drainage Strategy Plan has been provided dated November 2022, however the LLFA still requires the information requested in our previous response of 8 February 2022 (ref: 201107196). For ease, these points have been reiterated below:

1. More Information Required

The applicant has submitted a drainage layout plan for the reserved matters scheme. It is noted that the proposed layout and attenuation features have changed since the outline application. Therefore, the applicant must submit full drainage details demonstrating that the surface water system can be accommodated within this layout, aligning with the proposed principles set out under the outline application. This must include every SuDS feature, such as all permeable paving and conveyance swales and the attenuation features with cross sections. The applicant must also submit supporting hydraulic calculations, demonstrating the performance of this system during the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm event, including a suitable allowance for climate change. Until it is clear that the proposed surface water system can be accommodated within the site layout, we are unable to support this reserved matters application.

2. Discharge Rates

The proposed system appears to be utilising two outfalls from the site. While the two outfalls approach is not necessarily opposed to by the LLFA, the rate of discharge totalling from these outfalls is increased from the 2l/s, proposed under the outline application, to 8l/s under the reserved matters. This is a large increase in the discharge rate as approved. The applicant should be looking to keep the discharge rate to the 2l/s as designed under the outline permission, or sound justification for the increase in discharge rates and impacts on any downstream watercourses must be assessed. Until it is clear why the discharge rate has been increased, or this is reduced to 2l/ as previously agreed, we are unable to support this application.

3. Riparian Ownership

The existing site has a number of watercourses around the boundary and one passing directly through the centre of the site. The proposed layout means twenty private gardens would abut the central watercourse. This would lead to the watercourses being divided and maintained under riparian law by a relatively large number of land owners, as opposed to the single riparian owner in the current greenfield state. The LLFA is opposed to this approach, as the onus of maintenance is divided by across many land owners, meaning a lack of maintenance by one future resident may lead to flood issues to the wider site and surrounding land and property.

The site layout should account for the existing drainage infrastructure, ensuring clear access for maintenance of the ditches by a management body. This should include a suitable easement for any maintenance equipment that may be required for future maintenance works on the ditch. Until the site has addressed the riparian ownership issue, such as ensuring a maintenance strip is present along the entirety of the existing watercourses, we are unable to support this application.

Informatives

Ordinary Watercourse Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Lead Local Flood Authority - 16 August 2022

Thank you for your re-consultation which we received on 26th July 2022.

There does not appear to be any revised documentation, therefore we can confirm that the LLFA has no further comments beyond those set down in our response of 8 February 2022 (ref: 201107196). Our position remains opposed to the development.

Lead Local Flood Authority - 8 February 2022

At present we object to the grant of planning permission for the following reasons:

1. More Information Required

The applicant has submitted a drainage layout plan for the reserved matters scheme. It is noted that the proposed layout and attenuation features have changed since the outline application. Therefore, the applicant must submit full drainage details demonstrating that the surface water system can be accommodated within this layout, aligning with the proposed principles set out under the outline application. This must include every SuDS feature, such as all permeable paving and conveyance swales and the attenuation features with cross sections. The applicant must also submit supporting hydraulic calculations, demonstrating the performance of this system during the 100%, 3.3% and 1% Annual Exceedance Probability (AEP) storm event, including a suitable allowance for climate change. Until it is clear that the proposed surface water system can be accommodated within the site layout, we are unable to support this reserved matters application.

2. Discharge Rates

The proposed system appears to be utilising two outfalls from the site. While the two outfalls approach is not necessarily opposed to by the LLFA, the rate of discharge totalling from these outfalls is increased from the 2l/s, proposed under the outline application, to 8l/s under the reserved matters. This is a large increase in the discharge rate as approved. The applicant should be looking to keep the discharge rate to the 2l/s as designed under the outline permission, or sound justification for the increase in discharge rates and impacts on any downstream watercourses must

be assessed. Until it is clear why the discharge rate has been increased, or this is reduced to 2l/ as previously agreed, we are unable to support this application.

3. Riparian Ownership

The existing site has a number of watercourses around the boundary and one passing directly through the centre of the site. The proposed layout means twenty private gardens would abut the central watercourse. This would lead to the watercourses being divided and maintained under riparian law by a relatively large number of land owners, as opposed to the single riparian owner in the current greenfield state. The LLFA is opposed to this approach, as the onus of maintenance is divided by across many land owners, meaning a lack of maintenance by one future resident may lead to flood issues to the wider site and surrounding land and property.

The site layout should account for the existing drainage infrastructure, ensuring clear access for maintenance of the ditches by a management body. This should include a suitable easement for any maintenance equipment that may be required for future maintenance works on the ditch.

Until the site has addressed the riparian ownership issue, such as ensuring a maintenance strip is present along the entirety of the existing watercourses, we are unable to support this application.

Informatives

Ordinary Watercourse Consent

Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

<https://www.cambridgeshire.gov.uk/business/planning-and-development/water-minerals-and-waste/watercourse-management/>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Anglian Water Services Ltd - 23 December 2022

Section 1 - Assets Affected

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

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement.

Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is

not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - 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

Section 3 - Used Water Network

We have reviewed the applicant's submitted foul drainage strategy - as per 219537/26 and consider that the impacts on the public foul sewerage network are acceptable to Anglian Water at this stage. We request that we are consulted on any forthcoming application to discharge Condition 10 of the outline planning application 17/01445/OUM, to which this Reserved Matters application relates, that require the submission and approval of detailed foul drainage information.

Section 4 - Surface Water Disposal

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

We have reviewed the applicant's submitted surface water drainage information Drainage Strategy as per 219537/26 and have found that the proposed method of surface water discharge does not relate to an Anglian Water owned asset. As such, it is outside of our jurisdiction and we are unable to provide comments on the suitability of the surface water discharge. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be re-consulted to ensure that an effective surface water drainage strategy is prepared and implemented. A connection to the public surface water sewer may only be permitted once the requirements of the surface water hierarchy as detailed in Building Regulations Part H have been satisfied. This will include evidence of the percolation test logs and investigations in to discharging the flows to a watercourse proven to be unfeasible.

Anglian Water Services Ltd - 24 January 2022

Thank you for your email consultation on the above reserved matters application

The applicant has indicated on their application form that their method of surface water drainage is via SuDS. If the developer wishes Anglian Water to be the adopting body for all or part of the proposed SuDS scheme the Design and Construction Guidance must be followed. We would recommend the applicant contact us at the earliest opportunity to discuss their SuDS design via a Pre-Planning Strategic Enquiry.

The Lead Local Flood Authority (LLFA) are a statutory consultee for all major development and should be consulted as early as possible to ensure the proposed drainage system meets with minimum operational standards and is beneficial for all concerned organisations and individuals.

We promote the use of SuDS as a sustainable and natural way of controlling surface water run-off. We please find below our SuDS website link for further information.

<https://www.anglianwater.co.uk/developers/drainage-services/sustainable-drainage-systems/>

Middle Level Commissioners Middle Level Drain - No Comments Received

The Ely Group of Internal Drainage Board - No Comments Received

Environment Agency - No Comments Received

ECDC Housing Section – 19 January 2023

[Following confirmation of the 2-bed affordable bungalow provision as follows; Plots 13 & 14 changed from Private bungalows into 2 bed Affordable bungalows (making it 4 x 2 bed Affordable bungalows in total) all 4 of the 2 bed Affordable bungalows are designed to Accessible standards. Plots 30 and 31 changed from 2 bed Affordable houses into 2 bed Private houses]

The Strategic Housing Team is satisfied with this revision as the new proposed mix better suits the identified housing need for Sutton.

ECDC Housing Section - 9 January 2023

We note that the amended plans submitted show a reduction in the delivery of 2-bed bungalows from 4 to 2 as well as delivering more 2-bed houses in place of the 2-bed flats.

We support the change of flats to houses however would like to see a more even spread between the number of 2-bed bungalows and 2-bed houses where design and viability permits. This would better reflect the housing need for Sutton as the Housing Register currently shows 46 applicants with a local connection to Sutton who have a preference for a 2-bed bungalow.

ECDC Housing Section - 15 August 2022

The Strategic Housing Team acknowledges the amendments made to the above application, including the decrease in units from 51 to 46. We continue to support this application.

ECDC Housing Section - 21 March 2022

The Strategic Housing Team supports the above application as the amended plans to the affordable dwellings now achieve the Nationally Described Space Standards.

ECDC Housing Section - 14 February 2022

The Strategic Housing Team wishes to put forward a holding response pending further information. Based on the plans submitted, I am unable to determine the exact size of the affordable dwellings. Looking at the floor plans, the properties look rather small and therefore until I am able to confirm that they will meet an acceptable standard by Registered Providers and that we are confident of a reasonable expectation of transfer, unfortunately I am not going to be able to support the application at present.

ECDC Housing Section - 7 February 2022

I am still unable to determine the exact size of the affordable dwellings. Looking at the floor plans, the properties look rather small and therefore until I am able to confirm that they will meet an acceptable standard by Registered Providers and that we are confident of a reasonable expectation of transfer, unfortunately I am going to have to submit a holding response pending further information as I note the application consultation date ends on the 9th February.

I look forward to hearing from you with further details,

Design Out Crime Officers - 21 December 2022

Thank you for the opportunity to comment on these reserved matters application including amended plans and revised layout.

I really appreciate the changes already made to this development, having looked at the revised documents and considering my original comments and observations dated 28th July 2022, I do have additional comments.

- Fencing - Clarification required reference stock fence with locked management gates, the planting schedule plan has this marked up as a 1.8m stock fence however the site plan shows it as a 1.5m this should be a 1.8m fence to reduce the risk of being climbed and access gained into this restricted area and should be replicated on the entrance to the containment area which provides access to the landscape buffer zone behind the acoustic fence.

Following my previous comments, I am satisfied with the changes made to the rear garden fences abutting the drainage ditch with the increased height to 1.8m.

As previously mentioned,

-Lighting - It would be good to see an External lighting plan adoptable and private including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private and shared drives including parking areas should be lit by columns to BS5489 1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights. The newly created parking area for plots 22 to 29 should be lit by a column as per above guidance.

Public footpaths. Opposite plot 41. Should be straight with clear visibility, the landscaping along these paths should be maintained, trees crowns should be raised to 2m. The footpaths should be lit by columns to BS5489 1:2020 and care should be taken not to place columns within 5m of trees to reduce conflict and damage, these should encourage residents to use the green space this should further improve natural surveillance which is always a proven deterrent to crime and anti social behaviour. Landscape management for the footpaths and the LAP and LEAP

should be maintained to ensure good views and surveillance across these areas low level shrubs should be kept to 1 to 1.2m.

I am supportive of the design and layout however clarification on the above comments would be appreciated. This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime.

I would encourage the applicant considers submitting a Secured by Design 2019/22 Homes application. This office would be pleased to work with them to attain this award and believe that this could be achieved with consultation.

Design Out Crime Officers - 28 July 2022

Thank you for the opportunity to comment on this reserved matters planning application revised plan.

The overall re-design and layout appears to be acceptable in relation to crime prevention and fear of crime providing reasonable levels of natural surveillance from neighbouring properties with many of the homes facing each other. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered this should encourage some level of territoriality amongst residents which helps deter searching behaviour and distraction offences, particularly if any resident is elderly/vulnerable. The vehicle parking is in-curtilage between and to the sides of properties, many homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with defensible space to their front. The play area and use of footpaths should encourage natural surveillance on this development.

It would appear that some measures have been considered. I do however have the following comments: -

- Lighting - It would be good to see an External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private and shared drives including parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.
- Gated area's - to the drainage ditch - this runs along the rear of plots 19-28 & 34-40. Is this a maintenance area? as this provides access to rear gardens of these properties.
- Also gated access for the area behind the acoustic fencing and the 1.5m picket fencing, whilst the fencing and gates would appear to be acceptable, the locks should be sold secure products accessible only by maintenance operatives.
- Fences - As a potential option and for added security to the properties backing onto the drainage ditch and maintenance area 19-28 & 34-40 the addition of a 300mm trellis to these fences would reduce the risk should unauthorised persons gain access into this area.

I am supportive of the design and layout but clarification on the above comments would be appreciated. This has the potential to be a development where there is a strong commitment to community safety and reducing vulnerability to crime, I would encourage the applicant considers submitting a "Secured by Design" 2019 Homes application - this office would be pleased to work with them to attain this award and believe that this could be achieved with consultation.

I have no further comment at this time.

Design Out Crime Officers - 21 January 2022

Having looked at the DAS there doesn't appear to be a crime prevention or security section in the (DAS). Planning policies and decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. It is important that security and crime prevention is considered and discussed at the earliest opportunity to ensure that the security of buildings, homes, amenity space and the environment provide a safe place for residents and visitors.

This appears to be an acceptable layout in relation to crime prevention and the fear of crime providing reasonable levels of natural surveillance from neighbour's properties with many of the homes facing each other or overlooking open space. Most of the homes have back to back protected rear gardens which reduces the risk and vulnerability to crime and have been provided with the potential for some defensible space to their front. Pedestrian and vehicle routes are aligned together, well overlooked and pedestrian safety has been considered, this should encourage some level of territoriality amongst residents. Most of the vehicle parking is in-curtilage between, to the sides and in front of properties. There is a parking court for the flats.

Developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Crime prevention should be considered as an integral part of any initial design for a proposed development. It should incorporate the principles of 'Secured by Design'. In particular to demonstrate how their development proposal has addressed issues, in order to design out crime to reduce the opportunities for crime:

I do have the following comments/questions:

- o Lighting - It would be good to see an External lighting plan (adoptable and private) including calculations and lux levels when available. For the safety of people and their property our recommendation is that all adopted and un-adopted roads, private, shared drives and parking areas should be lit by columns to BS5489:1 2020. Bollard lighting is only appropriate for wayfinding and should not be used as a primary lighting source for any roads or parking areas, where they are also prone to damage. Care should be taken in relation to the location of lighting columns with the entry method for the majority of dwelling burglary being via rear gardens. Lighting columns located next to rear/side garden walls and fences with

little surveillance from other properties can be used as a climbing aid to gain entry to the rear gardens. Home security lights both front and rear should be dusk to dawn bulkhead LED lights.

- o Footpath - Footpaths to the side/rear of terraced homes, if storage for bins and cycles cannot be provided to the front of these homes, then these footpaths should be gated as close as possible to the front building line, shared gates should be fitted with self-closers, private gates to rear of each home should be fitted with self-closers and lockable from both sides.,
- o Sheds for Cycle storage rear gardens/garage - The design problems that we are trying to prevent are cycle hoops bolted into the ground; they need to be cemented 300mm into the floor or as a minimum sold secure ground anchors cemented into the floor.

Flats:

- o Cycle storage and security - Ideally these should be internal secure stores, The cycle stands should be secured into the ground (not bolted down) as per Secured by Design guidelines. If this isn't possible Cycle parking for residents should be within view of active windows. Minimum requirements for such equipment are:
 - o Galvanised steel bar construction (Sheffield stands).
 - o Minimum foundation depth of 300mm with welded 'anchor bar'
 - o The cycle stands must facilitate the locking of both wheels and the crossbar
- o Bin Store - external doors LPS 1175 SR2 security doors with residential access control, be fitted with self-closers along with internal thumb turns for easy egress to ensure people cannot get trapped inside. (Refuse collection service to be provided with fob access to empty).
- o Apartment Block - Access control/Compartmentalisation - access to the blocks should be restricted to residents and include an audio/visual visitor entry system allowing residents to have a two-way conversation with callers and to see them prior to allowing access. With the number of flats in these blocks via a single communal entrance.
- o Post boxes - will all the block of flats have post boxes fitted inside the lobby area? If external boxes to be fitted they should be fitted to TS009 standards

ECDC Trees Team – 4 April 2023

This application includes to lose of 15 category B trees which due to their sizes will require the replacement planting a minimum of 66 tree to be compliant with policy SPD.NE8: Trees and Woodland Natural Environment Supplementary Planning Document 2020, currently the plans indicate the planting of 107 trees making it compliant with policy SPD.NE8.

My comments made on the 6th March relating to the soft landscaping scheme have been resolved.

The completed schedule of site supervision and monitoring of the arboricultural protection measures in the Arboricultural Method Statement as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

As the soft landscaping scheme is acceptable. It would be beneficial for the continuity of the site if there was a minimum of a 20 year management plan for the new and retained woody plants on the site this could be provided via the following condition:

A Hedgerow and Woodland Management and Creation Scheme should be produced and submitted to the LPA for approval. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:

- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
- 2) Areas where new woodland and hedgerows will be established;
- 3) The methodology for the establishment of new areas of native woodland and hedgerows;
- 4) Management of existing woodland and hedgerows to enhance its amenity and ecological value;
- 5) Details of responsibility for the future management of the woodland areas and hedgerows.
- 6) Details to cover a period of no less than 20 years or until decommission of the development”

Informative:

The following British Standards should be referred to as appropriate:

- a) BS: 3882:2015 Specification for topsoil
- b) BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c) BS: 3998:2010 Tree work – Recommendations
- d) BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e) BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g) BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for maintenance of soft landscape (other than amenity turf).
- h) BS: 8545:2014 Trees: from nursery to independence in the landscape - Recommendations

Please can the following inspection condition relating to the implementation of the landscaping scheme be used:

Soft landscape works shall be audited at completion and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval. To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the locality and to assimilate the development into its surroundings in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

ECDC Trees Team - 6 March 2023

The use of *Prunus domestica* 'Oullins Golden Gage' in relation to plots 11, 13, 14, 36, 37 and 38 should be reconsidered as their locations will overhang parking areas and footpaths which is unsuitable for their long-term retention as this species of tree produces a large quantity of Gages (type of plum) that will pose a slip hazard as well as making a mess and attracting unwanted insects such as Wasps, Ants etc. There is also a *Sorbus aucuparia* on the corner of plot 5 that will overhang

the road and parking area creating the same issues as the Golden Gage mentioned previously both of these trees are important for biodiversity but are more suited to the public open spaces where they won't cause the issues mentioned. For location over hard standing areas none soft fruit bearing trees are more appropriate. The use of *Ligustrum vulgare* (Privet) in the area of the LEAP would be better replaced with a thorn less mixed native species hedge that could still contain Privet but the inclusion of other species would be more in keeping with the sites rural location and be better for biodiversity and the less formal nature would suit a play area better than the maintenance heavy formal nature of a single species hedge. It might be worth considering replacing or relocating the *Malus domestica* 'Lord Peckover' adjacent the park entrance as in late summer when the Apples on this tree and its neighbours start falling there will be little space to avoid them and the associated wasps. Replacing it with another small species tree such as *Parrotia persica* (Persian ironwood) which has attractive flaking bark, leaves that turn yellow, red and purple in autumn and small crimson flowers borne on bare twigs. 4-8m high and 6-10m spread.

My comments relating to the conditions requests in the 26th July 2022 consultation response are still valid.

ECDC Trees Team - 26 July 2022

It's not clear from the plans if sufficient space has been provided for the existing hedge and ditches maintenance which should ideally be 1m wide for pedestrian access and 1.5 to 2m for machines such as diggers to clear ditch in future.

Due to the sensitive nature of the site please condition for the submission of site supervision details as follows:

Prior to the commencement of the development hereby approved (including any ground clearance, tree works, demolition or construction), details of all tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required) shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be implemented in strict accordance with the approved details.

Informative:

The following British Standards should be referred to:

- a) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations

The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition (insert condition number) shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

As per my previous comments The soft landscaping scheme is acceptable. It would be beneficial for the continuity of the site if there was a minimum of a 20 year management plan for the new and retained woody plants on the site this could be provided via the following condition:

A Hedgerow and Woodland Management and Creation Scheme should be produced and submitted to the LPA for approval. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:

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No further tree related objections to this application.

ECDC Trees Team - 23 May 2022

Thank you for adding the tree survey information to application information it is very useful but I note that none of my concerns raised in the consultation response dated 15th February 2022 appear to have been addressed at this time.

ECDC Trees Team - 15 February 2022

Please note that the tree schedule that provides information relating to the size of the trees on site, their condition and recommended works as well as other useful information has not been included in the submitted documents for this application.

In paragraph 5.1 of the Arboricultural Method statement it states that inside the exclusion area of the tree protection fencing there will be no reduction/increase of levels for any purpose (except removal of grass sward using hand tools). In paragraph 4.6 of the Arboricultural Impact Assessment (AIA) it states that there must be no changes in levels, service routing, machine activity, storage of materials or site hut positioning within areas to be protected and the protective fencing must remain in position for the duration of the construction process. Yet despite these statements there appears to be a 500mm high bund with a 2m high fence located on its top located within the Root Protection Areas of four trees T3, T4, T5 and T6 this raising of the soil level and associated soil compacting will be potentially detrimental to the health of the four trees and T3 is also protected by Tree Preservation Order TPO E/04/20.

Some of the RPA of tree T4 is unprotected by fencing presumably to enable working room for the construction of the neighbouring roadway and associated path this area of RPA should still have some protection in the form of appropriate ground protection the AIA states that such protection for all retained trees is shown on the Tree Protection Plan (TPP) according to the specification in 6.2.3 unfortunately no ground protection is shown on the TPP and 6.2.3 appears to have been omitted. This seems to be the case for the southern most Ash tree in group G9 as well as trees T44 and T46, the Silver Birch T51 will either require the use of a section of no dig construction for the neighbouring foot path or will have some of its roots removed due to the ingress into its RPA but no information has been provided in relation to this. The construction of the footpath adjacent the north western edge of groups G8, G9 and G10 will also need to be undertaken as a no dig construction in order to avoid significant root loss also no details relating to this have been provided.

The soft landscaping scheme is acceptable. It would be beneficial for the continuity of the site if there was a minimum of a 20 year management plan for the new and retained woody plants on the site this could be provided via the following condition:
A Hedgerow and Woodland Management and Creation Scheme should be produced and submitted to the LPA for approval. The Woodland Management and Creation Scheme (hereafter referred to as HWMCS) is required to contain details on the following:

- 1) The areas of woodland and hedgerows to be retained and/or enhanced;
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To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the locality and to assimilate the development into its surroundings in accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015.

The soft landscaping specification is of a high level and compliance with its recommendations must be conditioned to aid the establishment of the scheme.

Natural England - 10 January 2023

Natural England has no comments to make on this amendment of reserved matters application.

Natural England - 12 August 2022

Natural England has no comments to make on the amendment to this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Natural England - 3 February 2022

Natural England has no comments to make on this application for the approval of reserved matters.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

Cambs Wildlife Trust - No Comments Received

ECDC Environmental Health – 6 January 2023

Thank you for reconsulting us on the above application with regard to: The amendment involves amended site layout, house types and supporting information.

I have no additional comments to make at this time.

Environmental Health - 25 January 2022

I have no comments to make at this time.

Waste Strategy (ECDC) - 6 October 2022

Our comments on 17/01445/OUM still stand (not clear if internal roads are to be adopted?).

Waste Strategy (ECDC) - 11 April 2022

- o East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).
- o Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.
- o Each new property requires a set of receptacles; the contribution is currently £52 per set. We would recommend the developer made the contribution on behalf of the residents.
- o Payment must be made in advance of bins being delivered; East Cambs District Council Account Number 43135897, Sort Code 52-41-19, reference should be the planning application number followed by (bins) i.e. 15/012345/FUL (bins) a separate e-mail should also be sent to waste@

Technical Officer Access - 28 January 2022

Shared surfaces for pedestrians and cars not be used as they cause problems for the visually impaired, guide dogs, those with learning difficulties, children, people in wheelchairs and pedestrians in general as there is no demarcation between road and footpath.

