



23/01938/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 planning permission 22/03432/S73 (S73 to vary condition 29 of ref: 22/02554/S73 (Reserved matters application detailing access appearance landscaping layout and scale for the creation of 239 new homes and non-residential floorspace including 'Market Square' internal roads landscaping and associated works as part of Phase 1a of the Wing masterplan pursuant to condition 5 (reserved matters) of outline planning permission S/2682/13/OL) to enable retail unit 2 to be used for purposes covered under Use Class E(a), E(b), E(c), E(d), E(e) and E(gii) within Class E g) to re-orientate seven houses that front Gregory Park (Lot D3) and to replace eight carports with garages (D3)

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. Character and Visual Amenity
2. 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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Table 1: Contents of report

1. Executive summary

- 1.1 The application seeks to vary condition 1 (approved plans) of planning permission 22/03432/S73, to re-orientate seven houses that front Gregory Park (Lot D3) and to replace eight carports with garages (D3).
- 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 1a of the Marleigh Development north of Newmarket Road. The site benefits from reserved matters consent for 239 new homes and non-residential floorspace including 'Market Square' internal roads landscaping and associated works (planning reference S/1096/19/RM).
- 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 22/03432/S73 to re-orientate seven houses that front Gregory Park (Lot D3) and to replace eight carports with garages (D3).
- 3.2 The Plots to be re-orientated are Plots 326 to 332 that sit north of Gregory Park North, the Plots to gain garages in place of carports are Plots 334 to 341 that sit south of Gregory Park Mews.

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
22/03432/S73	S73 to vary condition 29 of ref: 22/02554/S73 to enable retail unit 2 to be used for purposes covered under Use Class E(a), E(b), E(c), E(d), E(e) and E(gii) within Class E	Approved (02-Nov-22)
22/02554/S73	S73 to vary condition 9 of S/1096/19/RM to extend the opening hours for the convenience store on Sundays and Bank/Public Holidays to 0700 to 2200 hours	Approved (06-Sep-22)
S/1096/19/RM	Reserved matters application detailing access appearance landscaping layout and scale for the creation of 239 new homes and non-residential floorspace including 'Market Square' internal roads landscaping and associated works as part of Phase 1a of the Wing masterplan pursuant to condition 5 (reserved matters) of outline planning permission S/2682/13/OL	Approved (12-Sep-19)
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 **Great Wilbraham Parish Council** – No comments to make

6.5 **Teversham Parish Council** – Objection

6.6 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.

6.7 **Contaminated Land** – No objection

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

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 **Lead Local Flood Authority** – No objection

6.14 **Local Highways Authority** – No objection

6.15 **Ramblers Association** – No objection

6.16 **Trees Officer** – No objection

6.17 **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 **Cllr Hofman** – Comments

9.2 Raises concern regarding the conversion of the carports to garages and associated parking issues, including reference to no yellow lines.

9.3 A full redacted version of these comments can be found on the Council's website.

10 Local Groups

10.1 None received.

11 Planning Background

11.1 The site forms Phase 1a of the Marleigh Development north of Newmarket Road. The site benefits from reserved matters consent for 239 new homes and non-residential floorspace including 'Market Square' internal roads landscaping and associated works (planning reference S/1096/19/RM).

11.2 The reserved matters permission has been varied by two previous Section 73 applications, the first extending opening hours for the convenience store (condition 9) and the second to enable expanded uses within Class E for retail unit 2 (condition 29).

11.3 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).

11.4 The application seeks to vary condition 1 (approved plans) of planning permission 22/03432/S73 to re-orientate seven houses that front Gregory Park (Lot D3) and to replace eight carports with garages (D3).

11.5 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.

11.6 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 S/1096/19/RM (and subsequent Section 73 permissions).

11.7 Therefore, there is no in-principle to the proposed variation, which relates to the re-orientation of seven houses that front Gregory Park (Lot D3) and the replacement of eight carports with garages (D3), 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:

- Character and Visual Amenity
- Residential Amenity
- Parking Provision & Highway Safety
- Third Party Representations

13 Character and Visual Amenity

13.1 The application seeks to re-orientate seven houses that front Gregory Park (Lot D3) to provide an improved private amenity area for each Plot.

