

TITLE: 23/00870/RMM

Committee: Planning Committee

Date: 6 March 2024

Author: Planning Contractor

Report No: Y159

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Site Address: Land Rear Of 30 To 40 Garden Close Sutton Cambridgeshire

Proposal: Reserved matters for outline planning application 18/01053/OUM for 41 residential dwellings including Appearance, Layout Scale and Landscaping, along with parking and open space

Applicant: Abbey Homes

Parish: Sutton

Ward: Sutton

Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 4 August 2023

Expiry Date: 3 November 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 LEMP
- 3 Ecological habitat survey
- 4 Street management
- 5 Binder course
- 6 Parking and turning
- 7 Pedestrian visibility
- 8 Specification for fencing
- 9 Defensive Planting

- 10 Fence management
- 11 Piling
- 12 Hedgerow and Tree Management Scheme
- 13 Soft landscaping
- 14 Tree Protection
- 15 Soft landscape audit
- 16 Lighting
- 17 PD roof alterations
- 18 Materials
- 19 Cycle sheds
- 20 Roads surfacing
- 21 LEAP details

2.0 SUMMARY OF APPLICATION

- 2.1 The application seeks approval of Reserved Matters of layout, appearance, scale and landscaping, for the construction of 41 dwellings and associated infrastructure. The outline application which permitted the principle of development and committed access (18/01053/OUM – Appendix 2) was approved by the Council on 12th January 2022.
- 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
8 x 2no bedrooms (all bungalows)
14 x 3no bedrooms (all bungalows)
7 x 4no bedrooms
Total: 29

Affordable Housing

10 x 2no bedrooms (5 bungalows)

2 x 3no bedrooms

Total: 12

- 2.6 The proposal follows the Council's previous refusal of a reserved matters application for the site (22/00057/RMM) for a scheme of 47 dwellings and seeks to address the concerns raised with that application (see background section below)
- 2.7 The application is brought to Planning Committee as it was requested by Members upon resolution to grant permission for the Outline application, 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
22/00057/RMM	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.	Refused 27.04.2023 Appeal in progress ref: APP/V0510/W/23/3328203 (LPA Ref: 23/00013/REFAPP)
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 Refused 05.01.2018
erection of up to 53 houses to include
public open space and details relating Appeal Allowed ref:
to access 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 - 23 August 2023

Whilst the Parish Council notes that the applicant has made some amendments to the plans, they have not addressed the Parish Council's concerns about the insufficient drainage for the site, the housing mix and the percentage of single storey dwellings is not in line with the made Sutton Neighbourhood Plan Policies NPS

Ward Councillors - No Comments Received

Lead Local Flood Authority - 27 September 2023

We have reviewed the following documents:

- Drainage Strategy Plan, Brian Chick Engineering and Drafting, Ref: 219537/29, Date: July 2023
- System 1 Attenuation Pond, Tribrach Associates, Date: 4th July 2023
- System 1 Cellular Storage, Tribrach Associates, Date: 4th July 2023
- Greenfield Rate Run Off, Tribrach Associates, Date: 11th May 2020

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

The above documents demonstrate that surface water from the proposed development can be managed through the use of attenuation ponds and cellular storage.

The LLFA is supportive of the use of above ground SuDS features such as attenuation ponds as in addition to controlling the rate of surface water leaving the site it also provides water quality treatment which is of particular importance when discharging into a watercourse. Details of the proposed SuDS features will be required under any future discharge of condition application.

Informatives

IDB Consent

This site falls within the Haddenham Level Drainage Commissioners Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

Signage

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

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 - 31 August 2023

Thank you for your consultation which we received on 10th August 2023.

At present we object to the reserved matters application for the following reasons:

1. Urban creep

In line with the National Planning Policy Framework Technical Guidance, the drainage system modelling must include an allowance for urban creep. Therefore, calculation volumes for urban creep need to be provided, together with an assessment of system performance.

2. Insufficient water quality treatment

Using cellular storage instead of permeable paving, swales and/or rainwater gardens means that there are insufficient water quality treatment stages for runoff from a highway as the LLFA does not support tanked attenuation structures as a method of surface water treatment. Trafficked access areas require a minimum of two treatment stages to suitably mitigate the risks around pollution from this surface. Until it is clear

all surface water being discharged from the site is receiving a suitable level of treatment, we are unable to support this application.

3. Attenuation basin

As per the CIRIA SuDS Manual, attenuation basins should have a maximum depth of 1.2m unless all safety considerations indicate that a greater depth is acceptable. Therefore, the depth of 1.4m would require further justification. This could include design parameters set out through cross sections showing the design water depths and design of the basin to mitigate the risks associated with deeper basins.

4. Discharge rate

The current discharge rate exceeds that of the rate agreed with the LLFA and the IDB. The proposed discharge rate for systems 1 and 2 are 3.45 l/s and 3.4 l/s, respectively and does not align with the LLFA IDB requirement of greenfield run-off rates (6.7 l/s). To reduce the greenfield runoff rates the orifice diameters for these flow controls could be made smaller. However, please note that for unprotected systems, flow control diameters must be a minimum of 75mm to mitigate the risk to blockages from litter and debris.

Informatives

Internal Drainage Board Consent

This site falls within the Haddenham Level Drainage Commissioners Internal Drainage Board (IDB) district. Under the Land Drainage Act 1991, any person carrying out works on an ordinary watercourse in an IDB area requires Land Drainage Consent from the IDB prior to any works taking place. This is applicable to both permanent and temporary works. Note: In some IDB districts, Byelaw consent may also be required.

