



## **23/01939/S73 – Land North of Newmarket Road, Fen Ditton**

### **Application Details**

**Planning Committee Date:** 20 September 2023

**Report to:** Joint Development Control Committee

**Lead Officer:** Joint Director of Planning and Economic Development

**Ward:** Fen Ditton & Fulbourn

**Parish:** Fen Ditton

Proposal: S73 to vary condition 1 (Approved plans) of reserved matters application 20/02569/REM (Reserved matters application as part of Phase 1B pursuant to condition 5 (Reserved Matters) of outline planning permission S/2682/13/OL dated 30 November 2016 (EIA Development) for detailed access, appearance, landscaping, layout and scale for the creation of 308 new homes, non-residential floor space, laying out of playing fields, open space, allotments, associated infrastructure and internal roads) to replace six two-storey houses (C2 and C3) within phase 1b with three-storey houses and to replace five carports with garages (D4)

**Applicant:** Hill Marshall

**Presenting officer:** Michael Sexton, Principal Planner

**Reason presented to committee:** The application is within the JDCC administrative area and there are Parish Council representations that are contrary to the officer recommendation for approval

**Member site visit date:** n/a

#### **Key Issues:**

1. Housing Mix
2. Character and Visual Amenity
3. Parking Provision

**Recommendation: Approve** this Section 73 Application subject to the conditions and informatives as detailed in this report, with delegated authority to officers to carry through minor amendments to those conditions and informatives.

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### 1. Executive summary

- 1.1 The application seeks to vary condition 1 (approved plans) of planning permission 20/02569/REM, to replace six two-storey houses (C2 and C3) with three-storey houses and to replace five carports with garages (D4).
- 1.2 The proposed changes are considered relatively minor in design terms. There would be no reduction in parking provision, with the proposed garages meeting recommended minimum size standards. The proposed changes would accord with relevant planning policy and the site-wide Design Code.
- 1.3 Officers recommend that the Joint Development Control Committee approves the application, subject to the conditions and informatives as

detailed in this report, with delegated authority to officers to carry through minor amendments to those conditions and as appropriate.

## 2. Site Description and Context

- 2.1 The site forms Phase 1b of the Marleigh Development north of Newmarket Road. The site benefits from reserved matters consent for 308 new homes, non-residential floorspace, layout of playing fields, open space, allotments, associated infrastructure and internal roads (planning reference 20/02569/REM).
- 2.2 The wider site has consent for up to 1,300 homes and other facilities including a primary school and community facilities (planning reference S/2682/13/OL).

## 3. The Proposal

- 3.1 The application seeks to vary condition 1 (approved plans) of planning permission 20/02569/REM to replace six two-storey houses with six three-storey houses (C2 and C3) and to replace five carports with garages (D4).
- 3.2 The Plots to be replaced with three storey houses are Plots 377-378, 380, 513 and 515-516, the Plots to gain garages in place of carports are Plots 342 and 351-354.

## 4. Relevant Site History

- 4.1 The application site has been subject to an extensive planning history, which is set out in full in **Appendix 1**. Table 2 below provides a summary of key planning permissions.

Reference	Description	Decision
20/02569/REM	Reserved matters application as part of Phase 1B pursuant to condition 5 (Reserved Matters) of outline planning permission S/2682/13/OL dated 30 November 2016 (EIA Development) for detailed access, appearance, landscaping, layout and scale for the creation of 308 new homes, non-residential floor space, laying out of playing fields, open space, allotments, associated infrastructure and internal roads	Approved (15-Dec-20)
S/2682/13/OL	up to 1300 homes primary school food store community facilities open spaces landscaping and associated infrastructure and other development	Approved (30-Nov-16)

Table 2: Relevant Planning History

## 5. Policy

5.1 A list of relevant planning policy is provided in **Appendix 2**.

## 6 Consultations

6.1 Full redacted versions of the comments summarised below can be found on the Council's website.

6.2 **Fen Ditton Parish Council** – Objection

6.3 Comments. Object to the conversion of the carports into garages as there is the potential of loss of car parking space with garages being used for other than car parking which in turn would lead to cars being parked on/over paths.

6.4 **Teversham Parish Council** – Objection

6.5 Comments. Marks a significant change to the original application and object on the grounds of unacceptable increase in housing density and a reduction in car parking spaces.

