

25/00667/VARM

Land to the Rear of 30-40 Garden Close

Sutton

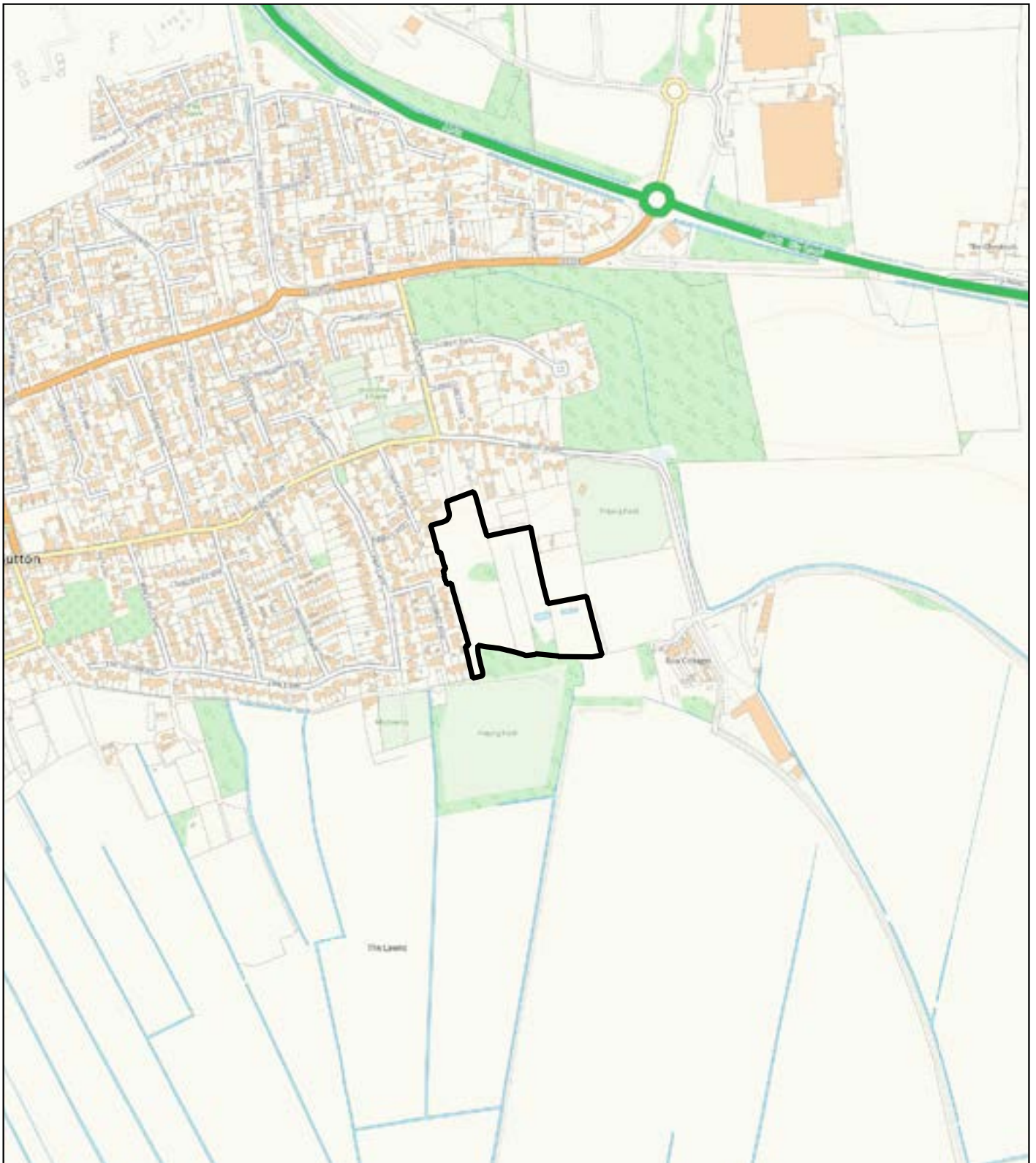
Cambridgeshire

To Vary Condition 1 (Approved Plans) of previously 22/00057/RMM approved at appeal APP/V0510/W/23/3328203, dated 08 July 2024 for Reserved Matters for appearance, landscaping, scale and layout for the erection of 47 homes including public open space of previously approved Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=SYBCEQGGL3000>





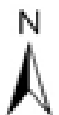
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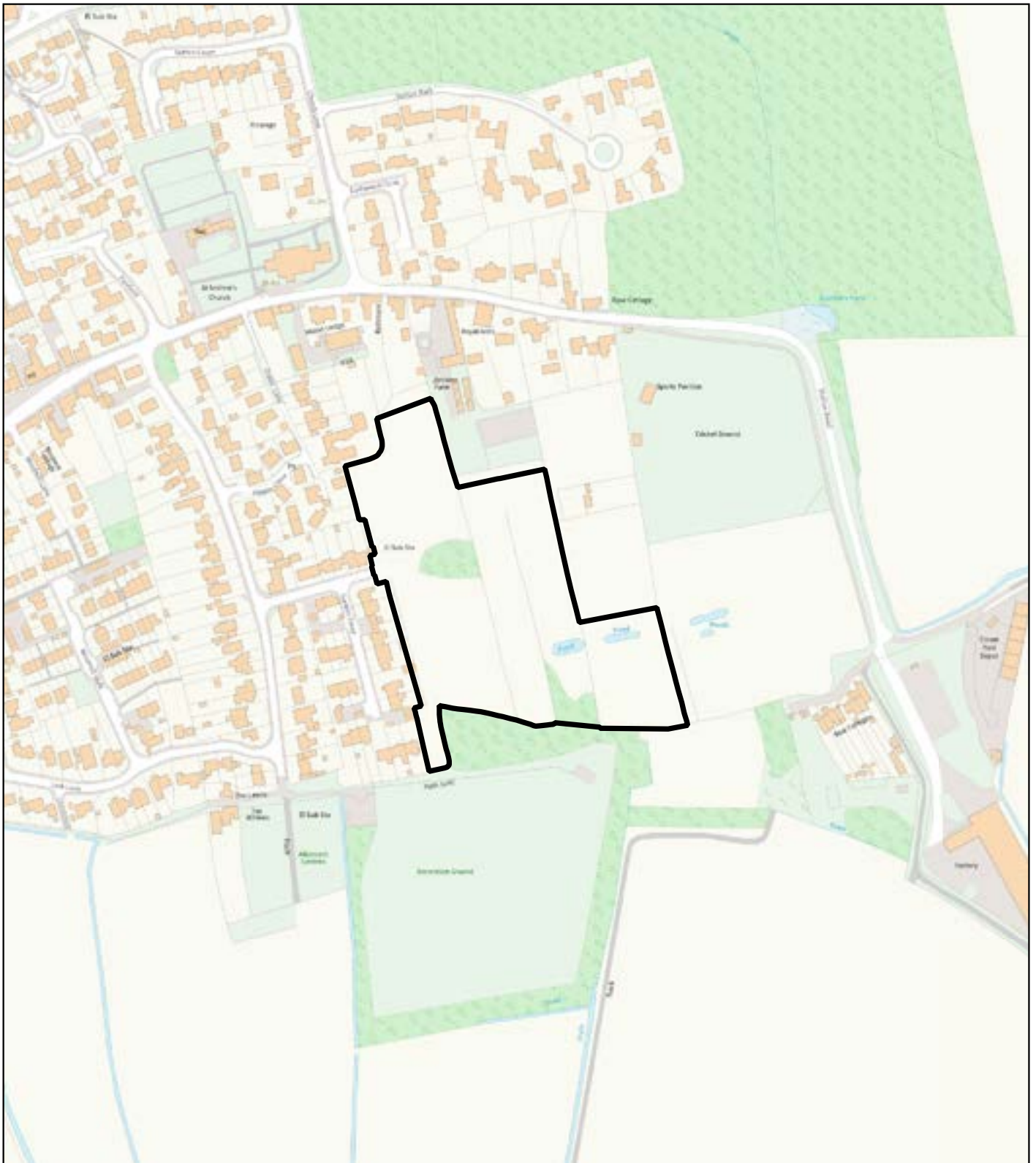
Land Rear Of 30 To 40
Garden Close
Sutton
Cambridgeshire

