



Planning Committee Date	2 October 2024
Report to	Cambridge City Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference	24/00961/FUL
Site	Plots 202, 203, 204, 205 and 209, Parcel BDW5/6, Darwin Green 1, Land between Huntingdon Road and Histon Road, Cambridge Castle
Ward / Parish	
Proposal	New dwelling (Plot 202) and amendments to plots 202-205 and 209 of Darwin Green parcel 5/6.
Applicant	BDW Eastern Counties
Presenting Officer	Charlotte Burton
Reason Reported to Committee	Third party representations have been received which are contrary to the officer recommendation of approval.
Member Site Visit Date	N/A
Key Issues	<ol style="list-style-type: none">1. Impact on neighbouring residential amenity2. Residential amenity of future occupiers
Recommendation	APPROVE subject to Unilateral Undertaking

1.0 Executive Summary

- 1.1 The application seeks approval of a new dwelling (Plot 202) and amendments to Plots 203, 204, 205 and 209 approved on the residential parcel known as BDW5/6 on the Darwin Green 1 development.
- 1.2 This application has been submitted by the developer BDW Eastern Counties following a planning condition on the reserved matters consent for the BDW5/6 parcel (21/03619/REM) which removed Plot 202 from that approval. The reason for the condition was to protect the amenity of occupiers of adjoining properties on Martingale Close. The current full application seeks approval of revised proposals following a reworking of this area which includes a new proposal for Plot 202 and changes to Plots 203, 204, 205 and 209.
- 1.3 Third party representations including from the Committee of the Windsor Road Residents' Association object to the proposals on the grounds of density and overdevelopment, residential amenity impact, ground level raising, residential amenity of future occupiers, loss of biodiversity, impact on and loss of trees/hedges, future maintenance of trees/hedges, flooding/subsidence, and inadequate consultation undertaken by the developer and inaccurately reported. These have been addressed in the relevant sections in the main body of the report. No objections have been raised by technical consultees.
- 1.4 The key issues for the proposals are: the impact on residential amenity of neighbouring properties in terms of the overbearing and enclosing impact, over-looking and inter-looking, resulting from the height and proximity of the proposed dwellings and positioning of windows; and the residential amenity of future occupiers in terms of floor space. The extant reserved matters consent for the BDW5/6 parcel which includes proposals for Plots 203, 204, 205 and 209 (but excludes Plot 202 by the planning condition) is a fallback scenario and a material consideration.
- 1.5 Specifically addressing the reason for the condition to remove Plot 202, the current proposal for Plot 202 would have a greater impact on the residential amenity of the neighbouring properties compared to the approved reserved matters simply because this plot had been removed from the approval. Nonetheless, the current proposal for Plot 202 would not have an unacceptable impact on their residential amenity and would have a lesser impact than the previous proposals for Plot 202. In the opinion of officers, the current proposal has overcome the reason the condition.
- 1.6 The other changes to Plots 203, 204 and 205 have included an additional dwelling along the section of the boundary to the rear of numbers 2 – 8 Martingale Close. This has reduced the width of the gaps between dwellings compared to the approved reserved matters scheme. This would result in some degree of reduced outlook from numbers 2 – 8 Martingale Close compared to the fallback scenario. At the same time, those plots have been moved away from the boundary with existing properties to increase the separation distance. For this reason, the current proposal would not result in

an unacceptable enclosing or overbearing impact on the residential amenity of neighbouring properties. The current proposal would have more windows than the approved reserved matters scheme. However, this would not result in an unacceptable overlooking or inter-looking impact or loss of privacy because of the increased separation distances.