Footpath surfaces to be firm, level and slip resistant. Suitable for wheelchairs, the frail, the visually impaired and those with learning difficulties.

I can't find any mention of street lighting in this development. There needs to be an adequate level of street lighting in this development for all road users, particularly partially sighted pedestrians

Considering parts of this development have shared space, which we have already outlined is inaccessible for a variety of people, you will need clear designated refuse collection points to allow blind and partially sighted people and disabled pedestrians to be able to walk through these areas safely without walking into bins or having to walk into the path of cars.

Here's a link to the RNIB Seeing Streets Differently report released in October 2021, which amongst many things, clearly states that shared space is inaccessible for a variety of road users. <https://www.rnib.org.uk/campaigning/priority-campaigns/inclusive-journeys/seeing-streets-differently-report>

Cambridgeshire Fire and Rescue Service - 4 August 2022

[As those received 20 January 2022]

Cambridgeshire Fire and Rescue Service - 20 January 2022

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.

The position of fire hydrants are generally agreed upon when the Water Authority submits plans to:

Water & Planning Manager
Community Fire Safety Group
Hinchingsbrooke Cottage
Brampton Road
Huntingdon
Cambs
PE29 2NA

Where a Section 106 agreement or a planning condition has been secured, the cost of Fire Hydrants will be recovered from the developer.

The number and location of Fire Hydrants will be determined following Risk Assessment and with reference to guidance contained within the "National Guidance

Document on the Provision of Water for Fire Fighting" 3rd Edition, published January 2007.

Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access.

If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required, the details of which can be found in the attached document.

Cambridgeshire Archaeology - 26 January 2022

As for previous iterations of this scheme, this reserved matters application retains the central historic hedge along a ditched strip field boundary and that at the eastern boundary - this is welcomed as an effort to retain the historic character of the village. From the evaluation, we know that the fields present here and to the south of the properties along High Street and latterly Station Road once had deep boundary ditches (penetrating 50-75cm into the substrate beneath 50cm-1m cover soils) and connecting cross ditches dividing the field strips and enabling drainage and management of the perched water conditions present here. The locations and shared orientation of the village streets heading downslope from High Street correspond to the former field divisions: Lawn Lane, Windmill Lane and Walk, Steward's Lane, Red Lion Lane, The Row etc. This plot east of Garden Close, extending to Station Road constitutes the remaining relic of this historic landscape with earthworks banks and ditches of the ancient fields. The date of the ponds in the southern part of the site is unknown as they have not been subject to physical examination and there is no need to do so as they are to be retained. As suggested in the evaluation report (PCA Report 12901, Jackson & Meckseper, 2017), it is likely that these are contemporary features within the Medieval fields with Roman to Medieval settlement occurring higher up on the better drained hill crest. The evaluation report concludes:

7.5 The paucity of finds may also be due to the high water table on the site, in conjunction to the heavy clay natural geology of the area. This high water table is likely to have encouraged settlement related activity to be focussed on the higher ground to the north towards the centre of the main village core.

It is clear from the evaluation work that considerable effort had been expended in the past to drain the slope for use as pasture and small plough fields. Settlement was located elsewhere - likely owing to perched water conditions. We learn from this that drainage will be a key requirement of any development planned for this area.

We previously recommended that the earthworks in the south-western part of the site should be recorded and that we had no archaeological information for the land in the south-eastern corner of the site, where no construction impacts were originally to be placed. This Reserved Matters application indicates a large SUDS swale to be located in the uninvestigated south-eastern corner to which there was no access at the time of the evaluation in 2017.

We have previously advised that an archaeological condition is required for this scheme in emails of 25 August 2017 for 17/01445/OUM and on 08 August 2018 for 18/01053/OUM. Both emails advise on the surveying and retention of historic (medieval) earthwork features as part of new development. They also indicate that the southern part of the field was not subject to evaluation as there were to be no construction impacts here.

We continue to recommend that an archaeological condition is required for this scheme to allow for the advance recording and investigation of the archaeological content of this development area. We recommend the use of our updated condition, with its informatives, to appropriately manage change to assets within the historic environment:

Archaeology Condition

No demolition/development shall commence until the applicant, or their agents or successors in title, has implemented a programme of archaeological work, commencing with the evaluation of the application area, that has been secured in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the Local Planning Authority in writing. For land that is included within the WSI, no demolition/development shall take place other than under the provisions of the agreed WSI, which shall include:

- a) the statement of significance and research objectives;
- b) The programme and methodology of investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material and digital archives.

REASON: To safeguard archaeological assets within the approved development boundary from impacts relating to any demolitions or groundworks associated with the development scheme and to ensure the proper and timely preservation and/or investigation, recording, reporting, archiving and presentation of archaeological assets affected by this development, in accordance with national policies contained in the National Planning Policy Framework (MHCLG 2019).

Informatives:

Partial discharge of the condition can be applied for once the fieldwork at Part c) has been completed to enable the commencement of development.
Part d) of the condition shall not be discharged until all elements have been fulfilled in accordance with the programme set out in the WSI.

ECDC Conservation Officer - 17 February 2022

Principle approved previously - no comment

NHS England - 9 September 2022

The proposed development is likely to have an impact on the services of the GP Practice operating within the vicinity of the application Fenland Group Practice: Priors Field Surgery. This practice has a registered patient list size of 6026 and this development of 53 dwellings would see an increase patient pressure of 148 new residents which would require additional GP/Nurse / (Admin support) workforce to support increase in appointments : GP = 0.07 / Nurse = 0.05 and Admin = 0.14 with a resulting increase on estate demand of 10.18 sqm net internal area.

A developer contribution will be required to mitigate the impacts of this proposal. CAPICS calculates the level of contribution required, in this instance to be £37,162.75. Payment should be made before the development commences. CAPICS therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission.

In its capacity as the healthcare provider, CAPICS has identified that the development will give rise to a need for additional primary healthcare provision to mitigate impacts arising from the development. The capital required through developer contribution would form a proportion of the required funding for the provision of capacity to absorb the patient growth generated by this development. Assuming the above is considered in conjunction with the current application process, CAPICS would not wish to raise an objection to the proposed development. Otherwise, the Local Planning Authority may wish to review the development's sustainability if such impacts are not satisfactorily mitigated.

The terms set out above are those that CAPICS deem appropriate having regard to the formulated needs arising from the development. CAPICS are satisfied that the basis and value of the developer contribution sought is consistent with the policy and tests for imposing planning obligations set out in the NPPF.

Ambulance Service - No Comments Received

Cambridgeshire County Council Education - No Comments Received

CCC Growth & Development - No Comments Received

Neighbour Consultations

- 5.2 A site notice was displayed near the site on 24 January 2022 and a press advert was published in the Cambridge Evening News on 27 January 2022.
- 5.3 Neighbours – 48 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

Visual Amenities

- Out of character with existing, predominantly single storey houses which abut the site
- Affects public views
- Landscape impact
- Loss of view of South Fen
- Impact on setting and views of Grade I listed building (the church) in the village
- Impact on Conservation Area
- Unsympathetic design

Residential Amenities

- Noise/ vibration/ disruption during construction
- Parking of construction vehicles
- Noise from future residents and traffic
- Loss of privacy
- Overbearing
- Overlooking
- Raising land levels will increase detriment to residential amenity
- Loss of light
- Light pollution
- Percussion piling
- Loss of view
- Lack of fence adjacent to the footway
- Lack of appropriate living conditions for future occupiers

Natural Environment

- Conservation
- Trees/ hedgerow loss
- Relocation of Great Crested Newts
- Maintenance of landscaped areas
- General detrimental impact on biodiversity and ecology of the site
- Attenuation pond to the south of the ponds indicated in a previous plan as part of the nature reserve area, is now to be dug up and an attenuation pond created.
- Geology of the area shows underlying clay
- Natural springs are known to occur
- No evidence provided to demonstrate the scheme would not impact on countryside
- Trees proposed too close to the carriageway and will be damaged by cars
- LEMP requires updating
- Protected species affected
- Ecology report out of date
- Wildlife impacts

Highways & Transport

- Access and increased traffic
- Entrance not wide enough for two vehicles to pass
- Access from Lawn Lane sometimes dangerous, this will be exacerbated by the increase in housing
- Bus service is poor – reliance on cars
- Parking insufficient

- Speeding traffic
- Highway safety
- Doesn't accommodate mobility impaired
- Lack of footpaths
- Visibility at junction of Lawn Lane and High Street restricted.
- Increase traffic
- Affects a right of way/ right of access
- Shared surface streets do not comply with policy
- No pedestrian/ cycle access other than via Garden Close

Policy

- Doesn't comply with Neighbourhood Plan
- Not predominantly single-storey dwellings
- Density of development inappropriate
- Site allocated for 25 houses
- Doesn't cater for ageing population
- Housing mix doesn't meet needs
- Plot sizes too small
- Doesn't follow design guide

Flooding and Drainage

- Existing drainage problem on site
- Increased risk of flooding
- Flooding will harm existing trees
- High water table
- Riparian owners downstream will receive excessive discharge into their systems.
- Figures do not include any of the existing surface water discharged into the ditch referred to as the Mildred Lodge drain.
- Suggests that more than the anticipated water from the applicants' site into the drain would occur
- Questions long-term drainage management

Housing

- Affordable housing would be unaffordable for local people
- Lack of affordable housing
- Flats are inappropriate
- Some 'bungalows' are 2-storey
- Lack of bungalows
- Cramped development

Other

- Does not comply with the Sutton Neighbourhood Plan.
- Village already at full capacity
- Lack of services and facilities for new residents
- Impact on individual with protected characteristics
- Energy & sustainability report flawed
- No requirement for additional housing
- Disputes boundary positions
- Loss of dog walking area
- Increased crime

- Site levels

6.0 THE PLANNING POLICY CONTEXT

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015), The Sutton Neighbourhood Plan (2019) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2 *East Cambridgeshire Local Plan 2015*

GROWTH 2 Locational strategy

GROWTH 3 Infrastructure requirements

GROWTH 5 Presumption in favour of sustainable development

HOU 1 Housing mix

HOU 2 Housing density

HOU 3 Affordable housing provision

ENV 1 Landscape and settlement character

ENV 2 Design

ENV 4 Energy efficiency and renewable energy in construction

ENV 7 Biodiversity and geology

ENV 8 Flood risk

ENV 9 Pollution

ENV 11 Conservation Areas

ENV 12 Listed Buildings

ENV 14 Sites of archaeological interest

COM 7 Transport impact

COM 8 Parking provision

6.3 Sutton Neighbourhood Plan 2019

NP2 Protecting and Maintaining Features of Landscape and Biodiversity Value

NP3 Sutton Development Envelope

NP5 Land East of Garden Close

NP7 Housing Mix

NP8 Preserving the Historic Characteristics of Sutton

6.4 *Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021 ('CPWM')*

Policy 14: Waste management needs arising from residential and commercial development

6.5 *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

- Climate Change

- RECAP Waste Management Design Guide

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- 6.6 *National Planning Policy Framework 2021*
- 2 Achieving sustainable development
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 - 5 Delivering a sufficient supply of homes
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Planning Practice Guidance and National Design Guide

7.0 PLANNING COMMENTS

7.1 Background

7.1.1 The application site has a comprehensive planning history. Outline planning permission was granted via planning appeal for the residential development of the site for up to 53 dwellings. Further to this, Sutton' Neighbourhood Plan was 'made' in 2019 under which the site is allocated for development for up to 53 dwellings under policy NP5.

7.1.2 Two reserved matters applications have previously been refused by the Council, with the latest (20/01169/RMM) also being dismissed at planning appeal in 2021. The Council's reasons for refusal for the latter application were as follows;

1. *The layout, scale, form, bulk and density of the proposed development does not accord with the aims and objectives of the Sutton Neighbourhood Plan 2019 which requires development on the site to be predominantly low-density single-storey dwellings. The scheme as proposed therefore fails to respect its edge of settlement location and fails to preserve or enhance the views into and out of the settlement. The proposal conflicts with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy NP5 of the Sutton Neighbourhood Plan 2019.*
2. *The mix of market housing proposed on site fails to contribute to meeting the needs of the village. The lack of 2 bedroom market dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation have not been accommodated within the development. The proposal is therefore contrary to Policy HOU1 of the East Cambridgeshire Local Plan 2015 and Policy NP7 of the Sutton Neighbourhood Plan 2019.*
3. *Quality trees and hedgerow that would provide significant amenity value, biodiversity, wildlife habitat and aid the integration of this development into the surrounding landscape would be lost as a result of the scheme. The removal of the 20 Cat B trees proposed would require the planting of 86 new trees as mitigation for the tree loss as per policy SPD.NE8 of the ECDC Natural Environment SPD. Excluding the hedging plants listed as trees there are 54 new trees proposed, which does not meet the requirements of the SPD. New trees require many years to sufficiently develop in order to provide a meaningful wildlife habitat and offer a screening/softening effect for the development. The*

proposal is contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, Policy NE8 of the Council's SPD on Natural Environment and Policies NP2 and NP5 of the Sutton Neighbourhood Plan.

- 4. The location of an area of accessible public open space as well as the parking layout to the north of the site does not provide a suitable buffer to protect the residential amenities of an adjoining occupier who has protected characteristics. As such the scheme would not comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Section 149 of the Equality Act 2010*
- 5. The close proximity of a group of protected trees to the curtilage of Plot 40 would fail to provide a satisfactory living environment for future occupiers of the site leading to loss of sunlight/daylight penetration to habitable rooms and outside amenity areas. The proximity of the built form to the existing feature trees with very little space made for their future growth will also lead to pressure for unsuitable pruning which would lead to a significantly reduced long term retention period for the trees and would be contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.*
- 6. The applicants have failed to take a precautionary approach to the Riparian Ownership rights and responsibilities of new occupants of Plot Nos 22-31 and 40-46 by locating development within a watercourse on land between the rear of these dwellings which if not properly managed and maintained could lead to flooding of the site and adjoining land to the detriment of their living environment and that of adjoining occupiers contrary to Policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and the Flood and Water SPD.*
- 7. The use of soft landscaping to mask elements of bad design within the new scheme fails to achieve well-designed, high quality and attractive spaces which respond to existing local character and identity. The proposal therefore fails to meet with the objectives of Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Sections 11 and 12 of the National Design Guidance.*

- 7.1.3 The Inspector at the appeal considered the main issues to be
- whether an appropriate housing mix would be provided;
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property at 10 Oates Lane;
 - whether appropriate living conditions would be provided for the future occupiers of all of the dwellings; and
 - the effect of the development upon flood risk.

and concluded that;

“Whilst the proposed development is unlikely to have an adverse effect upon flood risk, this is outweighed by the adverse effects arising from the mixture of dwellings within the development; the adverse effects upon the character and appearance of the surrounding area; the lack of appropriate living conditions for all the future occupiers of the development; and the erosion of the living conditions of the occupiers of a neighbouring property.”

- 7.1.4 A full copy of the Officer’s report and Inspector’s decision can be found at Appendix 3 and Appendix 4 respectively

7.1.5 It is considered that the Council's decision and planning appeal carry significant weight in the determination of this latest application.

The Public Sector Equality Duty

7.1.6 In terms of the current site circumstances, it is understood that the occupier of 10 Oates Lane with a protected characteristic previously identified and forming the fourth reason for refusal, is still resident at the address. In this respect, the Council has a legal duty under the Equality Act 2010, Section 149 to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not.

7.1.7 The Act explains that having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

7.1.8 The Act states that meeting different needs involves taking steps to take account of disabled people's disabilities. It describes fostering good relations as tackling prejudice and promoting understanding between people from different groups. It states that compliance with the duty may involve treating some people more favourably than others.

7.1.9 The equality duty covers the nine protected characteristics: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.1.10 Due to the specific nature of this application, careful consideration has been given to the relationship between the proposed detailed site layout and the occupiers of No.10 Oates Lane and an exempt background report has been prepared and is found at Appendix 5. This document contains exempt information under categories 1 and 2 of Part 1 Schedule 12A to the Local Government Act 1972 (As Amended) and is not available for public viewing. Members of the Planning Committee are advised to review this in consideration of this application.

7.2 Key Issues

7.2.1 Officers consider that the main issues in the determination of this application are;

- Principle of Development
- Housing mix
- Layout
- Scale, Appearance and Landscaping

- Residential Amenity
- Biodiversity and Ecology
- Flood Risk and drainage
- Historic Environment/ Archaeology
- Energy & Sustainability
- Other Material Matters

7.3 Principle of Development

7.3.1 The site is subject to extant outline planning permission under 17/01445/OUM (granted via appeal as set out in the history section above). Notwithstanding, the Sutton Neighbourhood Plan allocates the site under policy NP5 for development of up to 53 dwellings including open space and should;

- be predominantly low density single-storey dwellings;
- retains existing mature trees and hedgerows;
- preserves and enhances views from the south towards the Church, from Lawn Lane eastwards and Station Road westwards across the cricket

7.3.2 It is considered therefore that the overriding principle of development is acceptable. It is for the LPA to assess whether the detailed matters pursuant to the Outline planning permission accord with the development plan when taken as a whole.

7.4 Housing mix

7.4.1 The site comprises the following housing mix;

28 x 2-bedroom dwellings (19 of which are bungalows)
 13 x 3-bedroom dwellings (7 of which are bungalows)
 6 x 4-bedroom dwellings

7.4.2 The Sutton Neighbourhood Plan (para. 8.11) notes that Sutton has a smaller proportion of two-bedroomed homes than the other designated “Larger Villages” in the Local Plan. Consequently, Policy NP7 seeks to ensure that Housing development contributes to meeting the needs of the village, particularly in the need for two bedroomed dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation.

7.4.3 The latest Strategic Housing Market Assessment (SHMA) published in 2021 sets out a suggested mix of housing - both market and affordable, in order to meet likely future housing needs in the Cambridgeshire and west Suffolk region.

7.4.4 The SHMA indicates that in respect for market homes, there will likely be a highest need for 3-bedroom dwellings (40-50%), followed by need for 2-bedroom and 4-bedroom dwellings (both 20-30%), with an affordable housing mix requirement identifying a higher percentage of 2-bedroom dwellings (35-45%), followed by 3-bedroom (25%-35%), then 1 bedroom (15-25%) and finally 4+ bedroom (5-15%).

7.4.5 Sutton Ward Councillors in their response in August 2022 have referred to a Housing Needs Assessment (September 2021) produced for the Parish council by AECOM, understood to be for the review of the Neighbourhood Plan, which concludes that based on predicted demographic change in the village, 'new development might involve the following share of dwelling sizes: 23% as 1

bedroom, 47% as two bedrooms, 18% as three bedrooms, 0% as four bedrooms and 12% as 5 or more bedrooms'.

- 7.4.6 Whilst this document does not appear to have been published, the specific housing needs assessment appears consistent with the Neighbourhood Plan's approach in respect of securing a greater quantity of 2-bedroom dwellings in the housing mix of new developments as set out under policy NP7. The proposed scheme achieves around 60% of 2-bedroom dwellings, thereby positively contributing to this need and is substantially better than that previously refused. It is acknowledged that the scheme achieves a greater number of 3-bedroom dwellings (27%) and 4-bedroom dwellings (13%) than the AECOM predictions identify and a nil offering of 1-bedroom dwellings which does not entirely accord with the AECOM predictions, albeit it does, in-part accord, with the district wide SHMA in securing an appropriate proportion of 3 and 4-bedroom dwellings.
- 7.4.7 In respect of affordable housing the development proposes 14 dwellings or 30% of the overall development, as required under the outline consent. In respect of the mix; 2-bedroom dwellings account for circa 79% and 3-bedroom being circa 21% of the total provision. 4 of the 2-bedroom dwellings are bungalows.
- 7.4.8 The Council's housing team has confirmed that they are supportive of the scheme, confirming that the mix is acceptable, following a move away from flats and a greater offering of 2-bedroom affordable bungalows than initially proposed.
- 7.4.9 Concerns have been raised that the housing does not meet the needs of an ageing population or those with mobility issues, with specific concerns that only a small proportion are M4(2) compliant (optional requirement for accessible and adaptable dwellings under Part M of the Building Regulations). The scheme proposes 24 (51%) of the dwellings to be M4(2) compliant, including the 4 affordable bungalows. Neither policy ENV 2 nor the Sutton Neighbourhood Plan sets a specific proportion of dwellings required to meet this standard, with the development plan in general requiring that places and buildings are accessible to all, including the elderly and those with impaired mobility, and consider the life time use of developments, especially housing. It is considered that the development, which offers just over half of the housing to meet with accessible and adaptability standards generally accords with these aims.
- 7.4.10 Whilst it is acknowledged that the housing mix does not fully accord with the Sutton housing needs assessment as advised by the Ward members, the exact status of this document, which remains unpublished, is unknown. On balance however, it is concluded that the housing mix mostly accords with the SHMA evidence and would also secure a substantial number of 2-bedroom dwellings, in accordance with the ambitions of the Sutton Neighbourhood Plan and as indicated through the Sutton housing needs assessment.

7.5 Layout

- 7.5.1 Policy COM 7 of the Local Plan requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location. Policy

COM 8 of the adopted Local Plan requires development proposals to provide adequate levels of car and cycle parking.

7.5.2 The use of a main spine road with a hierarchy of secondary and tertiary roads enables good movement and connectivity. The application is supported by tracking details which demonstrate refuse collection and fire appliances would be able to satisfactorily manoeuvre within the site. In this regard, bin collection points are located at the end of the tertiary private drive, where it meets adopted highway which accords with RECAP guidance. Bin collection areas are also proposed adjacent to the terrace of houses plots 25 to 33, to consolidate waste collections which will assist with collections.

7.5.3 Each dwelling would accommodate at least 2 parking spaces in-line with COM 8, with those achieving M4(2) compliance as noted above able to accommodate wider parking space (3.3m) where required. Notwithstanding this, visitor parking bays are also located across the site to provide additional off-street parking. Furthermore, cycle parking is available within the garages, and cycle sheds can be secured via planning condition to be located in rear gardens where garages are not available. It is recommended to impose a planning condition to secure their provision commensurate with occupation of each dwelling.

7.5.4 Concerns have been raised over the use of 'shared surface' or 'level-surface' streets, which are proposed to serve secondary routes and private driveways, in respect of accessibility for less mobile or visually impaired people and where pedestrian to vehicle conflict may occur. Whilst the use of shared surfaces is a common design feature, providing legibility in street hierarchy, it is acknowledged that in 2018, the Department for Transport called for a pause on the introduction of new shared space schemes that feature a level surface, and which are at the design stage. The specifics of this was further clarified, setting out that;

"While authorities need to ensure that all schemes are designed with the needs of different users in mind, and satisfy their obligations under the equalities legislation, the focus of the pause is on level-surface schemes in areas with relatively large amounts of pedestrian and vehicular movement, such as high streets and town centres (outside of pedestrian zones). The pause does not apply to streets within new residential areas, or the redesign of existing residential streets with very low levels of traffic, such as appropriately designed mews and cul-de-sacs, which take into account the relevant aspects of the National Planning Policy Framework and associated guidance." (MHLC, DFT, 28 September, 2018)

7.5.5 Having regard to the development, it comprises new residential area which is anticipated to yield low levels of traffic, with the level surface areas confined to 2 small pockets of the site serving a total of 18 dwellings. In this regard, it is not considered that utilising some shared street areas would fail to satisfy the Council's obligations under the Equality Act, noting that a substantial part of the development provides dedicated footways which connect to the wider settlement and that those areas served by level surface, would not be heavily trafficked in any case.