East Cambridgeshire
District Council

Date: 20 May 2026
Scale: 1:8,000



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25/00667/VARM

Land Rear Of 30 To 40
Garden Close
Sutton
Cambridgeshire



East Cambridgeshire
District Council

Date: 20 May 2026
Scale: 1:4,000



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TITLE: 25/00667/VARM

Committee: Planning Committee

Date: 3 June 2026

Author: Planning Team Leader

Report No: AB9

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

Proposal: To Vary Condition 1 (Approved Plans) of previously 22/00057/RMM approved at appeal APP/V0510/W/23/3328203, dated 08 July 2024 for Reserved Matters for appearance, landscaping, scale and layout for the erection of 47 homes including public open space of previously approved Outline planning application 17/01445/OUM for erection of up to 53 houses to include public open space and details relating to access

Applicant: Abbey Developments Ltd

Parish: Sutton

Ward: Sutton

Ward Councillor/s: Lorna Dupre
Mark Inskip

Date Received: 4 July 2025

Expiry Date: 3 October 2025

Extension of Time Expiry Date: 5 June 2026

Recommendation

1. Members are recommended to REFUSE the application for the following reason(s):

The proposed omission of the affordable housing from the approved development is contrary to the requirements of Policy HOU 3 of the East Cambridgeshire Local Plan 2015, as amended 2023, and Section 5 of the National Planning Policy Framework. Permission 22/00057/RMM is extant and the current unviability of the scheme may change over time. The Council can currently demonstrate a 6.17 year housing land supply over a five year period and there is a demonstrable need for

affordable rented accommodation within the District. The benefits of the immediate provision of a fully market scheme are not, therefore, considered to outweigh the harm of that would arise from the omission of the affordable housing from the scheme.

2. The application is being heard by Committee having been called in by the Strategic Planning and Development Management Manager under the relevant Constitutional right to refer to Committee for determination any application for planning permission or other consent or matter which would otherwise be dealt with under delegated powers. Given the complex site history and historic sensitivity of the site, it is considered appropriate that this application should be determined by the Planning Committee.

Summary of Application

3. This is a Section 73 application that seeks to vary Condition 1 (approved plans) of permission 22/00057/RMM to omit the affordable housing from the scheme. A number of amended drawings have been submitted to this end, however the majority of the amendments relate solely to the labelling and annotations on the drawings. In practical terms, there would be no visual alterations to the approved scheme, the only material change being the change in tenure types. The only matter under consideration, therefore, is the acceptability of the proposed omission of the affordable housing from the development.
4. An application (reference 25/01097/MPO) to modify the clause relating to affordable housing within the Section 106 Legal Agreement attached to permission 17/01445/OUM is also currently pending consideration. As the determination of that proposal will directly impact the determination of the current proposal, application 25/01097/MPO is also before the Planning Committee for consideration today.
5. 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 [Simple Search](#).

Planning History

6. 3.1 The planning history of the site is complex. Two outline permissions, both for up to 53 dwellings, have been granted planning permission on the site, with applications to discharge conditions, vary the original permissions, and for approval of reserved matters subsequently submitted for both outline permissions. The following planning history sets out the history for each outline permission separately, for ease of understanding. In order to reduce the volume of information, applications for the discharge of conditions relating to the alternative permission on the site (outline permission 18/01053/OUM) have been omitted from this history.

17/01445/OUM [to which the current application relates]

7. Outline planning application for erection of up to 53 houses to include public open space and details relating to access

Refused 5 January 2018
Allowed at Appeal 18 January 2019

20/00177/RMM

8. 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 May 2020

20/01169/RMM

9. 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 4 January 2021
Dismissed at Appeal 23 December 2021

22/00057/RMM

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

Refused 27 April 2023
Allowed at Appeal 8 July 2024

17/01445/DISA

11. To discharge Conditions 6 (fire hydrants) 7 (CEMP) 8 (surface water drainage) 10 (foul water) 13 (contamination) and 15 (archaeology) of decision dated 18/01/2019 (Appeal reference APP/V0510/W/18/3195976) for 17/01445/OUM Outline planning application for erection of up to 53 houses to include public open space and details relating to access
12. *Partially discharged* 22 August 2025, pending the submission of acceptable details in relation to Condition 15, parts iv and v (relating to the submission of reports and publication of findings from the fieldwork only).