Signage

Appropriate signage should be used in multi-function open space areas that would normally be used for recreation but infrequently can flood during extreme events. The signage should clearly explain the use of such areas for flood control and recreation. It should be fully visible so that infrequent flood inundation does not cause alarm. Signage should not be used as a replacement for appropriate design.

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.

Middle Level Commissioners Middle Level Drain - No Comments Received

The Ely Group of Internal Drainage Board - No Comments Received

Local Highways Authority - 29 August 2023

While this application varies from the previous application 22/00057/RMM, the changes are immaterial in highway terms, and while this application was refused, there was no highway for reason for refusal. On this basis, my comments made on the previous application remain valid, and I do not object to the current proposals.

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/310.02 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 J and SK04 Rev J, 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.

ECDC Trees Team - 20 November 2023

The revised soft landscaping scheme is still acceptable please condition its compliance along with the conditions as stated in the previous response dated 5th October 2023.

ECDC Trees Team - 5 October 2023

The proposed Prunus 'Oullins Gage' in the parking area for plot 24 is wholly unsuitable the large round gages produced by this tree will result in an unsustainable mess when combined with traffic movement as well as attracting Wasps and Ants making the retention of this tree for even 10 years unlikely a location like this need a small scale tree that does not produce soft fruit or host large colonies of aphids such as Acer buergerianum (Trident Maple), Cercidiphyllum japonicum (Katsura) or Koelreuteria paniculate 'Fastigiata' (upright Pride of India) for example.

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 103 standard trees and 587 small whips making it more than compliant with policy SPD.NE8.

I'm agreeable to the single planting issue above being amended at the developers discretion without further consultation.

Please condition compliance with the submitted tree information and other conditions 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:

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 provided for acceptance in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully complied with 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 which can be emailed to the Trees Team.

All works shall be carried out in accordance with the submitted Arboricultural Method Statement ABBEY22966AMS REV C If, during construction, it becomes apparent that further works or changes are required, work shall not progress any further on site until the applicant has secured a site meeting with a suitably qualified professional to agree the details and phasing of any tree surgery works not detailed in the submitted report. A written schedule shall be submitted to and approved in writing by the Local Planning Authority.

A Hedgerow and Woodland (bulk planting areas) 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;
(timings and details for plot thinning and coppicing operations and removal of protective fencing/guards)
- 4) Management of existing woodland 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 woodland areas and hedgerows.
- 6) Details to cover a period of no less than 30 years

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

Cambridgeshire Fire and Rescue Service - 23 August 2023

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
Hinchingbrooke 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.

CCC Growth & Development - No Comments Received

Technical Officer Access - 23 August 2023

The bathroom door to house type V and 3B opens inwards, it needs to open outwards.

- Pathways and all walking surfaces need to be firm, level and slip resistant.
- Good street lighting required.
- Drainage ditch needs fencing, also to existing ponds.
- Ramp required if pathways not level with entrances.
- Play equipment needs to be considered for users with disabilities.
- Trees near paths - shredding leaves can be a hazard for those with disabilities.

The shared space roads off the main street of the development are inaccessible for people with a variety of different access needs. As a blind person I do not know when I'm on or off the road without a pavement, also a guide dog will lose its training without pavement on roads.

It would be best to have a designated area to leave bins on bin collection day to avoid wheelie bins being left on pavements. Having bins left on pavements can make pavements impossible to use by disabled people and can mean people can't get out of their house or get down to the High Street.

Cambridgeshire Archaeology - 11 August 2023

Thank you for the consultation with regards to the archaeological implications of the above referenced reserved matters application. Some archaeological work has taken place against a condition placed on the outline application, and this work has given us more information about the original field systems in use within the application area. As with previous reserved matters applications 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. However the south east of the site has yet to be archaeological investigated and is to contain a suds as well as open space, there is also an area of earthwork remains to be recorded. We therefore, as with the previous application 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 the example 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.

A brief for the recommended programme of archaeological works is available from this office upon request. Please see our website for CHET service charges

Conservation Officer - No Comments Received

Environmental Health - 20 February 2024

Further to my previous comments on this I would like to state that I have had regard to the details in the previous applications and my previous comments will also apply to this application. There is no discernible difference between the applications with regard to noise and other means of pollution.

I understand that there is a proposal for an acoustic fence due to the particular circumstances of this development and neighbours. I would suggest the specification for this is agreed prior to being erected and that this is in place before construction works commence.

Furthermore, as per previous comments it is requested that a CEMP is secured to protect residential amenity during construction works.

Environmental Health – 10th August 2023

If [the Contaminated Land Officer] wishes to make any comments he will respond separately.

It is not clear if the intention is to utilise air source heat pumps as part of the proposal but they are mentioned in the Carbon and Sustainability Study. As this department does receive noise complaints concerning ASHPs I have attached some guidance for the applicant to consider when choosing, siting and installing any ASHPs.

I would also recommend the following condition –

“The specific rated noise level emitted from the air source heat pump shall not exceed the existing background noise level. The free field sound level shall be measured and/or calculated at the boundary of the nearest noise sensitive property. The noise level shall be measured and/or calculated in accordance with BS 4142:2014+A1:2019.”

Strategic Planning - No Comments Received

Housing Section - 1 September 2023

The s106 Agreement should ensure that the Affordable Housing is secured with the tenure requirement of 77% rented and 23% intermediate housing.

Waste Strategy (ECDC) - 9 November 2023

The tracking is satisfactory. There is an area that will not be accessed from our vehicles (as per tracking): The Develop should ensure enough space is considered for the communal bin area and that it does not interfere with vehicles parking.

Bin collection points have been identified in the Design and Access Statement / Plan, but they cannot be identified in the attached site layout, even if the legend includes them.

[Subsequent discussion with the case officer resolves this, identifying where bin collection points are located and agreed by the Waste Team.]