13.2 A key design change is the location of the single storey rear projection that is present on three of the six semi-detached properties that front Gregory Park North. It is proposed to 'flip' the consented arrangements within the paired Plots such that the western Plot becomes the property with the single storey rear projection and as a result provides a private amenity space to the west of the rear projection as opposed to the east as consented.

13.3 The other design change relates to Plot 326 where a single storey element is moved from the western elevation of the main dwelling to the north adjacent to Jubilee Lane.

13.4 In design terms these alterations are considered relatively minor and the general external appearance and positioning of the dwellings within the site layout and street scene remains generally consistent with the existing permission and are considered acceptable.

13.5 The application also seeks to replace of eight 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 development, noting that garages are provided elsewhere within the consented scheme and adjacent permissions.

- 13.6 The proposed variations would comply with Policy HQ/1 of the Local Plan and the design objectives of the site-wide Design Code.

14 Residential Amenity

- 14.1 The proposed variations relate to changes to single storey elements within the site layout. As such, the 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.
- 14.2 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.

15 Parking Provision & Highway Safety

Parking Provision

- 15.1 The application proposes to replace eight 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.
- 15.2 Policy TI/3 of the Local Plan also 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.
- 15.3 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.
- 15.4 The parking space in front of the garage would provide a parking area approximately 5 metres by 3.5 metres, according with recommended standards.
- 15.5 The concerns raised by Fen Ditton Parish Council, Teversham Parish Council and Cllr Hofman are noted.
- 15.6 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.

- 15.7 Officers note that the consented scheme places cycle parking within sheds in the rear gardens of 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.
- 15.8 The proposed variations would comply with Policies HQ/1 and TI/3 of the Local Plan and the site-wide Design Code.

Highway Safety

- 15.9 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.
- 15.10 The proposed variations would comply with Policy HQ/1 and NPPF guidance in terms of highway safety.

16 Third Party Representations

- 16.1 The comment received from Teversham Parish Council reference an unacceptable increase in housing density.
- 16.2 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.

17 Planning Balance

- 17.1 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).
- 17.2 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.
- 17.3 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.
- 17.4 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.

18 Recommendation

18.1 Approve planning permission of Section 73 application reference 23/01938/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.

19 Planning Conditions & Informatives

Conditions

1. 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 22/02554/S73 with the following updates:

<i>Previously Approved Drawing</i>	<i>Replacement Drawing</i>
<i>Proposed Site Plan 16_097_PL_RM2_050 A</i>	<i>Proposed Site Plan 16_097_PL_RM2_050 C</i>
<i>Lots D1 + D3 Ground Floor 16_097_PL_RM2_100 A</i>	<i>Lots D1 + D3 Ground Floor 16_097_PL_RM2_100 C</i>
<i>Lots D1 + D3 First Floor 16_097_PL_RM2_101 A</i>	<i>Lots D1 + D3 First Floor 16_097_PL_RM2_101 C</i>
<i>Lots D1 + D3 Second Floor 16_097_PL_RM2_102 A</i>	<i>Lots D1 + D3 Second Floor 16_097_PL_RM2_102 C</i>
<i>Lots D1 + D3 Roof 16_097_PL_RM2_103 A</i>	<i>Lots D1 + D3 Roof 16_097_PL_RM2_103 C</i>
<i>Lot D3 Elevation 16_097_PL_RM2_301 A</i>	<i>Lot D3 Elevation 16_097_PL_RM2_301 B</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. Prior to any works above slab level, samples of the materials to be used in the construction of the external surfaces of those buildings, which includes external features such as windows, window reveals, façade panels, head and cill treatments, brick slip systems, concrete strata band, porch details, doors, external metal work, balcony fronts and balustrades, podium feature gates, rain water goods, lintels and coping, shall be submitted to and approved in writing by the local planning authority.