- 1.7 In terms of benefits, the proposal would deliver five new market homes within the Darwin Green 1 development, which forms part of the strategic housing allocation supported under Policy 20 of the Cambridge Local Plan 2018. These would be 3 and 5 bedroom homes that would contribute to the housing mix on the Darwin Green 1 development, and would provide accessible homes compliant with Building Regulations requirement part M4(2). The proposal would achieve high quality development in terms of urban design and landscaping, and would meet sustainability targets for carbon reduction and water efficiency. Mitigation measures would be secured by conditions to protect residential amenity, existing trees and hedges, and ecology during construction.
- 1.8 In terms of harms, one of the proposed house types fails to meet the more detailed parts of the Technical Housing Standards – Nationally Described Space Standards (2015) and Policy 50 of the Cambridge Local Plan 2018 relating to the size of double bedrooms. The overall floor space for this house type and the two other proposed house types exceeds the standards. These are market homes so the occupier would have an element of choice. This house type has been used elsewhere on the wider BDW5/6 parcel. On balance, this would not result in significant harm the residential amenity for the future occupiers of the proposed development.
- 1.1 In the planning balance, the harms associated with the failure to comply with the more detailed parts of the Technical Housing Standards – Nationally Described Space Standards (2015) and Policy 50 relating to the size of double bedrooms do not outweigh the benefits of delivering five new high-quality homes on an allocated development site supported by Policy 20. Having taken into account 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 subject to conditions.
- 1.9 The reserved matters consent for the BDW5/6 parcel was determined by the Joint Development Control Committee (JDCC) in December 2021. The relevant planning condition was added to the recommendation by the JDCC. The current application is for minor development and therefore does not fall within the remit of the JDCC under the Terms of Reference. Hence, the application falls within the remit of the Planning Committee and has been referred in accordance with the Scheme of Delegation due to third party representations contrary to the officer recommendation.
- 1.10 Officers recommend that the Planning Committee approve the application subject to planning conditions and a Unilateral Undertaking to link the

planning permission to the Section 106 Agreement for the outline planning permission for the Darwin Green 1 development

2.0 Site Description and Context

None-relevant	X	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone	1
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

*X indicates relevance

- 2.1 The site comprises the land area for the plots known as 202, 203, 204, 205 and 209 and adjacent areas of car parking and landscaping. The site is located on the south eastern boundary of the BDW5/6 parcel of the Darwin Green 1 site. The area within the red line boundary for the application includes access from the public highway (Histon Road) along the approved primary road. The site area stated on the application form is 0.85 hectares.
- 2.2 The BDW5/6 parcel is a residential area (including open and play spaces) within the wider Darwin Green 1 development, which has outline planning consent for up to approximately 1,500 homes, a local centre, amenities and open space. The development is currently under construction and earlier phases are occupied. Construction of the BDW5/6 parcel is in two phases with construction of the northern phase having commenced. The current application site is within the southern phase.
- 2.3 The BDW5/6 parcel was granted reserved matters consent in December 2021 and the approved details form the immediate surrounding context for the current application site. To the north of the site is the green corridor including pedestrian and cycle links to Brownlow Road, drainage infrastructure, play spaces and landscaping. To the south are the allotments. To the west are detached homes with rear gardens and on-plot parking.
- 2.4 To the south-east are existing neighbouring properties at Martingale Close. Immediately adjacent to the site and sharing a boundary are numbers 2, 4, 6 and 8 Martingale Close. These are two storey detached dwellings with rear gardens facing towards the application site. The boundary is formed by a hedge understood to be within the application site, and some of the neighbouring properties have fences within the rear gardens.

3.0 The Proposal

- 3.1 The proposal is for the plots known as Plots 202, 203, 204, 205 and 209 on the BDW5/6 approved reserved matters scheme, with associated car parking, landscaping, bin and bike stores.
- 3.2 Compared to the approved reserved matters scheme, the current proposal seeks to re-introduce Plot 202. This was removed by condition 6 of the BDW5/6 parcel reserved matters consent due to the impact on residential amenity of neighbouring properties. See section 4 of this report for the planning history and of the wording of that condition in full.. The current proposal also makes changes to the approved layout of Plots 203, 204, 205 and 209, as well as changes to the house types, landscaping and other associated works.
- 3.3 Compared to the previous proposals for Plots 202, the current proposal is for a two storey dwelling (rather than two-and-a-half storeys), is 20 metres from the rear elevation of number 2 Martingale Close (rather than 13 metres) and only has opaque windows on the rear elevation.
- 3.4 Plots 202, 203, 204 and 205 have been moved away from the boundary with Martingale Close properties. The separation distances are now 26.3 metres from the rear elevations of Martingale Close (rather than 24.4 metres and 25.7 metres). To accommodate this move, one of the houses on the western part of the site has been relocated to the east. As a result, there are now four dwellings backing onto the existing gardens at Martingale Close, rather than two dwellings as approved in the reserved matters consent.
- 3.5 The application is supported by a Planning Statement, Design and Access Statement, Tree Report, Ecological Assessment, Sustainability Statement, Utilities Assessment and Drainage Note. During the course of the application, additional information was submitted including sections, revised house type drawings, updated information on biodiversity net gain, and a draft Unilateral Undertaking.