7.5.6 Concern has been raised that the development offers little opportunity for sustainable links to the wider settlement, with particular reference to pedestrians

and cyclists. It is recognised that the site is constrained in respect of options in this regard, with private land on all boundaries and only Garden Close as a realistic connection point. This remains unchanged from the time of the outline application.

- 7.5.7 A footpath is proposed to lead to the south eastern edge of the site, adjacent to the recreation ground. The outline application also indicated this potential link but this was never explored further, nor any agreement secured in terms of access rights and infrastructure necessary to link to the recreation ground, which is separated from the development site by a ditch. The Council's Open Spaces team has advised that it, if possible, it would be preferable to link the two areas using a bridge, rather than a culvert, as these can fail or become blocked.
- 7.5.8 As such, whilst opportunities may exist to connect the areas, this relies on third party landowner agreement and it is not possible to insist that this is achieved under the reserved matters application.
- 7.5.9 The Local Highways Authority has confirmed their agreement to the scheme subject to conditions securing the provision of parking and turning, visibility splays and roads to binder course level prior to occupation. The LHA has also sought future management and maintenance details of all roads until adoption, which is considered necessary in the interests of highway safety and amenity. Whilst this condition has been proposed by the LHA as a 'pre-commencement condition', it is not usually necessary to secure this detail in advance of works commencing, with such details usually being agreed prior to first occupation.
- 7.5.10 The areas of open space are generally arranged as per the appeal scheme and the locations of these generally follows the outline Landscape Environmental Management and Maintenance Plan secured under the S106 agreement. One notable difference is the change to the area at the far north, which is now not proposed to be accessible to public but managed to achieve an area for biodiversity and natural greenspace. This results in an overall reduction in accessible greenspace - but is considered necessary in order to protect the amenity of individuals at 10 Oates Lane, where the appeal scheme was found to be in conflict in this regard. In addition, and notwithstanding the aforementioned recreation ground connectivity issues, access to the recreation ground via Garden Close/Lawn Lane is within suitable walking distance and would offer future residents a good amount of accessible greenspace for leisure. As such, the reduction in green space within the application site, whilst unfortunate, is not significantly detrimental to future residents and offers alternative benefits in biodiversity terms.

7.6 Scale, Appearance and Landscaping

- 7.6.1 Policy ENV 1 of the Local Plan 2015 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV 2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas. NP2 of the Sutton Neighbourhood Plan seeks to retain existing features of landscape and biodiversity value. Paragraphs 127 and 130 of the NPPF seek to secure visually attractive development which improves the overall quality of an area and is sympathetic to local character and history. The NPPF indicates that development should be

refused which fails to improve the character and quality of an area and the way it functions. Neighbourhood Plan policy NP5 also requires the development to comprise predominantly of bungalows.

- 7.6.2 The previous application was refused on many grounds, but particularly on the basis that the development comprised a large number (c.85%) of 1½-storey to 2-storey properties resulting in significant harm to the rural fringe character of the site and surroundings, with the height and density resulting in an urbanising effect. This was exacerbated by poor quality design with unembellished dwellings failing to positively contribute to the area (refusal reasons 1 and 7). This is notwithstanding the loss of trees to further urbanise the appearance of the site (refusal reason 3)
- 7.6.3 The proposal has been revised and now proposes 55% of the development as bungalows, with the footprint of 2-storey dwellings accommodating circa 5% of the overall site (versus circa 8.5% of bungalows), more or less arranged around the central drainage ditch, where site levels drop as it leads southwards. Whilst the development still comprises 45% of 2-storey dwellings, these are concentrated, in part, through plots 22 to 33 as the 3 blocks of terraced properties and plots 32 to 39 immediately west and therefore their presence is substantially reduced in comparison to the previous 'appeal scheme' (20/01169/RMM) which saw a predominance of 1½-storey to 2-storey properties set across the site, including a large building of flats.
- 7.6.4 Furthermore, the overall scale of all 2-storey dwellings has been reduced, with ridge heights of up to 7.7m, rather than 8.6m as previously proposed, thereby aiding in reducing their visual landscape impact. The scheme also no longer proposes 1½-storey dwellings (the 'V-type' dwelling) as these have been reduced in scale to 5.4m ridge height and upper floors removed as a result. As such, whereas the previous scheme indicated 1½-storey dwellings could be counted as bungalows, this has been refuted and has led to the amendments and a greater number of bungalows than 2-storey dwellings.
- 7.6.5 Whilst Officers previously considered that 75% of the development should be single-storey, the Inspector at the appeal did not seek to identify a specific ratio of single-storey to 2-storey units, instead focussing on the urbanising effect of the development given its prevalence of 2-storey units. Furthermore, policy NP5 does not prescribe a specific number of single-storey properties, nor does it define what 'predominantly' would entail but it is clear that a dominance of bungalows is required in order to ensure that this urban fringe location is not unduly urbanised, with this vision achieved by creating a development whereby single storey dwellings form the dominant characteristic. The definition of 'predominant' from the Cambridge English Dictionary cites the meaning of 'predominant' as "more noticeable or important, or larger in number than others". It is considered that the latest scheme will substantially reduce the visual impact of the development on the wider area in comparison with the appeal scheme and would comprise a larger number of bungalows than 2-storey dwellings and, due to their arrangement across the site, single-storey dwellings would be a dominant characteristic of the development.
- 7.6.6 The density of the scheme has also come under question, including how the overall plot sizes align with the design SPD. The site area measures approximately 3.17Ha

and with 47 dwellings proposed, this equates to around 15 dwellings per hectare which is nominally considered to be low density. Whilst comparisons have been drawn to densities on adjacent streets (also around 15 dwellings per hectare) these streets do not incorporate any open space or sustainable drainage systems and therefore appear more urban in comparison. Given the requirement to achieve open space, natural greenspace a nature area and SuDS features, this forces a different character to the planned streets of Lawn Lane and Garden Close and it is therefore difficult to compare, albeit overall densities appear to be similar.

7.6.7 The Design Guide SPD sets out an aim to achieve minimum standards of plot sizes, built form to plot ratio and garden sizes and concerns have been raised that the development does not comply with these standards which are as follows;

- In most cases, building plots should be approximately 300 square metres;
- The footprint of any proposed development should be no more than approximately one third of the plot size;
- In most cases, rear private amenity space should be a minimum of 50 square metres.

7.6.8 The Government guidance on plan-making sets out the role of SPDs as follows;

Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.

7.6.9 The Design Guide SPD pre-dates adoption of the Local Plan, however it is a material consideration when determining applications. The prescribed standards however are not set out in any specific policies, but Policy ENV 2 does set out that development will be expected to have regard to the Design Guide SPD.

7.6.10 Having regard to the layout, it is acknowledged that only around 40% of plots achieve the 300m² overall plot area (applying a 5% tolerance) as recommended in the SPD and that only around 50% achieve the 33% building footprint to overall plot ratio, with many exceeding this by up to around 40% building to overall plot area. All properties achieve 50m² rear garden, with at least 25 properties exceeding 100m² of garden area. It is therefore acknowledged that the proposal does not fully accord with the aims of the design guide. However, the previous scheme whilst refused, was not refused on the grounds of any conflict with design guide aims in this regard and it might therefore be deemed unreasonable to introduce this issue now. Furthermore, in the interests of consistency, a cursory review of recently approved development at land adjacent Mepal Road in Sutton (ref: 22/00507/RMM, approved 8th December 2022) for 164 dwellings; of the 30 random plots measured, only 4 complied with the 300m² plot area requirement but this was not raised as a concern at that time by any party.

- 7.6.11 Therefore, whilst it is recognised that the development would not fully accord with the design guidance ambitions, it would be unreasonable in this instance to refuse the application on these grounds. Each plot is considered to provide adequate amenity space, is well separated from other properties and does not significantly jar with any prevailing character or density.
- 7.6.12 Policy NP2 sets out a requirement for all developments to retain features of landscape and biodiversity value. Furthermore, this latest scheme proposes to retain a majority of trees and hedgerow around the site, in addition to a substantial amount of tree planting around the areas of open space, green space and along the frontages of properties.
- 7.6.13 15 category B trees are proposed to be removed from the site, including from the area of woodland in the centre of the site to accommodate the road. This impact will be relatively modest in respect of the landscape value of this area, with a substantial amount of the woodland retained.
- 7.6.14 The previous proposal sought to remove a significant number of trees from the site, notably from the central area of woodland which was consequently considered to add to the urbanising effect of the development on the wider area. This tree loss has been reduced in order to retain as much woodland as possible. The Trees Officer has concluded the overall landscaping scheme to be acceptable and has recommended that a woodland and hedgerow management and creation scheme is secured via planning condition, in the interests of landscape value of the site and biodiversity protection/ enhancement.
- 7.6.15 The area to the north of the site will also include a greater degree of soft landscaping and tree planting than was previously proposed, which will assist in framing the development further. Again, due to the site containing a majority of single storey dwellings and a reduced scale to all of the 2-storey dwellings, this combined with the retention of trees and additional planting will aid in reducing the visual urbanisation of the site thereby generally preserving views from the recreation ground to the south, Lawn Lane to the west and from Station Road to the east. In this regard, due to the reduced scale of the development and existing belt of trees along the southern boundary of the site, low-level long-range views from the recreation ground heading north are stifled somewhat, with the Church remaining the dominant feature on the landscape. Likewise, views eastwards from Lawn Lane will not be unduly compromised.
- 7.6.16 The development will inevitably be perceptible from Station Road, given the open nature of this land comprising cricket pitches and agricultural/ paddock land. Again however, due to the majority of developed area being occupied by bungalows and with the 2-storey dwellings reduced in scale and set at the lowest part of the site, coupled with the existing backdrop of bungalows along Garden Close and the aforementioned soft landscaping, it is considered that the proposal would not result in significant conflict with policy NP5, albeit some views would inevitably be altered.
- 7.6.17 The appeal scheme raised concerns in respect of the appearance of the dwellings with the Inspector remarking that they were 'relatively functional and unembellished'. As noted, the dwellings have substantially changed in that a majority are now single storey, more in keeping with the predominant single-storey

character of surrounding streets. The number of house types have also been reduced, thereby providing a simpler, more coherent form of development. The external features of the dwellings have also been updated to include a mixture of facings; facing brick, weatherboarding and render and with some gables incorporating embellishments e.g., timber frame gables, hanging tiles. These features can be found along existing properties in Lawn Lane and surrounding areas. It is considered that the designs of the dwellings are now acceptable and will enhance the character of the developed area of Sutton.

7.6.18 As noted above the development proposes a mixture of external finishes which are acceptable in principle. However, a condition requiring specific finishing materials is warranted as this has not yet been committed, to ensure the specific finishing brick, render and roof tile are understood and agreed. Likewise, details the surfacing of the streets, in particular the private roads where pavements are proposed is necessary and may not yet be finalised due to the final drainage specification that is yet to be agreed.

7.6.19 In conclusion, the latest scheme is considered to have responded positively to its previous shortcomings and aligns more successfully with the requirements of the development plan in respect of achieving a development which is predominantly single-storey, is of high-quality design and which would assimilate well with the wider rural surroundings, subject to agreeing specific materials which can be reasonably secured via planning condition. Furthermore, it is considered necessary to restrict permitted development rights that could otherwise enable alterations and expansion to the roofs of dwellings e.g., dormer windows, as well as increased heights, in order to protect the wider character of the area and residential amenity.

7.7 Residential Amenity

7.7.1 Policy ENV2 of the Local Plan requires proposals to ensure that there are no significantly detrimental effects on the residential amenity of nearby occupiers and that occupiers of new dwellings enjoy high standards of amenity. This policy accords with Chapter 12 (particularly paragraph 130) of the National Planning Policy Framework (NPPF) which aims to achieve high standards of amenity.

7.7.2 As set out above, it is considered that the layout of the site and arrangement of dwellings would afford future occupiers a high-quality living environment, with good separation between properties and adequate private amenity space, as well as sufficient access to each property and site surrounds. The appeal scheme was refused on the basis that residents of the dwelling immediately south of the central area of woodland would suffer as a result of overshadowing and proximity to this grouping of trees. This has been resolved through the latest scheme with adequate separation and orientation of plot 34 to avoid such issues.

7.7.3 The developed area of the site is separated from existing properties along Garden Close by rear gardens which are a minimum of 10m in depth, notwithstanding that all dwellings backing onto Garden Close are single storey (with the row of 2-storey properties toward the centre of the site over 30m away from existing boundaries) and it is considered highly unlikely that residents would experience any overlooking, overshadowing, loss of light or overbearing from the development. Likewise, having regard to the design, orientation and separation of the proposed dwellings, the residential amenity of future occupiers would also be safeguarded. Residents have

raised concerns that raising land levels will also increase the risk of overlooking – however the submitted proposed levels plan indicates that slab levels will sit only lightly above existing ground levels, with no indication that site levels will be substantially increased so as to result in overlooking or overbearing impacts.

- 7.7.4 Concerns have been raised on a number of grounds in relation to how the development will impact existing residents. With regard to construction noise and general disturbance during construction; these can be managed through Condition 7 imposed on the outline planning application by means of the Construction Environmental Management Plan (CEMP), as well as restricting the hours of construction and deliveries and establishing the locations of plant and machinery and contractor parking and any storage areas. Should piling be necessary, it will also be necessary to understand the impacts if this and how such impacts can be mitigated.
- 7.7.5 The future CEMP will also need to have particular regard to the resident of the dwelling to the north of the site, 10 Oates Lane, who has a protected characteristic under the Equalities Act 2010, which will require careful consideration. In this same respect, the appeal scheme was refused on the basis that the occupiers of No.10 would not be adequately protected through noise and interference as a result of the general post development functioning of the development. This was due to the proximity of dwellings (which were 1½ to 2-storey) resulting in an overbearing effect, the access road serving these properties and the use of the greenspace at the far north of the development which was originally proposed to be public open space and could have had potential for groups of people gathering, playing sports and interfering with the amenity of occupiers of 10 Oates Lane through noise intrusion, also with potential for overlooking given the levels differences in this part of the site.
- 7.7.6 The applicant has sought to address this by securing off the area of greenspace, so that it is not physically accessible to residents and will be managed by a management company as part of their wider landscape maintenance, to ensure the fence and greenspace is maintained accordingly. It is however important to ensure that surveillance into this area is achievable from properties facing onto it as a deterrent for Anti-Social Behaviour and as such, it is considered appropriate and necessary to screen the area of with a 1.8m high stock-proof fencing. This will also provide a greener, softer setting to the development, as opposed to a solid screen wall/ fence.
- 7.7.7 In addition to this, a 2.4m high acoustic fence is proposed to be set around the curtilage of No.10 – and set back between 7m to 8m and landscaped in between. This has the effect of reducing audibility between the two sites, for example movement of vehicles. Whilst it is acknowledged that some conversation may be perceptible between existing residents and future occupiers, it is considered that the frequency of this would be low given that the frontages of the new properties would face onto the acoustic fence and therefore where less time is likely to be spent to overhear such conversation. Furthermore, it is anticipated that only a handful of dwellings would be within the zone of potentially being able to overhear conversation and this would be confined to the main access roads, rather than rear gardens of the proposed dwellings, as they would be screened by a mixture of brick wall and fence. This has been an area of concern for occupiers of No.10. It is

considered that the revised scheme has achieved what is reasonably practicable to attend to the resident's concerns, having due regard to the current dynamics, and the development would be unlikely to result in an environment where, for example, victimisation and harassment would occur. Furthermore, with the positioning of the acoustic fence set away around 7m-8m from the boundary of 10 Oates Lane, and soft landscaped between this, combined with the inclusion of single-storey dwellings in this area, is considered to avoid any unacceptable overbearing/ overshadowing impacts. It is however important to ensure that the specification of acoustic fence is agreed and that this is erected as a starting point to the development and maintained in perpetuity, in order to ensure ongoing amenity protection. The applicant has agreed to this approach being secured through planning condition. In addition and again, in the interests of amenity protection, the stock proof fencing will also be required to be erected before any occupation of the development and maintained in perpetuity. This could also reasonably be secured via planning condition.

7.7.8 More general concerns have been raised regarding the future occupation of the development and the impact this would have on existing occupiers, purportedly resulting in pollution issues, specifically citing noise. Given the residential nature of the scheme, it is not anticipated that generally noise (or other pollutants) would be a serious issue. Whilst the development would result in an increase in car movements, given the number of dwellings proposed and the arrangement of dwellings now proposed, it is not considered that this would result in a severe noise impact to existing residents. The applicant has advised that lighting is a matter yet to be finalised and would accept a planning condition to secure this detail at a later point, which is considered to be reasonable, given that the adopted road design process undertaken with the LHA would also influence specification and locations of street lighting. Furthermore, private street lighting would also require consideration, to ensure that it provides adequate light whilst not adversely affecting the wider countryside setting and biodiversity.

7.7.9 The resident at 28 Garden Close has queried the lack of boundary treatments adjacent to the proposed footpath that leads south toward to the recreation ground. The boundary treatments plan submitted confirms that this area is not proposed to be enclosed by any man-made structure, with existing established hedgerow forming the boundary as is currently the case and responds better to the natural surroundings. This is considered to be an appropriate means of landscaping. The resident could choose to erect a fence within their land under permitted development rights, but it is not considered necessary in this instance for the scheme to include this given the existing boundary arrangement.

7.8 Biodiversity and Ecology

7.8.1 Policy ENV 7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the Council will among other criteria, promote the creation of an effective, functioning ecological network. The Council have recently adopted a Natural Environment SPD and all development proposals would be expected to provide environmental enhancements proportionate to the scale and degree of the development proposed. Policy NP2 of the Sutton Neighbourhood Plan also seeks to retain features of biodiversity value and achieve net gains in biodiversity where practical to do so.

- 7.8.2 Condition 12 of the outline permission requires a scheme of biodiversity enhancements to be agreed and implemented prior to occupation (or occupation of the last dwelling where not related to private plots). Therefore, this detail is expected to come forward and assessed at a later date should the reserved matters be approved.
- 7.8.3 Notwithstanding this, the outline permission also has a Landscape Ecology Management and Maintenance Plan (LEMP) tied to the S106 agreement which sets out its aim of promoting a sensitive management approach, which protects, and enhances the biodiversity value and landscape and visual amenity area of the site. And defines the requirements for setting out the LEMP area, its potential adoption, financial contributions and long-term management. Annexe 1 to the S106 sets out the outline LEMP which is a dynamic document that should be reviewed and adapted/ updated as the detailed design of the development progresses.
- 7.8.4 The latest scheme does not come forward with an updated LEMP, with the applicant indicating their agreement to provide this should the application be approved. Notwithstanding this, it is recognised that the appeal scheme was supported by an updated LEMP which the Wildlife Trust confirmed their agreement to. The LEMP layout is not significantly different to the latest layout, continuing to propose a large nature reserve area at the south east which incorporates a Great Crested Newt (GCN) breeding pond and with the internal road arrangement and areas of open space also very similar. It is considered therefore, whilst the Wildlife Trust has not commented on this latest application despite several consultation requests, an updated LEMP document is likely to receive approval from them if it follows the aims of the previous LEMP submitted in 2020.
- 7.8.5 Concerns have been raised that, as the LEMP has not been updated, it is not possible to understand the ecological impacts of the development. However, the LEMP is designed to demonstrate that ecology within the site will be protected and enhanced, it does not assess ecological constraints, nor does it require such to be assessed, as the LEMP is underpinned by the extended habitat surveys carried out at that time. The purpose of the LEMP is to establish biodiversity enhancement for the development moving forward. That said, it is recognised that the ecology surveys undertaken for the outline permission are now 5 years old and as the development proposes to remove some trees and sections of hedgerow, it is prudent to ensure that these are surveyed once more and any mitigation agreed prior to works proceeding, notwithstanding that these were previously found to be of little structural diversity and species poor in the original habitat survey.
- 7.8.6 As noted above, the Council's Trees Officer is satisfied with the soft landscaping and tree planting proposed, subject to conditions securing a 20-year tree Hedgerow and Woodland Management and Creation Scheme and an audit inspection of the landscaping works to ensure compliance with the approved landscaping scheme
- 7.8.7 In conclusion, it is considered that subject to the above recommendations, the development would meet the aims of policies ENV 7 and NP2.
- 7.9 Flood Risk and drainage
- 7.9.1 The application site is generally considered to be in an area at low risk of flooding having regard to the latest flood maps held by the Environment Agency.

- 7.9.2 Conditions 8 and 10 of the outline permission requires agreement of a detailed surface water strategy; and, detailed foul drainage details respectively before any works can commence. Whilst drainage details would need to be discharged under a separate application route, nonetheless Anglian Water and the LLFA has indicated that the drainage strategy would be acceptable in principle, with eh LLFA now comfortable with the central ditch being managed by a management company, rather than through riparian responsibilities of individual residents as previously proposed and accepted by the Planning Inspector. This element is considered to be a more resilient way to ensure drainage channels are comprehensively maintained, rather than relying on individual householders whom may not apply the same degree of attention to ensuring free flow of surface water through these systems.
- 7.9.3 Concerns regarding existing drainage issues and doubts that the modelled drainage strategy has factored in existing flows and constraints have been raised by a number of sources, including the Parish Council and the Sutton Poor's Land Charity (SPLC) who, it is understood, own and manage the recreation ground and associated drainage infrastructure to the south. The SPLC comments have been passed to the LLFA in their consideration of this application. Whilst the LLFA has sought additional information form the application, ultimately they have advised that they would be satisfied to receive the detailed scheme via a discharge of planning condition application as required under the outline permission – but that in principle the strategy is acceptable at this time. Condition 9 of the outline permission also requires details of a long-term management strategy for surface water, to ensure that the systems perform as expected during the lifetime of the development.
- 7.9.4 Likewise, Anglian Water have confirmed their acceptance of the foul drainage strategy, identifying that there would be capacity to accept flows from this development, subject to agreeing the detailed design via a condition discharge application.
- 7.9.5 In conclusion, whilst the previous appeal scheme raised no concerns in respect flood risk and drainage, it is considered that the latest scheme improves on the management strategy, by removing the need for residents to maintain strategic drainage infrastructure. Furthermore, both the LLFA and Anglian Water have indicated that the general layout and in-principle foul and surface water drainage strategy is acceptable, subject to agreeing detailed design. It is considered therefore that the proposal complies at this stage with the aims of Local Plan policy ENV 8.
- 7.10 Historic Environment/ Archaeology
- 7.10.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to preserving a listed building or its setting. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities when considering development to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 7.10.2 The appeal scheme was previously considered not to result in any unacceptable impacts on the historic environment, with views of St Andrews Church to the north maintained and no objections being raised by the Council's Conservation Officer at that time. The latest scheme sees an overall reduction in scale and density and it is

considered that again, the proposal will result in a neutral impact on the historic environment.

7.10.3 In this regard, the scheme is considered to meet the aims of Local Plan policies ENV11 and ENV 12 and neighbourhood plan policies NP5 and NP8.

7.10.4 The comments from Cambridgeshire County Council's Archaeology team are noted and it is considered that Condition 15, secured under the outline planning consent, satisfactory addresses their requirements for further site assessment and investigation to take place, in the interests of ensuring that anything of potential archaeological significance is safeguarded as required through Local Plan policy ENV 14.

7.11 Energy & Sustainability

7.11.1 Condition 11 of the Outline permission requires an energy and sustainability strategy for the development, including details of any on site renewable energy technology and energy efficiency measures to accompany be submitted prior to or with the reserved matters application.

7.11.2 The recently adopted Climate Change SPD predominantly focusses on providing additional guidance to the implementation of Local Plan Policy ENV 4 – Energy and water efficiency and renewable energy in construction. Policy ENV 4 states 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. It goes on to state that applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction, as set out in the Code for Sustainable Homes (or its successor), demonstrating that developments of 5 or more dwellings would achieve energy efficiency improvements 20% above Building Regulations (as at Jan 2021).