A sample panel (at least 1.5m x 1.5m) of the facing materials to be used shall be erected on site to establish the detail of bonding, coursing, colour, type of jointing and any special brick patterning (e.g. perforated, striped alternated courses) shall be agreed in writing with the local planning authority. 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.)

3. Prior to any works above slab level on block S1 sample panels of the materials to be used in Detail P-6 of Robert Myers drawing 672.01(CD)001, Detail P-3 and P-4 of Robert Myers drawing 672.01(CD)002 are to be erected on site and approved in writing by the Local Planning Authority. In addition, a sample of the synthetic turf proposed for the podium landscape shall also be submitted. The sample panels are to measure a minimum of 2m x 2m and clearly demonstrate the method of construction of the interfaces of two or more materials as shown in the details. The development shall be carried out 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; Policy HQ/1.)

4. 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) 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 with the County Council, South Cambridgeshire Local Plan 2018; Policy HQ/1.)

5. Prior to first occupation of any residential dwellings or first use of the non-residential units, a landscape maintenance and management plan and updated soft landscape plans which take account of the cycleway through the market square, shall be submitted to and approved by the local planning authority in writing. The landscape plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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 is reasonably practicable with others of species, size and number as originally approved.

(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 Policy HQ/1.)

6. Prior to first occupation of any residential dwellings hereby permitted, a detailed specification of the three proposed Local Areas of Play within Gregory Park, Market Square and on the first floor podium of block S1, 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 - In the interests of ensuring the agreed play equipment is provided for all phases of the development as originally specified in outline condition 14; CEAAP policy CE/9 and South Cambridgeshire Local Plan 2018 Policy HQ/1.)

7. Prior to any works above slab level on block S1, a noise insulation scheme detailing the acoustic noise insulation performance specification of the building envelope of the residential units above and adjacent to the community rooms (having regard to the building fabric, glazing and ventilation) to protect residential amenity shall be submitted to and approved in writing by the local planning authority. The scheme shall achieve internal noise levels recommended in British Standard 8233:2014 "Guidance on sound insulation and noise reduction for buildings". The scheme as approved shall be fully implemented prior to first use of the non-residential units within block S1 and shall thereafter be retained as such.

Reason - To protect the amenity of the above and adjacent properties. South Cambridgeshire Local Plan 2018; Policy SC/10.)

8. Prior to any works above slab level for non residential uses (i.e. any uses other than individual residential premises) on block S1 a noise assessment and a scheme for the insulation of the building(s) and/or associated plant / equipment or other attenuation measures, in order to minimise the level of noise emanating from the said building(s) and/or plant shall be submitted to and approved in writing by the local planning authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details.

(Reason - To protect the amenity of the above and adjacent properties. South Cambridgeshire Local Plan 2018; Policy SC/10.)

9. Opening hours for the community rooms, retail units (except Retail Unit 1, Block S1) and café identified on 097_PL_RM2-120 Rev A, hereby approved shall not be outside the hours of:

07:00 to 23:00 Monday to Saturday
08:00 to 22:00 hours Sunday and Bank/Public Holidays

Opening hours for the convenience store at Retail Unit 1, Block S1 shall not be outside the hours of:

07:00 to 23:00 Monday to Saturday
07:00 to 22:00 hours Sunday and Bank/Public Holidays

(Reason - To protect the amenity of the above and adjacent properties. South Cambridgeshire Local Plan 2018 Policy SC/10.)

10. Prior to the first occupation of the non residential within block S1, details of the location of associated duct work, for the purpose of extraction and/or filtration of fumes and or odours shall be submitted to and approved in writing by the local planning authority. The approved ductwork shall be installed before the use hereby permitted is commenced.

(Reason - To safeguard the amenity and health of future occupants of the adjacent and nearby residential units South Cambridgeshire Local Plan 2018 Policy SC/14.)

11. All Heavy Duty Vehicle (HDV) operational service collections / dispatches from and deliveries to the approved development including refuse / recycling collections shall only be permitted between the hours of 0800 hrs to 1800 hrs Monday to Saturday. There shall be no Heavy Duty Vehicle (HDV) collections or deliveries on Sundays and any Bank / Public Holiday.