4.0 Relevant Site History

- 4.1 There is an extensive planning history relating to the Darwin Green 1 development which can be viewed on the public register. The applications that are relevant to the current application are summarised below:

Reference	Description	Outcome
07/0003/OUT	Mixed use development comprising up to 1593 dwellings, primary school, community facilities, retail units (use classes A1, A2, A3, A4 and A5) and associated infrastructure including vehicular, pedestrian and cycleway accesses, open space and drainage works.	Approved subject to conditions and S106 Agreement

21/03619/REM	Reserved matters application for fifth and sixth housing phases and Allotment 3 (collectively known as BDW5 and 6) including 410 dwellings and allotments with associated internal roads, car parking, landscaping, amenity and public open space. The reserved matters include access, appearance, landscaping, layout and scale and the related partial discharge of conditions 8, 10, 14, 22, 25, 26, 27, 29, 35 and 58 pursuant to outline approval 07/0003/OUT.	Approved subject to conditions
21/03619/NMA1	Non Material amendment of reserved matters application 21/03619/REM (Reserved matters application for fifth and sixth housing phases and Allotment 3 (collectively known as BDW5 and 6) including 410 dwellings and allotments with associated internal roads, car parking, landscaping, amenity and public open space. The reserved matters include access, appearance, landscaping, layout and scale and the related partial discharge of conditions 8, 10, 14, 22, 25, 26, 27, 29, 35 and 58 pursuant to outline approval 07/0003/OUT) Addition of substation outside Plot 198	Approved
21/03619/COND6	Submission of details required by condition 6a (Modification condition (details submitted for plot 197) of reserved matters application 21/03619/REM	Condition part-discharged
24/00962/FUL	Amendments to Plots 312 and 313 and the parking for plots 314 and 315 of Darwin Green parcel 5/6	Pending consideration

4.2 The reserved matters consent for the BDW5/6 parcel (21/03619/REM) included the following planning condition which was added to the recommendation by Members of the Joint Development Control Committee when the application was considered in December 2021:

6. *Notwithstanding the approved plans, no development above ground level shall take place until revised a) plans and elevations for plots numbers 197 and 312 and b) plans showing the removal of plot 202 are submitted to and approved in writing by the local planning authority.*

Reason: To protect the amenity of occupiers of adjoining properties, in accordance with Cambridge Local Plan 2018 policies 56 and 57.

4.3 The current application is relevant to part b of the condition in respect of Plot 202. The effect of this condition was to remove Plot 202 from the approved plans. The condition requires submission of amended plans showing its removal. The applicant has not submitted such plans to discharge this part of the condition. As development above ground level has commenced on the BDW5/6 parcel, the developer is currently in breach of this condition. This is a separate matter.

4.4 The other parts of the condition relating to other plots are also separate matters.

5.0 Policy

5.1 National

National Planning Policy Framework 2023

National Planning Practice Guidance

National Design Guide 2021

Environment Act 2021

Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conservation of Habitats and Species Regulations 2017

Equalities Act 2010

Planning and Compulsory Purchase Act 2004

Local Transport Note 1/20 (LTN 1/20) Cycle Infrastructure Design

Technical Housing Standards – Nationally Described Space Standard (2015)

ODPM Circular 06/2005 – Protected Species

Circular 11/95 (Conditions, Annex A)