25/01097/MPO

13. Application for the modification of planning obligation 17/01445/OUM for outline planning application for erection of up to 53 houses to include public open space and details relating to access

Pending Consideration

18/01053/OUM [the alternative permission on the site]

14. 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

Permitted 12 January 2022

23/00870/RMM

15. 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

Permitted 11 March 2024

24/01096/VARM

16. To Vary Condition 1 (Approved Plans) of previously approved 23/00870/RMM dated 11 March 2024 for 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

Refused 6 August 2024

17. [Officer comments: 24/01096/VARM was similar to the current proposal insofar as it sought to vary the approved plans to omit the approved affordable housing from the site, on the grounds that such provision was no longer viable.]

The Site and its Environment

18. The site extends to approximately 3.17 hectares (7.8 acres) 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.
19. 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 (23ft) across the length of the site. The Sutton Conservation Area adjoins the northern boundary of the site and there are a number of listed buildings on Station Road and within close proximity of the site, including the Grade I Listed Church of St Andrew. The site is bounded by hedgerow and woodland to the south and open land to the east and there is a Tree Preservation Order (E/04/20) on three groups of trees, a hedgerow of hawthorn and a field maple.

Responses from Consultees

20. Responses were received from the following consultees, as summarised below. The full responses are available on the Council's web site.
- Lead Local Flood Authority - 23 July 2025**
21. 'No comment' response.
- Parish - 21 August 2025**
22. Objection on the grounds that the proposal fails to meet the requirements of Neighbourhood Plan Policy SUT3 or Local Plan affordable housing requirements.
- Ward Councillors - 29 September 2025**
23. Objection on the grounds that the removal of affordable housing would be contrary to Local Plan requirements to make a contribution to local housing needs, as evidenced by the Sutton Parish Council Housing Needs Assessment (AECOM, 2021).
24. **Technical Officer Access - No Comments Received**
25. **Design Out Crime Officers - 29 July 2025**
'No comment' response.
26. **Anglian Water Services Ltd - 10 July 2025**
'No comment' response.
- Cambridgeshire Archaeology - 10 July 2025**
27. No objection but notes that the post excavation programme, including reporting and archiving, as required by the condition attached to the outline permission remains outstanding.
28. **Cambridgeshire County Council Education - No Comments Received**
29. **CCC Growth & Development - No Comments Received**
- Cambridgeshire Fire And Rescue Service - 21 July 2025**
30. No objection subject to conditions to secure an appropriate scheme of fire hydrants to serve the development.
31. **Cambs Wildlife Trust - No Comments Received**
32. **Environment Agency - No Comments Received**
- Environmental Health - 16 July 2025**
33. 'No comment' response.
34. **Housing Section - No Comments Received**
- Local Highways Authority - 22 July 2025**
35. No objection.

36. **Ambulance Service** - No Comments Received
37. **Natural England** - No Comments Received
38. **Conservation Officer** - 10 July 2025
'No comment' response.
39. **ECDC Trees Team** - 4 September 2025
No objection.
40. **Waste Strategy (ECDC)** - 27 August 2025
No objection.
41. **NHS England** - No Comments Received
42. **Middle Level Commissioners** - No Comments Received
43. A site notice was displayed near the site on 5 September 2025 and a press advert was published in the Cambridge Evening News on 17 July 2025.
44. Neighbours – 55 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: exacerbation of existing flooding/surface water drainage problems in the area.
 - Infrastructure: pressure on e.g. schools and doctors' surgeries from additional housing.
 - Highways: poor access arrangements; exacerbation of existing parking and passing problems on Garden Close resulting in safety concerns; increased congestion in area.
 - Ecology: loss of habitat for deer, nesting birds, great crested newts, bats, and foxes; loss of trees.
 - Pollution: increased noise and air pollution from additional vehicles.
 - Residential amenity: loss of natural light to existing dwellings to the west; overlooking and loss of privacy to existing dwellings; noise disturbance and impacts of construction vehicle movements during construction.
 - Impact on the green belt.

The Planning Policy Context

45. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted East Cambridgeshire Local Plan (2015), The Sutton Neighbourhood Plan (2019) and the Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021).
46. **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

47. **Sutton Neighbourhood Plan 2024**

SUT1 Spatial Strategy
SUT2 Housing
SUT3 Land East of Garden Close
SUT5 Housing Mix
SUT8 Biodiversity Net Gain
SUT10 Heritage Assets
SUT12 Local Character Areas
SUT19 Design Considerations
SUT20 Dark Skies
SUT21 Flooding and Sustainable Drainage
SUT22 Sustainable Building Practices

48. **Supplementary Planning Documents**

- Developer Contributions and Planning Obligations
- Design Guide
- Contaminated Land
- Guidance on submitted Planning Application on land that - may be contaminated
- Flood and Water
- Natural Environment
- Climate Change
- RECAP Waste Management Design Guide
- Sutton Conservation Area Appraisal

49. **Cambridgeshire & Peterborough Waste and Minerals Local Plan 2021**

50. **Cambridgeshire & Peterborough Local Nature Recovery Strategy 2026**

51. **Planning Practice Guidance**

52. **National Planning Policy Framework (December 2024)**

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
9 Promoting sustainable transport

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

53. **Draft National Planning Policy Framework (December 2025)**

- 3 Decision-making policies
- 4 Achieving sustainable development
- 5 Meeting the challenge of climate change
- 6 Delivering a sufficient supply of homes
- 7 Building a strong, effective economy
- 12 Making effective use of land
- 14 Achieving well-designed places
- 15 Promoting sustainable transport
- 16 Promoting health communities
- 18 Managing flood risk and coastal change
- 19 Conserving and enhancing the natural environment
- 20 Conserving and enhancing the historic environment

54. On 16th December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. Regard has therefore been had to the NPPF published in December 2024 in assessing the current application.

Planning Material Considerations and Comments

55. This is a Section 73 application to vary an existing permission, reference 22/0057/RMM. Evidence has been provided that the applicant submitted a CIL Commencement Notice to the Council with a projected commencement date of 2nd March 2026 and that a CIL payment was received by the Council on 10th April 2026, both in relation to permission 22/00057/RMM, with photographic evidence provided of material operations having commenced on site (in the form of foundations having been dug). In addition to this, records indicate that the pre-commencement conditions relating to the parent outline application (17/01445/OUM) have been complied with. On this basis, the permission to which the current application relates appears to have been implemented and is therefore considered extant.
56. In light of the above, the principle of the development has been established and this assessment is therefore confined solely to considerations material to the proposed amendment to the extant permission.

Housing Mix

57. As noted previously, the application seeks to vary the approved plans in order to omit the affordable housing from the scheme. The built form, layout, landscaping, materials, and all other operational development, would remain as per the approved scheme, with only the tenure of the fourteen approved affordable homes proposed for alteration.

58. In order to remove the affordable housing from the scheme, the relevant S106 obligation would first need to be discharged or modified, and this matter is pending consideration under application reference 25/01097/MPO. In this context, the term 'discharged' means to be released from the planning obligation. If that application is refused, it follows that the current application must also be refused. If the discharge of the relevant obligation under that application is approved, the current application may also be approved. If the relevant obligation is modified under that application, the proposal made under the current application may require amendment in order to align with the terms of the modified obligation.
59. Given the above, the material considerations in the assessment of the current application are the same as those for application reference 25/01097/MPO. The following therefore replicates the assessment written for that application. It should be noted that not all documents referred to in the following have been submitted for the current application, reference 25/00667/VARM.

Viability

60. Local Plan Policy HOU3 seeks to secure affordable housing provision in developments of over ten dwellings at a level of at least 30% of the total number of dwellings for schemes in the north of the District. It makes provision for the negotiation of the proportion and type of affordable housing with applicants, taking into account the financial viability of the development and requiring applicants to provide a financial viability assessment as part of the planning application where the provision of less than 30% affordable housing is sought. It goes on to state that affordable housing should be provided on-site unless exceptional circumstances have been agreed with the Council and justified as part of the planning application.
61. NPPF paragraph 59 sets out that the onus is on the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage and that the weight given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the development plan and underpinning evidence are up to date and any change in circumstances since the plan came into force.
62. The basis for the current proposal to discharge or modify the S106 obligation is that the legal agreement dates from September 2018 and housebuilding economics have changed significantly in the interim, with escalating build costs set against significantly slower rates of house price rises. The covering letter submitted with the application states that "In general terms, house prices have risen by about 16% since September 2018 and construction costs have risen by about 40% (depending on which index is used)." Given this, the applicant contends that the policy-compliant scheme approved under application 22/00057/RMM is no longer financially viable and seeks to remove or reduce the requirement to provide affordable housing as part of the scheme in order to remedy this.
63. In relation to the financial viability of development proposals, the PPG sets out that "an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers" (Paragraph: 019 Reference ID: 10-019-20190509).

64. The application is supported by a viability appraisal by BNP Paribas, along with a number of subsequent addendum letters reflecting the assessments of the differing affordable housing offers discussed during the lifetime of the application. The LPA commissioned an independent viability consultant, BPC, to review and assess the appraisal and subsequent addendums.
65. The reviews by BPC concur with the appraisals provided by BNP Paribas, the BPC report of November 2025 concurring that a policy-compliant scheme with 30% affordable housing provision would return a profit of 9.57% of GDV, with the conclusions of the subsequent BPC letter dated 13th April 2026 summarised as follows:
- *A 100% market scheme would return a profit of 16.56% of GDV*
 - *A scheme providing four First Homes would return a profit of 15.65% of GDV*
 - *A 100% market scheme with a commuted sum of £310,000 towards off-site AH provision would return a profit of 14.67% of GDV*
66. On the basis of the above, it is clear that the return to the developer on the delivery of the approved, policy-compliant, scheme would return a profit well below the guidance values provided within the PPG. Similarly, the provision of a 100% market scheme with a commuted sum towards off-site provision would fall short of the guideline 15-20% return. A scheme providing four on-site First Homes would return a profit within the bracket set out within the PPG, with a 100% market scheme providing the maximum return to the developer, albeit still at the lower end of the PPG guideline bracket.

Affordable Housing

67. As set out previously, Local Plan Policy HOU3 seeks, under most circumstances, to secure on-site affordable housing provision in developments of over ten dwellings at a level of at least 30% of the total number of dwellings for schemes in the north of the District. It makes provision for the negotiation of the proportion and type of affordable housing with applicants, taking into account the financial viability of the development, and expects affordable housing to be provided on-site unless exceptional circumstances can be demonstrated to justify off-site provision or the payment of a commuted sum in lieu of direct provision.
68. NPPF Section 5 seeks to ensure the delivery of a sufficient supply of homes. Paragraphs 63 and 64 relate to the requirement for planning policies to reflect evidenced local housing need, including the provision of affordable homes. Paragraph 66 states that “Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.” Footnote 31, which relates to this paragraph, states the requirement for 25% of affordable housing as First Homes no longer applies but that “delivery of First Homes can, however, continue where local planning authorities judge that they meet local need.”.

69. As noted at paragraph 2.1 of this report, the initial proposal was for the omission of all affordable housing from the development. Over the lifetime of the application, two alternative proposals have been put forward, for the provision of four on-site First Homes or the payment of a commuted sum towards off-site provision. As set out at paragraphs 7.14 and 7.15 above, of the proposed schemes that include affordable housing provision, only the scheme providing four on-site First Homes would return a profit within the 15-20% expected range as set out in the PPG.
70. Over the lifetime of the application, extensive informal discussions with the Council's Housing Strategy and Enabling Officer have taken place. From these, it is understood that there is currently a high demand for affordable rented homes in Sutton and that the primary affordable housing need across the District as a whole is also for affordable rented accommodation. Given this, and that NPPF support for the provision of First Homes is limited to "where local planning authorities judge that they meet local need", it is considered that the provision of First Homes would not meet evidenced local housing needs, as required by the NPPF. Nevertheless, as reflected in the Housing Strategy Officer's formal comments, the proposal for four on-site First Homes may be considered acceptable on balance, in light of the viability assessments.
71. It is noted that the LPA has recently received an Appeal Decision (reference APP/V0510/W/25/3368808), dated 1st May 2026, relating to a rural exception site for the provision of 126 affordable homes (application reference 24/01135/OUM). Whilst the Inspector recognised that the scheme conflicted with the locational strategy for development within the District and that it would give rise to harm in terms of landscape and visual impacts, it was also recognised that "there is significant need for affordable housing with the district as a whole and the provision of 126 affordable homes should be afforded significant weight" (Appeal Decision, paragraph 44). In combination with identified highway improvements and biodiversity benefits, the benefit of the affordable housing provision was considered to outweigh the identified harms and the Appeal was allowed. The weight attributed to the need for affordable housing within the District should be given due consideration in the assessment of the current proposal.