Waste Strategy (ECDC) - 22 September 2023

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 (delivery and administration) 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.

- The swept path analysis provided for vehicle tracking is based on a smaller vehicle than the standard one specified in the RECAP Waste Management and Design Guide; although the road network and dimensions seem adequate we would need a revised tracking to comment on safe access and turning of our vehicles.

- Each new property requires a set of receptacles; the contribution is currently £57 per set. We would recommend the developer made the contribution on behalf of the residents. Please note that the bins remain the property of East Cambridgeshire District Council.

- 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@eastcambs.gov.uk detailing the payment amount and the planning reference number.

- Shared collection points in similar development have resulted in poor street scene appearance and complaints from residents whose properties are in close proximity to those; we would therefore recommend adequate turning for individual collection points where a shared collection point has been provided. In one instance, a bin collection point has been identified on a private drive; we would advise to move it to a point accessible from our collection vehicles, on the highway boundary.

Historic England - 15 August 2023

Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

NHS England - 14 August 2023

1.0 Introduction

1.1 Thank you for consulting Cambridgeshire and Peterborough Integrated Care System (CAPICS) on the above planning application.

1.2 I refer to the above planning application and your recent consultation letter and advise that, further to a review of the applicants' submission, the following comments are with regard to the primary healthcare provision on behalf of CAPICS.

2.0 Existing Healthcare Position Proximate to the Planning Application Site

2.1 The proposed development is likely to have an impact on the services of the 1 x GP Practice operating within the vicinity of the application site, Priors Field Surgery, Sutton. Upon reviewing the current footprint of the practice, it would appear that they do not have capacity for the potential additional growth and workload resulting from this development and cumulative development in the area. Therefore a developer contribution, via CIL processes, towards the capital funding to increase capacity within the GP Catchment Area would be sought to mitigate the impact.

3.0 Healthcare Needs Arising From the Proposed Development

3.1 Health & Wellbeing Statement

As an Integrated Care System it is our ambition that every one of the one million people living in Cambridgeshire and Peterborough is able to live as healthy a life as possible and has access to the help and treatment that they need in the right place, with good outcomes and experience of the care they receive.

Cambridgeshire and Peterborough Integrated Care System, recognises and supports the role of planning to create healthy, inclusive communities and reduce health inequalities whilst supporting local strategies to improve health, social and cultural wellbeing for all aligned to the guidance in the NPPF section 91.

The way health and care is being delivered is evolving, partly due to advances in digital technology and workforce challenges. Infrastructure changes. Therefore, CIL funds received as a result of this development may incorporate not only extensions, refurbishments, reconfigurations or new buildings but will also look to address workforce issues, allow for future digital innovations and support initiatives that prevent poor health or improve health and wellbeing.

The NHS Long term plan requires a move to increase investment in the wider health and care system and support reducing health inequalities in the population. This includes investment in primary medical, community health services, the voluntary and community sector and services provided by local authorities so to boost out of hospital care and dissolve the historic divide between primary and community health services. As such, a move to health hubs incorporating health and wellbeing teams delivering a number of primary and secondary care services including mental health professionals, are being developed. The Acute hospitals will be focussing on providing specialist treatments and will need to expand these services to cope with additional growth. Any services which do not need to be delivered in an acute setting will look to be delivered in the community, closer to people's homes.

(Table 1 on Public Access)

4.0 Mitigations Sought

4.1 This development is not of a size and nature that would attract a specific Section 106 planning obligation. However, capital funding towards a project which increases capacity for Priors Field Surgery would be sought from the CIL contributions collected by the District Council in relation to this planning application 23/00870/RMM

4.2 In line with the Government's presumption for the planning system to deliver sustainable development and specific advice within the National Planning Policy Framework and the CIL Regulations, which provide for development contributions to be secured to mitigate a development's impact, a financial contribution is sought.

4.3 Regardless of the above mitigations sought, CAPICS may object to proposed developments should there be concerns wider issues (e.g., location, workforce) related to the impact of the development.

CAPICS look forward to working with the applicant and the Council to satisfactorily address the issues raised in this consultation response and would appreciate acknowledgement of the safe receipt of this letter.

Anglian Water Services Ltd - No Comments Received

The Ely Group of Internal Drainage Board - No Comments Received

Natural England - 29 August 2023

Summary of Natural England's advice;

No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

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

Priority habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. A list of priority habitats and species can be found on Gov.uk.

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Design Out Crime Officers - 22 August 2023

Thank you for the opportunity to comment on these reserved matters planning application.

Having read the documents my previous comments dated 21st January 2022, 28th July 2022, and 19th December 2022 still stand.

I have no further comments.

Cambs Wildlife Trust - No Comments Received

Cambridgeshire County Council Education - No Comments Received

5.2 A site notice was displayed near the site on 17th August 2023 and a press advert was published in the Cambridge Evening News on 17 August 2023.

5.3 Neighbours – 40 neighbouring properties were notified and the responses received are summarised below. A full copy of the responses are available on the Council's website.

- Drainage Issues/ Flood risk
- Traffic Issues/ highway safety
- Services/ facilities
- Unsightly View
- Loss of privacy
- Out of character
- Nature/ Impact on natural environment

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 (as amended 2023), the Sutton Neighbourhood Plan (2019) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).