5.2 Cambridge Local Plan 2018

Policy 1: The presumption in favour of sustainable development
 Policy 3: Spatial strategy for the location of residential development
 Policy 5: Sustainable transport and infrastructure
 Policy 14: Areas of Major Change and Opportunity Areas
 Policy 20: Land between Huntingdon Road and Histon Road
 Policy 27: Site specific development opportunities
 Policy 28: Sustainable design and construction, and water use
 Policy 29: Renewable and low carbon energy generation
 Policy 30: Energy-efficiency improvements in existing dwellings
 Policy 31: Integrated water management and the water cycle
 Policy 32: Flood risk
 Policy 33: Contaminated land
 Policy 34: Light pollution control
 Policy 35: Human health and quality of life
 Policy 36: Air quality, odour and dust
 Policy 42: Connecting new developments to digital infrastructure
 Policy 45: Affordable housing and dwelling mix
 Policy 50: Residential space standards
 Policy 51: Accessible homes
 Policy 55: Responding to context
 Policy 56: Creating successful places
 Policy 57: Designing new buildings
 Policy 59: Designing landscape and the public realm
 Policy 65: Visual pollution
 Policy 68: Open space and recreation provision through new development
 Policy 69: Protection of sites of biodiversity and geodiversity importance
 Policy 70: Protection of priority species and habitats
 Policy 71: Trees
 Policy 80: Supporting sustainable access to development
 Policy 81: Mitigating the transport impact of development
 Policy 82: Parking management
 Policy 85: Infrastructure delivery, planning obligations and the Community
 Infrastructure Levy

5.3 **Neighbourhood Plan**

N/A

5.4 **Supplementary Planning Documents**

Biodiversity SPD – Adopted February 2022
 Sustainable Design and Construction SPD – Adopted January 2020
 Cambridgeshire Flood and Water SPD – Adopted November 2016
 Health Impact Assessment SPD – Adopted March 2011
 Landscape in New Developments SPD – Adopted March 2010
 Open Space SPD – Adopted January 2009
 Public Art SPD – Adopted January 2009
 Trees and Development Sites SPD – Adopted January 2009

5.5 **Other Guidance**

N/A

6.0 **Consultations**

6.1 **County Highways Development Management – No Objection**

6.2 The proposed car parking arrangements for these plots will not adversely affect the operation of the proposed adopted public highway.

6.3 **Lead Local Flood Authority – No Objection**

6.4 The proposed layout results in a decrease in impermeable area in comparison to the previously approved site. There are no proposed changes to the general principles of the surface water drainage network. There is sufficient drainage capacity within the previously approved surface water drainage network for the wider BDW5/6 parcel.

6.5 Recommend conditions for detailed surface water drainage scheme and construction drainage scheme. Recommend informatives for Ordinary Watercourse Consent, pollution control and construction surface water maintenance.

6.6 **Urban Design Team – No Objection**

6.7 The layout and overall design complements the approved BDW5/6 parcel and builds on principles within the wider Darwin Green 1 outline consent and approved Design Code. Building heights are compliant with the approved outline consent parameter plan. Looser grain and more suburban character responds to the guiding design principles of 'lower density' character areas. Building arrangements support a legible structure for the wider development.

6.8 Amendments have addressed the request for split cycle store approach to provide a better balance between functionality, convenience, and visual integration, while also reducing visual obstruction from front windows. However, clarification of materials for the walls and roof of the stores is required, and a wall mounted bar rather than a Sheffield hoop within the stores would provide a useable space for two bikes to be stored. Recommend these could be secured by condition.

6.9 Recommend conditions for materials and brick types to match those agreed through the reserved matters consent for BWD5/6 parcel.

6.10 **Landscape Officer – No Objection**

6.11 No objection to the principle, layout and purpose of the proposals. Very little landscape information has been provided but a marginal increase in street tree planting may be possible to the frontages of the new units. Recommend standard condition for hard and soft landscape details.

6.12 Environmental Health – No Objection

6.13 Required additional information on noise impact assessment for air source heat pumps. Reviewed plan showing the location of air source heat pumps and the noise impact calculations, which are sufficiently low. Recommend a noise compliance condition.