7.11.3 The application is supported by a Carbon and Sustainability Study ('CSS'). It is proposed that the development is designed to comply with the aims of ENV4 relating to renewable energy provision and the construction of energy efficient buildings which seek to minimise energy demand and CO2 emissions. The calculations demonstrate that the development as a whole will deliver estimated carbon reductions, equivalent to 19.5% improvement from Part L 2013 compliant development. This is achieved through building design and fabric and the following summarised means;

- propose to adopt PV panels to improve dwelling performance to the level required for the site.
- cylinders which have higher levels of insulation in comparison to typical hot water cylinders will be used. Hot water distribution pipework will be fully insulated.
- Smart meters will be installed on all properties
- The water consumption on site will be to a standard equivalent to Code For Sustainable Homes: Level 4.

7.11.4 It is noted that the energy measures proposed fall slightly below that sought under CC1 of the SPD, by 0.5% and to put this in context is difficult, particularly as the Type V dwellings has now been reduced in scale, with the upper habitable floor

area removed, which post-dates this report. Having discussed this with colleagues in the Council's Building Control team, it is considered that in the main, the measures employed would satisfy the aims of CC1 and ENV 4.

- 7.11.5 Building Control has also advised that any dwellings not commenced on site by 14 June 2023 would need to comply with the latest Part L Regulations, which would far exceed the energy savings that CC1 seeks to achieve. In this regard therefore, particularly given that a number of pre-commencement conditions are yet to be discharged, it is highly likely that a majority of dwellings (if not all) would need to meet with the latest Part L regulations and the overall development would therefore automatically meet and probably exceed the aims of CC1 and ENV 4. As such, the development would meet the aims of policy ENV 4 in respect of energy efficiency.

7.12 Other Material Matters

Healthcare contributions

- 7.12.1 NHS England has requested that the impacts of the development should be fully assessed and mitigated by way of a developer contribution. It is noted that the NHS did not comment at Outline stage. As noted above, the application seeks approval of reserved matters – specifically matters of appearance, scale, layout and landscaping and therefore, the impacts of the development would need to have been considered at Outline stage. Their comments regarding securing contributions toward healthcare are noted and will be passed to the CIL team – however, it would not be possible under this application to secure contributions and matters of CIL funding falls outside of the regulatory framework of the planning system.

Fire Hydrants

- 7.12.2 A request for fire hydrant details has been made by Cambridgeshire Fire and Rescue. Condition 6 of the outline permission already satisfactorily secures this detail to be agreed prior to commencement of development.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The development largely accords with the vision of the Sutton Neighbourhood Plan, in that it achieves predominantly single-storey dwellings, a greater number of 2-bedroom dwellings, caters for an ageing population with over half the scheme M4(2) compliant and protects views of the church and the general landscape. The scheme would also secure a good level of formal and informal open space, with sustainable links to promote healthier lifestyles and access to key services and facilities within the settlement. The visual impact of the development would be softened through a robust soft landscaping design and the design and layout of the development would enable a satisfactory assimilation into the wider settlement.
- 8.2 The development would have some localised impacts through the introduction of a number of 2-storey dwellings. However, it is not considered that significant visual harm would result from these and their scale has been reduced somewhat to limit visual impacts. In addition, it is acknowledged that the housing mix does not exactly follow the Council's latest housing needs assessment in that there are no 1-bedroom or 5-bedroom dwellings proposed and this attracts some negative weight, albeit this is tempered somewhat by the aforementioned inclusion of a majority of 2-bedroom dwellings which is uncharacteristic among most developments in the district but which aligns with the specific aims of the Neighbourhood Plan.

- 8.3 The scheme has also been amended substantially to minimise the impacts of the development on the resident of 10 Oates Lane – both in terms of noise, overlooking, overbearing effects and visual impacts and with an aim of eliminating the risks of harassment, victimisation and other discriminatory behaviours that might otherwise arise.
- 8.4 The starting point for decision-making is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which establishes that planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan comprises the adopted East Cambridgeshire Local Plan (2015), The Sutton Neighbourhood Plan (2019) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021). It is acknowledged that there is some conflict with NP policy NP2 and NP5 relating to the loss of some trees and hedgerow, however as discussed above, this is countered by an acceptable soft landscaping scheme which includes significant tree planting and enhancement of the nature reserve area, notwithstanding the area of greenspace at the north which will be established over time to also provide an additional area of biodiversity.
- 8.5 In conclusion, the development largely accords with the development plan when taken as a whole and the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal. The recommendation is therefore to approve the application subject to the conditions as set out at Appendix 1.

9.0 COSTS

- 9.1 An appeal can be lodged against a refusal of planning permission or a condition imposed upon a planning permission. If a local planning authority is found to have acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a cost award can be made against the Council.
- 9.2 Unreasonable behaviour can be either procedural i.e., relating to the way a matter has been dealt with or substantive i.e., relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 9.3 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

10.0 APPENDICES

Appendix 1	Recommended Conditions
Appendix 2	OUTLINE Appeal Decision (17/01445/OUM)
Appendix 3	RMM report with site layout (20/01169/RMM)
Appendix 4	RMM appeal (APP/V0510/W/21/3275044)
Appendix 5	Exempt background report

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

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

Accommodation Schedule

Private			
2b Bung	2b Bungalow	x	10
3b Bung A	3b Bungalow	x	5
3b Bung B	3b Bungalow	x	2
Type V	2b Bungalow	x	5
Type 2b	2b House	x	2
Type A	3b House	x	3
Type N	4b House	x	6
Total Private Dwellings			
33			
Affordable			
Aff 2b Bung	2b Bungalow	x	4
2BHA	2b House	x	7
HA1	3b House	x	3
Total Affordable Dwellings			
14			
Grand Total Dwellings			
47			

* Indicates M4.2 dwellings

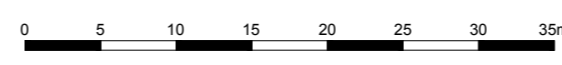
Key

- Existing trees to be retained.
- New indicative tree planting.
- Existing trees to be removed.
- Garage
- Double Garage
- Car Port
- Refuse collection point
- Visitor parking bay

Note: Refer to drawing no. 1925 / P / 200.03 for details of boundary treatments.



- Rev. G 23.02.23 Acoustic fence and landscape buffer moved. Stock proof fence increased to 1.8m high.
- Rev. F 13.01.23 RCP added facing plot 43. Road width increased to 5m opposite plots 17 & 18. Plots 13 & 14 amended to affordable. Plots 30 & 31 amended to private.
- Rev. E 25.11.22 Private drive added to plots 39-42. Shared surface turning head relocated to suit.
- Rev. D 25.10.22 Parking bays omitted adjacent plot 10 & fronting plot 14. Parking bay added adjacent plot 34. Visitor parking bays repositioned adjacent plot 17.
- Rev. C 18.10.22 Number of single storey dwellings increased. Single storey dwellings replace chalet style bungalows on plots 4, 5, 6, 7, 8, 19, 20 & 40-47. Single storey dwellings replace 2 storey dwellings on plots 3, 9 & 10. 2 storey dwellings relocated to center of site. Dwelling numbers increased to 47. Mix of dwellings (2 bed, 3 bed, 4 bed) amended. Frontage parking to plots 22-29 relocated away from street frontage. Shared surface road extended down to plots 40/41. Landscaped area to the North amended to biodiversity enhanced area including revised fence type.
- Rev. B 20.06.22 Existing drainage ditch re-surveyed. 5 plots omitted. New 3b bungalow introduced. Apartment block omitted. Plots 4-7 moved South. Acoustic fence adjacent No. 10 Gates Lane repositioned. Standard carriageway extended fronting plots 16-19. General amendments to suit the above.
- Rev. A 04.03.22 House type HA1 (plots 29-30) and flat block 31-38 increased in size, layout adjusted to suit.



<p>PLANNING AND DESIGN</p> <p>cmyk (Planning & Design) Ltd 6 The Gavel Centre, Porters Wood St Albans, Herts, AL3 8PQ E: 01727 830123 e: email@cmykuk.net www.cmykuk.net</p>	<p>Abbey Developments Ltd Abbey House, 2 Southgate Road Potters Bar, Herts, EN8 5DU</p>	Job: Land off Garden Close, Sutton	Date: Jan 2022
		Title: Site Layout	Rev: G
		Scale: 1:500 @ A1	Dwg No: 1925 / P / 210.02
		For:	

APPENDIX 1 – Recommended Conditions;

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

<u>Plan reference</u>	<u>Version</u>	<u>Date received</u>
1925/P/210.01 Location plan		14th January 2022
ABBEY22966aia Arboricultural Impact Assessment	C	13th March 2023
ABBEY22966AMS Arboricultural Method Statement	C	13th March 2023
210.02 Site Layout	G	13th March 2023
210.03 Boundary Treatments	F	13th March 2023
210.04 Materials Layout	F	13th March 2023
210.06 Levels Plan	F	13th March 2023
210.07 Open Space Plan	F	13th March 2023
210.11 Type V Floor Plan	C	13th March 2023
210.12 Type V Elevations	C	13th March 2023
220.13 Type V Elevations 2	C	13th March 2023
240.01 Street Scenes	F	13th March 2023
240.02 Street Scenes	E	13th March 2023
240.03 Site Section	D	13th January 2023
240.04 Site Section	D	13th March 2023
240.05 Site Section	C	13th March 2023
ABBEY22966-11 1 Landscaping	K	13th March 2023
ABBEY22966-11 2 Landscaping	K	13th March 2023
ABBEY22966-11 3 Landscaping	K	13th March 2023
ABBEY22966-11 4 Landscaping	K	13th March 2023
ABBEY22966-11 5 Landscaping	K	13th March 2023
ABBEY22966-11 Landscaping	K	13th March 2023
ABBEY22966 03 Tree Protection	D	13th March 2023
ABBEY22966 15 A&B Sections	E	13th March 2023
ABBEY22966 16 C&D Sections	B	13th March 2023
1925/P/220.01 2b Bung Floor Plan	B	13th January 2023
1925/P/220.02 2b Bung Elevations 1	B	13th January 2023
1925/P/220.03 2b Bung Elevations 2	B	13th January 2023
1925/P/220.101 3b Bung B Floor Plan		13th January 2023
1925/P/220.102 3b Bung B Elevations		13th January 2023
1925/P/220.111 3b Bung A Floor Plan	A	10th January 2023
1925/P/220.112 3b Bung A Elevations 1	A	10th January 2023
1925/P/220.113 3b Bung A Elevations 2		10th January 2023
1925/P/220.121 2b Floor Plan		13th January 2023
1925/P/220.122 2b Elevations 1		13th January 2023
1925/P/220.123 2b Elevations 2		13th January 2023
1925/P/220.31 Type A Floor Plan	C	13th January 2023
1925/P/220.33 Type A Elevations 2	C	13th January 2023
1925/P/220.41 Type N Floor Plan	C	13th January 2023
1925/P/220.42 Type N Elevations 1	C	13th January 2023
1925/P/220.43 Type N Elevations 2	C	13th January 2023
1925/P/220.44 Type n Elevations 3	A	13th January 2023
1925/P/220.51 2b Aff Bung Floor Plan	C	13th January 2023
1925/P/220.52 2b Aff Bung Elevations	C	13th January 2023
1925/P/220.61 HA1 Floor Plan	D	13th January 2023
1925/P/220.62 HA1 Elevations	D	13th January 2023
1925/P/220.71 2BHA Floor Plan	B	13th January 2023
1925/P/220.72 2BHA Elevations 1	B	13th January 2023
1925/P/220.73 2BHA Elevations 2	B	13th January 2023
1925/P/250.02 Single garage		

1925/P/250.04 Twin garage		
1925/P/250.05 Double garage		
1925/P/250.07 Car Port		19th July 2022
22-0500 SP04 Swept path (fire) 2 of 2	J	22nd March 2023
22-0500 SK01 Highways layout 1 of 2	H	22nd March 2023
22-0500 SK02 Highways layout 2 of 2	H	22nd March 2023
22-0500 SK03 Ped splays 1 of 2	I	22nd March 2023
22-0500 SK04 Ped splays 2 of 2	I	22nd March 2023
22-0500 SP01 Swept path (refuse) 1 of 2	J	22nd March 2023
22-0500 SP02 Swept path (refuse) 2 of 2	J	22nd March 2023
22-0500 SP03 Swept path (fire) 1 of 2	J	22nd March 2023

- 1 Reason: To define the scope and extent of this permission
- 2 Prior to works proceeding above ground level, an updated Landscape Ecology Management and Maintenance Plan (LEMP) which follows the principles of the LEMP secured under the associated outline planning permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed LEMP.
- 2 Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the landscape value of the site in accordance with policies ENV 1, ENV 2 and ENV7 of the East Cambridgeshire Local Plan, 2015 and NP2 of the Sutton Neighbourhood Plan.
- 3 No trees or hedgerow shall be removed until an updated ecological habitat survey of the relevant trees and hedgerow, together with any necessary mitigation measures has been submitted to and approved in writing by the Local Planning Authority. Works to those trees and hedgerow proposed to be removed shall thereafter be carried out in strict accordance with the recommendations as set out in the agreed ecological habitat survey.
- 3 Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the landscape value of the site in accordance with policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and NP2 of the Sutton Neighbourhood Plan.
- 4 Prior to the first occupation of the development details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into unto Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.
- 4 Reason: In the interests of residential amenity and highway safety in accordance with policies ENV 2, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 5 Prior to the first occupation of any dwelling the road(s), footway(s) and cycleway(s) required to access that dwelling shall be constructed to at least binder course surfacing level from the dwelling to the adjoining road in accordance with the details approved on drawing 1925/P/210.02 Revision G.
- 5 Reason: In the interests of residential amenity and highway safety in accordance with policies ENV 2, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.

- 6 Prior to first occupation of each dwelling, the private drive serving each dwelling shall be levelled, surfaced in a bound material, drained away from the highway and thereafter retained for that specific use.
- 6 Reason: In the interests of residential amenity and highway safety in accordance with policies ENV 2, COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 7 Prior to first occupation of a dwelling, the pedestrian visibility splay pertaining to its access, as shown on drawings SK03 Rev I and SK04 Rev I, shall be implemented and thereafter maintained free from obstruction from a height of 600mm above the adjoining footway surface.
- 7 Reason: In the interests of highway safety in accordance with policies COM 7 and COM 8 of the East Cambridgeshire Local Plan, 2015.
- 8 Prior to the commencement of development, the precise specification of the acoustic fence as proposed on plan reference 1925/P/210.03 Revision F, shall be submitted to and approved in writing by the Local Planning Authority. The acoustic fence shall be erected prior to any other works proceeding and shall thereafter be retained and maintained in perpetuity to the agreed specification.
- 8 Reason: To safeguard the residential amenity of existing and future residents, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
This pre-commencement condition is considered necessary due to the need to have this detail agreed and for the infrastructure to be erected prior to works commencing due to the sensitive nature of the development.
- 9 Prior to the first occupation of any dwelling, the stock proof fencing and associated access gates as denoted on plan reference: 1925/P/210.03 Revision F, shall be erected in full and shall thereafter be retained and maintained in perpetuity.
- 9 Reason: To safeguard the residential amenity of residents of 10 Oates Lane, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 10 Prior to the occupation of the development, an inspection and maintenance scheme pursuant to the acoustic and stock proof fence as detailed under conditions 8 and 9 above shall be submitted to and approved in writing by the Local Planning Authority.
The future management of the fences shall thereafter be carried out in strict accordance with the agreed scheme.
- 10 Reason: To safeguard the residential amenity of existing and future residents, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 11 In the event that the foundations for the proposed development require 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.
- 11 Reason: To safeguard the residential amenity of neighbouring occupiers, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 12 Prior to works proceeding above ground level, a Hedgerow and Tree Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme is required to contain details of the following:
 - 1) The areas of trees and hedgerows to be retained and/or enhanced;

- 2) Areas where new trees and hedgerows will be established;
- 3) The methodology for the establishment of new areas of native trees and hedgerows; (timings and details for plot thinning and coppicing operations and removal of protective fencing/guards)
- 4) Management of existing trees and hedgerows to enhance its amenity and ecological value; (timings and details for plot thinning and coppicing operations)
- 5) Details of responsibility for the future management of the scheme.
- 6) Details to cover a period of no less than 20 years or until decommission of the development

The development shall be carried out and managed in accordance with the approved scheme.

- 12 Reason: To ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of the landscape value of the site in accordance with policies ENV 1, ENV 2 and ENV7 of the East Cambridgeshire Local Plan, 2015 and NP2 of the Sutton Neighbourhood Plan.
- 13 All soft landscape works including any management and maintenance plan details, shall be carried out in accordance with the approved details. All planting seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased (except those contained in enclosed rear gardens to individual dwellings) shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation. All landscape works shall be carried out in accordance with the guidance contained in British Standards, unless otherwise agreed in writing by the Local Planning Authority.
- 13 Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and NP2 of the Sutton Neighbourhood Plan.
- 14 The development shall be carried out in accordance with measures as set out within the Arboricultural Method Statement reference: ABBEY 22966 AMS REV C. The completed schedule of site supervision and monitoring of the arboricultural protection measures shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written and photographic evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.
- 14 Reason: To ensure proper implementation of the agreed landscape details in the interest of the amenity and biodiversity value of the development in accordance with Policies ENV 1, ENV 2 and ENV 7 of the East Cambridgeshire Local Plan, 2015 and NP2 of the Sutton Neighbourhood Plan.
- 15 The soft landscape works shall be audited at completion of the development and verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. A copy of the verification report and any recommended actions and timings for carrying out those actions shall be submitted to and approved in writing by the Local Planning Authority within 6 months of completion of the development. The agreed actions shall be carried out in accordance with the approved verification report.
- 15 To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the locality and to assimilate the development into its surroundings in

accordance with policy ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and NP2 of the Sutton Neighbourhood Plan.

- 16 Prior to works proceeding above ground level, a lighting scheme for all streets shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be accompanied by a technical report prepared by a qualified competent person setting out;
- i) the specification of lights,
 - ii) locations and heights of lighting columns,
 - iii) the light levels to be achieved over the intended area and at the development site boundaries and the surrounding area.

The approved scheme shall be implemented on site prior to first occupation of the development or in agreed phases, and retained as such thereafter.

- 16 Reason: To safeguard the residential amenity of occupiers, the visual impact of the development and protection of nocturnal biodiversity in accordance with policy ENV 1, ENV 2, ENV 7 and ENV 9 of the East Cambridgeshire Local Plan 2015.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modifications), no development within Classes AA, B and C of Part 1; of Schedule 2 of the Order shall take place on site unless expressly authorised by planning permission granted by the Local Planning Authority.
- 17 Reason: To safeguard residential amenity and the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015 and NP2 of the Sutton Neighbourhood Plan 2019.
- 18 Prior to works proceeding above slab levels, the precise details and colour of all facing brickwork, roof tiles, render and weatherboarding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
- 18 Reason: To safeguard the character and appearance of the area, in accordance with policies ENV 1 and ENV2 of the East Cambridgeshire Local Plan 2015.
- 19 All dwellings not served by a garage, shall be provided with a cycle shed in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle shed shall be located within the rear garden prior to the occupation of that dwelling.
- 19 Reason: In order to provide for and encourage sustainable modes of travel in accordance with Policy COM 7 of the East Cambridgeshire Local Plan, 2015.
- 20 Prior to works proceeding above slab level, details of the surfacing finish of all roads not proposed for adoption shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 20 Reason: In the interests of highway safety, visual and residential amenity in accordance with policies COM 7 and ENV 2 of the East Cambridgeshire Local Plan, 2015.

Appeal Decision

Site visit made on 11 September 2018

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2019

Appeal Ref: APP/V0510/W/18/3195976

Land rear of Garden Close, Sutton, Cambridgeshire CB6 2RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Endurance Estates Strategic Land Limited against the decision of East Cambridgeshire District Council.
 - The application Ref 17/01445/OUM, dated 1 July 2017, was refused by notice dated 5 January 2018.
 - The development proposed is an outline planning application for the erection of up to 53 houses on land to the east of Sutton to include public open space and details relating to access.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 53 houses on land to the east of Sutton to include public open space and details relating to access at land rear of Garden Close, Sutton, Cambridgeshire CB6 2RF in accordance with the terms of the application, Ref 17/01445/OUM, dated 1 July 2017, subject to the conditions in the schedule to this decision letter.

Application for costs

2. An application for costs was made by Endurance Estates Strategic Land Limited against East Cambridgeshire District Council. This application is the subject of a separate Decision.

Procedural Matters

3. The appeal proposal was submitted in outline with the means of access being considered at the outline stage. Notwithstanding that, an illustrative masterplan layout together with other supporting plans and information was also submitted with the application. However, with the exception of the site access, the details shown on the additional particulars are not being considered at the outline stage. I have therefore treated these drawings as being indicative to show a possible way of developing the site.
4. Since the submission of the appeal, the National Planning Policy Framework from 2012 has been replaced, with the new version being published in July 2018 (the 2018 Framework). Paragraph 212 of the 2018 Framework outlines that the policies contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. I have invited further representations from the Council and the Appellant on

this specific matter and have taken the representations received into account in my decision.

5. In addition to all of the above, the Council have confirmed that they cannot demonstrate a deliverable five year housing land supply. It follows that, in accordance with paragraph 11 of the 2018 Framework a presumption in favour of sustainable development should apply and that where the Development Plan policies which are the most important for determining the application are out of date¹, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the 2018 Framework taken as a whole.

Main Issues

6. The main issues are the effect of the development on the character and appearance of the area and the provision of infrastructure.

Reasons

Character and appearance

7. The appeal site is located to the east of Garden Close and to the south of Station Road. The site largely consists of open undeveloped land with various trees and hedgerows.
8. The majority of the appeal site has been put forward as an allocated site for housing in the emerging Proposed Submission East Cambridgeshire Local Plan (2017). This allocation is included in Policies Sutton 3 and Sutton 5 and is known as site SUT.H2. However, from the information before me the examination of the emerging plan has yet to be completed, and policies within it could be subject to change. I can therefore afford only limited weight to these policies.
9. Notwithstanding that, the Appellant submitted a further application² to the Council for the same development albeit with a different indicative site layout. Both main parties have confirmed that the Council have resolved to approve this subsequent application subject to the completion of a section 106 agreement to deliver various infrastructure requirements and affordable housing. This is a material planning consideration for which I give very great weight.
10. In addition to the above the site is located just outside of the Sutton Conservation Area (SCA) and there are also a number of Listed Buildings nearby including St Andrews Church (Grade I), Rectory Farm and Rathmore (both Grade II).
11. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of these listed buildings. In this case, the development of the site would be sufficiently detached from these building as to have little impact on the setting of these buildings. In coming to that view, I acknowledge that there would be some limited impact on views towards St Andrews Church in

¹ Footnote 7 includes situations where the local planning authority cannot demonstrate five year supply of deliverable housing sites.