6.2 *East Cambridgeshire Local Plan 2015 (as amended 2023)*
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*
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*
- *Flood and Water*
- *Natural Environment*
- *Climate Change*
- *RECAP Waste Management Design Guide*
- *Sutton Conservation Area Appraisal*

6.6 *National Planning Policy Framework December 2023*

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed and beautiful 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

7.0 **PLANNING COMMENTS**

7.1 Background

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

7.1.2 Three reserved matters applications have previously been refused by the Council, with the latest (22/00057/RMM) currently at planning appeal. The Council's reasons for refusal for the last application were as follows;

1. *Policy NP5 of the Sutton Neighbourhood Plan 2019 requires development on the site to be predominantly single-storey dwellings. The proposed development does not contain predominantly single-storey dwellings and therefore fails to accord with 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 having regard to the latest evidence contained within the Sutton, East Cambridgeshire Housing Needs Assessment (AECOM, September 2021). 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. *The location of the proposed 2.4m high acoustic fence adjacent to the boundary of 10 Oates Lane results in a poor outlook for residents of this property and therefore fails to preserve and 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.*

7.1.3 This latest reserved matters scheme closely follows the layout and design of the recently refused application – but seeks to overcome the reasons for refusal through an amended ratio of single-storey: 2-storey dwellings, change to housing mix and revised position of the acoustic fence.

7.1.4 Members are advised to have regard to the previous Committee report, associated committee minutes and the exempt report (not public) when considering this current application (Appendices 4, 5 and 6 respectively).

The Public Sector Equality Duty

7.1.5 In terms of the current site circumstances, it is understood that an individual with a protected characteristic continues to reside at 10 Oates Lane. 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.

7.1.6 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.

7.1.7 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.

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

7.1.9 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, one of whom has a protected characteristic under the Equalities Act. As such, an Equality Impact Assessment (EqIA) has been commissioned by the Council for this application and is included within an exempt background report found at Appendix 3. The exempt document contains 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 and the other appendices 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 18/01445/OUM granted 12th January 2022. Notwithstanding, the Sutton Neighbourhood Plan allocates the site under policy NP5 for development of up to 53 dwellings including open space and sets out it 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

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;

- 18 x 2-bedroom dwellings (13 of which are bungalows)
- 16 x 3-bedroom dwellings (14 of which are bungalows)
- 7 x 4-bedroom dwellings

7.4.2 As noted above, the previous reserved matters application was refused on the proposal's failure to accord with the latest housing needs evidence. Local Plan policy HOU 1 sets out that "Housing developments of 10 or more dwellings (or allocations where specified) should provide an appropriate mix of dwelling types and sizes that contribute to current and future housing needs as identified in the most recent available evidence relating to the locality."

7.4.3 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. Policy NP7 sets out 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 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."

7.4.4 The 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. 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 Whilst the SHMA sets out a district-wide ambition for housing mix, Sutton Parish Council has commissioned a locally-specific housing needs assessment ('HNA'); Housing Needs Assessment (September 2021) produced for the Parish council by AECOM. The HNA is proposed to inform the housing mix policy for the emerging replacement 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'. This expected Housing Mix is set out in the replacement Neighbourhood Plan policy SUT 5.

7.4.6 The emerging Replacement Sutton Neighbourhood Plan (RSNP) has recently undergone a final consultation undertaken by the District Council ending on 14th February and follows a previous round of consultation undertaken by the Parish in the summer of 2023. The proposed RSNP and other supporting material, together with the representations received, will be considered by an independent Examiner,

anticipated to be later in 2024. As such, only moderate weight can be given to proposed policy SUT 5 until such time that the RSNP and its policies are 'made', following consideration by the Examiner.

- 7.4.7 Notwithstanding, the AECOM HNA is considered to be the most recently available housing evidence relating to the locality and is therefore given considerable weight in assessing the mix of housing for major developments in Sutton and indeed the HNA appears consistent with the current 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.
- 7.4.8 The recently refused scheme proposed 47 dwelling comprising the following mix;
- 2-bedroom: 28 (60%)
 - 3-bedroom: 13 (28%)
 - 4-bedroom: 6 (12%)
- 7.4.9 The latest proposed scheme of 41 dwellings achieves around 44% of 2-bedroom dwellings, thereby still positively contributing to this need and the greatest type in number. It is acknowledged that the scheme achieves a greater number of 3-bedroom dwellings (39%) and 4-bedroom dwellings (17%) than the AECOM HNA recommendations and a nil offering of 1-bedroom and 5+ bedroom dwellings.
- 7.4.10 In respect of affordable housing the development proposes 12 dwellings or 30% of the overall development, as required under the outline consent. In respect of the mix of affordable units; 2-bedroom dwellings account for circa 83% and 3-bedroom being circa 17% of the total affordable provision. Five of the 2-bedroom dwellings are bungalows.
- 7.4.11 The Council's Strategic housing team has confirmed that they are supportive of the scheme, confirming that the mix is acceptable and on this basis it would not seem reasonable to refuse the application in respect of the affordable dwellings being offered, notwithstanding the obvious contribution it makes toward provision of 2-bedroom properties in any case
- 7.4.12 The scheme also proposes 27 (66%) of the dwellings to be M4(2) compliant (adaptable and accessible), including the 5 affordable bungalows. Neither Local Plan policy ENV 2 nor NP7 of 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 lifetime use of developments, especially housing. It is considered that the development, which offers two-thirds of the housing to meet with accessible and adaptability standards generally accords with these aims.
- 7.4.13 It is acknowledged that the proposed housing mix does not fully accord with the Sutton HNA and therefore there is a degree of conflict with policies HOU 1 and NP7 which attracts negative weight. However, the weight afforded to the AECOM HNA is tempered somewhat by the outstanding conclusion of the consultation, assessment by the independent Examiner and ultimate adoption of future policies of the replacement NP that would inform an expected housing mix.

7.4.14 Notwithstanding, it is noted that this is a fairly unique site allocation, requiring both a significant number of single-storey dwellings, low density housing, a focus on 2-bed properties and includes site constraints which has led to a substantial area at the north of the site not being developed out in order to protect amenity (see 'Layout' section below).