6.14 Contaminated land conditions on the Darwin Green 1 outline consent have been discharged across the wider site. Recommend standard unexpected contamination condition.

6.15 No objection in terms of air quality as the provision of heating and hot water is wholly electric with no combustion emissions to air, and each plot will have an active electric vehicle charging point.

6.16 Recommend standard construction/demolition/delivery hours and piling conditions.

7.0 Third Party Representations

7.1 Representations from the owner/occupiers of 6 properties have been received.

7.2 Those in objection have raised the following issues:

- Density and overdevelopment
- Residential amenity impact (impacts on enclosure, overbearing and privacy)
- Residential amenity impact (noise disturbance from air source heat pumps)
- Ground level raising
- Residential amenity of future occupants (internal space standards)
- Loss of biodiversity
- Impact on and loss of trees/hedges
- Future maintenance of trees/hedges
- Flooding/subsidence
- Inadequate consultation undertaken by developer and inaccurately reported

8.0 Member Representations

8.1 Not applicable.

9.0 Local Interest Groups and Organisations / Petition

9.1 The Committee of the Windsor Road Residents' Association has made a representation objecting to the application on the following grounds:

- Ground level raising

9.2 The above representations are a summary of the comments that have been received. Full details of the representations are available on the Council's website.

10.0 Assessment

10.1 Principle of Development

10.2 The principle of residential development is established by the site allocation for Land between Huntingdon Road and Histon Road (Policy 20 of the Cambridge Local Plan 2018), the Darwin Green 1 outline consent, and Policy 3 of the Local Plan which states that the overall development strategy is to focus new residential development in and around the urban area of Cambridge.

10.3 Furthermore, there is an extant reserved matters consent for four dwellings on the site as part of the BDW5/6 parcel. This is a fallback scenario that could be implemented and is a material consideration relevant to the assessment of the current application. This further supports the principle of residential development.

10.4 Housing Provision

10.5 Policy 45 of the Local Plan requires residential development of 15 units or more to provide a minimum of 40% of affordable housing. The proposed development is for five market homes and therefore affordable housing is not required. Notwithstanding this, the Darwin Green 1 outline consent secures 40% affordable housing across the wider site, including approximately 40% on the BDW5/6 parcel. These plots are market homes in the approved BDW5/6 reserved matters, so the current proposal does not affect the overall tenure split.

10.6 Policy 45 states developments should include a balanced mix of dwelling sizes, types, and tenures to meet projected future household needs within Cambridge. The Darwin Green 1 outline consent achieves a balanced housing mix across the whole site. These plots are 4 and 5 bedroom homes in the approved BDW5/6 reserved matters. The current proposal is for 3 and 5 bedroom homes. This change is not considered to have a significant impact on the overall housing mix across Darwin Green 1 and is acceptable.

10.7 For these reasons, officers are satisfied that the proposal is acceptable and accords with Policy 45 of the Local Plan and the Greater Cambridge Housing Strategy 2019-2023.

10.8 Design, Layout, Scale and Landscaping

10.9 Policies 55, 56, 57, 58 and 59 of the Local Plan seek to ensure that development responds appropriately to its context, is of a high quality, reflects or successfully contrasts with existing building forms and materials and includes appropriate landscaping and boundary treatment.