² Reference 18/01053/OUM

- particular as a result of the additional development although such harm would clearly be less than substantial.
12. As noted above, the site is also close to the SCA, and the development of this site would have a small impact on views into and out of it, including the possible removal of some of the hedgerows within the appeal site.
 13. However, subject to an appropriate site layout and design of the proposed dwellings, this would not be significantly different from the relationship of any of the existing dwellings which adjoin the historic parts of the village. To my mind the development would not therefore harm such views to an extent that would warrant the withholding of planning permission on this ground.
 14. Paragraph 196 of the 2018 Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the provision of up to 53 additional dwellings would be a public benefit.
 15. To my mind, the public benefits of the additional dwellings, outweighs the less than substantial harm to the setting of St Andrews Church and the setting of other nearby Listed Buildings such as Rectory Farm and Rathmore. Therefore the proposal would accord with the historic environment aims of the 2018 Framework.
 16. Taking all of the above into account, and given the similarity of the appeal proposal to the subsequent application, I consider that the development would not harm the overall character and appearance of the area.
 17. In coming to that view, I acknowledge that the development of the site would result in the loss of countryside and what is currently undeveloped land. However, this would also be the case should the subsequent application be built out and would not be significantly different to the development of any other greenfield site at the edge of a built up area.
 18. I also acknowledge that the development would not accord with the provision of Policy GROWTH 2 of the East Cambridgeshire Local Plan (2015) (LP). However, given the lack of a deliverable five year supply of housing, I cannot give this policy full weight.
 19. For the above reasons the development would not give rise to any significant harm the character and appearance of the area (including the SCA and nearby Listed Buildings) and would accord with the overall aims and objectives of the 2018 Framework.

Infrastructure

20. The Council has indicated that the development should make provision for affordable housing (30%), together with financial payments towards education provision, library and lifelong learning provision, public open space (including management and maintenance thereof) and a wheeled bin contribution. Reference is also made to the new nature reserve and its long term future (through a Landscape and Ecological Management and Maintenance Plan (LEMP). With the above in mind, the Appellant has completed a section 106 agreement (dated 21 September 2018) with both the Council and the County Council included as signatories.

21. Notwithstanding that, the Appellant has raised concern over the education and library and lifelong learning provision payments and this is reflected in the completed section 106 agreement.
22. Paragraph 56 of the 2018 Framework (and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations) require that planning obligations should only be sought, and weight attached to their provisions, where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
23. The Council has an adopted CIL schedule and as such the development would be liable for a payment towards the provision of appropriate infrastructure to support the development. The Council has also recently updated its Regulation 123 List (May 2018). This list does not include any library and lifelong learning infrastructure and the only educational project relates to Littleport schools. On this basis, I am satisfied that the requested schemes are not provided for within the current CIL for East Cambridgeshire. In coming to that view I acknowledge that it would be possible to fund these infrastructure types through CIL should it be desired.
24. From the evidence before me, it would appear that the County Council requested the contribution for library and lifelong learning to be towards a new mobile library stop to serve the development, or rent free space in any community building to be built on the site. However, there is not any community building proposed on the site nor is there any substantive evidence on the costs involved in providing a new stop should there be any. Notwithstanding that, the 106 agreement defines the library and lifelong learning contribution as being for the enhancement of the library stock vehicle providing mobile library service to the village of Sutton, plus additional books and shelves for said vehicle.
25. To my mind, it is clear that the development would invariably have some demand for additional library services, albeit not for the reasons which the County Council originally suggested. The completed 106 agreement relates to provision of additional equipment associated with providing the service and in that respect I consider that this aspect of the agreement would be CIL compliant.
26. However, there is no evidence to indicate that the agreement would not exceed the threshold of pooling more than five section 106 agreements (including this agreement) for the enhancement of the library stock vehicle including additional books and shelves for said vehicle. Given this, I am unable to confirm that the library and lifelong learning contribution accords with Regulation 123 of the CIL Regulations and I therefore give this element of the section 106 agreement no weight in my decision.
27. Turning to the education contribution, from the evidence before me there is insufficient capacity at Witchford College to accommodate the likely number of pupils (14) which would arise from the development.
28. However, there is very limited evidence to indicate that the suggested contribution relates to the costs associated with an actual scheme to provide for additional capacity at the College. In this respect, it is unclear as to how

the monies sought are fairly and reasonably related in scale and kind to the development.

29. In summary, neither the library and lifelong learning nor the education contributions would accord with the CIL Regulations and therefore cannot be taken into account.
30. In relation to the other matters within the section 106 agreement I am satisfied that they are necessary to make the development acceptable in planning terms and accord with the CIL Regulations, and the overarching aims of the 2018 Framework and the LP.

Other matters

31. I have also had regard to the representations made in the consultation periods for the application and the appeal. This has included matters such as drainage and surface water, access and highway safety issues, wildlife disruption including great crested newts, the special circumstances relating to the future occupier of 10 Oates Lane under the Public Sector Equality Duty contained in the Equality Act 2010, smells and noise from the adjacent farm, the capacity at the doctors surgery, noise during construction works, and the previous appeal decision from 1988.
32. As part of the development proposals a detailed flood risk assessment and drainage strategy was undertaken. On the evidence before me, subject to the detailed design of the drainage strategy, there would not be any adverse impact on flood risk either on or off the site.
33. In respect of highway issues, the development would be accessed from Garden Close. From my site visit, and the information before me, I saw that the road would be of a sufficient width and capacity to safely accommodate the likely traffic flows as a result of the development. Furthermore, like the Highway Authority, I consider that there would not be any significant highway impacts on the highway network in the village as a result of the appeal development.
34. The appeal proposal was supported by an Ecology Report and an outline LEMP. Whilst it is acknowledged that Great Crested Newts are present in the ponds within the site, this does not include the developable parts of the site. The proposal provides for mitigation measures and habitat enhancement within the nature reserve area. It is also significant that specific and detailed mitigation for Great Crested Newts would need to be set as part of the European Protected Species License. Taking this into account, and the mitigation measures proposed, the presence of Great Crested Newts in the ponds is not a barrier to the grant of planning permission.
35. Turning to matters relating to the future occupier of the (to be redeveloped) 10 Oates Lane, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
36. In this case, it is clear that careful consideration of the relationship between the detailed site layout and 10 Oates Lane must be given. However, given the outline nature of the application, and that the detailed layout and house designs are not yet known, this is a matter which is best dealt with at the

reserved matters stage. That said, the revised illustrative masterplan layout plan³ demonstrates that it would be possible to develop the site in a manner which would provide a suitable separation distance between the new dwellings and the development to be constructed at No 10.

37. Finally, whilst all of the other matters are material planning considerations none of the matters raised provide for a compelling reason why planning permission should not now be granted. Where necessary any required mitigation can be controlled by means of suitably worded planning conditions.

Conditions

38. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
39. Other than the standard reserved matters conditions, it is also necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. For similar reasons it is also necessary to define the maximum number of dwellings proposed.
40. Conditions relating to a Construction Environmental Management Plan (including hours of construction works), biodiversity improvements, an energy and sustainability strategy, foul and surface water drainage details (including on-going maintenance for surface water drainage), and any mitigation necessary in relation to potential contaminated land are necessary for environmental reasons.
41. Given the possibility of archaeological remains conditions are also required to ensure that any findings are properly recorded. In the interests of fire safety, a condition requiring fire hydrant(s) is also necessary. In order to encourage more sustainable transport methods, a condition requiring a welcome travel pack is also necessary.

Conclusion

42. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

³ Drawing CSA/3881/102 revision A Submitted as part of the appeal evidence and the subsequent application

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1690-A119 and 36783_5501_SK02 revision B.
- 5) The development shall consist of no more than 53 dwellings.
- 6) No development shall take place until a scheme for the provision of fire hydrant(s) within the site (including any phasing arrangements) has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.
- 7) No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the hours of construction (including delivery times), proposed phasing/timescales of the development and mitigation measures for noise, dust and lighting during the construction phase. Construction works shall only be carried out in accordance with the requirements of the CEMP.
- 8) No development shall take place until a detailed surface water drainage scheme for the site (based on the Flood Risk Assessment and Drainage Strategy prepared by Peter Brett Associates Ref: 36783 FRA Rev A) dated August 2017) has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.
- 9) Prior to the first occupation of any of the dwellings details of the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the local planning authority. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls, and any access required to be able to maintain each surface water management component. The maintenance of the surface water drainage systems shall be carried out in accordance with the maintenance plan.
- 10) No development shall take place until a detailed scheme for the disposal of foul waters has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details.
- 11) Prior to, or concurrent with, 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.

- 12) Prior to the first occupation of any of the dwellings a scheme of biodiversity improvements shall be submitted to and approved in writing by the local planning authority. The biodiversity improvements shall be installed prior to the first occupation of the dwelling to which any enhancement feature relates to or the first occupation of the final dwelling where this relates to land not within the curtilage of a dwelling. The biodiversity improvements measures shall be maintained as such for the life of the development.
- 13) No development shall take place until a detailed 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 and has been submitted to and approved in writing by the local planning authority. The investigation report and findings should 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; ground and surface waters; ecological systems; archaeological sites and ancient monuments; and
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s).
- Any remediation works shall be carried out in accordance with the approved details and within a timeframe as agreed in writing by the local planning authority.
- 14) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise first agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 15) No development shall take place until a Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research objectives and
- i. the programme and methodology of site investigation and recording;
 - ii. the programme for post investigation assessment;
 - iii. the provision to be made for analysis of the site investigation and recording;
 - iv. the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v. the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi. the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

The development shall only be undertaken in accordance with the programme of archaeological works and no dwelling shall be occupied

until the site investigation and post investigation assessment has been completed in accordance with the programme as set out in the Written Scheme of Investigation.

- 16) Prior to the first occupation of any of the dwellings details of the form and content of a Welcome Travel Pack (which should encourage residents to travel using sustainable modes of transport) shall be submitted to and approved in writing by the local planning authority. The approved travel pack shall be provided to the first occupants of each new dwelling prior to (or concurrent with) the first occupation of each dwelling.

EAST CAMBRIDGESHIRE DISTRICT COUNCIL

PLANNING SERVICES

**OFFICER REPORT**

Application Number: 20/01169/RMM

Proposal: Reserved matters for Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access

Location: Land To The Rear Of Garden Close Sutton Cambridgeshire CB6 2RF

Applicant: Abbey Development Ltd

Agent: CMYK

Case Officer: Anne James

The Application:

The application seeks approval of a Reserved Matters application relating to the construction of up to 53 dwellings with access. The outline application (17/01445/OUM) was refused by Committee but allowed on appeal. Ref: PP/V0510/W/18/3195976 dated 18th January 2019.

This application constitutes a resubmission of a reserved matters application that was refused (20/00177/RMM) in June 2020 and deals with the matters of appearance, landscaping, layout and scale.

Similar to the previously refused reserved matters application (20/00177/RMM), the application varies from the original indicative masterplan submitted with the outline planning application in that the proposed pump station has been removed from the south-western corner of the site. The amount of open space has been reduced as well as the central hedgerow which was to be retained to create a green corridor through the site from north to south. The area of trees in the centre of the site would also see significant tree removal of 20 trees. The scheme still seeks to retain the locally equipped area of play (LEAP) and the nature reserve in the south eastern corner of the site.

Benefits have been provided to those properties backing on the site in Garden Close which have resulted in extending the rear garden land and the incorporation of the screen of trees/hedgerow which now lie outside of the site.

There is approximately 0.47ha of public open space and 0.72ha of local ecology management area located to the south-east of the site.

The following documents accompanied the application:

- Arboricultural Tree Impact Assessment
- Arboricultural Method Statement
- Design and Access Statement

- Planning Statement
- Drainage Report
- LEMP
- Tree Survey
- Energy Report

The application comprises the following mix of accommodation:

Market Housing

6 x 2no bedrooms
 16 x 3no bedrooms
 14 x 4no bedrooms
 1 x 5 no bedrooms

Total 37

Affordable Housing

12 x 2no bedrooms (8 flats and 4 dwellings)
 4 x 3no bedrooms

Total 16

Relevant Plans:

Plan Reference	Version No	Date Received
110.02	B	11th December 2020
110.03	B	11th December 2020
110.04	B	11th December 2020
110.05	B	11th December 2020
110.06	B	11th December 2020
110.07	B	11th December 2020
SK01	A	11th December 2020
SK02	A	11th December 2020
SK03	B	11th December 2020
SK04	B	11th December 2020
SP01	C	11th December 2020
SP02	C	11th December 2020
SP03	C	11th December 2020
SP04	C	11thDecember 2020
ABBEY22966-11B 1 OF 5		13th November 2020
ABBEY22966-11B 2 OF 5		13th November 2020
ABBEY22966-11B 3 OF 5		13th November 2020
ABBEY22966-11B 4 OF 5		13th November 2020
ABBEY22966-11B 5 OF 5		13th November 2020
1925/P/110.01		7th September 2020
1925/P/110.06 levels Plan		4th September 2020
1925/P/120.11 Type C Rushton		4th September 2020
1925/P/120.21 Type V		4th September 2020
1925/P/120.23 Type V Section		4th September 2020

1925/P/120.33 Type A 9942		4th September 2020
1925/P/120.41 Type N Stirling		4th September 2020
1925/P/120.62 Type R Maxwell		4th September 2020
1925/P/120.72 Type I Claremont		4th September 2020
1925/P/120.82 Type aff 2B Bung		4th September 2020
1925/P/120.91 Type HA1		4th September 2020
1925/P/140.01 Streetscene		4th September 2020
1925/P/150.03 Twin garage		4th September 2020
1925/P/150.06 Cycle store		4th September 2020
11925/P/150.04 twin alt roof		4th September 2020
1925/P/110.07 Open Space		4th September 2020
1925/P/120.01 Type 2B		4th September 2020
1925/P/120.02 Type 2B Bung		4th September 2020
1925/P/120.12 Type C Rushton		4th September 2020
1925/P/120.22 Type V		4th September 2020
1925/P/120.31 Type A 994		4th September 2020
1925/P/120.32 Type A 994 1		4th September 2020
1925/P/120.42 Type N Stirling 1		4th September 2020
1925/P/120.43 Type N Stirling 2		4th September 2020
1925/P/120.44 Type N Stirling 4		4th September 2020
1925/P/120.51 Type X Femwood		4th September 2020
1925/P/120.52 Type X Femwood 3		4th September 2020
1925/P/120.61 Type R Maxwell		4th September 2020
1925/P/120.71 Type I Claremont		4th September 2020
1925/P/120.81 Type Aff 2B Bung		4th September 2020
1925/P/120.92 Type HA1 1		4th September 2020
1925/P/130.01 AFF Flats 32 TO 39 Ground		4th September 2020
1925/P/130.02 AFF flats 32-39 First		4th September 2020
1925/P/130.03 AFF Flats 32-39		4th September 2020
1925/P/130.04 AFF Flats 32-39		4th September 2020
1925/P/140.02 Streetscene 6-9		4th September 2020
1925/P/140.03 Site Section		4th September 2020
1925/P/150.01 single garange		4th September 2020
1925/P/150.02 single garange alt roof		4th September 2020
1925/P/150.double garage		4th September 2020
219537/18 Road longitudinal section		4th September 2020
219537/19 external works drainage		4th September 2020
AIA Soft Landscape Spec		4th September 2020
ABBEY22966-11B Overall Plan		13th November 2020
ABBEY22966-03B		13th November 2020
1925/P/110.02 Site Layout	A	13th November 2020
1925/P/110.04 Materials Layout	A	13th November 2020
1925/P/110.03 Boundary Treatments	A	13th November 2020
1925/P/110.07 Open Space	A	13th November 2020
S19-229-100	E	3rd December 2020
S19-229-103		3rd December 2020
S19-229-102		3rd December 2020

The Site and its Environment:

The site extends to approximately 3.1 hectares and is situated within the development envelope of Sutton following the allocation of the site in the Sutton Neighbourhood Plan as

a housing allocation. The site adjoins the built form of the village along the north and west boundary, which marks the current edge of the built-form of the village with modern residential development in Garden Close and a more historic pattern of development along Station Road.

A number of ponds and water features are located in the south-eastern corner of the site inhabited by Great Crested Newts (GCNs). In terms of land levels there is a gradual slope down from north to south, representing approximately 7m across the length of the site.

The Sutton Conservation Area adjoins the northern boundary of the site and there are a number of listed buildings on Station Road and within close proximity of the site, including the Grade I Listed Church of St Andrew.

The site is bounded by hedgerow and woodland to the south and open land to the east and there is a Tree Preservation Order (E/04/20) on three groups of trees, a hedgerow of Hawthorn and a Field Maple.

Planning History:

17/01445/OU M	Outline planning application for erection of up to 53 houses to include public open space and details relating to access.	Allowed appeal.	on 05.01.2018
18/01053/OU M	Outline planning application for erection of up to 53 houses on land to the east of Sutton to include public open space and details relating to access	Pending decision	Awaiting signing of S106 Agreement
20/00177/RM M	Reserved matters for Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access	Refused	19.06.2020

Replies to consultations:

A site notice was displayed near the site on 17th September 2020 and a press advert was published in the Cambridge Evening News on 24 September 2020. In addition 49 neighbouring properties have been directly notified by letter. 15 responses have been received raising the following summarised concerns:

Visual Amenities

- Out of character with existing, predominantly single storey houses which abut the site
- Affects public views
- Landscape impact
- Loss of view of South Fen
- Impact on setting of Grade I listed building in the village

Residential Amenities

- Noise/disruption during construction
- Loss of privacy

- Overbearing
- Over looking
- Over shadowing
- Pollution
- Raising land levels will increase detriment to residential amenity
- Loss of light

Natural Environment

- Conservation
- Trees/hedgerow
- Relocation of Great Crested Newts
- Maintenance of landscaped areas
- General detrimental impact on biodiversity and ecology of the site
- Attenuation pond to the south of the ponds indicated in a previous plan as part of the nature reserve area, is now to be dug up and an attenuation pond created. Extremely destructive to existing wildlife
- Geology of the area shows underlying clay
- Natural springs are known to occur
- No evidence provided to demonstrate the scheme would not impact on countryside
- Trees proposed too close to the carriageway and will be damaged by cars

Highways

- Access and traffic congestion
- Quality of road in winter
- Entrance not wide enough for two vehicles to pass
- Access from Lawn Lane sometimes dangerous, this will be exacerbated by the increase in housing
- Bus service is poor
- Parking
- Speeding traffic
- Highway safety
- Visibility at junction of Lawn Lane and High Street restricted.
- Increase traffic along the A142

Policy

- Not part of the Village Plan
- Density of development c35 per ha, inappropriate in a village location
- Site allocated for 25 houses

Flooding and Drainage

- Drainage problem on site
- Flooding
- Middle of the site to be raised to install a land drain
- Location of housing over a foul drain or adjacent to it. Would prospective buyers be made aware of this.
- North ditch would have a riparian ownership which cannot be adopted or passed to a management company.
- Riparian owners downstream will receive excessive discharge into their systems.

- Additional two outlets being put into the north ditch from attenuation pond and cellular storage.
- Figures do not include any of the existing surface water discharged into the ditch referred to as the Mildren Lodge drain.
- Suggest that more than double the water from the applicants' site into the drain would occur
- Suggest that the Mildren Lodge drain should be connected into the applicants' proposed drainage system at Manhole S16.

Housing

- Lack of 1 or 2 bed homes to buy
- Affordable housing would be unaffordable for local people
- Only 16 bungalows proposed
- Housing adjacent to livestock at risk of concerns over odour

Other

- Does not comply with the Sutton Neighbourhood Plan.
- Village already at full capacity
- Lack of services and facilities for new residents
- Creating ghetto
- Old ordinance survey data being used
- What is the developer giving back to the environment
- No percussion piling
- Impact on individual with protected characteristics (s 149 of the Equality Act 2010)
- Sustainability credentials

Sutton Parish Council - 26 November 2020

'Would like to re-iterate that their previous comments and concerns are still valid as the amendment does not address any of these.'

Sutton Parish Council - 5 October 2020

'The site was granted outline planning consent on appeal on 18th January 2019 and is allocated for up to 53 dwellings including public open space to be constructed in accordance with the conditions set out in the inspector's decision letter - appeal ref APPN051 0/W/18/3195976, or any subsequent approval. Additionally, the development should:

- i. Be predominantly low-density single-storey dwellings
- ii. Retain existing mature trees and hedgerows
- iii. Preserve and enhance views from the south towards the church, from Lawn Lane eastwards and Station Road westwards across the cricket fields and open spaces

Sutton Parish Council recommends outright refusal of permission for the following reasons:

Whilst the Sutton Neighbourhood Plan was not 'made' at the time of the outline application, the granting of the outline permission at appeal was taken into account prior to the plan being 'made'. The Sutton Neighbourhood Plan policy NP5 in the 'made' plan has been specifically incorporated to address reserved matters relating to this site and should be given full weight when the application is considered.

20/00177/RMM was refused on the grounds that the scale and form and density of the proposed development did not accord with the aims and objectives of the Sutton Neighbourhood Plan 2019 policy NP5 which requires development on the site to be predominantly low-density single-storey dwellings. The Sutton Parish Council believes that the new application also does not accord with policy NP5.

In addition the new application continues to show a lack of two bedroom market dwellings and does not adequately address the needs of an ageing population looking to downsize into homes suitable for lifetime occupation. The proposal therefore does not accord with Policy NP7 of the Sutton Neighbourhood Plan 2019.

Sutton Parish Council has concerns that the maps used for parts of the application are incorrect out of date and that boundaries of neighbouring properties have been miscalculated.

The application has errors regarding the name of our church, it is St Andrews Church not St Johns. There are also discrepancies regarding the proposed pumping station shown on the Outline illustrative master plan but no mention of this elsewhere in the application or on other plans provided. More information is needed on what this is for, who will be responsible and other matter relating to this.

Concerns regarding the topography of the site, if this application was to be approved a condition should be placed to ensure that the level of the land not be raised above the current level on Garden Close as this would affect the existing properties in regards to drainage and privacy.

The drainage of the whole site is a concern raised by the Parish Council and we support the concerns of the residents.

In addition, Sutton Parish Council supports the concerns of local residents.

The Parish Council would like this application to be determined by the ECDC Planning Committee'.

Ward Councillors – Cllrs Lorna Dupre and Mark Inskip

If officer is minded to refuse the application then no call-in to committee will be required.

Anglian Water Services Ltd –

No Comments Received

Ambulance Service –

No Comments Received

Environment Agency - 23 September 2020

'We are returning this planning application consultation without comment because it is not clear why we have been consulted'.

Haddenham Level Drainage Commissioners - 26 November 2020

'We are writing in response to the above planning application although you may be aware that neither the Middle Level Commissioners nor our associated Boards are, in planning terms, statutory consultees and therefore, do not actually have to provide a response to the planning authority and receive no external funding to do so.

With the exception of the simplest matters, we are instructed to advise that we no longer provide bespoke responses to planning applications unless we are requested to do so by the Board and/or the applicant as part of a pre/post-application process. However, on this occasion, the Board has requested that we contact your authority in respect of the above development. We respond as follows:

The site is situated in the highland catchment of the Board's district with surface water from the site and surrounding area ultimately draining to the Board's system. On this basis a consent to discharge additional water from the development from the Board would be required, unless it can be proven that there is no increase in run-off from the site over and above the existing, pre-development conditions. It is noted that the development proposals are to provide a fully attenuated discharge restricting flows to "greenfield" rates with on-site attenuation provided by a balancing pond for the majority of the site and cellular storage for a small section of 7nr bungalows. The site will discharge to a receiving watercourse along the southern boundary with the "Recreation Ground" which in turn ultimately drains south to the Board's "Division Drain".

A detailed review of the proposals to confirm the design achieves the stated attenuation has yet not been carried out and the applicant should be required to submit their proposals to the Board to allow a check to be carried out to confirm that a discharge consent would not be required.