7.4.15 Furthermore, whilst it is recognised that provision of 5+ bedroom homes is sought through the latest HNA, given the requirement to reduce scale of this development in order to reduce the visual impact on the countryside and with most 5+ bedroom homes requiring bedrooms in the loft (not generally achievable with 7.7m high ridges), this would likely increase the scale and massing of dwellings, which runs counter to achieving low-scale development.

7.4.16 The applicant has set out concerns under the latest appeal in respect of the refusal on housing mix grounds stating;

“Further dilution of the scheme, beyond the existing 6-unit reduction from the outline approval, would challenge the commercial judgement of the Appellant and interpretation of the local housing market which would in turn challenge the viability of delivering the scheme. It also would diminish the yield anticipated from the site in terms of ECDC’s considered housing land supply forecasting. The failure to deliver homes to the rate at which outline approvals consider deliverable casts doubts over both ECDC’s commitment to delivering outline approvals and deliverable sites, thus potentially impacting upon the housing land supply of the District.”

7.4.17 It is considered that careful consideration is required, in respect of how viable and deliverable achieving alignment with the AECOM HNA is for this site, particularly as the site was allocated and Outline permission granted prior to the HNA data being tested. When considering sites for allocated development in development plans, it is expected that the Council would be comfortable with the site’s viability. It is not clear whether the viability of the site allocation under NP5 has been tested against the latest housing mix proposed under emerging policy SUT 5 of the replacement Neighbourhood Plan.

7.4.18 In summary, the proposed housing mix does not fully accord with the Sutton HNA, which is acknowledge formed a reason for refusal in the previous application. There is again therefore a degree of conflict with policies HOU 1 and NP7 which attracts negative weight. As noted however, the final outcome of the HNA and therefore the ultimate weight afforded to it is yet to be concluded (not until adoption of the replacement Neighbourhood Plan). Nonetheless the negative weight identified would need to be assessed against the other benefits/disbenefits of the scheme when considered as a whole against the development plan.

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 site layout generally follows that of the previous reserved matters, relying on a main spine road with a hierarchy of secondary and tertiary roads which 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 The Equality Impact Assessment identifies challenges associated with large-scale use of 'shared surface' or 'level-surface' streets, 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 a 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 16 dwellings in total. 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. Notwithstanding, it would be important to secure details of surfacing, to ensure that appropriate materials are utilised and opportunities to improve legibility are secured.

- 7.5.6 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 previously 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.
- 7.5.7 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.
- 7.5.8 The application is supported by a plan (Q7597) which details how the LEAP will be equipped and includes a level roundabout, basket swing, see-saw, climbing frame and stepping logs. The LEAP also features a seating bench and waste bin and the area is enclosed with 1m high fencing and gates. Whilst in principle this detail seems acceptable, it is necessary to ensure that the scheme includes inclusive play equipment and the preference would be for the surfacing around the equipment to be wet-pour rather than the proposed grass mat, as the former is deemed to be lower maintenance and offers a lower trip-hazard risk. This detail is therefore yet to be agreed and is recommended to be secured via planning condition.
- 7.5.9 The Local Highways Authority has confirmed their agreement to the scheme as before 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 and would be required prior to first occupation.
- 7.5.10 The areas of open space are arranged as per the previous scheme which generally follows the outline Landscape Environmental Management and Maintenance Plan secured under the S106 agreement. The area at the far north, originally proposed to be accessible open space is proposed to be secured off from public access 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. 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.
- 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 the basis that it did not accord with NP5 in that it did not feature predominantly bungalows, with 55% proposed at that time. This latest scheme proposes 66% bungalows – with the main difference being the reduction in total quantum of dwellings and inclusions of additional bungalows near the entrance and at the central southern area of the site, where these were previously 2-storey dwellings.
- 7.6.3 Whilst the development still comprises 34% of 2-storey dwellings, these are concentrated, mainly through plots 21 to 29 and plots 32 to 39 and therefore their presence is reduced further than the previous scheme with the footprint of 2-storey dwellings accommodating a smaller area of the overall site than before more or less arranged around the central drainage ditch, where site levels drop as it leads southwards.
- 7.6.4 Furthermore, the overall scale of all 2-storey dwellings is relatively low by modern standards, with ridge heights of maximum 7.7m, thereby aiding in reducing their visual landscape impact.
- 7.6.5 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. It is considered that the latest scheme will further reduce the visual impact of the development on the wider area in comparison with the previous scheme comprising a substantially 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 been reduced. The site area measures approximately 3.17Ha and with 41 dwellings proposed, this equates to around 13 dwellings per hectare which is nominally considered to be low density. This is notwithstanding that the site is allocated for up to 53 dwellings inferring that 53 units is an acceptable quantum in principle in any case. Whilst previously, comparisons were 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 As per the previous scheme and having regard to the aims of the Design Guide SPD 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.
- 7.6.8 Neighbourhood Plan policy NP2 sets out a requirement for all developments to retain features of landscape and biodiversity value. The 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.

- 7.6.9 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.
- 7.6.10 The Council's Tree 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.
- 7.6.11 The area to the north of the site will also include soft landscaping and tree planting, which will assist in framing the development further in this fringe location. Again, due to the site containing a majority of single storey dwellings and a relatively low 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.
- 7.6.12 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 relatively low in scale and generally set at the lower 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.
- 7.6.13 The design and appearance of the dwellings provide a coherent form of development. The external features of the dwellings 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 acceptable and will enhance the character of the developed area of Sutton.
- 7.6.14 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.