- 10.10 The proposed dwellings are arranged around a similar road layout to the approved reserved matters scheme, albeit the cul-de-sac has been moved westwards to allow longer rear gardens for the dwellings adjacent to existing neighbouring properties. Plot 205 has been relocated from the north-western corner of the site to the south-eastern side adjacent to neighbouring properties to allow this. Nonetheless, the proposal follows the design principles that were established at the outline stage. This is acceptable.
- 10.11 The Design and Access Statement explains how the proposal follows the approved outline Design Code and parameter plans, notwithstanding that strict compliance is not required for this standalone full planning application. The proposal would be compliant in terms of building heights and the two-and-a-half storey dwellings were assessed to be compliant with the building heights parameter plan in the approved reserved matters. This is acceptable.
- 10.12 In terms of density, the Urban Design team has commented that the domestic height and detached forms proposed create a looser grain and a more suburban character that responds to the guiding design principles of the 'lower density' character areas in the Design Code which this area falls within. The applicant has stated the density would be 27 dwellings per hectare based on a site area of 0.18 hectares excluding the access road, which is within the requirement of up to 40 dwellings per hectare within the Design Code. This is acceptable in design terms.
- 10.13 The proposed arrangement supports a legible structure for the wider development. Plot 202 forms a positive visual terminus to views looking east from the primary street. With its main frontage facing the street, and active facades provided on both sides (north and west), the plot provides natural surveillance of both the tertiary street and the green corridor. The proposal provides active facades onto the street and open spaces, which support the creation of a high-quality key frontage onto the strategic green corridor, in-line with the urban framework parameter plan. This is acceptable.
- 10.14 Materials for the dwellings are shown in the Design and Access Statement. All dwellings would be light red brick with a red-brown clay roof tile. This is similar to the majority of dwellings on the wider BDW5/6 parcel including all those on the eastern boundary with existing neighbours, which are all red brick. Buff brick is typically used on the apartment buildings and other dwellings along the primary road, although there are some other examples. The proposed materials are acceptable in design terms and a condition is recommended for materials and brick types to match those agreed through the reserved matters consent for BWD5/6 parcel (**condition 15 – materials and brickwork**).
- 10.15 Landscape proposals have been submitted showing areas of hard surfacing and planting to the front of dwellings including four trees. The landscaping scheme is similar to the approved reserved matters scheme. The Landscape Officer has recommended a condition for a detailed hard and soft landscaping scheme (**condition 13 – hard and soft landscape**). This advice is accepted.

A condition is also recommended for landscaping materials to be the same as those agreed through the reserved matters consent for BWD5/6 parcel (**condition 15**). Standard conditions are also recommended for replacement planting (**condition 14 – landscape replacement**).

10.16 Cycle stores have been provided to the front of the dwellings. The stores have been positioned to have a minimal impact on the streetscene and on the outlook from living room windows of the proposed dwellings. This approach is supported. The Urban Design team has commented that stores to the front should be constructed in brick to match the dwellings. This is shown in drawings in the Design and Access Statement, which also shows a sloped roof. **Condition 16 – cycle stores** is recommended to secure detailed drawings of the bike and bin stores to the front and rear. A separate condition is recommended for any structures with a flat roof shall be a green biodiverse roof (**condition 17 – green roof**).

10.17 Overall, the proposed development is a high-quality design that would contribute positively to its surroundings and be appropriately landscaped. Subject to the recommended conditions, the proposal is compliant with Local Plan policies 55, 56, 57, 58 and 59 and the NPPF.

10.18 **Trees**

10.19 Policy 59 and 71 seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. Paragraph 136 of the NPPF seeks for existing trees to be retained wherever possible.

10.20 During the course of the application a tree survey, arboricultural implications assessment (AIA), arboricultural method statement (AMS) and tree protection plan (TPP) were submitted. The tree survey identified two mixed species groups forming a hedge along the eastern boundary within the application site, and one Cherry tree off-site to the north-east. The AIA states that removal of a 2 metre section of the hedge is required within the northern extent of the group to allow a new brick wall along the side of Plot 202 and forming the edge of the strategic open space. The Tree Officer objected to the removal of part of the hedge on the previous reserved matters. An alternative scheme that retained and pruned the hedge was secured by the discharge of planning conditions. It is considered likely that retention of the full hedge could be secured for the current proposal. Therefore a condition is recommended for alternative AIA, AMS and TPP details to be submitted. (**condition 10 – tree protection**). This is acceptable.

10.21 Regarding ongoing management and maintenance of the vegetation, this would be the responsibility of the future occupiers of Plots 202, 203, 204 and 205. The landscape proposals show a 1.2 metre high post and rail fence with galvanised wire mesh attached on the hedge side (leaving a 130mm gap at the base for animal access to the hedge). This is acceptable and a similar

arrangement for hedges in the wider BDW5/6 parcel and the reserved matter consent fallback situation.