From an initial review of the information submitted on the planning portal two potential areas of concern are noted with the drainage proposals as submitted which are outlined below:

1. The condition of the receiving watercourse is substantially overgrown and the capacity for accommodating flows from land is questionable. From a site inspection it is clear that drainage from even "greenfield" run-off would be restricted. It is noted that anecdotal evidence has highlighted localised drainage and flooding issues and so called "wet spots" on this site and within the adjacent residential estate. The Flood Risk and Drainage Strategy prepared by Peter Brett Associates, submitted as part of the Outline Planning application, noted "Waterlogged ground was observed to the southern boundary and in the eastern part of the site". The current condition of the receiving watercourse and the drain immediately downstream of the site is not sufficient to accommodate the proposed new development. Whilst these localised "wet spots" may not be of significant concern for the existing land use of green field and Recreation Ground, notwithstanding potential issues in the adjacent Garden Close and Lawn Lane, this would have an impact on a new residential development potentially leading to an ineffective outfall for the drainage. This may be easily resolved through clearance of the receiving watercourse and drain alongside the Recreation Ground to provide a clear route to the managed system.

2. Existing drainage from "upstream" of the site is shown to be draining across the proposed development. The amended Drainage Strategy Plan, drawing 219537/17, highlights existing drainage "uphill" from Milton Lodge and the adjacent Rectory Farm. It is believed that additional drainage from the High Street may also drain to these points. The

development proposals include for the retention of the existing watercourse which runs north-south from Rectory Farm. The drainage from Milton Lodge is proposed to be intercepted and diverted across the site to connect to the open watercourse from Rectory Farm. This open watercourse will be retained through the centre of the development connecting to the boundary ditch on the southern edge of the site. A pipe crossing is proposed for new site drainage where it crosses this ditch to connect to the balancing pond.

It was confirmed by representatives from Abbey Homes at a site meeting on the 8th October 2020 that no works are proposed to this open watercourse other than from the interception and connection from Milton Lodge. The watercourse will ultimately become part of the rear gardens of several plots the owners of which will become responsible for maintenance of the drain. As with the other watercourses in and around the site this watercourse is heavily overgrown which would restrict flows and potentially increase the risk of backing up. Without proper consideration within the drainage strategy this could result in issues of blockages which would impact on the existing flows from "uphill" causing potential localised flooding of the new development.

Whilst it is noted that the drainage strategy for this development is for a fully attenuated design restricting flows to "greenfield rates" the site is within the Board's highland catchment and ultimately drains to the Board's "Division Drain". A condition on the developer is therefore required to submit details of the proposals to the Board to allow a check to be undertaken to confirm the attenuated rates are achievable and the receiving watercourse is of a suitable condition to accept flows. This should include further details of the proposals to intercept and deal with existing run-off from upstream of the site and confirm that this is suitably accommodated within the proposals. If this check subsequently confirms an increase in run-off then a Discharge Consent would be applicable'.

Cambs Wildlife Trust – 17th September 2020

'This professional ecological advice has been provided in accordance with the Service Level Agreement held with East Cambridgeshire District Council.

The submitted Landscape and Ecology Management Plan provides an appropriate range of measures to discharge the relevant planning condition'.

CCC Local Highways Authority – 16th December 2020

'I note that the pedestrian facilities have now been provided between plots 31 and 32 to 39 as recommended to achieve an adoptable layout, this is now acceptable.

The conditions and informative recommended in my previous correspondence dated 10th December 2020 remain applicable and should be appended to any permission granted.'

10th December 2020

'The proposal is unlikely to have an adverse impact on the public highway and I therefore have no objections in principle; however for the purpose of providing a layout that I would consider suitable for adoption, the applicant should be invited to amend the plan to include pedestrian facilities adjacent to the turning head between plots 31 and 32 to 39. As a minimum, this must include a footway on the northern side of the road to enable residents to access the parking court without having to enter the road to do so. I look forwards to reviewing this in due course.

My previous observations regarding adoption of drainage systems and other detailed design considerations such as cross-falls, gully location, drained areas and tree root protection remain applicable and will need to be considered further as part of any technical review for adoption under S38 of Highways Act 1980'.

20th October 2020

'I note that this is Reserved Matters application, the principle of which has been established by Inspector at Appeal under application reference 17/01445/OUM.

From the outline application it would appear that it was intended that public roads would be provided within the site. If streets are to be offered for adoption the following points require attention:

- The layout is not acceptable in relation to the junction arrangement of the three junctions in the vicinity of plots 3, 12 and 52; I would suggest that the central road is realign to form the priority, with the northern and southern cul-de-sacs join this road at junctions.
- The internal layout requires comprehensive dimensions with respect to carriageway/footway width, radii, visibility and turning head.
- A turning head will be required in advance of shared surface at the southeastern extent of the scheme.
- Shared surface streets appear acceptable to serve the small number of dwellings in the proposed in cul-de-sac form; however, the roads should generally be no more than 5.5m wide with 2m footways, with the shared surfaces being 6m wide with 2 x 0.5m paved margins.
- Visitor parking will not be adopted and private parking should be removed from adoptable areas, those in shared surfaces should be set behind the paved margins and independently drained.
- Cambridgeshire County Council will not adopt suds nor any streets without an acceptable maintenance regime for the surface water outfall; I cannot locate a Flood Risk Assessment which may set out future adoption and maintenance proposals and this should be clarified.
- Visibility splays should be indicated at all junctions with pedestrian 2m by 2m visibility splays between any private access and adoptable footways/shared areas.
- Any tree within 5m of the adoptable highway boundary require root barrier, which should be detailed on plan.
- A number of roads are shown to drain in crossfall; this would not be accepted.
- Drainage provision with regard to gully capacity must comply with the requirements of Cambridgeshire County Councils Housing Estate Road Construction Specification (HERCS)
- Surface water from private roads and driveways must not be permitted to drain on to the public highway and should be independently drained.

It should be noted that while I have made the above observations, I would not look to review or approve long sections/engineering or highway drainage at planning stage in advance of a comprehensive submission and technical review, i.e. for adoption under S38 of Highways Act 1980'.

CCC Lead Local Flood Authority – 18th December 2020

'There have been no amendments to the proposed surface water drainage strategy. As such, we maintain our position of having no objection to the proposed development and

have no further comments to make beyond those set out in our previous responses dated 15th October 2020 and 30th November 2020'.

30th November 2020

'We have reviewed the concerns raised by interested parties, which predominantly relate to the existing drain which intercepts surface water from the areas to the north and enters into the site.

As Lead Local Flood Authority (LLFA), we maintain the view of having no objection in principle to this reserved matters application.

As stated in our previous letter, a formal connection will be established for the existing drain which enters into the site. This formal connection will either be to the existing ditch to the west of the site, or the existing ditch to the east. As confirmed by CCTV surveys carried out by the applicant, both of these drains connect into the IDB system to the Haddenham IDB system to the south of the site, which is a managed system. It is likely that surface water from this pipe currently enters into this drainage system via overland flow, and the development will look to introduce a more formalised system, thus managing existing surface water flood risk to the site and adjacent areas.

The specifics of the new connection will be finalised at the detailed design stage to satisfy Conditions 8 and 9 of planning application 17/01445/OUM'.

CCC Lead Local Flood Authority - 16 October 2020

'We have reviewed the following documents:

- Drainage Strategy Plan, Abbey Developments Ltd, 219537/17. Dated: August 2020.
- External Works, Drainage and Cross Sections, Abbey Developments Ltd, 219537/19. Dated: August 2020.
- Drainage Report - System 1 Attenuation Pond, Tribach Associates. Dated: 26/08/2020.
- Drainage Report - System 2 Cellular Storage, Tribach Associates. Dated: 26/08/2020.
- Ditch Drainage Survey, SDP Surveys, S19-229-100. Dated: May 2019.
- Ditch Drainage Survey, SDP Surveys, S19-229-102. Dated: May 2019.
- Ditch Drainage Survey, SDP Surveys, S19-229-103. Dated: May 2019.

Based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to this reserved matters application.

The above documents demonstrate that surface water from the proposed development can be managed through the use of an attenuation pond and cellular storage. System 1 (attenuation pond) will discharge surface water into the existing ditch to the south-east of the site 5 l/s during all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change. System 2 (cellular storage) will discharge surface water into the existing ditch to the south-west of the site at 3 l/s during all events up to and including a 1 in 100 year storm event plus a 40% allowance for climate change. Both outfalls ultimately connect into the Middle Level Commissioners/ Haddenham Level IDB system to the south of the site.

The proposals involve intercepting the existing drain from Mildred Lodge to the north of the site.

Whilst this drain will remain isolated from the sites drainage system, it is proposed to divert this drain either to the watercourse along the western boundary of the site, or the watercourse along the eastern boundary of the site. The purpose of the diversion is to formalise the outfall of this drain to manage associated surface water flood risk. The proposed route will be finalised at the applications detailed design stage.

Ground raising will be no greater than 0.5 metres above existing levels, with the highest level of ground raising along the western boundary of the site. A linear land drain will be installed along the western boundary to intercept any overland flow and direct it towards the open ditch to the south-west of the site.

We look forward to reviewing the detailed design to satisfy Conditions 8 and 9 of planning application 17/01445/OUM’.

ECDC Conservation Officer – 29th October 2020

‘The heritage consequences of developing in this location were accepted in the 2017 outline application. No fundamental conflicts were identified in any case.’

ECDC Environmental Health – 17th September 2020

‘It would appear that the reserved matters in this application are for appearance, landscaping, layout and scale.

I have read the Design and Access Statement and have nothing to add to my previous comments below. If Peter wishes to make any comments he will respond separately’.

April 2020

Previous comments made in response to previously refused scheme. (20/00177/RMM)

‘I have read the additional information provided by the agent which states that there is no longer the need for a pumping station as a sewer requisition has been made. I acknowledge this and have no further comments to make at this time.

“Claire had previously advised that we request noise details of the pumping station so that we could assess the possible impact on properties in Garden Close and these new proposed dwellings. I just wanted to clarify that this information would be coming in at some point”.

ECDC Housing Section - 21 September 2020

‘The Strategic Housing Team supports the above application as it meets Policy HOU3 to deliver 30% affordable housing on site (16 dwellings) and the required tenure of 77% rented and 23% Intermediate Housing in accordance with the approved s106 agreement.

The tenure mix required will be:

Rented (77%: 12 dwellings)

8 x 2 bedroom flat

4 x 2 bedroom bungalow

Shared Ownership (23%: 4 dwellings)

4 x 3 bed house

The affordable housing mix proposed will meet the housing needs of those households in Sutton as well as helping to meet the Councils overall Objectively Assessed Need for affordable housing.'

ECDC Trees Team – 11th December 2020

'The loss of 20 out of 39 cat B trees from the area adjacent plot 40 is unacceptable and the comment that 'ECDC have the means and opportunity to utilise the TPO legislation to ensure the continued long term protection of the trees' and also that 'In respect of future pressure to prune it is reasoned that any potential resident will have the capacity to review the relationship between the unit and tree stock'. This is passing the responsibility of good design on to the Council with little regard for future occupiers who will likely not be tree professionals and would be unlikely to recognise the future growth potential of the Oaks, Ash and Alders with potential heights of 20m and crown spreads of 8m. The site layout could be altered in order to retain the trees in groups 8, 9 and 10 which are growing as one group/copse'.

4th November 2020

'I'm still concerned that plot 40 is in close proximity to the existing feature trees with very little account/space made for the future growth of these trees which will lead to pressure for unsuitable pruning and a significantly reduced long term retention period.

Section 5 of the Arboricultural Method Statement (AMS) should also include that the soil levels within the Root Protection Area's (RPA) should not be raised.

A plan of the utilities layout overlaid on the tree protection plan for the retained trees is required in order to identify and areas of potential conflict.

The AMS is a reasonable overview of the potential actions relating to the site but lacks details of the specific areas requiring specific care/monitoring.

A detailed design and construction method statement of vehicular drives, parking areas and other hard surfacing within the root protection areas is required.

Details of all tree protection monitoring and site supervision by a suitably qualified tree specialist is required prior to determination.

The Soft landscape specification document in 1.8 makes reference to the storing of topsoil and that it is stored in narrow strips and not more than 1m in height a plan showing the location of this storage area is required to illustrate how this will be possible without interfering with the site development and retained trees.

The landscaping scheme stated Apple species are not local varieties and potentially are unsuitable for this site which is known to be wet attached is a list of apple species of local provenance.

In line with the Councils Natural Environment SPD the use of locally native Willow trees should be considered for use in and bordering the attenuation pond as this would be useful for reducing water levels, pollution control and aid biodiversity.

As the predominant ornamental tree species in the design (sorbus 'Vilmorinii') is recorded in the Trees and Design Access Groups Species selection for green infrastructure document as being moderately sensitive to waterlogging it would be a sensible thing to reduce the schemes reliance on this one species. Also consideration should be given to swapping Amelanchier lamarckii for Amelanchier arborea and Prunus avium for Prunus padus due to their tolerance of wet soil as this site is known for having a high moisture content.

A condition for the audit on completion of the developments landscaping which should be verified against the approved soft landscape plans by a Landscape Architect, to ensure compliance with approved drawings. The Landscape Architect shall report all findings to the Local Planning Authority before sign off of Conditions and final planning approval.'

ECDC Waste Strategy (ECDC) – 30th September 2020

The waste team is happy to accept the swept path analysis for the refuse collection and the collection points but would request confirmation that the private roads are built to highways standard and that a waiver will be included to indemnify ECDC and its agents whilst undertaking normal collections.

East Cambs District Council will not enter private property to collect waste or recycling, therefore it would be the responsibility of the owners/residents to take any sacks/bins to the public highway boundary on the relevant collection day and this should be made clear to any prospective purchasers in advance, this is especially the case where bins would need to be moved over long distances; the RECAP Waste Management Design Guide defines the maximum distance a resident should have to take a wheeled bin to the collection point as 30 metres (assuming a level smooth surface).

Under Section 46 of The Environmental Protection Act 1990, East Cambridgeshire District Council as a Waste Collection Authority is permitted to make a charge for the provision of waste collection receptacles, this power being re-enforced in the Local Government Acts of 1972, 2000, and 2003, as well as the Localism Act of 2011.

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

Technical Officer Access - 14 October 2020

- Very informative and easy to follow Design and Access statement
- Safety measures may be needed now ponds will be accessible to public.
- Footpaths on each side of the road where there is public traffic movement, not shared space to ensure safe for those with a visual impairment.
- Design of the layout should ensure that there is step free access at the principal entrance to each property bearing in mind the topography of the site. If this proves to be justifiably impossible, design of the dwelling should enable it. Note that this is planned, floor plans were unavailable.'

The Planning Policy Context:

East Cambridgeshire Local Plan 2015

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

Sutton Neighbourhood Plan 2019

- NP2 Protecting and Maintaining Features of Landscape and Biodiversity Value
- NP3 Sutton Development Envelope
- NP5 Land East of Garden Close
- NP7 Housing Mix
- NP8 Preserving the Historic Characteristics of Sutton

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

National Planning Policy Framework 2019

- 2 Achieving sustainable development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

Planning Practice Guidance and National Design Guide

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

Equality Act 2010

Planning Comments:

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

- Principle of Development
- Visual amenity
- Residential amenity
- Highway and parking
- Biodiversity and Trees
- Housing Mix and affordable housing
- Layout, scale, design and appearance
- Flooding and Drainage

Principle of Development

The starting point for decision making is the development Plan ie the East Cambridgeshire Local Plan 2015 and the Sutton Neighbourhood Plan 2019. S38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework and the Planning Practice Guidance are both important material considerations in planning decisions. Neither change the statutory status of the development plan as the starting point for decision making but policies of the development plan need to be considered and applied in terms of their degree of consistency with the NPPF, PPG and other material considerations. Determination of the application needs to consider whether the proposal constitutes sustainable development having regard to development plan policy and the NPPF as a whole.

The principle of the development of this site for up to 53 dwellings has previously been determined as acceptable by the Planning Inspector in an appeal decision on an outline application (17/01445/OUM). In assessing the outline scheme the Planning Inspector considered 'that with the exception of the site access, the details shown on the additional particulars are not being considered at the outline stage. I have therefore treated these drawings as being indicative to show a possible way of developing the site. Therefore the scale (and other aspects) of the buildings/development still need to be determined'.

The applicants have mentioned within the Planning Statement that the Appeal Inspector acknowledged that the development would be located outside of the development envelope (at the time of making the decision) and that in view of the Council's position, at that time, and not being able to demonstrate a 5 year land supply of housing "the development would not give rise to any significant harm to the character and appearance of the area (including the SCA and nearby Listed Building)".

The Council's latest Five Year Land Supply Report dated December 2020 concludes that the Council can demonstrate a 6.09 years' supply of housing land (up to 31st December 2020) or 6.14 years' supply of housing land (from 1st January 2020).

Accordingly, the Council will continue to determine planning applications on the basis that the Council can demonstrate a five year land supply. The NPPF 'tilted balance' of para 11(d) is not triggered on the basis of land supply. Moreover, the Sutton Neighbourhood

Plan became part of the development plan and contains policies and allocations to meet its identified housing requirement and the local planning authority can demonstrate at least a three year supply of deliverable housing sites in compliance with Para 14 of the NPPF.

On 30th May 2019, the Sutton Neighbourhood Plan was made and these policies define where new developments should take place and describe the nature of those developments and the protection afforded to the existing built and natural environments.

Therefore, since the appeal for the outline planning application was allowed, there has been a significant material change in circumstance. Development would need to accord with the policies of both the Sutton Neighbourhood Plan and the East Cambridgeshire Local Plan. Policy NP5 of the Sutton Neighbourhood Plan 2019 has acknowledged that the land east of Garden Close is allocated for 53 dwellings, provided the development should be predominantly low-density single-storey dwellings; would retain existing mature trees and hedgerows; and would preserve and enhance views from the south towards the church and from Lawn Lane eastwards and Station Road westwards across the cricket fields and open spaces.

A reserved matters application (20/00177/RMM) was refused in June 2020 for the following reasons:

1) *The scale, form and density of the proposed development does not accord with the aims and objectives of the Sutton Neighbourhood Plan 2019 which requires development on the site to be predominantly low-density single-storey dwellings. The scheme as proposed therefore fails to respect its edge of settlement location and fails to preserve or enhance the views into and out of the settlement. The proposal conflicts with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy NP5 of the Sutton Neighbourhood Plan 2019.*

2) *The reduction of open space, tree and hedge removal and changes to the drainage strategy have not been adequately assessed within the scheme as to what harm would occur to the ecology and protected species of the site, which also would result in irreparable damage to the Great Crested Newt habitats on and off the site. Furthermore an updated Ecology Management Plan (LEMP) has not been received and this document is an integral part of the s106 Agreement and secures the welfare of protected species and the management of ecology and biodiversity networks/systems. The proposal is therefore considered to be contrary to Policy ENV7 of the East Cambridgeshire Local Plan 2015 and Policy NP2 of the Sutton Neighbourhood Plan 2019.*

3) *The mix of market housing proposed on site fails to contribute to meeting the needs of the village. The lack of 2 bedroom market dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation have not been accommodated within the development. The proposal is therefore contrary to Policy HOU1 of the East Cambridgeshire Local Plan 2015 and Policy NP7 of the Sutton Neighbourhood Plan 2019.*

4) *The proposal fails to provide an acceptable turning and parking layout on site as well as limited visitor parking contrary to Policies COM7 and COM8 of the East Cambridgeshire Local Plan 2015.*

5) *The location of an area of accessible public open space as well as the parking layout to the north of the site does not provide a suitable buffer to protect the residential amenities*

of an adjoining occupier who has protected characteristics. As such the scheme would not comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Section 149 of the Equality Act 2010.

6) *Insufficient information has been provided to support the view that a sustainable urban drainage strategy can be delivered satisfactorily throughout the site without compromising the amenities of neighbouring properties through the raising of land levels to the rear of properties in Garden Close. The overbearing nature of the development would lead to a loss of privacy; overlooking; over shadowing which is exacerbated by the disparity in scale of the existing bungalows along the western boundary of the site and the applicant's intention to provide two storey dwellings throughout the development. The proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy NP5 of the Sutton Neighbourhood Plan 2019.*

7) *No information has been provided with the reserved matters application of the design and layout of the POS nor the LEAP. Furthermore the applicants' have failed to provide information on how much public open space has been lost due to the changes in layout and the introduction of SUDS features around the site. Moreover as the drainage strategy is in the process of agreement between the statutory consultee, neighbours and the applicant, to which the Council has not been a party to, it is also not known how much of the POS would be lost to accommodate the new drainage strategy. Due to insufficient information being received to satisfy the Council's concerns the proposal would conflict with Policy GROWTH 3 of the East Cambridgeshire Local Plan 2015.*

8) *Due to the continued submission of contradictory tree information, combined with the unnecessary loss of category B trees and high likelihood of future pressures for tree removals and pruning there would be an adverse impact on the settlement character and visual amenities of the area. The proposal is contrary to Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy NP5 of the Sutton Neighbourhood Plan 2019.*

The following sections of the planning report have assessed the resubmitted scheme and whether the proposal has addressed the eight previous reasons for refusal.

The proposal has provided adequate information to address concerns regarding the design and layout of the POS and LEAP; a suitable internal road layout to the satisfaction of the Local Highway Authority and the Council's Waste Department has also been submitted. Moreover, the applicants have demonstrated that an adequate drainage strategy has been negotiated with the statutory authority to ensure there would be no flooding and drainage issues both on-site and to adjoining land.

However, in terms of its compliance with Policy NP5 of the Sutton Neighbourhood Plan is concerned, the scheme fails to provide 'predominantly' single storey dwellings. In order to provide a degree of clarity to this policy, the definition of 'predominant' from the Cambridge English Dictionary cites the meaning of 'predominant' as "more noticeable or important, or larger in number than others". In applying the term 'predominant', the Council are of the view that approximately 75% of the total number of dwellings should be single storey. The proposal would provide 30% (16) single storey dwellings (8 of which would be chalet style bungalows and would have accommodation within the roof). As such the scheme would fail to meet the policy requirements of NP5 of the Sutton Neighbourhood Plan, as the proposal fails to provide a majority of the dwellings as single storey let alone the predominant amount.

The National Design Guide is implicit in its advice that new development should respond to existing local character and identity (Section 11 refers).

The application still proposes to remove 20 out of 39 cat B trees from the area adjacent to Plot 40. These trees fall within a recently served Tree Preservation Order and make an important contribution to the ecology and biodiversity of the site. It is still felt that the proposal would not provide an acceptable level of living environment for the future occupiers of Plot 40 given its proximity to the group of protected trees leading to loss of sunlight/daylight penetration. Combined with significant hedgerow reduction and the unnecessary loss of category B trees and high likelihood of future pressures for tree removals and pruning there would be an adverse impact on the settlement character and visual amenities of the area. This is contrary to Policies NP2 and NP5 of the Sutton Neighbourhood Plan

Albeit in the resubmitted scheme the applicants propose a robust landscaping scheme abutting the boundaries to No 10 Oates Lane along with meadow planting in the adjacent open space, it is not considered that a sufficient buffer has been applied to this boundary, when compared to the scheme approved at outline, given the protected characteristics of the occupant, which have been raised with the applicant. The Council is still of the view that the impact of the development on the occupiers of No10 Oates Lane would still be injurious sufficient to refuse the application on this basis.

An added concern regarding the location of properties adjacent to a watercourse giving the onus of Riparian Ownership rights and responsibilities to new occupiers of the accommodation, could lead to issues of flooding if not managed and maintained, to the detriment of their living environment.

The proposal is therefore not considered to be acceptable in principle.