7.6.15 In conclusion, the latest scheme is considered to have responded positively and aligns 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.

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. It is noted that boundary treatments between existing Garden Close dwellings and plots 36 to 41 have not been committed. This is likely due to some intermittent hedgerow separating the plots. Details of the boundary treatments in this location are required and can be reasonably secured via planning condition. Notwithstanding, having regard to the design, orientation and separation of the proposed dwellings, the residential amenity of future occupiers would also be safeguarded. Residents previously 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 slightly 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. For example,

when working at height, ensuring adequate hoarding is erected to protect any overlooking, taking steps to reduce noise or timings of noisy activity and ensuring that plant and equipment is positioned appropriately. In this same respect, it is important to ensure that the occupiers of No.10 would be adequately protected from noise and interference as a result of the general post-construction functioning of the development.

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 off 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. The Police's Designing Out Crime Officer is supportive of this approach (see comments above and Appendix 3).

7.7.7 In addition to this, a 2.4m high acoustic fence is proposed to be set around the garden boundary of No.10, at a distance of 10m to 11m along the eastern boundary and around 8.7m along the southern boundary and therefore set back further away to the previous scheme by around 2m (eastern boundary) and around 1.5m (southern boundary), and proposed to be soft landscaped in between – including with defensive planting. This has the effect of reducing audibility between the two sites, for example movement of vehicles and the defensive planting would dissuade persons attempting to scale the fence. 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 and frontages, rather than rear gardens of the proposed dwellings, as they would be screened by a mixture of brick wall and fence. In this regard, it is noted that the dwelling is positioned within similar proximities to existing dwellings and some rear gardens. The Police has confirmed that no reports of hate crime have been recorded at Oates Lane or immediately surrounding streets (Appendix 3).

7.7.8 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 circumstances, 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 at least 8m to 11m from the boundary of 10 Oates Lane, and soft landscaped between, combined with the inclusion of single-storey dwellings in this area and taking into account land levels (as detailed on site sections plans ABBEY24306.15 and ABBEY24306.16), the arrangement is considered to adequately avoid any unacceptable overbearing/ overshadowing/ overlooking impacts. It is however important to ensure that the specification of acoustic fence and stock-proof 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.

- 7.7.9 Under the previous application, the occupiers of 10 Oates Lane raised concerns over the location of the acoustic fence in respect of the overbearing nature of it and how this would adversely affect the setting of their child's therapy garden. Furthermore, they raised concerns over the robustness of the stock-proof fence and how this would be maintained and how it would prevent persons scaling it and causing ASB, victimisation and harassment once in the open space area. The occupiers of 10 Oates Lane therefore put forward a proposed revision to the position of the acoustic fence (Appendix 5 (c)) and this was discussed at the Planning committee meeting of 26th April 2023 (see minutes at Appendix 6). The proposal was to locate a continuous acoustic fence along the northern section of the site immediately north of the turning head at plots 3 to 6, across the entire southern extent of the non-public open space area – essentially replacing the proposed stock proof fence with acoustic fence and moving the remaining acoustic fence further south. This has the effect of moving the acoustic fence further away from the rear boundary of 10 Oates Lane which the residents consider would reduce the perceived overbearing nature of it and also restricting the ability for people to park on the landscaped area immediately north of plots 3 and 4, thereby reducing potential noise nuisance. The residents consider that the continuous fence would also act as deterrent for people to climb and then to cause nuisance in the open space area and potentially cause ASB to occupiers of 10 Oates Lane, leading to victimisation and harassment. The occupiers of 10 Oates Lane have again put this proposal forward, advising that this amendment would resolve all of their concerns (Appendix 3 (c)).
- 7.7.10 The applicant has been asked to consider this amendment but has rejected the proposal as they did before, raising concerns that in running a solid fence across the site would remove the open space from the planned development thereby reducing visual amenity and would constitute poor planning.
- 7.7.11 Officers have sought advice from the Council's Environmental Health team, ASB officers and Cambs Police's designing out crime team. The Police have raised concerns over this proposed arrangement, considering that it potentially increases the risk of ASB, with the introduction of solid fencing blocking any natural surveillance or through-views by occupiers of the bungalows at the north of the site over the open space area. Should persons then enter this space, views of their activity would be cut off from the public realm of the development, potentially posing a greater risk to the property and occupiers of 10 Oates Lane and also to 12 Oates Lane, whose rear boundary would also be partially cut off from public view. This view is also shared by the Council's ASB team based on officer discussions with them.
- 7.7.12 The occupiers of 10 Oates Lane have advised that they would be happy to monitor the area but this places an unreasonable burden upon a third-party resident whereas the development should mitigate its own impacts. Furthermore, the development is anticipated to last at least at least 100 years and whilst the current residents have suggested they would be happy to manage this aspect, there are no guarantees future occupiers would take this burden on, leaving an area exposed to risk of ASB, greater than the arrangement currently proposed by the applicant.

- 7.7.13 Notwithstanding, the Council's Environmental Health team has advised that relocating the fence would have no discernible impact on its ability to reduce noise arising from the development or noises/vocalisations that may arise from 10 Oates Lane.
- 7.7.14 As such, whilst the resident's proposals have been carefully considered, it is concluded that in balancing the competing demands of the development and resident's needs, the arrangement as proposed by the applicant would offer the best solution to both tackling potential noise interference, overlooking, risks of ASB and suitably securing off the area to the north from public access whilst providing an area of biodiversity enhancement.
- 7.7.15 More general concerns have previously 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, existing and future residents and biodiversity.
- 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 11 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 be assessed at a later date should the reserved matters be approved. Nonetheless the applicant has provided a biodiversity plan (ref: ABBEY24306.66) which indicates an array of bird and bat boxes, an orchard area at the LEAP, new and enhanced hedgerow and areas of hibernacula across the site. Whilst this detail required under Condition 11 of the outline is yet to be formally considered, it does appear that there are many opportunities to secure biodiversity enhancements across the site.
- 7.8.3 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. It also 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 is accompanied with an updated LEMP which identifies the areas of open space and the nature reserve area. This document requires further updating in view of the findings of the EqIA; in respect of locating seating areas in areas of open space which may involve a slight change to some of the fence positions around the edge of the LEMP. In addition, the LEMP should clarify that the biodiversity area to the north is not public open space and will be managed accordingly. The applicant has agreed to a planning condition requiring the provision of an updated LEMP.

7.8.5 Notwithstanding this, it is recognised that the 20/01169/RMM appeal scheme was supported by an updated LEMP which the Wildlife Trust confirmed their agreement to. That 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, an updated LEMP document is likely to receive approval from them if it follows the aims of the previous LEMP submitted previously.

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 development plan 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 15 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 the LLFA has indicated that the drainage strategy would be acceptable in principle, with the LLFA comfortable with the central ditch being managed by a management company, rather than through riparian responsibilities of individual residents. This element is considered to be a more resilient way to ensure drainage channels are comprehensively maintained, rather than relying on individual householders who may not apply the same degree of attention to ensuring free flow of surface water through these systems. Again, in response to the recommendation of the EqIA, this drainage channel and the ponds within the aforementioned LEMP area are to be enclosed with fencing.

- 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 contributors, 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 were previously passed to the LLFA in their consideration of the previous application. The LLFA ultimately 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 10 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 previously 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. Whilst they have not commented on this latest application, the scheme is largely the same as before and therefore there is no evidence to indicate a contrary view would be drawn by Anglian Water, notwithstanding that final drainage details are yet to be agreed via discharge of condition application.
- 7.9.5 In conclusion, it is considered that the latest 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 14, 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 10 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 CSS sets out that the proposed development is designed to achieve reduced carbon emissions through the adoption of good fabric performance and employment of Photovoltaic Panels to reduce reliance on grid electricity. The units will achieve low carbon emissions and reduced energy demand, complying with Approved Document L 2021. Approved document L 2021 delivers 31% reduction in Carbon emissions over Part L 2013. This is significantly above Code Level 4 energy standard as required by Policy ENV 4 (19%).
- 7.11.4 The carbon reductions are 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.
 - Smart meters will be installed on all properties
 - Water efficiency has been reviewed as part of the design process and a Part G compliant specification will be adopted, resulting in the higher standard (lower water use) of 110 litres/person/day.
- 7.11.5 As per the previous application, it is considered that the measures employed would satisfy the aims of CC1 and ENV 4.
- 7.11.6 The Council's Environmental Health Officer has requested a planning condition to control potential noise nuisance that may arise from air source heat pumps (ASHP), should they be included in the development. However, as there is nothing in the proposal to indicate the use of these, it would not be reasonable to impose any such condition, and it would not therefore meet the tests of planning conditions as set out at paragraph 56 of the NPPF. Should future residents wish to install these under permitted development rights, the noise levels from ASHP are controlled via noise level conditions embedded within the permitted development right.

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 5 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 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) (as amended 2023), the Sutton Neighbourhood Plan (2019) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
- 8.2 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 two-thirds of the scheme proposing to be accessible and adaptable housing and the overall development 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.
- 8.3 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. In addition, it is acknowledged that the housing mix does not fully align with the latest housing needs assessment in that there are no 1-bedroom or 5+-bedroom dwellings proposed (plus provision of 4-bedroom units contrary to the recommendations of the latest HNA). This results in some conflict with policies HOU 1 and NP 7 which attracts some negative weight. However, and as noted above, the site allocation is notably constrained by the reduction in available development space due to the mitigation required to protect the amenity of occupiers of 10 Oates Lane. Furthermore, the site allocation sets out specific criteria to meet in respect of achieving low density, predominantly single-storey units which is uncharacteristic/uncommon among most developments in the district. In such circumstances, aligning to a stringent housing mix may be difficult both in respect of

site viability and actual delivery on this constrained site. Furthermore, the scheme provides a substantial number of 2-bedroom units which demonstrates some alignment with the current housing mix policy of the Sutton Neighbourhood Plan.

- 8.4 The scheme has been amended further to minimise the impacts of the development on the residents of 10 Oates Lane – with the acoustic fence being sited further away from the boundary. It is considered that this satisfactorily addresses concerns both in terms of noise impacts, overlooking, overbearing effects and visual impacts with an aim of eliminating the risks of harassment, victimisation and other discriminatory behaviours that might otherwise arise.
- 8.5 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 (not accessible to the public) at the north which will be established over time to also provide an additional area of biodiversity.
- 8.6 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 Decision Notice for 18/01053/OUM
Appendix 3	Exempt background report
Appendix 4	Committee report with site layout for application 22/00057/RMM

Appendix 5 Exempt background report for application 22/00057/RMM
Appendix 6 Minutes of Planning Committee for 22/00057/RMM (exempt)

National Planning Policy Framework -

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

East Cambridgeshire Local Plan 2015 -

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

APPENDIX 1 - 23/00870/RMM Conditions

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

<i>Plan Reference</i>	<i>Version No</i>	<i>Date Received</i>
1925/P/320.103 AFF 2b Bung - Elevations		4th August 2023
1925/P/320.10 AFF 2b Bung - Elevations		4th August 2023
1925/P/320.11 Type V - Floor Plans		4th August 2023
1925/P/320.111 Type 2BHA - Floor Plans		4th August 2023
1925/P/320.112 Type 2BHA - Elevations 1		4th August 2023
1925/P/320.113 Type 2BHA - Elevations 2		4th August 2023
1925/P/320.12 Type V - Elevations 1		4th August 2023
1925/P/320.121 Type HA1 - Floor Plans		4th August 2023
1925/P/320.122 Type HA1 - Elevations		4th August 2023
1925/P/320.13 Type V - Elevations 2		4th August 2023
1925/P/320.21 Type 3b Bung A - Floor Plans		4th August 2023
1925/P/320.22 Type 3b Bung A - Elevations 1		4th August 2023
1925/P/320.23 Type 3b Bung A - Elevations 2		4th August 2023
1925/P/320.31 Type 3b Bung B - Floor Plans		4th August 2023
1925/P/320.32 Type 3b Bung B - Elevations 1		4th August 2023
1925/P/320.33 Type 3b Bung B - Elevations 2		4th August 2023
1925/P/320.34 Type 3b Bung B - Elevations 3		4th August 2023
1925/P/320.41 Type N - Floor Plans		4th August 2023
1925/P/320.42 Type N - Elevations		4th August 2023
1925/P/320.51 Type R - Floor Plans		4th August 2023
1925/P/320.52 Type R - Elevations 1		4th August 2023
1925/P/320.53 Type R - Elevations 2		4th August 2023
1925/P/350.01 Single Garage		4th August 2023
1925/P/350.02 Twin Garage		4th August 2023
1925/P/350.03 Double Garage		4th August 2023
1925/P/350.04 Car Port Single		4th August 2023
SK02 Highways layout 2 of 2	Rev I	4th August 2023
SK03 Ped splays 1 of 2	Rev J	4th August 2023
SK04 Ped splays 2 of 2	Rev J	4th August 2023
ABBEY24303aia Arboricultural Impact Assessment Carbon and Sustainability Study	5	4th August 2023
ABBEY24303ams Arboricultural Method Statement		4th August 2023
ABBEY24303spec Soft Landscape Specification		4th August 2023
ABBEY23403-11 Landscaping 2 of 5		14th August 2023
ABBEY24303-11 Landscape Plan 4 of 5	Rev A	5th October 2023
ABBEY24303-11 Landscape Plan 5 of 5	Rev A	5th October 2023
ABBEY24303-11 Site Wide Landscape Plan	Rev A	5th October 2023
ABBEY23203-11 Landscaping 1 of 5		14th August 2023
ABBEY24303-11 Landscaping 3 of 5		14th August 2023
1925/P/310.03 Boundary Treatments		4th August 2023
1925/P/320.01 Type 2b Bung - Floor Plan		4th August 2023
1925/P/310.01 Location plan		4th August 2023
1925/P/310.02 Site Layout		4th August 2023
1925/P/310.04 Materials Layout		4th August 2023
1925/P/310.06 Levels Plan		4th August 2023
1925/P/310.08 Storey Heights Plan		4th August 2023
1925/P/320.02 Type 2b Bung - Elevations		4th August 2023
1925/P/320.101 AFF 2b Bung - Floor Plan		4th August 2023
1925/P/320.102 AFF 2b Bung - Elevations 1		4th August 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 Notwithstanding the plans submitted, 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 (as amended 2023) 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 proposed to be removed, 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 (as amended 2023) 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 (as amended 2023).
- 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/310.02.
- 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 (as amended 2023).
- 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 (as amended 2023).
- 7 Prior to occupation of a dwelling, the pedestrian visibility splay pertaining to its access, as shown on drawings SK03 Rev J and SK04 Rev J, shall be 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 (as amended 2023).
- 8 Prior to the commencement of development, the precise specification of the stock-proof fence, the acoustic fence and associated gates as proposed on plan reference 1925/P/310.02, shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing and gates shall be erected in accordance with the details approved 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 (as amended 2023). This condition is pre-commencement in view of the need to protect amenity before any development begins.
- 9 Prior to the erection of the fences and gates as approved under Condition 8, and notwithstanding the approved plans listed under Condition 1 a scheme detailing defensive planting set along the perimeter of the fences approved under Condition 8, including a timetable of planting and long-term management strategy, shall be submitted to and approved in writing by the Local Planning Authority. The planting and management shall be carried out thereafter in strict accordance with the details approved.
- 9 Reason: In order to ensure adequate measures are installed to protect the amenity of neighbouring occupiers in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended).
- 10 Prior to the occupation of the development, an inspection and maintenance scheme, including details of signage 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 (as amended 2023).
- 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 (as amended 2023).
- 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, hedgerows and planting 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 (as amended 2023) and NP2 of the Sutton Neighbourhood Plan.
- 13 Notwithstanding the specific provisions of condition 9 or 12, the remaining 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 (as amended 2023) 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 24303 AMS. 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 (as amended 2023) 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 (as amended 2023) and NP2 of the Sutton Neighbourhood Plan.
- 16 Prior to works proceeding above ground level, a lighting scheme for all streets, paths and open space 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 (as amended 2023).
- 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 (as amended 2023) 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 (as amended 2023).
- 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 (as amended 2023).
- 20 Prior to works proceeding above slab level, details of the surfacing finish of all roads and paths 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 (as amended 2023).
- 21 Notwithstanding the plans submitted, prior to works proceeding above slab level, a plan detailing the play equipment (incorporating inclusive play equipment), seating furniture, waste bin and surfacing detail within the area marked 'LEAP' on site layout plan 1925/P/310.02 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed plan.
- 21 Reason: In the interests of residential amenity and to ensure that the development is accessible to all in accordance with policy ENV 2 of the East Cambridgeshire Local Plan 2015 (as amended 2023)