- 10.22 During the course of the application, the developer offered to transfer ownership of the hedge to the relevant residents and to include a commitment to this within the Unilateral Undertaking. Officers recognise that this could provide a potential benefit to residents, however do not consider such an obligation would meet the relevant tests set out in the in [regulation 122](#) of the Community Infrastructure Levy Regulations 2010 (as amended by the 2011 and 2019 Regulations). The relevant tests are described in paragraph 10.108 of this report. The transfer of ownership is not considered necessary for the ongoing management and maintenance of the hedge as the proposed arrangements for the future occupiers of the proposed dwellings is considered acceptable for the reasons given in the paragraph above. Therefore, the obligation is not necessary to make the development acceptable in planning terms and fails to meet the relevant tests. Nonetheless, the applicant could still offer to transfer ownership separate from the current planning application.
- 10.23 For these reasons, subject to the recommended conditions, the proposal would accord with Policies 59 and 71 of the Local Plan.
- 10.24 **Carbon Reduction and Sustainable Design**
- 10.25 The Council's Sustainable Design and Construction SPD (2020) sets out a framework for proposals to demonstrate they have been designed to minimise their carbon footprint, energy and water consumption and to ensure they are capable of responding to climate change.
- 10.26 Policy 28 of the Local Plan states development should take the available opportunities to integrate the principles of sustainable design and construction into the design of proposals, including issues such as climate change adaptation, carbon reduction and water management. The same policy requires new residential developments to achieve as a minimum water efficiency to 110 litres pp per day and a 44% on site reduction of regulated carbon relative to Part L 2006 (equating to a 19% reduction compared to 2013 Building Regulations Part L).
- 10.27 Policy 29 of the Local Plan supports proposals which involve the provision of renewable and / or low carbon generation provided adverse impacts on the environment have been minimised as far as possible.
- 10.28 The application is supported by a Sustainability Statement. The proposed plots are designed to achieve carbon emissions in line with Future Homes Standard through the adoption of good fabric performance and employment of low and zero carbon technologies including air source heat pumps. The proposed dwellings exceed the planning policy requirement of 19% reduction in carbon emissions beyond Part L 2013 by being designed to comply with Future Homes Standard, which represents a 75% reduction in carbon emissions beyond Part L 2013. The use of smart meters will provide occupiers with real time data to manage their energy consumption. This is supported.

- 10.29 The Sustainability Statement confirms the following renewable energy technologies are proposed: photovoltaic panels, decentralised mechanism extract ventilation, waste water heat recovery and air source heat pumps to meet the Future Homes Standard. Hot water cylinders and distribution pipework will have high levels of insulation. Lighting provision will be from LED low energy fittings. Smart meters will be installed on all properties. This is supported. A standard condition is recommended to ensure these technologies are implemented (**condition 19 – implementation of carbon reduction technologies**).
- 10.30 Water efficiency has been reviewed as part of the design process and the Sustainability Statement confirms a Building Regulations Part G compliant specification will be adopted, resulting in the higher standard (lower water use) of 110 litres/person/day. This is supported. A standard condition is recommended to ensure water efficiency measures are implemented in accordance with the optional requirement as set out in Part G (**condition 20 – water efficiency**).
- 10.31 All homes are dual aspect and two storeys or more, and benefit from private gardens to allow good ventilation. The dwellings are orientated with windows approximately north-west and south-east. Windows are a regular domestic scale without large areas of glazing. For these reasons, it is considered the dwellings would have a low risk of overheating. This is supported.
- 10.32 Subject to the recommended conditions, the applicant has suitably addressed the issue of sustainability and renewable energy and the proposal is in accordance with Local Plan policies 28 and 29 and the Greater Cambridge Sustainable Design and Construction SPD 2020.
- 10.33 **Biodiversity**
- 10.34 The Environment Act 2021 and the Council's Biodiversity SPD (2022) requires development proposals to deliver a net gain in biodiversity following a mitigation hierarchy which is focused on avoiding ecological harm over minimising, rectifying, reducing and then off-setting. This approach is embedded within the strategic objectives of the Local Plan and Policy 70. This policy states that proposals that harm or disturb populations and habitats should secure achievable mitigation and / or compensatory measures resulting in either no net loss or a net gain of priority habitat and local populations of priority species.
- 10.35 The relevant primary legislation for the statutory framework for biodiversity net gain is principally set out under Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This legislation was inserted into the 1990 Act by Schedule 14 of the Environment Act 2021 and was amended by the Levelling Up and Regeneration Act 2023. The Biodiversity Gain (Town and Country Planning) (Consequential Amendments) Regulations 2024 made consequential amendments to other parts of the 1990 Act. As part of the biodiversity net gain regulations, a number of exemptions were included and