Visual Amenity

Policy ENV1 of the Local Plan 2015 requires new development to provide a complementary relationship with existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlement. Policy ENV2 of the Local Plan 2015 requires that new development should ensure its location, layout, form, scale and massing and materials are sympathetic to the surrounding areas.

The site is bounded on the east and south by open space, in use for recreational purposes by local residents. There are long distant views towards the site from Haddenham with the southern and eastern boundaries partially screened by existing vegetation. The village of Sutton has developed over time through the creation of lanes extending south from the higher ground on High Street. Garden Close and Oates Lane are examples of this pattern of development and are based on the medieval strip field pattern. The predominant form of development to the west of the site is single storey.

As in the previously refused reserved matters scheme, the proposal seeks to extend the pattern of built-form to the south and west of Sutton and the drawings submitted introduce a spine road that splits to the north to form a turning head before continuing around the site in a horseshoe configuration. The Conservation Officer has again raised no concerns regarding the setting of the Listed Buildings to the north of the site. St Andrew's Church is the most prominent building in the village and given the separation distance and the buffer of intervening development, the impact of further development in this location has been

considered no more than neutral. Consistent with previous applications, the impact of development in this location on neighbouring heritage assets is not considered to constitute harm, the layout in terms of providing a viewing corridor through the development of the church, has been considered acceptable by the Council's Conservation Officer, however, the predominantly two storey nature of development fails to respect the character of this edge of settlement location and as such would not enhance the views either in and out of the settlement. In this respect the scheme fails to comply with Policy NP5 of the Sutton Neighbourhood Plan.

Although no Landscape Visual Impact Assessment has been submitted with this application, in previous applications, it has been acknowledged by the applicant that large scale effects would occur across the site itself and the immediate fringes and fields to the east of the site. Medium scale effects were anticipated to the boundaries of Station Road and the cricket field with small scale effects to the recreation ground immediately south of the site anticipated. In order to mitigate the impact of 53 two storey dwellings on the landscape character setting here, the applicants have included 16 bungalows and these have been located along the eastern and western edges of the application site with the remaining 37 two storey dwellings placed within the centre of the site. In considering the reasoning behind Policy NP5 of the Sutton Neighbourhood Plan, the Parish Council in association with the Sutton community require the views from Lawn Lane eastwards and Station Road westwards across the cricket fields to be in keeping with the existing form of development, which is predominantly single storey, as such views into and out of the settlement in this location are still considered to be affected by the scale of two storey development within the centre of the site. The presence of a two storey block of flats further adds to the urbanisation of the scheme which fails to integrate the new scheme with rural nature on this edge of settlement site contrary to Policy NP5 of the Sutton Neighbourhood Plan and as a consequence Policies ENV1 and ENV2 of the adopted Local Plan 2015.

The applicants consider that by confining the two storey properties within the centre of the development "this would meet with the specific requirements of Policy NP5 with its intention to prevent overlooking, overbearing and overshadowing of existing dwellings on Garden Close and to preserve longer range views into the site, ensuring they are not dominated by taller buildings". Whilst the former issues concerning overlooking of properties in Garden Close have been mitigated, the proposal still fails to acknowledge the intention of Policy NP5 which is to ensure this edge of settlement location is sensitively designed to be in keeping with the prevalent pattern of development located to the south of Sutton. What results is a rather contrived attempt to conceal the scale, bulk and massing of development in engineered long range views through gaps in the building line or by locating a block of flats behind an existing and, due to be severely depleted, cluster of trees. Notwithstanding the significant and detrimental loss of trees, the art of applying soft landscaping within any new housing scheme should be a means of framing the development, not obscuring it. The National Design Guide, Section 11 "requires development to respond to existing local character and identity which is made up of typical characteristics such as the pattern of housing, and special features that are distinct from their surroundings." The special features in this particular respect are the views across and through the site and the attractive hedgerow and high quality trees. The policy requirement of NP5 is clear and encompasses the vision and aspirations of the Sutton community which this scheme has not complied with.

It is considered that due to the sensitive edge of settlement location which currently benefits from attractive landscaping features, such as trees and hedgerows, much of which would be removed as a result of the scheme, the layout, scale, form and density of the development

would be unsympathetic to the location and would not protect this settlement edge location and views into and out of the settlement, in accordance with Section 11 of the National Design Guide, Policies ENV1 and ENV2 of the adopted Local Plan 2015 and NP5 of the Sutton Neighbourhood Plan 2019.

Residential Amenity

The NPPF seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings. Policy ENV2 of the Local Plan requires development to respect the residential amenity of existing and future occupiers.

The East Cambridgeshire Design Guide SPD takes into account the requirement to provide sufficient plot sizes and amenity space for all new development. Therefore, a minimum of 10m separation distance should be achieved from the rear elevation of any dwelling to the rear boundary. The distance between rear inter-visible windows should be a minimum of 20m. Moreover, in most cases the rear private amenity spaces should be a minimum of 50sqm and the footprint of any proposed development should be no more than approximately one third of the plot size. The new housing would meet the criteria established within the Design Guide and on this basis would provide an acceptable standard of living for future occupants.

In terms of the impact on existing residential amenity is concerned, in the previously refused scheme there were issues regarding the overbearing nature of the development and its relationship with the bungalows in Garden Close. In the resubmitted scheme, this issue has been addressed by reducing the scale of development on this boundary to single storey dwellings. With regard to construction noise and general disturbance during construction these can be mitigated by condition imposed on the outline planning application by means of the Construction Environmental Management Plan as well as restricting the hours of operation and deliveries.

The occupiers of No 10 Oates Lane have continued to raise concerns as their property is located immediately adjacent to the north-western corner of the site where it is proposed to locate an area of POS, a turning head and parking area/garage. As an occupant within this property has protected characteristics, the proximity of the open space and parking area is likely to exacerbate noise and general disturbance to the detriment of their living environment. In the previously refused scheme, there were concerns regarding landscaping between these two sites, which was considered to be fairly light with shrub planting and grass that may well be used by children of the new development as a play area.

In the resubmitted scheme the applicants have not increased the buffer between 10 Oates Lane and the garage/parking spaces but instead intend to provide robust planting to the boundaries and meadow planting to discourage children from using the area for play and causing noise in proximity. Whilst the Council have placed a preservation order on the boundary hedgerow, it is still considered that the proposal does not go far enough in protecting the quality of life and living environment of these existing occupiers.

Whilst other concerns have been identified by residents with regard to the location of a LEAP, it is considered that this play area is sufficiently distant from existing and future residents to not cause noise and general disturbance.

Due regard has been taken to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination,

harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.

Whereas, noise and general disturbance during construction can be mitigated through a range of safeguards imposed on any consent, the particular needs and requirements of the occupiers of No10 Oates Lane do not appear to have been met and as such the proposal would not accord with Policy ENV2 of the adopted Local Plan 2015 or the Equality Act.

In terms of the living environment of future occupiers of the site is concerned, the Council's Tree Officer has identified that future occupiers of Plot 40, which would be in close proximity to a group of trees, would not be aware that the Oaks, Ash and Alder trees in this cluster would have a future growth potential of heights in the range of 20m and crown spreads of 8m. The applicants are of the view that the Council have the means and opportunity to utilise the TPO legislation to ensure the continued long term protection of the trees, and the Council have placed a preservation order on this group to protect their long term health and vitality. However, this does not resolve the issue and burden of responsibility placed on future occupiers of the site who would need to weigh the merits of protecting the longevity of these trees against their future living environment and inadequate sunlight/daylight penetration to habitable rooms and rear garden amenity areas.

This lack of a precautionary approach to the welfare and living environment of future occupiers of the site has also been identified in the location of a watercourse between the rear of Plot Nos 22-31 and 40-46. The Lead Local Flood Authority (LLFA) have advised that new occupiers of these properties would have Riparian responsibilities of allowing water to flow without any obstruction; accepting flood flows through their land, even if they are caused by inadequate capacity downstream and keeping the banks clear of anything that could cause an obstruction. The LLFA has advised the council that it does not regulate ordinary watercourses in Internal Drainage Board areas. As all of the proposed development area falls within the Middle Level Commissioners (MLC) catchment then it has been recommended that they are contacted to discuss their requirements. This aspect is discussed further in the report under the 'Flooding and Drainage' section.

However, suffice it to say, the living environment of future occupiers of the site would not meet with the requirements of Policy ENV2 of the adopted Local Plan 2015 which requires occupiers to enjoy high standards of amenity.

Highway and Parking

Policy COM7 of the adopted Local Plan requires that all development must ensure a safe and convenient access to the public highway. It also requires development to be designed in order to reduce the need to travel, particularly by car and should promote sustainable forms of transport appropriate to its particular location.

Sutton is described in the adopted Local Plan 2015 as a large village located six miles west of Ely and benefitting from a range of local services, including a shop, takeaways, post office, doctor's surgery, pharmacy, Royal British Legion, public house, community rooms and pavilion as well as primary school, with pre-school and a regular bus service to Ely and Cambridge. There are also a number of businesses and the Elean Business Park. The site is therefore locationally sustainable.

Access was the primary consideration in the assessment of the application at outline stage which is proposed off Garden Close.

However, the reserved matters scheme was refused on the basis that there was uncertainty with the swept path analysis submitted and whether this would meet with the County Council requirements and enable service vehicles to access and egress the site in a forward gear. However, the applicants have demonstrated that the tracking, especially within the three turning areas would now work, resulting in refuse and other vehicles servicing the site being able to turn around and egress the site in a forward gear.

The Local Highway authority are no longer objecting to the scheme, and further amendments have illustrated that an adoptable road layout can be achieved with the addition of footpaths on the northern side of the road to enable residents to access the parking court without having to walk on the road as well as pedestrian facilities adjacent to the turning head between pots 31 and 32 to 39 have been included.

The Council's Waste Department are also agreeable to the swept path analysis for refuse collection.

Concerns have been raised in the letters of objection regarding, traffic congestion however, in the initial assessment, the Transport Assessment Team concluded that the application would not be expected to have any significant impact on the local highway network and did not object to the outline application. With regard to concerns regarding speeding traffic, lack of a bus service and quality of roads in winter, these are not issues that can be resolved through the determination of this application.

Policy COM 8 of the adopted Local Plan requires development proposals to provide adequate levels of car and cycle parking. Therefore, out of town centre locations there is a requirement for 2 spaces per dwelling and up to 1 visitor car space per 4 units. 1 cycle space per dwelling is also required. For a development of this size there would be a requirement for 106 allocated parking spaces and 13.5 visitor parking spaces. The scheme now provides the appropriate amount of both allocated and unallocated parking spaces and as such complies with policy. Sufficient on-site cycle provision can be provided within the curtilage of each dwelling, although no details have been provided with regard to secure cycle storage for the flats, there is an area to the rear of the bin store which could provide suitable space and further details could be imposed by condition had the application been recommended for approval.

The proposal complies with Policies COM 7 and COM 8 of the adopted Local Plan 2015.

Biodiversity and Trees

Policy ENV7 of the adopted Local Plan seeks to protect biodiversity and geological value of land and buildings and requires that through development management processes, management procedures and other positive initiatives, the council will among other criteria, promote the creation of an effective, functioning ecological network.

The Ecology Report submitted with the outline planning application described the site as being dominated by improved grassland and amenity grassland habitats of low nature conservation value. In addition, there are areas of woodland, dense scrub and species-poor intact hedges which possess elevated ecological interest. The two ponds and associated scrub in the south east periphery are of elevated ecological interest. It was also established

that these ponds together with others in close proximity supported populations of Great Crested Newts.

The creation of a nature reserve in the south east corner of the site to mitigate for the potential loss of Great Crested Newt habitat and ensure that the retained habitats are preserved and enhanced was established in outline and further supported through a Landscape and Ecological Management Plan (LEMP) for the nature reserve which forms part of the s106 Agreement.

Further mitigation for the general loss of habitat on the site was proposed through the retention of an area of woodland as part of the open space and new tree and scrub planting within the nature reserve. Compensation for the loss of hedgerow was to be provided by new hedgerow and tree planting in the nature reserve.

Para 175 of the NPPF highlights the importance of biodiversity and habitats when determining planning applications and in July 2019 the Government confirmed their intention to make biodiversity net gain mandatory in England for all development. The emerging 'standard' by which environmental gain is calculated is the DEFRA Biodiversity Metric 2.0 test.

As a consequence, the Council have adopted a Natural Environment Supplementary Planning Document in September 2020, and this provides guidance for new development to protect and encourage the biodiversity and ecology interests on site. Policy NE11 of the SPD requires development proposals to be accompanied by sufficient, suitable and robust information to enable the effects on biodiversity to be assessed.

In the previous scheme the changes in layout resulted in the reduction in the amount of open space and as no updated LEMP had been submitted, there were concerns that these changes would have implications on the ecology of the site and the Great Crested Newt meta-populations (GCNs) which inhabit a number of the ponds both on and off-site.

The application has now been accompanied by a Landscape and Ecological Management Plan [Applied Ecology Ltd dated August 2020]. The aims and objectives of this document are to create and maintain a suitable habitat to support the population of the legally protected amphibian great crested newt and maintain habitats suitable for other species. In addition, there is a requirement to maintain a safe and attractive area of open space, with opportunities for residents to engage with the natural environment as well as providing visual amenity for the development and contribute towards biodiversity, trees and hedgerow.

Condition 12 of the appeal decision APP/V0510/W/18/3195976 requires that "prior to the first occupation of any of the dwellings a scheme of biodiversity improvements shall be submitted to and approved in writing by the local planning authority. The biodiversity improvements shall be installed prior to the first occupation of the dwelling to which any enhancement features relates to or the first occupation of the final dwelling where this relates to land not within the curtilage of a dwelling. The biodiversity improvements measures shall be maintained as such for the life of the development."

The Wildlife Trust have agreed with the findings of the LEMP which they consider provides an appropriate range of measures to discharge the relevant planning condition.

That said whilst the findings of the LEMP have been considered satisfactory, the Council consider that Condition 12 still requires that the development would need to meet other biodiversity enhancements in order for it to provide a significant net environmental gain and this issue is considered in further detail below.

Trees

An Arboricultural/Tree Impact Assessment [ACD Environmental dated 12th November 2020] has been revised to address concerns raised by the Council's Tree Officer in respect of the proximity of root protection areas to development and questioning the suitability of some species which are not local varieties and do not do well in damp/wet conditions. The Tree Officer considers the scheme would still result in the loss of 20 Category B Trees out of 39, as well as a number of Category C trees. The Council's Tree Officer has calculated, that the scheme would not meet with the requirements of Policy NE8 of the Council's SPD on Natural Environment which would require the planting of 86 new trees to provide a net environmental gain. The scheme proposes 54 new trees and this excludes hedging plants. Policy NP2 of the Sutton Neighbourhood Plan requires all development proposals to be expected to retain existing features of landscape and biodiversity value (including trees, woodland and hedgerows).

The applicants did submit further amendments in order to address the concerns identified by the Council's tree officer, however, refused to provide the Council sufficient time in which to undertake a further consultation exercise. On this basis the Local Planning Authority could not accept this requested amendment to the application.

In view of the fact that the new trees would take many years to reach maturity and that there would be an under-provision of replacement trees, in order to result in a net environmental gain, then the loss of these trees and hedgerow which play an important role in the setting of the village would cause potential harm to the character of the village and its contribution to the biodiversity network.

The scheme fails to make suitable provision for biodiversity within the site and conflicts with Policy ENV7 of the adopted Local Plan 2016, Policy NE8 of the Council's SPD on Natural Environment and Policies NP2 and NP5 of the Sutton Neighbourhood Plan.

Open Space

Policy GROWTH 3 of the Local Plan requires residential development of 20 or more dwellings to provide or contribute towards the cost of providing children's playing space and open space. For a development of this size and scale the provision of on-site open space is assessed on a case by case basis, calculated on the number and size of properties in accordance with the Developer Contributions SPD.

The signed S106 Agreement required the applicant to provide details of the layout and design of the POS as well as a landscaped and equipped children's' play area of up to 400 sqm providing no fewer than 5 items of play serving the development to be provided as part of the Public Open Space on the site in accordance with the precise areas and boundaries to be determined through reserved matters approval, pursuant to the planning permission.

The proposal contains a LEAP which by definition, is aimed at children who can go out to play independently (6-12 years of age). The application proposes approximately 400sqm of LEAP which would contain 5 pieces of play equipment and an area for games. A summary

of the type of play equipment proposed has been submitted and two items would be accessible play equipment which is welcomed. Although, the other items are not age appropriate and therefore may not be used by older children. However, this could be further agreed by condition and would not form a reason for refusal.

In this case, the amount of POS accords with the SPD and provides a Locally Equipped Area of Play (LEAP) of 400sqm which is capable of providing a range of equipment and play area and this accords with the requirements with the s106. On balance the scheme has addressed the previous concerns and broadly complies with Policy GROWTH 3 of the adopted Local Plan and the Developer Contributions SPD.

Housing Mix and affordable housing

Policy HOU1 of the adopted Local Plan 2015, requires that developments of 50 or more dwellings will be expected to provide a proportion of dwellings that are suitable or easily adaptable for occupation by the elderly or people with disabilities (Lifetime Homes standard or equivalent). Furthermore, Policy NP7 of the Sutton Neighbourhood Plan 2019 requires that housing development must contribute to meeting the needs of the village. Planning proposals will be supported where development provides a mix of housing types and sizes that reflects the needs of local people, particularly in the need for two bedroom dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation.

The dwelling mix on the previously refused scheme failed to take into consideration Policy NP7 of the Sutton Neighbourhood Plan and as a consequence failed to consider the needs of the Sutton community. In the resubmitted scheme the number of 2 bedroom dwellings has been increased with 18 x 2no bedroom dwellings now being proposed. Breaking down the accommodation mix, much of the 2no bedroom dwellings consists of 8 bungalows and 2no houses (2 storeys) and 8 x 2no bedroom flats. The Parish Council have raised concerns that this application continues to show a lack of two bedroom market dwellings and does not adequately address the needs of an ageing population looking to downsize into homes suitable for lifetime occupation. 12 of the proposed two bedroom dwellings are affordable, with only 6 of them being market dwellings and they are of the view that the proposal does not accord with Policy NP7 of the Sutton Neighbourhood Plan 2019, and the Council supports this view. The applicants provided a comparison between the indicative property size guide ranges contained within the SHMA with those of the refused scheme and the new proposed scheme. This indicated that for two bedroom accommodation the SHMA requirement would be between 13%-22%. The proposed scheme provided 16% of two bedroom accommodation. Whereas for three bedroom dwellings there would be a SHMA requirement of between 22-39%. The scheme exceeded this figure providing 43% of 3 bedroom dwellings. Given the requirements as set out in Policy NP7 of the Sutton Neighbourhood Plan, it is considered there would be a shortfall in the provision of two bedroom dwellings. The scheme would therefore not provide the requisite percentage of two bedroom accommodation.

It is also proposed to deliver 16no dwellings to be designed to achieve full M4 (2) compliance equating to 30% of the scheme. These dwellings would be the bungalows, chalet bungalows and ground floor apartments. Whilst neither Policies HOU1, HOU3 of the adopted Local Plan 2015 or NP7 of the Sutton Neighbourhood Plan provide a prescribed amount of development to achieve this standard. Notwithstanding this it is noted that six of the 2no bedroom flats would fail to meet this criteria and further supports the collective view of both the Parish and District Councils that the scheme would not contribute to meeting the

needs of the village in planning to support the needs of an ageing population looking to downsize into homes suitable for lifetime home occupation.

The East Cambridgeshire Access Group have assessed the scheme and considered the Design and Access Statement very informative and easy to follow. They have advised that safety features may be needed on the ponds which are accessible to members of the public, with footpaths on each side of the road as well as step free access at the principle entrance into each property.

The Council's Housing Team support the level and mix of affordable housing proposed. Notwithstanding this fact, it is still considered that the scheme fails to provide an appropriate housing mix of 2no bedroom accommodation and as a consequence fails to meet the needs of the Sutton community. The scheme fails to comply with both Policy HOU1 of the adopted Local Plan 2015 and NP7 of the Sutton Neighbourhood Plan 2019.

Layout, scale, design and appearance

In terms of the layout of the scheme, access into the site is still proposed from Garden Close whereupon the internal road layout splits to the north and south. Upon entering the site a number of the existing trees have been retained and these face the entrance from Garden Close and masks the block of flats situated beyond. Areas of open space are located to the north, north-east and to the south of the site. This is fairly representative of the outline scheme allowed at appeal, however, the positioning of some housing, in particular, Plot 40 which is sited too close to a group of protected trees and an insufficient buffer has been provided to protect the living environment of existing occupiers at 10 Oates Lane renders the layout of housing unacceptable.

The scale of housing comprises detached, semi-detached bungalows, chalet bungalows and two storey dwellings as well as 1no two storey block of 8 flats. All dwellinghouses have rear garden areas suitably screened from view and the material pallet proposes either red or buff facing brickwork with cream or white render on a number of the dwellinghouses with a small front gable. The apartment block would be red brick with a cream render on the principle and part of the side elevations. However, as mentioned previously in sections of the report, the housing is predominantly two storey and therefore the scale, bulk and massing of these dwellings would be at odds with the prevalent pattern of development in this sensitive development edge and contrary to the requirements of the Sutton Neighbourhood Plan.

The boundary treatment is a combination of close boarded fencing between the rear gardens of the adjoining properties with 1.8m high brick walls on the boundaries fronting the highways. Had the application been recommended for approval then the boundaries abutting the LEMP in the southern part of the site would also need to be built in brick adjacent to the footpath.

Bearing in mind the scale of the scheme fails to comply with Policy NP5 of the Sutton Neighbourhood Plan, then this aspect of the scheme cannot be supported in principle.

Flooding and Drainage

Policy ENV8 of the adopted Local Plan 2015 states that all development should contribute to an overall flood risk reduction.

Flooding and drainage issues have been repeatedly raised in successive applications on this site and formed a reason for refusal in the previous reserved matters application (20/00177/RMM). At that time, the Local Lead Flood Authority objected to the changes in site layout and landscape proposals agreed on the original scheme in outline as it demonstrated a significant reduction in the proposed Sustainable Drainage Strategy. The Council remained unconvinced that the drainage strategy proposed by the applicants would not lead to implications of serious flooding of the site and the surrounding area.

Historically the application site is prone to flooding and this is due in part to the level of the land which falls to the south. Currently there is a central ditch into which water is channelled and an existing drain, referred to as the Mildon Lodge drain which enters the site to the north-west via the garden of an adjoining occupier. According to the information received from adjoining occupiers, historically this drain discharged into the applicants' field. Concerns have therefore been identified about the accuracy of the drainage strategy proposed. In particular, the current rates of discharge into this ditch are unknown and therefore there is an assumption that the rate can be doubled without any consequences.

The applicants are proposing to raise the level of the land no more than 0.5 along the western boundary of the site and install a linear land drain which it is intended would intercept and direct water towards the open ditch to the south-west of the site.

A number of reports and plans, as well as ditch drainage surveys, have been undertaken and submitted, and these indicate that the proposed surface water can be managed through methods resulting in the creation of an attenuation pond and cellular storage. The discharged water from the attenuation pond would be fed into an existing ditch to the south east with the discharged water from the cellular storage system to be fed into an existing ditch to the south-west of the site. Both drains would then connect to the system managed by the Middle Level Commissioners and Haddenham Level Internal Drainage Board (IDB).

The Local Lead Flood Authority are not objecting to the sustainable drainage strategy proposed and are satisfied that further details can be submitted to adequately address the requirements of Conditions 8 and 9 of the outline planning application (17/01445/OUM) imposed by the Planning Inspector.