(HDV - shall be defined as any vehicle over a maximum gross weight of 3.5 tonnes).

All other Light Duty Vehicle (LDV) operational service collections / dispatches from and deliveries to the approved development shall only be permitted between the hours of 0700 hrs to 2000 hrs Monday to Sunday and 0800 until 1800 on any Bank / Public Holiday.

(LDV - shall be defined as any vehicle under a maximum gross weight of 3.5 tonnes).

No deliveries shall be made outside of the above hours.

(Reason - To protect / safeguard the health and quality of life (amenity) of existing residential premises in accordance with South Cambridgeshire Local Plan 2018 Policy SC/10.)

12. All refuse / waste associated with block S1 shall only be taken outside, presented for collection or moved around the external area of the site between 0700 to 1900 hours Monday to Sunday (any day).

(Reason - To protect the amenity of nearby properties. Cambridge Local Plan 2018 policy 35.)

13. Prior to any above ground works commencing on block S1, a noise impact assessment of the non residential uses including the retail units/café/nursery/commercial units on neighbouring premises (to include existing residential premises in the area and the proposed habitable rooms on the upper floors of the development) and a noise insulation scheme or

other noise control measures as appropriate, in order to minimise the level of noise emanating from the said uses and spaces (having regard to nature and type of uses and events to be held, typical noise generation - sound system setup with consideration of in system noise limiting devices / independent noise limiters, noise egress and airborne and flanking sound via the building structure - fabric, glazing, openings and ventilation systems acoustic performance, premises entrances / acoustic lobbies and associated external patron noise) shall be submitted in writing for approval by the Local Planning Authority. The scheme / measures as approved shall be fully constructed and implemented before the use hereby permitted is commenced and shall be retained thereafter.

(Reason - To protect human health and amenity in terms of noise and local air quality during the construction in accordance with policies SC/10 of the South Cambridgeshire Local Plan 2018.)

14. 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.)

15. All Non-Road Mobile Machinery (NRMM) of net power between 37 kW and 560 Kw used during demolition and construction works or similar, shall meet the emissions standards in Stage IIIA of EU Directive 97/68/EC emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery and as amended) and "Non-Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999" for both Nitrogen Oxides (NOx) and Particulate Matter (PM). If Stage IIIA equipment is not available the requirement may be met using the following techniques:

- Reorganisation of NRMM fleet
- Replacing equipment
- Retrofit abatement technologies
- Re-engineering

All eligible NRMM shall meet the emissions requirement above unless it can be demonstrated that the machinery is not available or that a comprehensive retrofit for both NOx and PM abatement is not feasible. In this situation every effort should be made to use the least polluting equipment available including retrofitting technologies to reduce particulate emissions.

Developers / contractors shall provide a written statement of their commitment and ability to meet the NRMM emissions requirements above within their Construction and Demolition Management plans or similar document, on request by the local planning authority.

An inventory of all NRMM, including evidence of emission limits for all equipment must be kept on site and all machinery should be regularly serviced and service logs shall be kept on site for inspection. This documentation shall be made available to local authority officers upon request.

(Reason - To protect human health and amenity in terms of noise and local air quality during

16. Prior to the first occupation of any dwellings within block S1 or first use of the non-residential units, a local centre management strategy for the community facility, café and first floor landscaped podium of block S1 (on a phased unit by unit basis / approach if necessary), including operational noise considerations to minimise and reduce the noise impact of sources associated with these uses (internally and externally) shall be submitted writing for approval by the Local Planning Authority.

The approved strategy shall be implemented in full thereafter and shall be reviewed and updated, as necessary and at the request of the Local Planning Authority.