Five Year Housing Land Supply

72. Within the cover letter submitted as part of the initial application package, it is noted that application 24/01096/VARM, to vary condition 1 (approved plans) of permission 23/00870/RMM (in relation to the alternative scheme consented at the site under outline permission 18/01053/OUM) in order to omit the affordable housing, was refused for the following reason:
The removal of Affordable Housing contribution from the approved plans under ref: 23/00870/RMM and the potential realisation of risk in its delivery is considered unacceptable in conjunction with the applicant not providing evidence of other options for the delivery of a policy compliant scheme and whether this is unviable. The current unviability of the scheme may also change over the lifetime of the permission and there is extant permission for a larger scheme which is viable. The Council's five year land supply report, last published in December 2024 also demonstrates a 6.28 supply over five year period and the immediate provision of a fully market scheme at the expense of much needed affordable housing is not justified and the 'tilted balance' is not being engaged. As such, the proposed

removal of affordable housing contribution is considered contrary to policy HOU 3 of the East Cambridgeshire Local Plan 2015.

73. In the interests of addressing the various elements of this refusal reason, the current application includes an assessment of the LPA's 5 year housing land supply (5YHLS) by Emery Planning, which challenges the deliverability of some sites and concludes that the LPA can demonstrate only a 4.76 year supply. On this basis, the applicant contends that the 'tilted balance' should be engaged and that the overall benefit of the market housing contribution of the scheme would, in this context, outweigh the disbenefits of the omission of affordable housing.
74. The Emery Planning assessment has been reviewed by the LPA's Strategic Planning team and a full response provided, which is summarised at Section 5 of this report. It refutes the findings of the Emery Planning assessment and evidences that the LPA is confident that it maintains a comfortable housing land supply of 6.17 years. Given this, it is considered that the 'tilted balance' is not engaged at the present time.

Other Matters

75. The outline permission to which the current proposal relates was permitted at Appeal. In determining the Appeal, the Inspector noted both that the LPA could not demonstrate a 5YHLS at the time and that, since the refusal of the application that was the subject of the Appeal, "the Appellant submitted a further application to the Council for the same development albeit with a different indicative site layout. Both main parties have confirmed that the Council have resolved to approve this subsequent application subject to the completion of a section 106 agreement to deliver various infrastructure requirements and affordable housing. This is a material planning consideration for which I give very great weight." (Appeal Decision, paragraph 9). The application that the Inspector referenced was the alternative permission on the site, reference 18/01053/OUM.
76. The Officer Report for application 18/01053/OUM sets out the planning balance at Section 7.9. It notes that the LPA was unable to demonstrate a 5YHLS at the time of the assessment and, separately, that the provision of affordable housing was afforded significant positive weight in the balance. Other planning benefits were noted and some limited harms identified, with the balance clearly weighing in favour of the scheme.
77. In addition to the above, it is noted that the Appeal Decision that allowed the reserved matters application (reference 22/00057/RMM) relating to permission 17/01445/OUM sets out, at paragraph 33, that the proposal would lead to less than substantial harm to the setting of the Sutton Conservation Area and nearby listed buildings but that the Inspector attributed "great weight, in this case, the provision of up to 47 additional dwellings, a significant number of which are single-storey two-bedroom homes alongside the provision of affordable housing would be a public benefit which clearly outweighs" this identified harm.
78. In addition to the above, a number of comments have been received from interested third parties in relation to the current application, expressing concerns relating to potential impacts of the development on drainage, infrastructure, highways,

ecology, pollutions, residential amenity, and the green belt. Given that the current proposal would not alter any of the operational development from the approved scheme, however, none of these matters are material to assessment of the current proposal.

Human Rights Act

79. The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property). Under the Act, it is unlawful for a public authority, such as East Cambridgeshire District Council, to act in a manner that is incompatible with the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance. The Council is also permitted to control the use of property in accordance with the general interest and the recommendation set out below is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Equalities and Diversities

80. In considering this planning application due regard has been had to the public sector equality duty (PSED) under Section 149 of the Equality Act 2010, which means that the Council must have due regard to the need (in discharging its functions) to put an end to unlawful behaviour that is banned by the Equality Act, including discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Account has been taken of the PSED and it is considered that the recommendation set out below would not undermine the objectives of the duty.

Planning Balance and Conclusion

81. The outline permission to which this application relates was approved in the context of the 'tilted balance' with significant weight being attributed to the provision of affordable housing. Similarly, the Appeal Inspector who allowed the reserved matters application attributed positive weight to the provision of affordable housing in the planning balance. A very recent Appeal Decision, dated 1st May 2026, has noted a "significant need for affordable housing" within the District and attributed significant positive weight to the provision of such in the planning balance, albeit at a greater scale than that under consideration within the current application.
82. The viability assessments submitted in relation to application reference 25/01097/MPO are accepted and it is recognised that the approved, policy-compliant, development would not return a profit that aligns with the guidance set out in the PPG, making delivery of the scheme financially unviable. The only proposal presented that included affordable housing that would return the expected level of profit would be the on-site provision of four First Homes, however First

Homes are considered not to meet the identified affordable housing needs of the District.

83. The outline permission was granted at time when the LPA could not demonstrate a 5YHLS. This is no longer the case, with the LPA being confident in a 6.17 year supply. Given the scale of this development, at 47 dwellings, it is considered that the 5YHLS would not be undermined if this site did not come forward. It is noted, however, that the applicant has provided evidence that the development has been implemented, which means that it would now remain extant in perpetuity whether or not development proceeds in the short term.
84. As set out above, the considerations of the assessment are complex, inter-linked, and finely balanced. The current unviability of the approved scheme is recognised and weighs in favour of the proposal to modify the S106 agreement to reduce the required level of affordable housing, as this would allow the scheme to come forward and contribute to the housing stock for the District. Weighing against the proposal, however, is that the viable affordable housing provision would be small scale and not of a type that would meet local needs. The failure to deliver the site in the short term would not undermine the LPA's 5YHLS and the permission has been implemented: there is therefore the option to leave the site fallow at present on the basis that market forces may alter again in the future to create a more viable context for the provision of affordable housing within the scheme. Given this, on balance, the recommendation for application reference 25/01097/MPO is that the application should be refused and that the planning obligation in the S106 Legal Agreement relating to affordable housing provision should continue to have effect without modification. As set out at paragraph 7.5 of this document, it therefore follows that the recommendation for the current application is also for refusal.

Recommendation

85. The recommendation is for the refusal of application, for the following reason: The proposed omission of the affordable housing from the approved development is contrary to the requirements of Policy HOU 3 of the East Cambridgeshire Local Plan 2015, as amended 2023, and Section 5 of the National Planning Policy Framework. Permission 22/00057/RMM is extant and the current unviability of the scheme may change over time. The Council can currently demonstrate a 6.17 year housing land supply over a five year period and there is a demonstrable need for affordable rented accommodation within the District. The benefits of the immediate provision of a fully market scheme are not, therefore, considered to outweigh the harm of that would arise from the omission of the affordable housing from the scheme.

Appendices

Appendix A: Plans

The following plans are a selection of those submitted as part of the application and are provided to illustrate the proposed development. They may not be to scale. The full suite of plans can be found on the Council's website.

22/00057/RMM (previously approved drawings):

1925/P/210.02 G	Site layout
1925/P/210.04 F	Materials layout
1925/P/220.52 C	Type AFF 2b Bung - Elevations

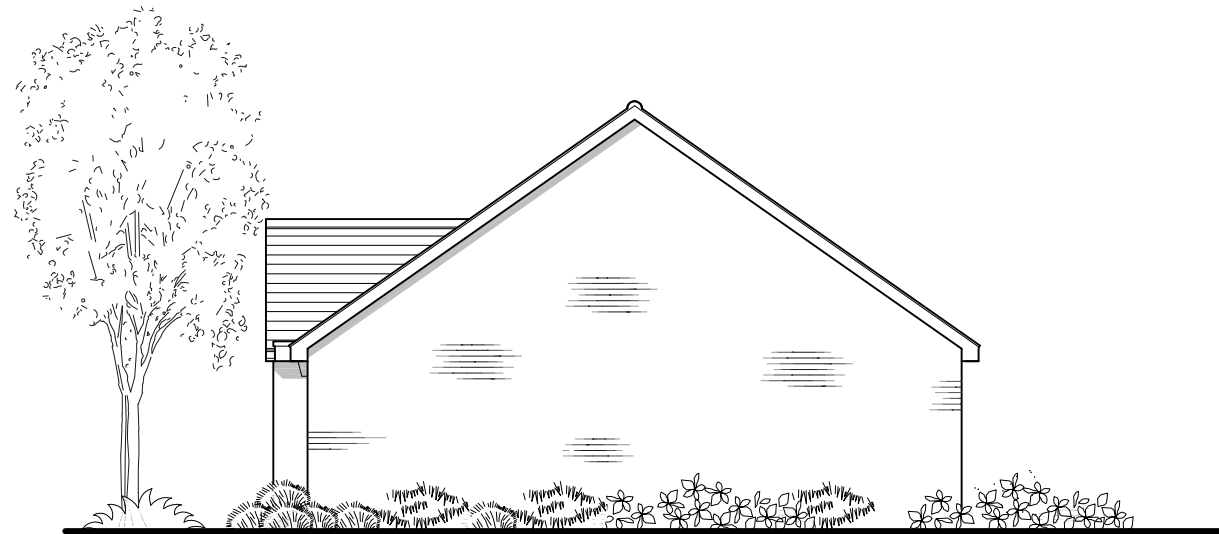
25/00667/VARM (proposed drawings):

1925/P/210.02 J	Site layout
1925/P/210.04 G	Materials layout
1925/P/220.52 D	Type 2BB - Elevations

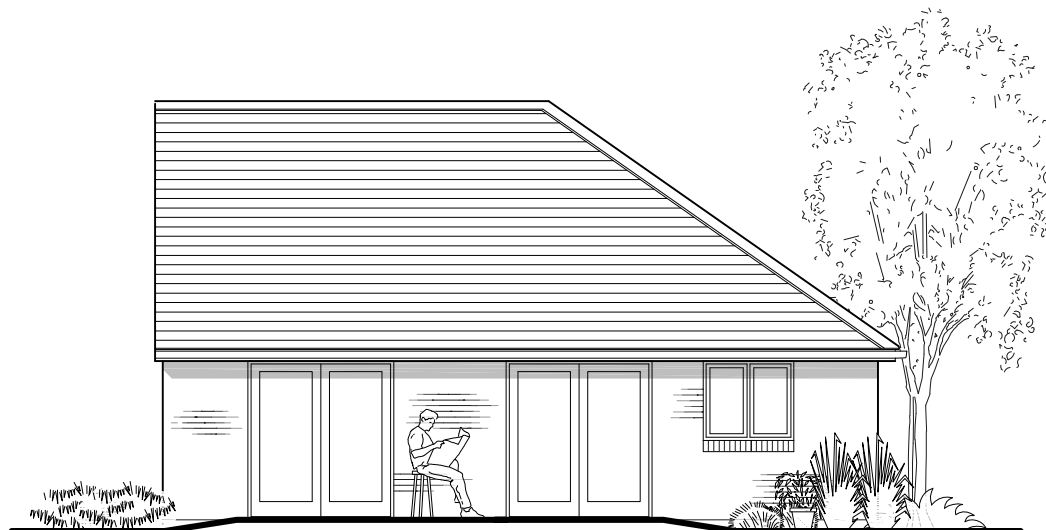


Front Elevation

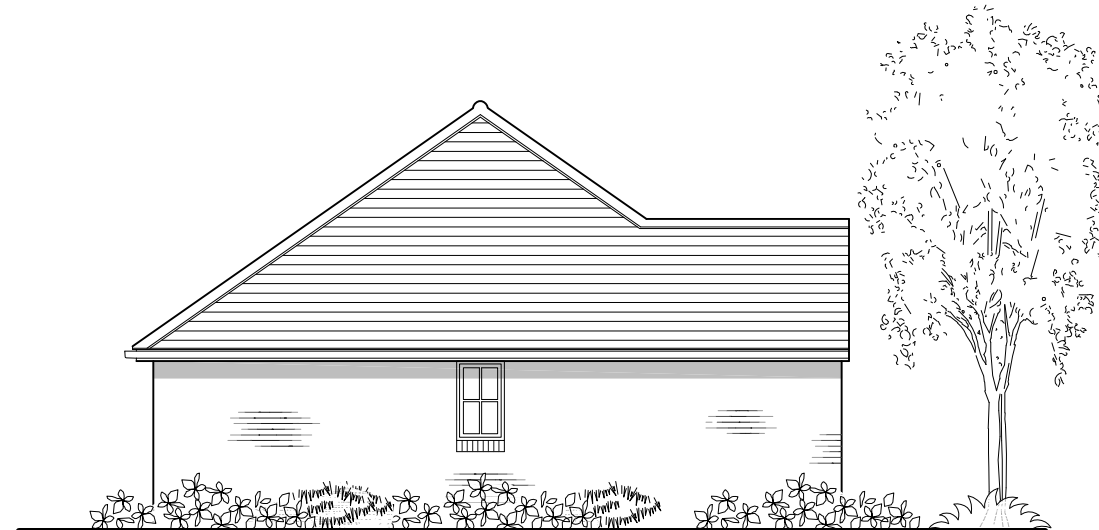
Plots: 12 & 13 - As drawn
Plots: 11 7 14 - Handed



Side Elevation



Rear Elevation



Side Elevation

Window to Plots
11 & 12 only

- Rev. C 13.01.23 Plots 13 & 14 added.
- Rev. B 18.10.22 Plot numbers updated to suit Site Layout revision C.
- Rev. A 20.06.22 Plot numbers updated to suit Site Layout revision B.



 CMYK (Planning & Design) Ltd 6 The Gavel Centre, Porters Wood St Albans, Herts. AL3 6PQ t: 01727 830123 e: email@cmykuk.net www.cmykuk.net	For: 		Job: Land off Garden Close, Sutton	
	Abbey Developments Ltd. Abbey House, 2 Southgate Road Potters Bar, Herts, EN6 5DU		Title: Type AFF 2b Bung - Elevations	
	Scale: 1:100 @ A3		Date: Jan 2022	
	Drg No: 1925 / P / 220.52			Rev: C

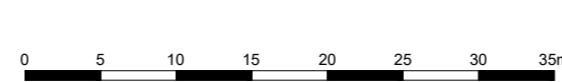
Key

- Soft Red Facing Brick
- Buff Facing Brick
- Cream Render
- White Boarding
- Red Tile Hanging

Note: All roofs to be plain grey roof tiles.



Rev. F 23.02.23 Amended in accordance with Site Layout revision G.
 Rev. E 10.01.23 Amended in accordance with Site Layout revision F.
 Rev. D 25.11.22 Amended in accordance with Site Layout revision D & E.
 Rev. C 18.10.22 Amended in accordance with Site Layout revision C.
 Rev. B 20.06.22 Amended in accordance with Site Layout revision B.
 Rev. A 04.03.22 Amended in accordance with Site Layout revision A.



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Accommodation Schedule

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

* Indicates M4.2 dwellings

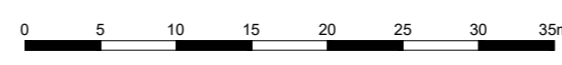
Key

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

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



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

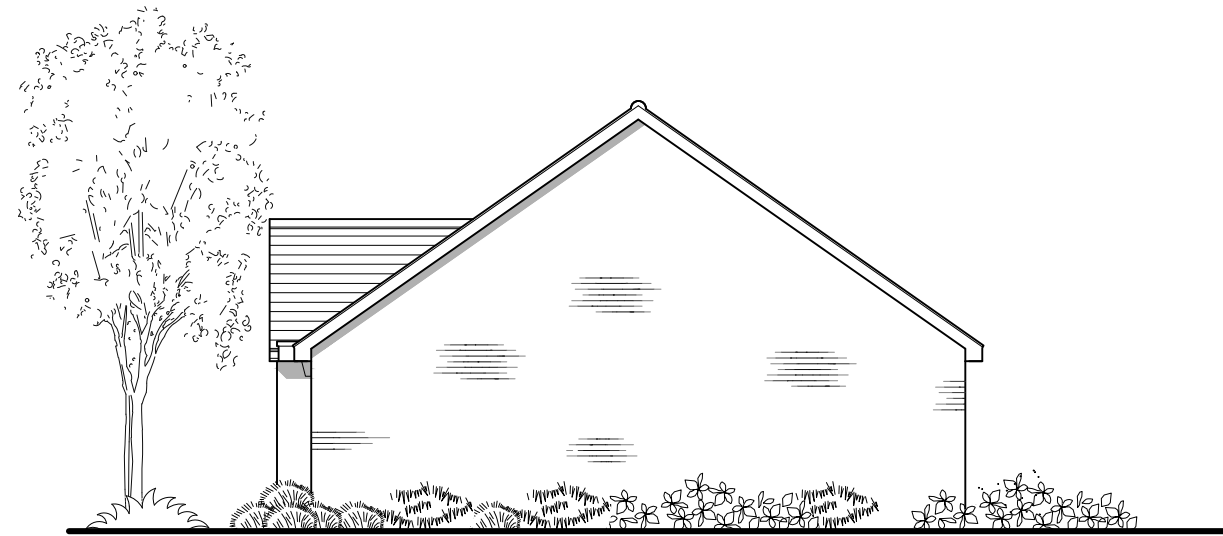


<p>PLANNING AND DESIGN</p> <p>CMYK (Planning & Design) Ltd 6 The Gavel Centre, Porters Wood St Albans, Herts, AL3 8PQ E: 01727 830123 e: email@cmykuk.net www.cmykuk.net</p>	<p>Abbey Developments Ltd Abbey House, 2 Southgate Road Potters Bar, Herts, EN8 5DU</p>	Job:	Land off Garden Close, Sutton
		Title: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