In their response the LLFA have raised the issue of Riparian Ownership, whereby the new occupiers of those dwellings located adjacent to the watercourse would have certain rights and responsibilities concerning obligations of ensuring there is no obstruction of the watercourse which would result in drainage and flooding implications on land and to other dwellings. Furthermore, as the LLFA do not regulate ordinary watercourses in Internal Drainage Board areas the consent of the IDB may be required.

A response has been received from the Middle Level Commissioners and Haddenham Level Internal Drainage Board to the effect that a consent from them would be required unless it has been proven that "there is no increase in run-off from the site over and above the existing predevelopment conditions".

The LLFA are satisfied that further details of the drainage strategy can be considered when the applicants comply with the requirements of Conditions 8 and 9 of the outline permission. The Council have sought to clarify with the IDB and whether they would also be satisfied that further details can be considered at a later stage, although at the time of writing, this has not been confirmed. In view of the foregoing comments from the LLFA, it is not

considered the scheme would result in drainage and flooding implications, provided the Riparian Ownership rights and responsibilities were adhered to. However, the Council remain concerned regarding the location of properties adjacent to a watercourse giving the onus of Riparian Ownership rights and responsibilities to new occupiers of the accommodation, which could lead to issues of flooding if not managed and maintained, to the detriment of their living environment and those of the surrounding area.

As such, although further details can be submitted to discharge Conditions 8 and 9 of the outline consent to the satisfaction of the LLFA and IDB, the fact remains that drainage of the central watercourse would be located within private garden land and fall to owners/occupiers to maintain. The Flood and Water SPD (6.6.33) requires 'that when designing SuDS it is crucial to consider throughout the process how features will be maintained and accessed and who is ultimately responsible for the lifetime of the development, and the likely costs involved'. Moreover, with no access to this watercourse aside from within the private gardens, the strategic drainage ditch could easily be infilled by vegetation or become overgrown and therefore have serious implications on surface water flooding both on land inside and outside of the site. Whilst the LLFA and IDB would not be objecting, the Council have serious concerns regarding the ongoing maintenance and potential surface water flooding in the future due to these areas all being within private ownership.

As such the proposal fails to comply with the NPPF and Policy ENV8 of the adopted Local Plan 2015 and the Flood and Water SPD.

CONCLUSION

Fundamental concerns regarding non-compliance with the policies of the Sutton Neighbourhood Plan are still raised in this resubmission, principally by not providing 'predominately single storey dwellings' which result in a detrimental impact on both visual and residential amenity. The failure to provide an appropriate mix of market housing commensurate with the level of local need have resulted in the application still being unable to meet with the specific requirements of policies NP5 and NP7 of the Sutton Neighbourhood Plan.

The removal of trees and hedgerows and lack of significant replacement tree planting to the benefit of biodiversity and ecology interests on the site would fail to result in a net environmental gain. In addition, the onus of riparian rights and responsibilities falling on new occupiers of a number of dwellings to safeguard land both within and outside the site from drainage and flooding issues is also of concern. The failure to consider the welfare of a person with protected characteristics and the positioning of dwellings within heavy shade as well as the reliance on landscaping to obscure the scale, height, bulk, and massing of development all lead to the conclusion that the proposal is unsustainable.

As such the proposal would not comply with the policies of the East Cambridgeshire Local Plan 2015, the Sutton Neighbourhood Plan 2019 and the overarching principles of sustainable development as set out in the National Planning Policy Framework 2019.

RECOMMENDATION: REFUSE

1) The layout, scale, form, bulk and density of the proposed development does not accord with the aims and objectives of the Sutton Neighbourhood Plan 2019 which requires

development on the site to be predominantly low-density single-storey dwellings. The scheme as proposed therefore fails to respect its edge of settlement location and fails to preserve or enhance the views into and out of the settlement. The proposal conflicts with Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Policy NP5 of the Sutton Neighbourhood Plan 2019.

2) The mix of market housing proposed on site fails to contribute to meeting the needs of the village. The lack of 2 bedroom market dwellings as well as the needs of an ageing population looking to downsize into homes suitable for lifetime occupation have not been accommodated within the development. The proposal is therefore contrary to Policy HOU1 of the East Cambridgeshire Local Plan 2015 and Policy NP7 of the Sutton Neighbourhood Plan 2019.

3) Quality trees and hedgerow that would provide significant amenity value, biodiversity, wildlife habitat and aid the integration of this development into the surrounding landscape would be lost as a result of the scheme. The removal of the 20 Cat B trees proposed would require the planting of 86 new trees as mitigation for the tree loss as per policy SPD.NE8 of the ECDC Natural Environment SPD. Excluding the hedging plants listed as trees there are 54 new trees proposed, which does not meet the requirements of the SPD. New trees require many years to sufficiently develop in order to provide a meaningful wildlife habitat and offer a screening/softening effect for the development. The proposal is contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015, Policy NE8 of the Council's SPD on Natural Environment and Policies NP2 and NP5 of the Sutton Neighbourhood Plan.

4) The location of an area of accessible public open space as well as the parking layout to the north of the site does not provide a suitable buffer to protect the residential amenities of an adjoining occupier who has protected characteristics. As such the scheme would not comply with Policy ENV2 of the East Cambridgeshire Local Plan 2015 and Section 149 of the Equality Act 2010.

5) The close proximity of a group of protected trees to the curtilage of Plot 40 would fail to provide a satisfactory living environment for future occupiers of the site leading to loss of sunlight/daylight penetration to habitable rooms and outside amenity areas. The proximity of the built form to the existing feature trees with very little space made for their future growth will also lead to pressure for unsuitable pruning which would lead to a significantly reduced long term retention period for the trees and would be contrary to Policies ENV1, ENV2 and ENV7 of the East Cambridgeshire Local Plan 2015.

6) The applicants have failed to take a precautionary approach to the Riparian Ownership rights and responsibilities of new occupants of Plot Nos 22-31 and 40-46 by locating development within a watercourse on land between the rear of these dwellings which if not properly managed and maintained could lead to flooding of the site and adjoining land to the detriment of their living environment and that of adjoining occupiers contrary to Policies ENV2 and ENV8 of the East Cambridgeshire Local Plan 2015 and the Flood and Water SPD.

7) The use of soft landscaping to mask elements of bad design within the new scheme fails to achieve well-designed, high quality and attractive spaces which respond to existing local character and identify. The proposal therefore fails to meet with the objectives of Policies ENV1 and ENV2 of the East Cambridgeshire Local Plan 2015 and Sections 11 and 12 of the National Design Guidance.

Signed: Anne James

Dated: 4th January 2021

Case Officer

Andrew Phillips

4 January 2021

Planning Manager

Accommodation Schedule

Private			
2b Bung	2b Bungalow	x	4
Type C	2b House	x	2
Type V	3b Bungalow	x	8
Type A	3b House	x	8
Type N	4b House	x	10
Type X	4b House	x	2
Type R	4b House	x	2
Type I	5b House	x	1
Total Private Dwellings			37
Affordable			
AF1	2b Flat	x	4
AF2	2b Flat	x	4
2b Bung	2b Bungalow	x	4
HA1	3b House	x	4
Total Affordable Dwellings			16
Grand Total Dwellings			53

* Indicates M4.2 dwellings

Key

- Existing trees to be retained.
- New indicative tree planting.
- Existing trees to be removed.
- Garage
- Double Garage
- Refuse Store
- Cycle Store
- Refuse collection point
- 1.8m high close board fence with match board gate.
- 1.8m high brick wall.
- Visitor parking bay



Rev. B 03.12.20 Turning head adjacent to plots 32-39 amended.
 Rev. A 03.11.20 Junction realignment adjacent plots 3 & 52. Visitor parking removed from adopted roads. New turning head added adjacent to plots 32-39.

<p>PLANNING AND DESIGN</p> <p>cmyk</p> <p>CMYK (Planning & Design) Ltd 6 The Gavel Centre, Porters Wood St Albans, Herts, AL3 6PQ T: 01727 830123 e: email@cmykuk.net www.cmykuk.net</p>	<p>For: Abbey Developments Ltd. Abbey House, 2 Southgate Road, Potters Bar, Herts, EN8 5DU</p>	<p>Job: Land off Garden Close, Sutton</p> <p>Title: Site Layout</p> <p>Scale: 1:500 @ A1</p> <p>Date: Aug 2020</p> <p>Dwg No: 1925 / P / 110.02</p>	<p>Rev: B</p>
	<p>0 5 10 15 20 25 30 35m</p>		

Appeal Decision

Site visit made on 30 November 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2021

Appeal Ref: APP/V0510/W/21/3275044

Land to the Rear of Garden Close, Sutton, Cambridgeshire, CB6 2RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant subject to conditions of consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Abbey Developments Ltd against the decision of East Cambridgeshire District Council.
 - The application Ref 20/01169/RMM, dated 4 September 2020, sought approval of details pursuant to condition No. 1 of planning permission Ref: 17/01445/OUM granted on 18 January 2019.
 - The application was refused by notice dated 4 January 2021.
 - The development proposed is the appearance, landscaping, scale and layout for the erection of 53 homes including public open space. The Outline application was not EIA development and an Environmental Statement was not submitted
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. My attention has been drawn to several revised plans that were submitted to the Council. However, the information before me is indicative that these were not the subject of public consultation and were not formally considered by the Council. In consequence, the decision reached by the Council did not have regard to these amendments. In result, if I were to consider this appeal with reference to these amendments, it would cause prejudice given that interested parties would not have the opportunity to comment.

Main Issues

3. The main issues relevant to this appeal are:
 - whether an appropriate housing mix would be provided;
 - the effect of the development upon the character and appearance of the surrounding area;
 - the effect of the development upon the living conditions of the occupiers of the neighbouring property at 10 Oates Lane;
 - whether appropriate living conditions would be provided for the future occupiers of all of the dwellings; and
 - the effect of the development upon flood risk.

Reasons

Housing Mix

4. The appeal proposal consists of the reserved matters approval for 53 dwellings. Of these dwellings, 18 would be two-storey houses. Furthermore, of these 18 two-storey houses, six would be made available for occupation on market tenures.
5. In considering this appeal, I have been directed towards a number of policies, including Policy HOU1 of the Local Plan (2015) (the Local Plan). Amongst other matters, this seeks to ensure that developments in excess of 50 dwellings shall make a provision of housing suitable for older residents. In addition, Policy NP7 of the Sutton Neighbourhood Plan (2019) (the Neighbourhood Plan) requires that proposed residential developments meet the needs of the village.
6. These policies are consistent with the National Planning Policy Framework (the Framework). Amongst other matters, the Framework seeks to ensure that a variety of housing is provided to meet the needs of all members of the community.
7. The nature of the proposed development would be of predominantly larger houses. These would not necessarily be attractive to smaller households, such as those comprising older couples or individuals. This is because the dwellings within the proposed development may have a greater number of rooms than would be required by such a household.
8. This is a concern as the evidence before me is indicative that there is a shortfall in the number of two-bedroom dwellings within the settlement. Therefore, the predominance of larger homes within the proposed development would compound this shortfall and prevent an appropriate mixture of housing from being provided, even though there would be an increase in the supply of other dwellings within the development.
9. In addition, there is an over provision of three-bedroom dwellings within the proposed development. In particular, the Strategic Housing Market Assessment is suggestive that a lower level of three-bedroom dwellings could be provided on the site and still meet the needs of the local community.
10. I acknowledge that not all older residents may require a single-storey dwelling. However, the fact that some of single-storey dwellings and flats have been included within the scheme do not serve as an adequate alternative for an appropriate number of smaller houses within the proposed development. In consequence, the development would not respond to the needs of occupiers of the village.
11. I note that such concerns were not raised at the outline stage of the planning process. However, the Neighbourhood Plan had not been made at the time of the determination of the outline application. However, as the Neighbourhood Plan now forms part of the Development Plan, I am compelled to give it full weight.
12. I therefore conclude that the proposed development would not provide an appropriate housing mix. The development, within this regard, would conflict with Policy HOU1 of the Local Plan and Policy NP7 of the Neighbourhood Plan.

Character and appearance

13. The appeal site consists of an undeveloped site on the periphery of the village. In consequence, its character can be defined as being an urban fringe given that it forms a transitional space between the settlement and the rural areas beyond.
14. Amongst other policies, I have been directed towards the provisions of Policy NP5 of the Neighbourhood Plan. Amongst other matters, this seeks to ensure that the proposed development would contain predominantly single-storey dwellings. I acknowledge concerns raised by the appellant regarding the evidence base that supported the inclusion of the policy within the Neighbourhood Plan that seeks to ensure that the development of this site is predominantly of single-storey dwellings.
15. However, this Neighbourhood Plan has been subjected to an examination and being agreed at a referendum. In consequence, it forms part of the Development Plan and carries full weight in my considerations. The Policy is also consistent with the Framework, for it is intended to ensure that the development of this site maintains the character and appearance of the surrounding area.
16. There has been some debate regarding the number of dwellings required to ensure that the development would be predominantly of a single storey. However, given that a relatively small proportion of the proposed dwellings would be of this height, this objective has not been met.
17. In consequence, the proposed development, which the majority of the development would be houses would erode the character of the surrounding area. This is because it would have a more urbanised appearance. This is caused by the height of the development. Although the proposed development would be viewed at street-level, it would have a more urban character that would conflict with the appeal site's rural surroundings.
18. I acknowledge that the appeal proposal's layout is broadly consistent with the indicative layout submitted at the outline stage. However, the predominance of two storey dwellings that would be perceptible from outside of the appeal site's boundaries would erode the rural character of the surrounding area.
19. This is a concern given the prominence of the appeal site. The appeal site is located at the entrance to the village and therefore the development would be perceptible from some distance away. This means that the encroachment into the countryside would be readily apparent as the two-storey dwellings towards the centre of the development would be viewable.
20. In addition, the proposed development would result in the removal of a significant number of mature trees. Whilst these are not covered by a TPO, the evidence before me is not indicative of these trees being the subject of ill health. In addition, the prominence and size of the trees contributes to a more rural character.
21. Although the proposed development would include some replacement trees, these would take some time to become established. Given that the appeal site contains several trees of varying degrees of maturity, this would render the proposed development incongruous.

22. Therefore, there removal would create a more urban and built-up development that would fail to assimilate with the wider rural surroundings of the appeal site. Given that the development would be prominent and visible alongside the countryside, the overall reduction in the number of trees would be particularly harmful to the area's character. In addition, many of the nearby dwellings are of a lower height. Therefore, within this context, the proposed development would be discordant.
23. In addition, the design of the proposed dwellings is relatively functional and unembellished. This means that they fail to respond to the presence of distinctive and well-designed buildings that are a feature of the surrounding area.
24. The proposed layout includes some areas of public open space at the periphery of the site. However, these areas are relatively small and do not overcome the adverse effects as previously identified due to their relatively limited screening effects.
25. Whilst new landscaping could be planted within the appeal site, this would be relatively limited in terms of its location owing to the pattern of the proposed development. Moreover, such planting would take some time to become established, which would mean that the development would not be screened from an early stage of the construction process.
26. In addition, the screening effect offered by any additional planting would potentially diminish depending on health and seasons. In result, the potential new screening effect would be less than total and would not mitigate the previously described adverse effects.
27. Although the submitted details are consistent with the density of development deemed acceptable at the outline stage in the process, the layout and form of the development, including the predominance of two-storey houses is such that harm to the character and appearance of the surrounding area would arise. Furthermore, the adoption of the Neighbourhood Plan postdates the granting of outline planning permission.
28. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conflict with the requirements of Policies ENV1, ENV2, and ENV7 of the Local Plan; Policies NP2 and NP5 of the Neighbourhood Plan; and Policy NE8 of the Natural Environment Supplementary Planning Document (2020).
29. Amongst other matters, these seek to ensure that development proposals should demonstrate that their location, form, design, edge treatment and structural landscaping will create positive, complementary relationships with existing development and will protect, conserve, and where possible enhance the settlement edge; be of a high quality design; maximise opportunities for creation, restoration, enhancement and connection of natural habitats as an integral part of development proposals; retain existing landscape features; be predominantly single-storey dwellings; and maintain existing trees and woodland cover.

Living conditions of the occupiers of No. 10

30. The appeal site consists of an undeveloped area of land on the edge of the settlement. The appeal site is near to No. 10, which is a detached dwelling. To the side and rear of the dwelling is a garden.
31. By reason of the layout of the proposed development, the proposal would result in building works, in the form of a dwelling and garage being sited close to the neighbouring property.
32. In result of this increase in built form, combined with the general proximity to the shared boundary would result in an overbearing effect upon the garden space. In consequence, the proposed development would result in a loss of outlook for the occupiers of the neighbouring property.
33. Furthermore, owing to the similarities in the land levels between the appeal site and the neighbouring property, there would not be sufficient variation in the landscaping or boundary treatments to mitigate, or overcome, the adverse effects arising from the increase in built form.
34. In addition, by reason of the presence of an area of open space within the proposed development, close to the rear boundary of No. 10. Owing to this proximity, the proposed development would allow for views into the neighbouring property's garden. Moreover, as this is an area of public open space there would be various recreational activities taking place. This has the potential to create increased noise and disturbance. This would reduce the ability of residents of the occupiers of No. 10 to fully utilise their garden.
35. I note that the proposed development would include changes to the treatments of the shared boundary with No. 10. However, even if this were to be implemented, the proposed development would still give rise to adverse effects arising from the proximity of the development, including vehicle manoeuvring and outdoor recreation. Therefore, these changes do not overcome my previous concerns.
36. The appeal documentation includes a revised scheme. However, if I were to consider the revised scheme, it would not allow for interested parties to comment upon its contents. Therefore, this could potentially cause prejudice and therefore I have determined this appeal with reference to the documents considered by the Council.
37. By reason of the scale of the proposed development, this open space which would be the largest area within the proposed development has the potential to be used on a particularly intensive basis. In consequence, the proposed development would lead to a notable erosion of the living conditions of the occupiers of No. 10. These factors would arise even though the separation distances between proposed and existing dwellings would not result in any additional harm.
38. I therefore conclude that the proposed development would have a significant adverse effect upon the living conditions of the occupiers of the neighbouring property. The development, in this regard, would conflict with Policy ENV2 of the Local Plan. Amongst other matters, this seeks to ensure that developments relate well to existing features.

Living conditions of future occupiers

39. The appeal scheme, amongst other dwellings, would include a dwelling shown on the submitted plans as being Plot 40. This would be near to a line of trees that are covered by a Tree Preservation Order (a TPO).
40. By reason of the layout of this dwelling, a significant number of views from within the dwelling would be towards these trees. By reason of their proximity to the proposed dwelling and their form and height, this would result in the occupiers of the dwelling experiencing a reduced level of light and outlook.
41. As a result of this arrangement, combined with the general orientation of the appeal site, the proposed development would result in the occupiers of the dwelling not experiencing appropriate living conditions. In consequence, the proposed development is likely to result in increased pressure to carry out works to the protected trees in order to improve light and outlook.
42. Should such works be carried out to the trees, the development would have an adverse effect upon the character and appearance of the surrounding area owing to an erosion of its more verdant quality.
43. I acknowledge that as the trees are the subject of a TPO, an application to the Council would be required in order to undertake such works. However, whilst this provides a mechanism for managing works to the trees, should permission not be forthcoming the occupiers of the dwellings to be sited on Plot 40 would not have appropriate living conditions.
44. Given the proximity of the dwelling to the trees, it would not be possible to mitigate the lack of outlook through an alternative mechanism. I understand that the space has been provided in the area surrounding the tree to enable the construction of the proposed development. In addition, a management strategy could be secured for the open space, which would include the protected trees. However, this would not overcome the potential lack of outlook.
45. The layout of the development and the precise dwelling to be located on Plot 40 is such that the occupiers of this dwelling would receive an appropriate level of light. Whilst this is a matter of note, it is only one of all the matters that must be assessed and therefore does not outweigh my previous concerns.
46. Similarities have been drawn to the relationship between the dwelling on Plot 40 and the protected tree and the relationship between other dwellings and trees within the proposed scheme. Although this may be the case, the other trees are not covered by a TPO. Therefore, if works were required to the other trees at some point in the future, it would not have the same effect as potential works to the protected trees.
47. I therefore conclude that the proposed development would not provide an appropriate level of light and outlook for all of the future occupiers. The development, in this regard would conflict with Policies ENV1, ENV2 and ENV7 of the Local Plan. Amongst other matters, these require that developments conserve and, where possible, enhance public amenity; relate well to existing features; and be sensitive to protected trees.

Flood risk

48. The appeal site contains a watercourse. This would run through part of the gardens of some of the proposed dwelling. In consequence, over time, the occupiers of the relevant dwellings would become responsible for keeping the watercourse free of debris in order to enable it to run.
49. Whilst the occupiers of the dwellings would need to undertake additional tasks in order to keep the watercourse clear. However, the layout of the development and its relationship with the watercourse would be familiar to potential occupiers when deciding whether to occupy one of the proposed dwellings.
50. In consequence, the occupiers of these dwellings would be aware of their future responsibilities and what this might entail. In consequence, occupiers of the development would have sufficient awareness of the need to undertake such works at an appropriate time. In addition, the evidence before me indicates that prior to the relevant dwellings being occupied, the developer has management system in place that would ensure that the water course is sufficiently maintained.
51. In addition, the occupiers of the development would need to keep the watercourse clear in order to prevent flooding at their own properties. This would also ensure that the watercourse is kept clear and would prevent occurrences such as the build-up of debris within it. This would also be for the benefit of those that occupy land upstream.
52. The evidence before me indicates that the submitted drainage system would be of sufficient operational capacity to ensure that it could accommodate the drainage requirements of the proposed development, having had regard to the currently undeveloped nature of the appeal site. Therefore, subject to appropriate maintenance, the development would not increase the risk of flooding either on site or elsewhere. I have no reason to believe that the occupiers of the development would be unwilling, or unable, to carry out such maintenance.
53. I therefore conclude that the proposed development would not have an adverse effect on flood risk either on the appeal site, or elsewhere. The development, in this regard, would conform with the requirements of Policies ENV2 and ENV8 of the Local Plan; and the Cambridgeshire Flood and Water Supplementary Planning Document (2016).
54. Amongst other matters, these seek to ensure that developments must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed; have regard to the local context; and that the layout of any proposed development should take into consideration areas of flood risk present on the site

Other Matters

55. The proposed development would provide new landscaping. Whilst this might offer improvements to local biodiversity and would also offer access to fruit trees, the benefits offered by this would be relatively small and would not outweigh my previous conclusions.

56. I acknowledge concerns regarding the delivery of housing in the surrounding area. However, the evidence before me is indicative that the Council can demonstrate a five-year housing supply. Therefore, whilst the proposed scheme would aid the delivery of housing within the area, the evidence before me is not indicative that dismissing this appeal would prevent the Council from delivering an appropriate level of housing within its area.
57. In result, the benefits arising from the proposal in terms of the increase in the local housing supply do not outweigh the breaches of Development Plan Policy and the significant harm that emanate.
58. I have also been referred to other allocated sites that do not have the same requirement to provide the same housing mix (in terms of type and number of storeys). However, in considering this appeal, I have been directed towards adopted policies within the Development Plan that apply to this site. The scheme would breach these policies, and from this, harm would emanate. Therefore, I am compelled to give weight to this harm.

Planning Balance and Conclusion

59. Whilst the proposed development is unlikely to have an adverse effect upon flood risk, this is outweighed by the adverse effects arising from the mixture of dwellings within the development; the adverse effects upon the character and appearance of the surrounding area; the lack of appropriate living conditions for all the future occupiers of the development; and the erosion of the living conditions of the occupiers of a neighbouring property.
60. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR