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## Appeal Decision

Hearing Held on 21 & 22 August 2018

Site visit made on 22 August 2018

**by Cullum J A Parker BA(Hons) MA MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 26<sup>th</sup> September 2018.**

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**Appeal Ref: APP/V0510/W/17/3191847**

**Land off Mepal Road, Sutton, Cambridgeshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Linden Homes against the decision of East Cambridgeshire District Council.
  - The application Ref 16/01772/FUM, dated 16 December 2016, was refused by notice dated 13 July 2017.
  - The development proposed is '*full application for the erection of 77 no. dwellings for residential use along with access, associated landscaping, parking and infrastructure*'.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 77 no. dwellings for residential use along with access, associated landscaping, parking and infrastructure at Land off Mepal Road, Sutton, Cambridgeshire in accordance with the terms of the application, Ref 16/01772/FUM, dated 16 December 2016, subject to the conditions set out in Appendix A.

### Procedural Matters

2. The proposal was originally submitted as a hybrid scheme with outline and full elements. The outline part, relating to a larger scheme including a site to the north, was withdrawn at the planning application stage. This decision considers only the planning merits of the application for full planning permission for the above described development.
3. A revised *National Planning Policy Framework* (the Framework) was issued by the Ministry of Housing, Communities and Local Government (MHCLG) on 24 July 2018. This replaces the 2012 version issued by DCLG. Both main parties have had an opportunity to consider the revised document. For the avoidance of doubt, it is the 2018 version I have considered in this decision.

### Application for costs

4. At the Hearing an application for costs was made by Linden Homes against East Cambridgeshire District Council. This application is the subject of a separate Decision.

## Main Issues

5. The main issues, based upon those set out at the Hearing, are:
  - i. Whether the design of the proposed development, in terms of its layout, density and provision of open space, would add to the overall quality of the area over the lifetime of the development or not, and;
  - ii. Whether or not the housing mix for both market and affordable housing would meet local need and demand, and;
  - iii. Whether the proposed drainage solutions are adequate or not, and;
  - iv. The impact of the proposal on the local highway network, with specific regard to capacity and long term usage, and;
  - v. Whether or not the proposed development would make adequate provision for local infrastructure.

## Reasons

### *Character and appearance*

6. The appeal site is an open agricultural field located to the northern edge of Sutton. To the south of the site the immediate built form is characterised by a mixture of detached, semi-detached and short rows of terrace housing.
7. The appeal site is allocated in the adopted *East Cambridgeshire Local Plan*, April 2015 (LP) under Policy SUT1 for 50 dwellings. The site is also included within a larger site to the north for housing and other uses in the emerging local plan as SUT1.H1 (*Proposed Submission* version, November 2017). Within the *Neighbourhood Plan (Pre-Submission Consultation Version)* for Sutton, dated July 2018, the appeal site and a larger area to the north are identified for 'up to 250 homes'. It is not disputed between the main parties that the principal of developing the appeal site for homes is agreed.
8. Policy SUT1 indicates that 'approximately 2.5 hectares of land is allocated for residential development on land to north of The Brook, for 50 dwellings.' It then sets out criteria in the form of bullet points that developments will be expected to achieve. The principal criteria the Council considers the proposal conflict with are (summarised here); the provision of affordable housing with priority given to people with local housing need, a mix of dwelling types and sizes to reflect current evidence of need in Sutton (including self-build); have particular regard to the layout and the scale, height, design and massing of buildings, and landscaping, in order to minimise amenity impact on adjoining properties, and to provide an attractive setting to Sutton; provide a minimum of 0.35 hectares of public open space on-site, including provision of a play area; and to provide necessary highway and walking/cycling network improvements, as demonstrated in the Transport Assessment for the development proposal.
9. I consider certain criteria under the relevant main issue, and focus here on design matters. In terms of the layout, scale and height of buildings, those proposed on the submitted drawings seek to reflect nearby patterns of development. For example at the western edge of the site, where the

dwellings would be close to The Orchards, they are formed of short terraces or semi-detached houses. Such forms are found to the south of that part of the appeal site. To the western end of the site, the built form would comprise a mix of detached and semi-detached; which again would reflect buildings to the south along Tower Road. Furthermore, the height and massing of buildings would not be dissimilar to those found locally.

10. I acknowledge the Council's concerns in respect of the current edge of settlement nature of the appeal site, and that this should mean a lower density of development. However, this needs to be tempered by the fact that there is no indication in local or neighbourhood planning that the larger site to the north would not come forward in the future. Therefore, the nature of the appeal site is likely to change in the near future from edge of settlement to within the settlement.
11. Policy SUT1 of the LP sets out that a site for approximately 2.5 hectares is allocated for 50 dwellings. The appeal site is around 2.87 hectares in size. In terms of density, the Appellant indicated that the proposal would have a density of around 26.7 dwellings per hectare (dph). The Council conceded at the Hearing that this represented an average level of density and not a high density scheme. It does not point to any local or national policy that sets out a specific density level for a site such as this. What is more, the Council were not able to point to any detailed studies which demonstrated that the density proposed in this case would be at odds with the adjoining wider settlement. In this respect, I do not find that the density proposed is unacceptable in relation to this proposal.
12. With regard to open space, the proposal would provide at least 0.522ha, which exceeds the Policy requirement of a minimum of 0.35ha of public open space and play area. The Council's adopted *Supplementary Planning Document on Developer Contributions March 2013* (DCSPD) provides guidance on open space provision. Using the calculation from the DCSPD, this indicates that 0.571ha of open space should be provided. However, I have not been provided with any detailed reasons as to why a scheme that would provide open space in excess of the required policy level, and just short of what local guidance suggests, would result in harm to future occupiers. It is clear that with the provision of a play area and ongoing maintenance, the public open space would comply with adopted Policy SUT1. In this respect, I find that the level of open space provided is acceptable.
13. Lastly, the Council is concerned that the level of car parking would be both inadequate and uncharacteristic. In terms of capacity of parking, the proposal would provide about 7 spaces for visitors, whereas typically a scheme for 77 dwellings would require 19 visitor spaces. However, the Council confirmed at the Hearing that it was not the number of visitor spaces that was at issue; but rather the use of tandem bays for four of the spaces. It is clear, looking at the submitted drawings, that beyond the typical allocated resident parking spaces of two per dwelling and the seven specific visitor bays there is also room within the site for un-marked street parking for visitors. Given this, and with no objection or detailed concerns from the local highways service on the ratio of parking spaces, I do not find any harm arising in this respect.
14. The rows of parking spaces, as found to the front of plots 34-40 and 24-33 for example, is not necessarily ideal in broad design principle terms. This is

because the domestic scale can be eroded when it is used excessively. However, its use is limited here and reflects local examples such as that found on The Orchards. On the appeal site it can also be ameliorated through the use of landscaping as shown on the spaces on plots 24 to 33. There are no detailed reasons provided that any spaces on the site would not work in practice. Taking these various factors into account, I do not find that the parking proposed is unacceptable in terms of layout or design.

15. I therefore find that the layout, density and provision of open space, would add to the overall quality of the area over the lifetime of the development. As such, the proposal would accord with Policies SUT1, ENV1 and ENV2 of the LP, which, amongst other aims already cited above, seek to ensure that all development will be designed to a high quality, enhancing and complementing local distinctiveness and public amenity by relating well to existing features.

#### *Housing Mix*

16. Paragraph 4.22 of the LP sets out that *'evidence in the Cambridge Sub-Region Strategic Housing Market Assessment indicates that there is a need for more 2 and 3 bed dwellings to cater for the predicted increase in single occupancy households, smaller family units, and older people in East Cambridgeshire. However, it is recognised that housing need is not a straight indication of housing occupancy as people aspire to take properties they can afford rather than their actual 'needs'. Cambridgeshire County Council Research team has produced a 'Property Size Guide' (2010) which sets out estimated need in East Cambridgeshire for different sizes of dwellings.'*
17. This is set out in Table 4.1 and gives an indicative property size guide for market housing of 3% to 5% for one-bedroom dwellings. The proposal would provide for a mix of 2, 3, 4 and 5 bed properties, but not 1 bed dwellings. Of those proposed, 54 would be market dwellings and 23 affordable housing. The Council point to Table 4.1 and the lack of 1-bedroom dwelling provision as making the proposal unacceptable. However, the data on which Table 4.1 is predicated on for market housing is from 2010 and also relates to the whole district rather than specific areas. The site specific Policy SUT1 of the LP does not provide any guidance on housing mix, beyond indicating that the scheme should provide affordable housing and a mix of dwelling types and sizes to reflect current evidence of need in Sutton. The Council's Strategic Housing Officer raises no concerns with the mix of affordable housing being provided.
18. With regard to demand – which is separate and distinct from 'need' as evidenced within Paragraph 4.22 – the Council provided an email at the Hearing (dated 7 February 2018), where the Housing Officer indicated that *'55 applicants on the ECDC housing register have a preference to live in Sutton, of those 47% require 1 bedroom accommodation'*. But this is clearly a preference, not a specific need. The Council was unable to provide updated assessments of need even though it has recently submitted a local plan for examination by another Inspector.
19. Nonetheless Table 4.1 is limited as it relies upon data from 2010; the housing register is a document that supports the provision of affordable housing demand rather than 'need'; and no objections are raised by the local Affordable Housing team in respect of the affordable housing mix. Taken in the round, there is little evidence before me that there is a demand or need for 1-bedroomed dwellings within Sutton in this case.

20. I therefore find that the housing mix proposed would be acceptable and meet local need and demand on the basis of the evidence presented. Accordingly, the proposal would not conflict with Policies SUT1, HOU1, and HOU3 of the LP, which, amongst other aims, seek to ensure 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.
21. At the Hearing, the Council pointed to the lack of self-build plots provided on the appeal site. This follows a passing reference in paragraph 4.14 of the Council's Statement of Case. On the first day of the Hearing the Council provided an email indicating that its Self-Build Register for the District included 8 individuals who meet the local connection criteria. No evidence was provided as to whether these were individuals seeking to self-build in or near to Sutton. The Council has provided no evidence that there is a specific demand within Sutton for self-build, nor was this concern pressed to seek a planning obligation that such provision was made on the appeal site. There would nevertheless be a technical breach of Policy SUT1 in this respect, which I consider in the overall conclusion.

#### *Drainage*

22. The main parties agree that the drainage solution proposed, which would include a mixture of permeable roads, drainage crates, Sustainable Urban Drainage Systems (SUDs) pond, and trickle outflow, would be adequate to serve the appeal site. The Council's concerns are that the use of below ground surface water drainage methods would be contrary to the *Cambridgeshire Flood and Water SPD 2016* (FWSPD) and Policy ENV8 of the LP.
23. Paragraph 6.3.23 of the FWSPD indicates that '*Design and layout should seek to manage and convey surface water above-ground, avoiding the use of underground piping as far as possible*'. It then sets out reasons such as avoiding concentration and acceleration of surface water into waterways and filtering water. At the Hearing I heard from the Appellant's Civil Engineer that the proposed scheme would achieve these and that overall flow rates in using piped solutions for the appeal site would not realistically work in this case, as the gradient is too shallow. Instead, the appellant has sought to use a different but nonetheless technically possible drainage solution that would control flows off the appeal site and filter water.
24. In this respect, the dispute is over the County Council's preference for surface only SUDs solutions and the Appellant's approach to designing a scheme specific solution. The Appellant has also sought to secure long-term maintenance of the drainage solution through the use of planning conditions and obligations; both of which could secure long-term maintenance. In this respect, there appears to be no reason as to why permission should be withheld on the basis of an acceptable drainage solution being proposed.
25. The Local Planning Authority point to the fact that by not using surface water drainage solutions, such as swales, means that the proposal represents an overdevelopment of the site. But it is clear that both local and national policy indicate that land needs to be used effectively and efficiently to deliver the homes needed. The use of pragmatic and innovative design solutions, which

no-one in this case disputes would not work, is not a basis for dismissal of the appeal proposal.

26. I therefore conclude that the proposed drainage solutions would be adequate. The proposal would accord with Policy ENV8 as supported by the FWSPD, which, amongst other aims, seeks to ensure that all applications for new development must demonstrate that appropriate surface water drainage arrangements for dealing with surface water run-off can be accommodated within the site, and that issues of ownership and maintenance are addressed.

### *Highways*

27. Concerns on the highways issue relate to capacity and the long term maintenance of roads within the development. The Council confirmed that its fears were based upon the local knowledge of elected members. I have not been provided with any detailed evidence which explains this position further. The County Highways authority does not raise any issues over capacity within the local road network. In the absence of such information, I do not find that the proposal would result in unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.
28. In terms of long term usage, the local highways authority has indicated that it is unlikely to adopt the roads within the development as the drainage solution and permeable surface is unfamiliar. The Appellant explained that a management organisation, owned and run by the residents would be responsible for the maintenance of the road. There is nothing before me that demonstrates that this would not work in practice. What is more, no specific concerns were raised that the road layout would be unsafe for turning or manoeuvring for example.
29. I therefore conclude that the proposal would not have a materially harmful impact on the local highway network. The proposal would therefore comply with policy COM7 of the LP, which seeks to ensure that development should be designed to reduce the need to travel, particularly by car, and should promote sustainable forms of transport appropriate to its particular location. Opportunities should be maximised for increased permeability and connectivity to existing networks.
30. For similar reasons, it would also comply with Paragraphs 108 and 109 of the Framework. These indicate that development should only be refused on highways grounds if there would be severe impacts on the road network.

### *Local Infrastructure*

31. The Council has an adopted CIL schedule which would secure monies for matters such as education that would be dealt with at the appropriate time. The District Council (ECDC) has indicated monies or provision that it seeks for affordable housing, the provision of Public Open Space (POS) on the site, and securing footpaths and streets within the development.
32. Policies GROWTH3 and HOU3 of the LP refer to provision of infrastructure and affordable housing. Policy HOU3 seeks the provision of a minimum of 30% of the total number on sites in the south of the District; with Sutton lying within this part. The obligation relating to footpaths links to The Orchard would directly relate to the development and is fairly and related to the development in scale and kind.

33. The level of public open space would exceed that required by Policy SUT1. Whilst it would be slightly short of that required by the Councils DCSPD, it would be directly related to the appeal development and meets the test set out in CIL Regulations.
34. Neither party takes issue with the monies sought or what they would be provided for. It is also clear that none of the provisions for Affordable Housing, POS and footpaths would exceed five or more contributions for a single scheme. I therefore see no reason not to concur with the main parties in respect of these contributions meeting the tests set out in Paragraph 56 of the Framework. What is more, in considering the evidence presented, I find that all of the obligations in this case would meet the tests set out in the CIL Regulations and would comply with the aforesaid development plan policies. They should therefore be taken into account in the decision.
35. The Appellant has also submitted a second Unilateral Undertaking in relation to contributions sought by Cambridgeshire County Council (CCC) through the LPA. Less than two weeks before the Hearing, CCC submitted a S106 Supporting Statement where it set out that it now sought monies for secondary education to the sum of £370,005, libraries at £5,582 and a monitoring fee of £650. This is sought even though a Regulation 123 List was updated and agreed on 24 May 2018 by the LPA.
36. The education contribution is sought towards Witchford Village College (the College) and the additional 15 school places that the proposal would create. However, the amount sought has been worked out on the basis of a different secondary school and does not directly relate to a specific project at the College to increase school places that directly relates to the proposed development. In this respect, it is unclear as to how the monies sought are fairly and reasonably related in scale and kind to the development.
37. Similarly, it is unclear as to what the monies sought for library services relates to. For example, the County refer to the provision '*towards a new mobile library stop to serve the development OR a rent free space in any community building to be built on the development to mitigate the impact.*<sup>1</sup> However, when questioned, the County's Officers were unable to direct the Hearing to any evidence as to the costs of providing a new mobile library stop or a rent free space in any community building to be built on the development (bearing in mind that the proposal does not propose a new community building). In this respect, it is unclear as to how the monies sought are fairly and reasonably related in scale and kind to the development.
38. Lastly, the monitoring fee of £650 appears to relate to normal monitoring activities that a County authority would be undertaking, rather than any exceptional circumstances or unusual monitoring actions. It is not necessary to make the development acceptable in planning terms. I therefore find that none of the contributions sought by CCC through the LPA passes the tests, and therefore they cannot be taken into account.
39. To summarise, I find that the obligations sought solely by the District Council meet the tests set out in Paragraph 56 of the Framework and CIL Regulation 122 and would comply with the aforesaid development plan policies. They should therefore be taken into account in the decision. I find that the

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<sup>1</sup> CCC S106 Supporting Statement (dated 2 August 2018, received 22 August 2018), Page 6, Para 3.2

contributions sought by the County Council would not meet the tests and cannot be taken into account.

### **Conditions**

40. Suggested conditions were agreed by the main parties<sup>2</sup> without prejudice. I have considered these in the context of Paragraphs 54 and 55 of the Framework and the national *Planning Practice Guidance* (the Guidance).
41. Conditions relating to the proposal being carried out in accordance with the submitted drawings and documents, details of materials, and development starting within three years, are necessary to provide certainty.
42. An archaeology condition is reasonable to protect any undiscovered items on the appeal site. A condition requiring fire hydrants to be provided on site is necessary in the interest of public safety.
43. Conditions relating to surface water, surface water run-off onto the highway, long term maintenance of surface water drainage, and foul water disposal are necessary in order to ensure the site is adequately drained.
44. Conditions relating to a waste management and minimisation plan, the finding of any contaminated land and how to deal with this, noise mitigation for certain plots near to the A142, hours of construction works, the submission of a Construction Environmental Management Plan and implementation of the submitted Sustainability Statement, are necessary and reasonable in order to protect the environment and living conditions of future occupiers.
45. The imposition of conditions to protect existing trees and hedges, to provide and agree details of soft and hard landscaping and the retention or replacement of any plants that die within 5 years, the agreement, provision and long terms management of biodiversity improvements, and Local Area for Play provision and maintenance are necessary in order to provide a high quality standard of living and environment for future occupiers.
46. The use of a condition to require an obscure glazed window on plot 18 is necessary given the potential for overlooking from that window towards properties and their gardens along Tower Road. However, the Guidance is clear that the removal of 'permitted development rights' more generally should only be used in exceptional circumstances. None have been provided in this case. I consider the broad removal of such rights would be unnecessary and onerous in this case.
47. Conditions relating to provision of footways and access onto Mepal Road, details of visibility splays onto Mepal Road, the widening of Mepal Road footpath from site to The Brooks and the provision of Welcome Travel Packs are necessary in order to promote sustainable transport modes and support safe highway usage.

### **Overall Conclusion**

48. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, requires that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. In this case, I have identified the only conflicts with adopted development plan policy

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<sup>2</sup> See APP1



- is that the site was originally allocated for 50 dwellings rather than 77 units and that no self-build plots have been provided. There is therefore a small conflict with Policy SUT1 of the LP.
49. Whilst acknowledging these 'technical' breaches of small parts of the policy, I find that the proposal would nonetheless accord with the development plan as a whole when taking into account its underlying thrust to deliver housing and the fact that the site is allocated for such use.
50. This is all the more pertinent in light of the fact that at the Hearing the Council confirmed that its housing land supply position remained unaltered from that at an earlier allowed appeal following a Public Inquiry (ref 3186785). In that case I found that the Council was only able to demonstrate a housing land supply of about 3.86 years. With little evidence provided to the contrary and the Council pointing to that decision to support its current position, I see no reason to disagree with the findings of that appeal.
51. As a consequence, policies which are most important for determining the application, relating to housing supply for a housing proposal, are out of date as set out in Paragraph 11 of the Framework<sup>3</sup> (and explained in footnote 7). Part d) indicates what this means for decision-making. Put simply, that planning permission should be granted unless policies in the Framework protect areas or assets of particular importance – which do not apply here – or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
52. In this case, the Government's objective expressed in the Framework is 'significantly boosting' the supply of housing<sup>4</sup>. The provision of up to 23 affordable homes should be afforded significant weight in any planning balance. This is especially important here, as there is currently an under-provision of about 850 affordable dwellings within this district.
53. What is more, the proposal would provide for 77 dwellings overall in an area where there is a shortfall of delivery against supply with only roughly 3.86 years of supply compared to need coming forward. These are factors attributed significant weight. The only adverse impacts arising from the proposal is the slight breach of Policy SUT1. However in applying the 'tilted balance' set out in Paragraph 11 of the Framework, I find that the adverse impact arising from the non-provision of self-build homes does not significantly and demonstrably outweigh the significant benefits arising from market and affordable housing on an allocated site. It should therefore be granted planning permission when considered against the Framework.
54. I therefore conclude that the proposal would accord with the adopted development plan and there are no material considerations that indicate a decision should be made otherwise in accordance with it. For the reasons given above, and taking into account all matters raised, I conclude that the appeal should be allowed.

*Cullum J A Parker*

INSPECTOR

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<sup>3</sup> Which is a material consideration, see Paragraph 2

<sup>4</sup> The Framework, Paragraph 59

## APPEARANCES

### FOR THE APPELLANT:

David Bainbridge	Partner, Planning at Bidwells
Alison Wright	Planner, Bidwells
David Coles, RIBA	Architect
Georgina McCrae	Planner, Linden Homes
Peter Brady	Solicitor, The Planning Law Practice
Rob Hill	Civil Engineer
Anna Meer	Highways Engineer
Barry Maynard	Director, Linden Homes

### FOR THE LOCAL PLANNING AUTHORITY:

Keith Hutchinson	Planning Consultant
Yvonne Carnichan	Planning Assistant
Maggie Camp*	District Solicitor

### INTERESTED PERSONS:

Lorna Dupré	District and County Councillor
Mark Inskip	Chairman Sutton Parish Council
Alan Fitz*	Cambridgeshire County Council
Stuart Clarke*	Cambridgeshire County Council

\*Principally attended Planning Obligations/Conditions session.

## DOCUMENTS SUBMITTED AT HEARING

REF	Title/Identifier
LPA1	Email from J Barrow, dated 7 February 2018 relating to LPAs Housing Register
LPA2	Email from S Bonnett, dated 21 August 2018 relating to LPAs Self-Build Register
APP1	Updated list of suggested conditions
APP2	Draft, uncompleted Unilateral Undertaking between various, Linden Limited and ECDC and CCC (relating to monies sought by CCC)
APP3	Legal submission on County Council's sought obligations from Peter Brady, Solicitor, The Planning Law Practice, dated 21 August 2018
IP1	Objection statement from Cllr L Dupré
IP2	Objection statement from M Inskip, Chairman Sutton Parish Council

Costs Application by Appellant

Costs Rebuttal by ECDC

## **Appendix A – list of conditions imposed**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

*Dated 19 December 2016:* SHARNBROOK PLANNING 01

*Dated 20 March 2017:* HT.A30-03, HT.A36-01, HT.A36-02 A, HT.A36-02 A, COLST PLANNING13, DEEP PLANNING11 E, GREE PLANNING05 B, HAD PLANNING13, SH-G209 A, SH-G208 B, SH-G104 B, HT.414-01, HT.414-02 A, HT.414-03, HT.414-04 A, HT.414-05, HT.A22-01, HT.A22-02, HT.A22-03, HT.A30-01, LEV.PE1, HWK.PE1, COL.PE2, LIGHTING DESIGN BRIEF, MMA 13814/001 RO, BRD2626-OR2-A, BRD2626-OR1-A, SUSTAINABILITY STATEMENT, and ECOLOGICAL APPRAISAL March 2016

*Dated 19 June 2017:* 1073352-15-03A Red Line, 377-LP-01 B, 377-SK-01 C, 377-SK-02 C, 377-SK-03 C, 377-SK-04 C, 377-SK-05 C, 377-SK-06 C, 377-SK-07 C, 377-SK-08 B, and 828-07-01 P5

*Dated 18 May 2017:* EDS 07-0102.01 E 1 of 3, EDS 07-0102.01 D 2 of 3, and EDS 07-0102.01 A 3 of 3

*Dated 17 February 2017:* TREE SURVEY, and 2842.TCP

- 3) No development shall take place within the area edged red on the Location Plan (377-LP-01 Rev B) until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 4) Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed surface water drainage strategy prepared by ID Ltd (ref: 828-07-01 – Rev P4) dated 9th November 2016 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
- d) Full details of the proposed attenuation and flow control measures;
- e) Site investigation and test results to confirm infiltration measures;

- f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- g) Full details of the maintenance / adoption of the surface water drainage system;
- h) Measures taken to prevent pollution of the receiving groundwater and/or surface water, and;
- i) a timetable for implementation.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the *National Planning Policy Framework*, as supported by the national Planning Practice Guidance, or any replacement or equivalent standard.

- 5) Details for the long term maintenance arrangements for the surface water drainage system (including all SuDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details shall identify runoff catchments, SuDS components, control structures, flow routes and outfalls and the access that is required to each surface water management component for maintenance purposes. Maintenance of the surface water drainage system shall thereafter be carried out in accordance with the approved details.
- 6) No development shall take place until a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme(s) shall be implemented prior to the occupation of any dwelling on the site.
- 7) Prior to the commencement of development a *Detailed Waste Management and Minimisation Plan* (DWMMP) shall be submitted to and approved in writing by the local planning authority. The DWMMP shall include details of:
  - i) Construction waste infrastructure including a construction material recycling facility to be in place during all phases of construction,
  - ii) anticipated nature and volumes of waste and measures to ensure the maximization of the reuse of waste,
  - iii) measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for sur within and outside the site,
  - iv) any other steps to ensure the minimisation of waste during construction,
  - v) the location and timing of provision of facilities pursuant to criteria i) to iii) inclusive,
  - vi) proposed monitoring and timing of submission of monitoring reports,
  - vii) the proposed timing of submission of a *Waste Management Closure Report* to demonstrate the effective implementation, management and monitoring of construction waste during the construction lifetime of the development,
  - viii) a RECAP Waste Management Guide toolkit shall be completed, with supporting reference material,

- ix) proposals for the management of municipal waste generated during the occupation phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles.

The DWMMP shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 8) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The hydrants or alternative shall be installed and completed in accordance with the approved details prior to the occupation of any dwelling on the site.
- 9) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported to the Local Planning Authority within 48 hours. No further work shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.
- 10) No development shall take place until a scheme for the protection during the construction of the trees on the site, in accordance with *BS 5837:2012 – Trees in relation to construction – Recommendations* (or equivalent or replacement standard), has been submitted to and approved in writing by the Local Planning authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these.

The protective measures contained with the scheme shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced area they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

- 11) Except as detailed on the approved plans, no existing trees shall be pruned or removed /felled and no hedges shall be removed without the prior written approval of the Local Planning Authority.
- 12) Prior to first occupation of any dwelling on the site a full schedule of all soft landscape works shall be submitted to and approved in writing by the

Local Planning Authority. The schedule shall include, planting plans, a written specification; schedules of plants noting species, plant sizes, proposed numbers/densities; and a detailed implementation programme. It shall also indicate all existing trees and hedgerows on the land and details of any to be retained. The works shall be carried out in accordance with the approved details prior to the end of the first planting seasons following occupation of the development.

If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 13) Prior to any occupation of any dwelling on the site, a scheme for the maintenance of the landscaping for a minimum period of 5 years from last occupation shall be submitted to and agreed in writing by the Local Planning Authority. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:
  - i) methods for the proposed maintenance regime;
  - ii) detailed schedule;
  - iii) details of who will be responsible for the continuing implementation, and,
  - iv) details of any phasing arrangements.
- 14) No above ground construction shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include: street lighting and all boundary treatments within and on the perimeter of the site. The works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.
- 15) No above ground construction shall take place on site until details of the materials to be used on the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 16) No above ground construction of Plots 1-4 and Plots 75-77 shall take place until details of the noise mitigation measures that may be required for Plots 1-4 and Plots 75-77, including any additional detailed noise assessments, have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the recommendations of the approved noise assessments shall be implemented as agreed.
- 17) Construction works and deliveries shall be limited to the following hours: 8:00 – 18:00 each day Monday-Friday, 8:00 - 13:00 Saturdays, and none on Sundays, Public Holidays or Bank Holidays.
- 18) Prior to any work commencing on the site a *Construction Environmental Management Plan* (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority regarding mitigation measures for noise, dust and lighting during the construction phase. These shall include, but not be limited to, other aspects such as access points for deliveries and site vehicles, and proposed phasing/timescales of

- development. The CEMP shall be adhered to at all times during all phases.
- 19) The first floor landing window in the south elevation of Plot 18 shall be fitted with obscure-glazing and fixed shut and retained as such.
  - 20) 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 Mepal Road.
  - 21) No above ground construction shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets and street lighting within the development have been submitted to and approved in writing by the Local Planning Authority. The streets shall be built before the last dwelling is occupied and 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.
  - 22) Prior to the first occupation of any dwelling on the site, drawings showing visibility splays of 2.4m x 43m each side of the vehicular access onto Mepal Road shall be submitted to and agreed in writing by the Local Planning Authority. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
  - 23) The access and all hardstanding within the site shall be constructed with drainage measures to prevent surface water run-off onto the adjacent public highway and retained.
  - 24) Prior to the occupation of any dwelling on the site a scheme of biodiversity improvements (including a timetable for implementation) within areas of public open space within the site shall be submitted to and agreed in writing with the Local Planning Authority. The biodiversity improvements shall be installed in accordance with the approved timetable and thereafter maintained in accordance with the approved details.
  - 25) The development shall be carried out in accordance with the details submitted in the *Sustainability Statement* dated December 2016 prepared by AES Sustainability Consultants.
  - 26) Prior to first occupation of any dwelling on the site details of the LAP (Local Area for Play) playspace layout shall be submitted to and approved in writing by the Local Planning Authority. The LAP shall be completed in accordance with the approved details prior to the occupation of the 50th dwelling on the site and shall be open and available for use.
  - 28) No above ground construction shall take place until details (including a timetable and/or phasing) of the widening of the footway on the west side of Mepal Road to 2.5m in width, where possible, from the site entrance to The Brook have been submitted to and agreed in writing by the Local Planning Authority. The works shall be completed prior to the occupation of the 50th dwelling on the site and shall be open and available for use.

- 29) Prior to first occupation the form and content of *Welcome Travel Packs* to be issued to new residents on the first occupation of each new dwelling shall be agreed with the Local Planning Authority. The Packs should encourage residents to travel using sustainable modes of transport and shall be provided to new occupiers of the development.

Richborough Estates