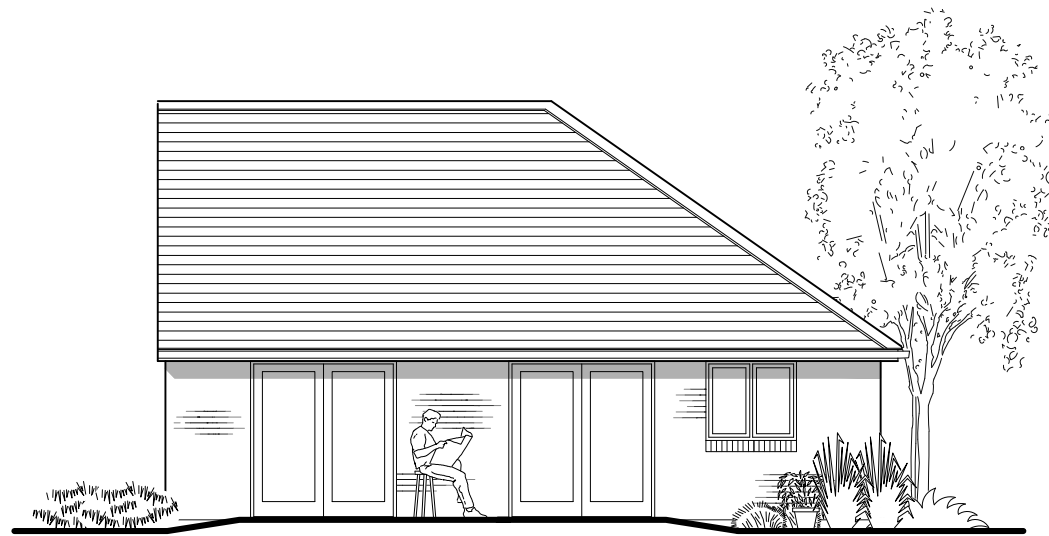


Front Elevation

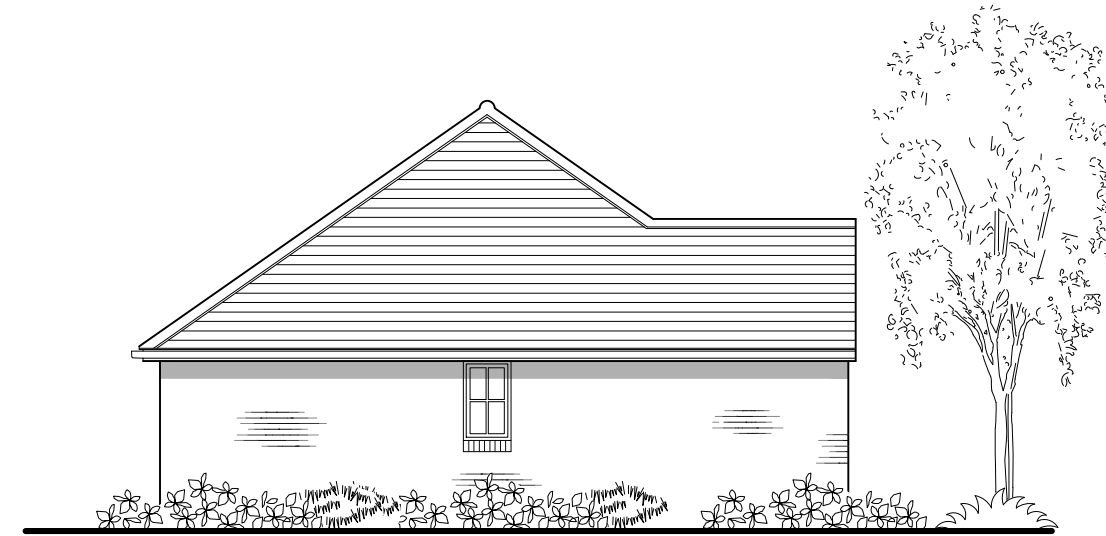
Plots: 12 & 13 - As drawn
Plots: 11 & 14 - Handed



Side Elevation



Rear Elevation



Side Elevation

Window to Plots
11 & 12 only

- Rev. D 11.06.25 Tenure changed to private - Dwelling title amended to suit.
- Rev. C 13.01.23 Plots 13 & 14 added.
- Rev. B 18.10.22 Plot numbers updated to suit Site Layout revision C.
- Rev. A 20.06.22 Plot numbers updated to suit Site Layout revision B.



 CMYK (Planning & Design) Ltd 6 The Gavel Centre, Porters Wood St Albans, Herts. AL3 6PQ t: 01727 830123 e: email@cmykuk.net www.cmykuk.net	For:		Job:	
	 Abbey Developments Ltd. Abbey House, 2 Southgate Road Potters Bar, Herts, EN6 5DU		Land off Garden Close, Sutton	
			Title: Type 2BB - Elevations	
	Scale: 1:100 @ A3		Date: Jan 2022	
Drg No: 1925 / P / 220.52			Rev: D	

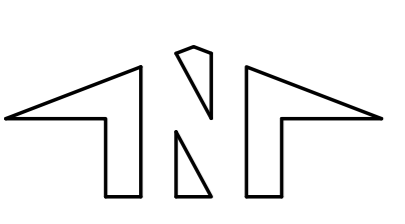
Key

- Soft Red Facing Brick
- Buff Facing Brick
- Cream Render
- White Boarding
- Red Tile Hanging

Note: All roofs to be plain grey roof tiles.



Rev. G	11.06.25	Updated as per Site Layout Rev. J (Tenure of affordable dwellings changed to private - Dwelling titles amended to suit).
Rev. F	23.02.23	Amended in accordance with Site Layout revision G.
Rev. E	10.01.23	Amended in accordance with Site Layout revision F.
Rev. D	25.11.22	Amended in accordance with Site Layout revision D & E.
Rev. C	18.10.22	Amended in accordance with Site Layout revision C.
Rev. B	20.06.22	Amended in accordance with Site Layout revision B.
Rev. A	04.03.22	Amended in accordance with Site Layout revision A.



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Accommodation Schedule

Private			
2BB	2b Bungalow	x	4
2b Bung	2b Bungalow	x	10
3b Bung A	3b Bungalow	x	5
3b Bung B	3b Bungalow	x	2
Type V	2b Bungalow	x	5
Type 2b	2b House	x	9
3BH	3b House	x	3
Type A	3b House	x	3
Type N	4b House	x	6
Grand Total Dwellings			47

* Indicates M4.2 dwellings

Key

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

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



- Rev. J 11.06.25 Tenure of Affordable housing amended to Private. References & accommodation schedule adjusted to suit.
- Rev. H 01.05.24 Acoustic fence and landscape buffer moved. Stock proof fence replaced with Welmesh anti-cut and climb fence.
- Rev. G 23.02.23 Acoustic fence and landscape buffer moved. Stock proof fence increased to 1.8m high.
- Rev. F 13.01.23 RCP added to fronting plot 43. Road width increased to 5m opposite plots 17 & 18. Plots 13 & 14 amended to affordable. Plots 30 & 31 amended to private.
- Rev. E 25.11.22 Private drive added to plots 39-42. Shared surface turning head relocated to suit.
- Rev. D 25.10.22 Parking bays omitted adjacent plot 10 & fronting plot 14. Parking bay added adjacent plot 34. Visitor parking bays repositioned adjacent plot 17.
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- Rev. A 04.03.22 House type HA1 (plots 26-30) and flat block 31-38 increased in size, layout adjusted to suit.

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Abbey
Abbey Developments Ltd.
Abbey House,
2 Southgate Road,
Potters Bar, Herts,
EN8 5DU

For: Land off Garden Close, Sutton
Title: Site Layout
Scale: 1:500 @ A1
Date: Jan 2022
Dwg No: 1925 / P / 210.02
Rev: J