6.6 **Contaminated Land** – No objection

6.7 **Designing Out Crime Officer** – No objection

6.8 **Ecology Officer** – No comments to make

6.9 **Environmental Health Team** – No objection

6.10 **Historic Environment (Conservation)** – No objection

6.11 **Historic Environment Team (County Archaeology)** – No objection

6.12 **Housing Strategy Team** – No comments to make

6.13 **Landscape Officer** – No objection

6.14 **Lead Local Flood Authority** – No objection

6.15 **Local Highways Authority** – No objection

6.16 **MOD Safeguarding (Cambridge City Airport)** – No objection

6.17 **National Highways** – No objection

6.18 **Sport England** – No objection

6.19 **Trees Officer** – No comments to make

6.20 **Urban Design Officer** – No objection

## **7 Publicity**

7.1 The following publicity has been undertaken:

Neighbour notification	Yes
Site Notice	Yes
Advertisement	Yes

## **8 Third Party Representations**

8.1 None received.

## **9 Member Representations**

9.1 None received.

## **10 Local Groups**

10.1 None received.

## **11 Planning Background**

11.1 The site forms Phase 1b of the Marleigh Development north of Newmarket Road. The site benefits from reserved matters consent for 308 new homes, non-residential floorspace, layout of playing fields, open space, allotments, associated infrastructure and internal roads (planning reference 20/02569/REM).

11.2 The wider site has consent for up to 1,300 homes and other facilities including a primary school and community facilities (planning reference S/2682/13/OL).

11.3 The application seeks to vary condition 1 (approved plans) of planning permission 20/02569/REM to replace six two-storey houses (C2 and C3) with three-storey houses and to replace five carports with garages (D4).

11.4 This application is made under Section 73 of the Town and Country Planning Act 1990. Consideration has therefore been given to the question of the conditions subject to which planning permission should be granted if the Section 73 is approved. Due regard has been had to the development plan and any and all material considerations including any changes to policies and circumstances since the granting of the original planning permission. The issues for consideration are those to which the proposed variations relate to.

- 11.5 The principle of residential and non-residential development on the site has already been established through outline consent S/2682/13/OL and later detailed in reserved matters 20/02569/REM.
- 11.6 Therefore, there is no in-principle to the proposed variation, which relates to the replacement of six two-storey houses (C2 and C3) within phase 1b with three-storey houses and the replacement of five carports with garages (D4), which fall within the parameters of the existing consents.

## 12 Assessment

- 12.1 From the consultation responses and representations received and from an inspection of the site and the surroundings, the key issues are:
- Housing Mix
  - Character and Visual Amenity
  - Residential Amenity
  - Parking Provision & Highway Safety
  - Third Party Representations

## 13 Housing Mix

- 13.1 The proposed variation to dwelling type would see the replacement of six two-storey 3-bed dwellings with six three-storey 4-bed dwellings.
- 13.2 The consented housing mix of Phase 1b is 10x 1-2 bed dwellings (5%), 96x 3-bed dwellings (43%) and 115x 4+bed dwellings (52%). The proposed variation would result in 10x 1-2 bed dwellings (5%), 90x 3-bed dwellings (41%) and 121x 4+bed dwellings (55%), a minor variation to the consented market mix of Phase 1b.
- 13.3 Condition 25 of the outline consent, reference S/2682/13/OL, sets out the requirements for the mix of market housing to be delivered on site, referring to taking into account the indicative mix of dwellings detailed within the Planning Statement and local knowledge of market demand.
- 13.4 The indicative mix of dwellings within the original Planning Statement that formed part of the outline application suggests the following market mix, based on 780 units (60%) of the 1,300 development being for private sale with the remaining 520 (40%) providing affordable units:

Private Sale Type	No.	%
Studios	20	2.50%
1 bed homes	59	7.50%
2 bed homes	223	28.75%
3 bed homes	214	27.50%
4 bed homes	205	26.25%

5 bed homes	59	7.50%
	<b>780</b>	<b>100%</b>

- 13.5 The proposed variations would not represent a significant departure from consented mix for Phase 1b or aspirations of the indicative market mix referenced at outline stage and are considered acceptable.

## 14 Character and Visual Amenity

- 14.1 The application seeks to replace six two-storey houses with three-storey houses and to replace five carports with garages.
- 14.2 The consented scheme incorporates a range of house types, including three-storey properties. The replacement of six two-storey houses with six three-storey houses does not depart from the consented scale of development. In design terms these alterations are considered acceptable, matching the scale of adjacent properties. The general external appearance and positioning of the dwellings within the site layout and street scene remain relatively consistent with the existing permission and are considered acceptable.
- 14.3 The proposal also seeks to replace five carports with garages. The provision of a garage in place of a carport would have a negligible impact on the character and visual amenity of the consented scheme, noting that garages are provided elsewhere within the consented scheme and adjacent permissions.
- 14.4 The proposed changes do not negatively impact the street scene, overall character, or functionality of the development and are therefore acceptable in design terms.
- 14.5 The proposed variations would comply with Policy HQ/1 of the Local Plan and the design objectives of the site-wide Design Code.

## 15 Residential Amenity

- 15.1 The proposed variations introduce a scale of development already present within the development and on adjacent consented Plots. Given the siting of the dwellings within the layout the proposed variations are not considered to result in significant harm to the amenities of the Plots within the site by way of loss of light, overbearing impact or loss of privacy.
- 15.2 The proposed variations would comply with Policy HQ/1 of the Local Plan and the site-wide Design Code in terms of the amenities of future occupiers.

## **16 Parking Provision & Highway Safety**

### **Parking Provision**

- 16.1 The application proposes to replace five carports with garages; as such there is no reduction in parking provision for each Plot, with those affected retaining two off-road parking spaces within their residential curtilage. This provision accords with Policy TI/3 of the Local Plan.
- 16.2 Policy TI/3 of the Local Plan sets out that the minimum size of a residential garage (or carport) should be 3.3 metres x 6 metres for a car, with an additional 1 metre at the end and/or 650-750mm at the side of a garage to park cycles.
- 16.3 The proposed garages would have an internal area of approximately 3.3 metres in width and 7 metres in length, with the ground floor layout plan shows four cycle parking spaces accommodated at the end of the garage. The proposed garages would therefore accord with the recommended standards of Policy TI/3.
- 16.4 The parking space in front of the garage would provide a parking area approximately 5 metres by 3.5 metres, according with recommended standards.
- 16.5 Officers also note that six additional bedrooms would be introduced by the proposed changes, but the number of parking spaces required by the relevant properties is provided to each Plot (i.e., two off-road spaces within the curtilage). Sufficient cycle parking is also provided to those Plots.
- 16.6 The concerns raised by Fen Ditton Parish Council and Teversham Parish Council are noted.
- 16.7 However, as set out above, the proposed variations do not reduce the number of parking spaces provided to each of the relevant Plots, which would still benefit from two off-road parking spaces. Furthermore, the parking space in front of the garage and within the curtilage of the relevant Plots would meet recommended standards in terms of its size and would therefore not result in direct conflict with the public highway.
- 16.8 Officers note that the consented scheme places cycle parking to the rear of the consented carports beyond a pedestrian access for each Plot, which would have to be taken through the carport. The proposed arrangements are therefore considered to represent an improvement to the approved scheme with regard to cycle accessibility.
- 16.9 The proposed variations would comply with Policies HQ/1 and TI/3 of the Local Plan and the site-wide Design Code.



## **Highway Safety**

- 16.10 The proposed variations do not result in any alterations to vehicular access to any of the Plots and as such the proposal does not result in harm to highway safety, noting that the Local Highways Authority raise no objection.
- 16.11 The proposed variations would comply with Policy HQ/1 and NPPF guidance in terms of highway safety.

## **17 Third Party Representations**

- 17.1 The comment received from Teversham Parish Council reference an unacceptable increase in housing density.
- 17.2 The proposed variations do not add to the number of dwellings within the consented scheme and therefore have no impact on the density of development in terms of dwellings per hectare.

## **18 Other Matters**

- 18.1 As several conditions from the reserved matters permission have been discharged, or discharged in part, an additional condition is recommended as part of any Section 73 permission to tie the new consent to those details agreed through formal discharge of conditions applications in so far as they relate to the relevant conditions of the permission (**Condition 30 – discharge of conditions**).

## **19 Planning Balance**

- 19.1 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 19.2 The proposed changes are considered relatively minor in design terms. There would be no reduction in parking provision, with the proposed garages meeting recommended minimum size standards.
- 19.3 For the reasons set out in this report, the proposed variations are supported by officers and the recommendation is to approve the application subject to conditions and informatives as set out below. The proposed changes would accord with relevant planning policy and the site-wide Design Code.
- 19.4 Having considered the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval.