The strategy shall consider the following:

- a) Control of external noise from customers / patrons (voices/shouting both onsite including in association with any external smoking areas /shelters, external terrace seating area and event spaces and dispersal at closing time to ensure that an acceptable noise environment is maintained);
- b) Limiting the egress of internal amplified music;
- c) Prohibition of the playing of amplified music externally including in external terrace seating areas;
- d) Closing of doors and windows when the premises is in use;
- e) Opening / closing and drinking up times;
- f) Hours of use of any external areas;
- g) Security arrangements and CCTV system provision
- h) Details of appropriate signage to be placed around the premises reminding customers of the residential nature of the location and need to be mindful about causing a noise disturbance;
- i) Collections and delivery servicing activities and times;
- j) Complaints procedure - receipt, investigation, outcome and review / actions whether complaints received directly from a member of the public, local premises or local authority;
- k) Management / staff duties, roles and responsibilities / authority including monitoring and record keeping;
- l) Regular review and update of the strategy, as necessary.
- m) How all the above will be controlled/managed/enforced

(Reason - To protect the amenity of nearby properties, South Cambridgeshire Local Plan 2018; Policy SC/10.)

17. Prior to the first use of the retail units in block S1, a Servicing and Operational Noise Minimisation Management Plan / Scheme for service collections / dispatches and deliveries to the retail units shall be submitted in writing for approval by the Local Planning Authority (LPA).

The Plan shall include details of measures to be undertaken and implemented to mitigate and reduce service collections / dispatches and deliveries related noise impacts as far as is reasonably practicable. The plan / scheme shall be implemented as approved.

The Plan / Scheme shall include the following:

i. The loading bay:

- When within the loading bay, vehicles will switch off their engines; and
- Measures to minimise risks to vulnerable users (pedestrians and cyclists) around the site.
- - Vehicle radios will be switched off;
- - The use of external alarms or speakers will be prohibited within the service yard;
- - The internal alarm will be muffled to reduce potential for disturbance;
- - Noise generation from vehicle manoeuvring into loadings to be kept to a minimum;
- - Delivery drivers to be instructed to ensure that audible door alarms to the delivery vehicles are switched off prior to opening the cab doors or, alternatively, headlights are switched off to prevent the alarm from sounding when the vehicle is stationary and the doors are opened.
- At all times drivers will be advised to:
 - (a) engage gears with minimal noise;
 - (b) keep engine revs to a minimum;
 - (c) apply brakes gently; and
 - (d) close doors with minimal noise.

ii. Unloading/Re-loading –

- Drivers shall ensure that engine and refrigeration units are switched off once vehicle the vehicle is stationary and in the unloading position;
- Drivers shall:
 - (a) lower loading plates into the correct position with minimal noise;
 - (b) instruct staff to ensure that any restraining or locking bars are not dropped onto the lorry floor when unloading.
 - (c) Ensure that forklift and roll cage movements avoid making contact with trailer walls, lift guardrails and other obstructions;
 - (d) minimise noise from the movement of roll cages on the vehicle tail lift and during unloading, the tail lift and hard surfaces on the delivery bay shall be covered with resilient rubber matting by delivery staff prior to any unloading of the delivery taking place; and
 - (e) keep conversation to a minimum.

iii. Implementation of a complaints procedure for verifying and responding to complaints about noise / vibration.

iv. Adoption of the Quiet Deliveries Scheme and good practice guidance issued by the Department for Transport.

v. Details of measures to monitor and review the plan.

(Reason - To protect the amenity of nearby properties, South Cambridgeshire Local Plan 2018; Policy SC/10.)

18. Within 6 months of commencement of development, a BRE issued Design Stage Certificate shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating that BREEAM 'excellent' as a minimum will be met. Where the interim certificate shows a shortfall in credits for BREEAM 'excellent', a statement 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. The development shall be carried out in accordance with the approved details.

(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.)

19. 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.)

20. Prior to the occupation of each residential dwelling hereby approved, the applicable measures within the approved energy strategy as set out in the Energy Assessment Report (Stroma, 15/3/19) shall be fully implemented prior to the first occupation of the development. Any associated renewable and/or low carbon technologies 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.)

21. Prior to the occupation of the first dwelling hereby approved, a water efficiency specification for each dwelling type, based on the Water Efficiency Calculator Methodology or the Fitting Approach sets out in Part G of the Building Regulations 2010 (2015 edition) shall be submitted to the local planning authority. This shall demonstrate that all dwellings are able to achieve a design standard of water use of no more than 110 litres/person/day and that the development shall be carried out in accordance with the agreed details.

(Reason - To ensure that the development makes efficient use of water and promotes the principles of sustainable construction Cambridge East Area Action Plan, policy CE/22.)

22. Prior to the first occupation of any dwellings within Phase 1a, a Detailed Feasibility Study will be submitted to and approved in writing by the local planning authority in relation to the implementation of the Active Buildings Pilot Project. This study shall include plans showing the location of the units to which the pilot technologies will be applied, technical details and specifications of these technologies and information regarding their monitoring and, where required, maintenance. The proposals shall be implemented in line with the approved details.

(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.)

23. Prior to first occupation of any dwellings hereby permitted, a site wide roof plan showing the layout of the proposed photovoltaic panels and the air source heat pumps, together with any required screening, 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.

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

24. Prior to commencement of development drainage calculation runoff details of the rain gardens, permeable paving, rainwater harvesting and bio-retention tree pits should be submitted to and approved in writing by the local planning authority. This shall include details of the outfalls into Gregory Park. The development shall be carried out in accordance with the approved details.

(Reason - To ensure that the proposed development can be adequately drained so that there is no increased flood risk on or off site resulting from

the proposed development. In addition, so that adequate erosion protection is in place and to ensure the headwalls are not detrimental to the visual amenity of the public open space, South Cambridgeshire District Plan policy CC/8.)

25. Prior to the first occupation of the residential or non-residential units within block S1, full details of a scheme of public art for Phase 1a 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 the first occupation of the building or within a timeframe set out and agreed within the submitted scheme. The scheme shall demonstrate how the strategy integrates with the outline Public Art Delivery Plan.

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

26. Prior to occupation of block S1, the following cycle details shall be submitted to and approved in writing by the local planning authority:
- Details of the cycle contra flow markings within the ground floor car park;
 - Details of the internal Sheffield Stand provision for the outbuildings which serve the three and four bed dwelling houses;
 - Details of a modified cycle route and 'cut through' section through the existing traffic islands, currently shown on plan 097_PL_RM2_125, March 2019.

(Reason - For a), to ensure that the journey across the car park for cyclists living in block S1 is convenient and prioritised in the layout, for b) To ensure that the cycle parking outbuildings offer security and convenience for future occupiers and for C) to ensure that the proposed cycleway through to the P&R has a smooth route with no sharp turns, South Cambridgeshire District Plan 2018 policy TI/2.)

27. Prior to any works above slab level, details of the private podium terrace serving units reference 2b4p, first floor market unit and S1A 03 (first floor studio) 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 each unit has adequate private amenity space as set out in the District Design Guide 2010 and South Cambridgeshire District Plan 2018 policy H/12.)

28. The development shall be carried out strictly in accordance with the Wildlife Hazard Management Plan (WHMP), Project Wing, Aviaire, March 2019, V007. 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 2015the WHMP.

(Reason - It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Cambridge Airport in accordance with South Cambridgeshire District Plan 2018 policy CE/32.)

29. Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), retail unit 1 (identified on 097_PL_RM2-120 Rev A) shall not be used for any other purpose other than in Class E(a) within Class E of the Schedule to the Town and Country planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Retail unit 2 shall not be used for any other purpose other than in Class E(a), Class E(b), Class E(c), Class E(d), Class E(e) and Class E(g ii) within Class E of the Schedule to the Town and Country planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Use of these units under any other subcategory of Class E shall not be allowed without the granting of a specific planning permission.

Reason: To ensure that the proposal provides for the day-to-day needs of the local community South Cambridgeshire Local Plan 2018 policy SC/4 and section 93 of the National Planning Policy Framework

30. Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows (other than those expressly authorised by this permission), shall be constructed on the following dwellings without the granting of specific planning permission:
- The Avenue, units D1, 1 to 10
 - The Avenue, units E2, 1 to 10
 - Gregory Park Mews, units D1, 11 to 20
 - Gregory Park Mews, units E2, 11 to 20

(Reason - To protect the visual amenity for future occupiers South Cambridgeshire District Plan 2018 policy HQ/1.)

31. Prior to the occupation of each individual dwelling house, the proposed electric vehicle slow charge wall box serving each unit to be occupied shall be fitted and fully operational.

(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.)

32. Refuse storage shall be designed internally to the community facility/café/nursery units on the northern range of block S1 and at no time stored within the outside rear areas.

(Reason - To protect the amenity of nearby properties, South Cambridgeshire Local Plan 2018; Policy SC/10.)

33. The proposed on street visitor car parking space on the northern side of Titch Street shall be designed and allocated as a Blue Badge space.

(Reason - To ensure adequate car parking provision is made for disabled people for the on street visitor spaces, South Cambridgeshire Local Plan 2018; Policy TI/3.)

34. Prior to works above slab level to the flat over garage units on Morley Lane (plots H2 and K1), details of the strategy for noise insulation between the ground floor car parking and the first floor residential accommodation, 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 protect the amenity of the first floor residential properties. South Cambridgeshire Local Plan 2018; Policy SC/10.)

35. The proposed garages shall only be used for the parking of vehicles and incidental storage in connection with the use of the main residential dwelling, for the following houses across phase 1a:

Morley Lane

Plan references, 097_PL_RM2_116 and 097_PL_RM2_112

Plot H2 - houses 9 to 18

Plot K1 - houses 7 to 18

Gregory Park North

Plan references, 097_PL_RM2_100, 097_PL_RM2_104 and 097_PL_RM2_108

Plot E3 - houses 9 to 17

Plot E4 - houses 6 to 8

Plot D3 - houses 1 to 8

(Reason - For the avoidance of doubt, and because use of the outbuilding for any other purpose would require re-examination of its impact, South Cambridgeshire Local Plan 2018; Policy SC/10 and TI/3.)

36. Conditions 1-35 of planning permission 22/03432/S73 (which is an amendment of original permission ref. S/1096/19/RM) shall continue to apply to this permission. Where such conditions pertaining to 22/03432/S73 have been discharged, the development of planning permission 23/01938/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. To satisfy the Commercial Use Operational Noise Impact/Insulation condition, the noise level from all powered plant, vents and equipment, associated with this application that may operate collectively and having regard to a worst case operational scenario (operating under full power / load), should not raise the existing lowest representative background level dB LA90,1hr (L90) during the day between 0700 to 2300 hrs over any 1 hour period and the existing lowest background level dB LA90, 15mins (L90) during night time between 2300 to 0700 hrs over any one 15 minute period by more than 3 dB(A) respectively (i.e. the rating level of the plant needs to match or be below the existing background level), at the boundary of the premises subject to this application (or if not practicable at a measurement reference position / or positions in agreement with the LPA) and having particular regard to noise sensitive premises. The appropriate correction factors need to be applied to any characteristic acoustic features in accordance with BS4142 2014.

This is to guard against any creeping background noise in the area and to protect the amenity of the area, preventing unreasonable noise disturbance to other premises.

To demonstrate this requirement it is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 2014 "Method for rating industrial noise affecting mixed residential and industrial areas" or similar. In addition to validate /verify any measured noise rating levels, noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring noise sensitive premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L90) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

2. 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.
3. Public Footpath No. 9 Fen Ditton/ No. 1 Teversham must remain open and unobstructed at all times. Building materials must not be stored on the Public Right of Way and contractors' vehicles must not be parked on it (it is an offence under s 137 of the Highways Act 1980 to obstruct a public Highway). The granting of planning permission does not entitle a developer to obstruct a Public Right of Way (Circular 1/09 para 7.1).
4. The applicant is advised to liaise with the Local Planning Authority on the location of letter boxes serving block S1 residential apartments. This is to ensure they are accessible from the street and well-integrated into the building.
5. The applicant is strongly advised to install sprinklers in all the residential apartments within block S1.

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)