## 20 Recommendation

### 20.1 Approve planning permission of Section 73 application reference 23/01939/S73, subject to:

- (i) The conditions and informatives set out below in this report; and
- (ii) Authority delegated to officers to carry through minor amendments to those conditions and informatives prior to the issuing of the planning permission.

## 21 Planning Conditions & Informatives

### Conditions

#### 1. Plan Compliance

The development hereby permitted shall be carried out in accordance with the approved plans as listed on this decision notice.

*Plans to be listed:*

*As listed on 20/02569/REM with the following updates:*

<i>Previously Approved Drawing</i>	<i>Replacement Drawing</i>
<i>Proposed Site Plan 097_PL_RM3_008 C</i>	<i>Proposed Site Plan 097_PL_RM3_008 D</i>
<i>Lots C1 + C2 Ground Floor 097_PL_RM3_108 A</i>	<i>Lots C1 + C2 Ground Floor 097_PL_RM3_108 B</i>
<i>Lots C1 + C2 First Floor 097_PL_RM3_109</i>	<i>Lots C1 + C2 First Floor 097_PL_RM3_109 A</i>
<i>Lots C1 + C2 Second Floor 097_PL_RM3_110</i>	<i>Lots C1 + C2 Second Floor 097_PL_RM3_110 A</i>
<i>Lots C1 + C2 Roof 097_PL_RM3_108 A</i>	<i>Lots C1 + C2 Roof 097_PL_RM3_111 A</i>
<i>Lots C3 + C4 + B2 Ground Floor 097_PL_RM3 112 A</i>	<i>Lots C3 + C4 + B2 Ground Floor 097_PL_RM3 112</i>
<i>Lots C3 + C4 + B2 First Floor 097_PL_RM3 113</i>	<i>Lots C3 + C4 + B2 First Floor 097_PL_RM3 113 A</i>
<i>Lots C3 + C4 + B2 Second Floor 097_PL_RM3 114</i>	<i>Lots C3 + C4 + B2 Second Floor 097_PL_RM3 114 A</i>
<i>Lots C3 + C4 + B2 Roof 097_PL_RM3 115</i>	<i>Lots C3 + C4 + B2 Roof 097_PL_RM3 115 A</i>
<i>Lots D2 + D4 + B3 Ground Floor 097_PL_RM3 116 A</i>	<i>Lots D2 + D4 + B3 Ground Floor 097_PL_RM3 116 B</i>

<i>Lots D2 + D4 + B3 First Floor 097_PL_RM3 117</i>	<i>Lots D2 + D4 + B3 First Floor 097_PL_RM3 117 A</i>
<i>Lots D2 + D4 + B3 Second Floor 097_PL_RM3 118</i>	<i>Lots D2 + D4 + B3 Second Floor 097_PL_RM3 118 A</i>
<i>Lots D2 + D4 + B3 Roof 097_PL_RM3 119</i>	<i>Lots D2 + D4 + B3 Roof 097_PL_RM3 119 A</i>
<i>Lot C2 Elevation 097_PL_RM3 308 A</i>	<i>Lot C2 Elevation 097_PL_RM3 308 B</i>
<i>Lot C3 Elevation 097_PL_RM3 309 A</i>	<i>Lot C3 Elevation 097_PL_RM3 309 B</i>
<i>Lots D4 + B4 Elevation 097_PL_RM3 312</i>	<i>Lots D4 + B4 Elevation 097_PL_RM3 312 A</i>

Reason: In the interests of good planning, for the avoidance of doubt and to facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

## 2. Materials

Prior to the commencement of development, with the exception of works up to and including slab level, details of the materials for the external surfaces of buildings to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority and shall include external features such as windows, window reveals, façade panels, head and cill treatments, brick slip systems, rainwater details, porch details and doors. The details should be accompanied by a materials schedule, large-scale drawings and samples as appropriate.

Reason: In the interests of visual amenity and to fully assess the external materials palette. (South Cambridgeshire Local Plan 2018; policy HQ/1).

## 3. Sample Panel

No brickwork above ground level shall be laid until a sample panel (at least 1.5m x 1.5m) has been prepared on site, detailing the choice of brick, bond, coursing, special brick patterning, mortar mix, design and mortar technique. The details shall be submitted to and approved in writing by the Local Planning Authority. The approved sample panel shall be retained on site for the duration of the works. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to fully assess the external materials palette. (South Cambridgeshire Local Plan 2018; policy HQ/1).

## 4. Sports Pavilion Management Strategy

Prior to first use of the sports pavilion hereby approved, a Sports Pavilion Management Strategy shall be submitted to and approved in writing by the

Local Planning Authority. The Strategy shall ensure the effective management and maintenance of the facility and include details of the management body or organisation which will be appointed to manage the facility, waste management and recycling arrangements; operating hours and an appropriate timetable for establishing the management arrangements. The facility will be constructed in accordance with the approved strategy.

Reason: To maintain the quality of and secure the safe use of sports facilities (South Cambridgeshire Local Plan 2018; policy SC/4).

## 5. Allotments Provision

Prior to occupation of the 100th dwelling, full details of the allotments shall be submitted to and approved in writing by the Local Planning Authority. These details to include:

- a) A plan of the allotments, principles of plot layout and design providing for a range of plot sizes designed to allow flexibility to meet the needs of future plot holders (including plots with disabled access areas); areas for communal storage of materials (for example, manure and compost) and communal storage of tools and supplies (eg lockers and bins) and a timeframe for their delivery.
- b) Proposed management arrangements of the body or organisation which will be appointed to manage the facility, and draft allotment tenancy agreements and management rules. This shall include consideration of general and individual plot holder Rules, Conditions and Code of Conduct, with compliance thereafter.
- c) Access, vehicle and cycle parking arrangements to allow easy and safe access to the allotments which prioritises sustainable modes of transport and allows for the occasional delivery of bulky goods.
- d) Details of the allotment building (including composting toilet, green roof and solar energy opportunities and operating hours) and an appropriate timetable for its delivery.
- e) Water supply, including use of stored rainwater and SuDS for watering crops.
- f) Provision of good quality soil to British Standards 3882:2015 or equivalent, with structure and texture to allow free drainage and cropping, including final preparation of allotment plots to provide suitable levels and tilth for production of a range of garden crops.
- g) Boundary treatment, including security arrangements for the allotments and along the northern boundary of the allotments which abuts High Ditch Road.

The development shall be in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development (South Cambridgeshire Local Plan 2018; policies SC/4, SC/7, and SS/3)

#### 6. Public Art Delivery Plan

Prior to construction above ground level, full details of a scheme of public art for Phase 1B, including a programme for delivery, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme for public art shall be carried out in accordance with the approved details not later than 6 months after first occupation, or within a timeframe set out and agreed within the submitted scheme. The scheme shall demonstrate how the strategy integrates with the outline site wide public art strategy.

Reason: In the interest of creating successful, high quality, attractive environments (South Cambridgeshire District Plan 2018; policy HQ/2).

#### 7. Use of Playing Fields

The playing field/artificial grass pitch shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the playing field from loss and/or damage and to maintain the quality of and secure the safe use of sports pitch/es (South Cambridgeshire Local Plan; policy SC/4).

#### 8. Playing Fields Management and Maintenance Scheme

Prior to the bringing into use of the playing fields a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that the playing fields are capable of being managed and maintained to deliver sports facilities which are fit for purpose, sustainable and ensure sufficient benefit of the development to sport (National Planning Policy Framework (NPPF) para 97; South Cambridge Local Plan 2018 policy SC/4).

#### 9. Details of Woodland NEAP

Prior to the occupation of the 100th dwelling, a plan indicating the equipment details of the woodland NEAP hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include

equipment focussed on 10-14 year olds, group activities, and teen shelter. The development shall be in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure that suitable hard and soft landscape is provided as part of the development. (South Cambridgeshire Local Plan 2018; policies DP/2, SC/7, and SS/3).

#### 10. Delivery of Local Areas of Play (LAPs) and Reduced LAP (Doorstep Play)

The Local Areas of Play (LAPs) and reduced LAP (doorstep play) hereby approved shall be delivered in accordance with the 'LAP delivery plan for Phase 1B planning' submitted with the application.

Reason: To ensure that appropriate facilities for youth and children's play provision are provided in relation to the development of the site (South Cambridgeshire Local Plan 2018; policy HQ/1).

#### 11. Landscape Maintenance and Management Plan

Prior to first occupation of the residential properties hereby approved, a landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted and approved in writing by the Local Planning Authority. The landscape plan shall be carried out as approved. Any trees or plants that, within a period of five years after planting, are removed, die or become in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as it is reasonably practicable with others of species, size and number as originally approved. Replacement trees shall be maintained for a period of five years after planting.

Reason: In the interests of visual amenity and to ensure that hard and soft landscape is provided as part of the development (South Cambridgeshire Local Plan 2018; policy HQ/1).

#### 12. Waste and Recycling Arrangements

No development shall commence until details of the on-site storage facilities for waste (including waste for recycling) in respect of the residential dwellings hereby approved have been submitted to and approved in writing by the Local Planning authority. The details shall include the detailed position and layout of bin stores and arrangements for their provision, on-site storage, delivery and installation of waste containers for each dwelling prior to occupation of that dwelling. The RECAP Waste Management Design Guide will be utilised to ensure the development design will provide adequate space for internal and external waste storage.

The approved facilities for each residential dwelling shall be provided prior to the first occupation of that building and shall be retained thereafter.

Reason: To ensure that the details of the development are acceptable and ensure the provision of waste collection infrastructure on site (Cambridge East Area Action Plan 2008; policy CE/33).

### 13. Active Buildings Pilot Project Implementation

The proposals for the provision of the Active Building Pilot dwellings will be implemented in line with the approved details contained within the Energy Statement Marleigh Phase 1B - 16 Exemplar Homes Strategy (Pollard Thomas Edwards, June 2020).

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings to deliver an exemplar of sustainability (Cambridge East Area Action Plan, policies CE/22, CE/24 and CE/28).

### 14. Implementation of Energy Strategy

The approved energy strategy as set out in the Energy Assessment Report (Stroma, 20/12/2018)) shall be fully implemented prior to the first occupation of the development. Prior to first residential occupation/first use of the sports pavilion/allotment clubhouse building in each build phase, a phasing plan and roof plan showing the layout of the proposed photovoltaic panels in that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details and the photovoltaic panels shall thereafter be retained and remain fully operational in accordance with a maintenance programme, which shall be submitted to and agreed in writing by the local planning authority.

No review of this requirement on the basis of grid capacity issues can take place unless written evidence from the District Network Operator confirming the detail of grid capacity and its implications has been submitted to, and accepted in writing by, the local planning authority. Any subsequent amendment to the level of renewable/low carbon technologies provided on the site shall be in accordance with a revised scheme submitted to and approved in writing by, the local planning authority.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge East Area Action Plan, policies CE/22, CE/24 and CE/28).

### 15. BREEAM Condition 1 - Design Stage Certification

Prior to occupation of the 400th residential and 800th residential unit, BRE issued Design Stage Certificates shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'excellent' as a minimum will be met for the allotment building and sports pavilion, Where the interim certificates shows a shortfall in credits for BREEAM 'excellent', statements shall be submitted identifying how the shortfall will be addressed. In the event that such a rating is replaced by a

comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge East Area Action Plan, policies CE/22, CE/24 and CE/28).

#### 16. BREEAM Condition 2 - Post Construction Certification

Prior to the occupation of the buildings hereby permitted, or within 6 months of occupation, a BRE issued post Construction Certificate shall be submitted to, and approved in writing by the Local Planning Authority, indicating that the approved BREEAM rating has been met. In the event that such a rating is replaced by a comparable national measure of sustainability for building design, the equivalent level of measure shall be applicable to the proposed development.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainable construction and efficient use of buildings (Cambridge East Area Action Plan, policies CE/22, CE/24 and CE/28).

#### 17. Electric Vehicle Charging Wall Boxes

Prior to construction above slab level, the following shall be submitted to and approved in writing by the Local Planning Authority:

1. Details of the domestic electric vehicle standard slow charge points to be provided for each residential dwelling.
2. Details of the passive charge points to be provided for the residential apartments.

The details to be provided shall include location of charging unit, capacity, charge rate, details of model, availability of power supply, location of cabling and electric infrastructure drawings. The slow charge points shall provide a power transfer of between 2.4kW and 7.3kW. The chargers shall be either Mode 2 (3.6kW) or Mode 3 (7.2kW) with either a Type 1 or Type 2 socket.

In accordance with the approved details, the charging points/sockets shall be fitted and be fully operational prior to the occupation of the residential dwelling to which they relate. The passive charge infrastructure will be available prior to the occupation of the residential apartments to which they relate.

Reason: In the interests of reducing carbon dioxide emissions and promoting principles of sustainability Cambridge East Area Action Plan, policies CE/22, CE/24 and CE/28.)

#### 18. External Lighting



Notwithstanding details provided within the application submission, full details of any external lighting, such as street lighting and residential lighting (as set out in outline condition 18), and any lighting associated with the sports pitches, allotment building and sports pavilion hereby approved, shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that there is no conflict with the final lighting positions agreed as part of the S278 Agreement, and in the interests of amenity (South Cambridgeshire Local Plan 2018; policy HQ/1).

#### 19. Tree Protection Plan

Before any works on site commence a detailed Arboricultural Method Statement and Tree Protection Strategy shall be submitted to and approved in writing by the Local Authority, including details of timing of events, protective fencing and ground protection measures. This should comply with BS5837. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.

Reason: To ensure that trees to be retained will be protected from damage during the construction activity, in the interests of the preservation of arboricultural amenity (South Cambridgeshire Local Plan; policies NH/6 and HQ/1).

#### 20. Bridge Over Attenuation Pond

Within six months of the commencement of development, the detailed design of the bridge over the attenuation pond shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the detail of the development is acceptable (South Cambridgeshire Local Plan 2018; policy SC/11).

#### 21. Road Levels

Prior to first residential occupation, the detailed level design of all roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the details of the development are acceptable (South Cambridgeshire Local Plan 2018; policy SC/11).

## 22. Noise Mitigation Measures – Compliance

The development, hereby approved, shall be carried out in accordance with the mitigation measures as set out in the Phase 1B, Marleigh Development, Land Off Newmarket Road, Discharge of Condition 21, (Project Reference. M4425-Ph1B-C21 dated 29th April 2020) prepared by Ian Sharland Ltd and its supplementary appendices.

Reason: To avoid noise from giving rise to significant adverse impacts on health and quality of life and to mitigate and reduce to a minimum potential adverse impacts on proposed noise sensitive uses resulting from noise and secure acceptable living conditions (policies CE/19 and CE/26 of the Cambridge East Area Action Plan 2008; policies SS/3, HQ/1 and SC/10 of the South Cambridgeshire Local Plan 2018 and the NPPF).

## 23. Noise Insulation Scheme

Prior to the commencement of the development of the active pilot buildings, an assessment of the noise impact of any renewable energy provision sources (such as air source heat pumps or wind turbines) and a scheme for insulation as necessary, shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before first occupation of the active pilot buildings and shall thereafter be maintained in accordance with the approved details.

Reason: To avoid noise from giving rise to significant adverse impacts on health and quality of life and to mitigate and reduce to a minimum potential adverse impacts on proposed noise sensitive uses resulting from noise and secure acceptable living conditions (policies CE/19 and CE/26 of the Cambridge East Area Action Plan 2008; policies SS/3, HQ/1 and SC/10 of the South Cambridgeshire Local Plan 2018 and the NPPF).

## 24. Wildlife Hazard Management – Compliance

The development shall be carried out strictly in accordance with the Wildlife Hazard Management Plan, Project Wing, Aviaire, March 2019, V007 and Wildlife Hazard Management Compliance Statement, Project Wing, Aviaire, August 2020 V004. This includes provision of adequate bird control measures and the regime of monitoring in the construction period and post completion phases as set out in the WHMP.

Reason: To minimise the attractiveness of the development to birds, to ensure the safe movement of aircraft and the operation of Cambridge Airport (South Cambridgeshire Local Plan 2018; policy CE/32).

## 25. Biodiversity Report – Compliance

The development shall be carried out strictly in accordance with the Biodiversity Report (May 2020) (May 2020). This includes provision of

construction phase mitigation and avoidance strategies for protected species likely to be found on or near the site.

Reason: To ensure the impacts of the development on biodiversity is mitigated (South Cambridgeshire Local Plan 2018; policy NE/4 and paragraph 170 of the National Planning Policy Framework).

#### 26. Amenity Grass Seed Mix

Prior to the commencement of development, details of the amenity grass seed mix shall be submitted to and approved in writing by the Local Planning Authority. Development shall be in accordance with approved details.

Reason: In the interests of improving biodiversity (South Cambridgeshire Local Plan 2018; policy NH/4).

#### 27. Construction Cranes

Prior to the use of any cranes and/or temporary tall structures required during the construction of the development, a strategy shall be submitted setting out the details of the cranes and other tall construction equipment, including the details of obstacle lighting. The development shall be carried out in accordance with the approved strategy.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, South Cambridgeshire Local Plan 2018 Policy TI/6.

#### 28. Visitor Car Parking

Prior to the commencement of development, details of the visitor car parking shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation/use of the buildings to which they relate.

Reason: To ensure that the details of the development are acceptable.

#### 29. Green Roofs

All green roofs should be designed, constructed and maintained in line with the CIRIA SuDS Manual (C753) and the Green Roof Code (GRO).

Reason: To ensure the impact of the development on biodiversity is acceptable (South Cambridgeshire Local Plan 2018; policy NE/4 and paragraph 170 of the National Planning Policy Framework).

#### 30. Conditions 1-35 of planning permission 20/02569/REM shall continue to apply to this permission. Where such conditions pertaining to 20/02569/REM have been discharged, the development of planning permission

23/01939/S73 shall be carried out in accordance with the terms of discharge and those conditions shall be deemed to be discharged for this permission also.

Reason: To define the terms of the application.

### **Informatives**

1. **INFORMATIVE:** This planning permission should be read in conjunction with the associated deed of planning obligation prepared under Section 106 of the Town and Country Planning Act 1990 (as amended) (planning application reference S/2682/13/OL). The Applicant is reminded that under the terms of the Section 106 Agreement you are required to notify the District Council of the date of commencement of development.
2. **INFORMATIVE:** The Applicant's attention is drawn to the conditions attached to outline application S/2682/13/OL that require the submission of and approval of details by the Local Planning Authority before development can commence.
3. **INFORMATIVE:** A noise and vibration assessment of Operational Noise, including mitigation/insulation scheme for non-residential use classes (e.g. Research and development areas, retail units, energy centres, waste recycling facilities, community buildings, recreational uses such as sports and games areas and any associated operational plant and equipment) will have due regard to and shall be in accordance with industry best practice / technical guidance including DEFRA's Noise Policy statement for England (as referenced in the NPPF, March 2012) and South Cambridgeshire District Council's Supplementary Planning Document.
4. **INFORMATIVE:** Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.
5. **INFORMATIVE:** Constructions or alterations within an ordinary watercourse (temporary or permanent) require consent from the Lead Local Flood Authority under the Land Drainage Act 1991. Ordinary watercourses include every river, drain, stream, ditch, dyke, sewer (other than public sewer) and passage through which water flows that do not form part of Main Rivers (Main Rivers are regulated by the Environment Agency). The applicant should refer to Cambridgeshire County Council's Culvert Policy for further guidance:

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

Please note Cambridgeshire County Council does not regulate ordinary watercourses in Internal Drainage Board areas.

6. INFORMATIVE: Contaminated land should be considered and assessed in accordance with government / industry best practice and technical guidance and the 'Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, Adopted January 2020'  
<https://www.scambs.gov.uk/planning/local-plan-and-neighbourhood-planning/sustainable-design-and-construction-consultation-spd/>

Helen Bord or Claire Sproates (Scientific Officers), SCDC Health & Environmental Services - Contaminated Land can provide comments on contaminated land pertinent to this site if required. Telephone No: 01954 713444 or email [contamland@scambs.gov.uk](mailto:contamland@scambs.gov.uk)

7. INFORMATIVE: The Applicant is advised that this decision notice does not give permission for the detailed road layout (such as drains, lighting and supporting structures), nor does it imply that the Cambridgeshire County Council as Highway Authority will adopt the new roads that are proposed as part of this development. A separate application will need to be made to the County Council under Section 38 of the Highways Act 1980 (as amended).
8. INFORMATIVE: The Applicant is advised that letter boxes should be located a minimum of 6 inches above the ground.
9. INFORMATIVE: This decision also relates to the partial discharge of the following outline planning conditions (planning application reference S/2682/13/OL) as they relate to the Phase 1B application proposals: Condition 11 (Site wide sustainability strategy); Condition 12 (Hard and soft landscaping); Condition 13 (Tree retention/removal); Condition 14 (Local areas of play); Condition 16 (Allotment details); Condition 17 (Ecological mitigation); Condition 19 (Pedestrian and cycle routes); Condition 20 (Car parking); Condition 21 (Noise and insulation); Condition 23 (Details of refuse storage); Condition 24 (Distribution of market and affordable housing); Condition 25 (Mix of private dwellings); Condition 26 (Sustainable design and construction); Condition 27 (Code for Sustainable Homes); Condition 28 (Compliance with site wide sustainability strategy); Condition 30 (Cycle Parking); Condition 34 (Surface water drainage); Condition 40 (Bird hazard management); Condition 48 (Water Vole mitigation); Condition 51 (Compliance with Code for Sustainable Homes level 4 for all dwellings).

## **Background Papers**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework SPDs
- Cambridge East Area Action Plan (2008)