subject to The Biodiversity Gain Requirements (Exemptions) Regulations 2024 which prescribe exemptions for categories of development to which biodiversity net gain does not apply.

- 10.36 One of the exemptions includes ‘Temporary exemption for small developments’. The biodiversity gain planning condition does not apply in relation to planning permission for small development where the application for planning permission for small development was made before 2nd April 2024, among other exemptions. “Small development” means development which is not major development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015(1).’ The current application is for 5 dwellings on a site less than 1 hectare and the application was received by the local planning authority on 13 March 2024. Therefore the application falls within the exemptions in The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and biodiversity net gain does not apply.
- 10.37 Notwithstanding this, an Ecological Assessment has been submitted with the application, which explains the applicant’s approach to ecological enhancements. The report is based on ecological surveys undertaken in 2021 for the reserved matters application for the wider BDW 5/6 parcel. It describes the majority of the site as unmanaged ruderal/ephemeral vegetation on previous arable cropland considered to be of negligible ecological importance. The proposed landscape enhancements within the site, including new hedging and four trees, and new residential gardens, are expected to deliver a net gain in biodiversity. Furthermore, the applicant proposes three bat boxes, two bird boxes, hedgehog holes in all fencing within new residential gardens, and three insect hotels. This is supported and **condition 12 – ecological enhancements** is recommended to secure implementation of these measures.
- 10.38 It is important to highlight that the current application site is within the wider BDW5/6 parcel for which an Ecological Conservation and Management Plan (ECMP) has been approved, demonstrating compliance with the aims and objectives of the approved Site Wide Ecological Conservation Management Plan under the outline planning consent. This includes ecological enhancements on the wider site near to the boundaries of the current application. For example, drainage ditches across the wider BDW5/6 site are being retained and enhanced as part of the development, including additional planting of aquatic and marginal species and seeding of the banks to continue to provide shelter and foraging opportunities for species.
- 10.39 During construction, measures will be put in place to protect species and habitats. A Construction Ecological Management Plan (CEcMP) has been approved as part of the planning conditions for the wider BDW5/6 site. The Ecological Assessment explains that this will be adhered to on the current planning application site. **Condition 11 – ecological conservation management plan** is recommended to secure this.

10.40 Subject to these conditions, officers are satisfied that the proposed development would not result in adverse harm to protected habitats, protected species or priority species and would achieve ecological enhancements. Taking the above into account, the proposal is compliant with Policies 57, 69 and 70 of the Cambridge Local Plan (2018).

10.41 **Water Management and Flood Risk**

10.42 Policies 31 and 32 of the Local Plan require developments to have appropriate sustainable foul and surface water drainage systems and minimise flood risk. Paragraphs 159 – 169 of the NPPF are relevant.

10.43 The site is in Flood Zone 1 and is therefore considered at low risk of flooding.

10.44 The applicant has submitted a Surface Water Drainage Note which explains how the current proposal relates to the approved drainage network for Darwin Green 1 and the approved drainage scheme for the wider BDW5/6 parcel. It explains that the proposed layout results in a decrease in impermeable area (approximately 23 square metres) in comparison with the approved BDW5/6 site plan. It concludes that there is sufficient drainage capacity within the approved surface water drainage network for the wider BDW 5/6 parcel. Also, that there are no proposed changes to the sewers or general principles of the surface water drainage network as a result of the proposed layout. In terms of foul water capacity, the report explains that the number of plots and associated foul flows from the application area have not changed, therefore there is sufficient capacity within the approved foul network to accommodate foul flows from the redesigned plots.

10.45 The Local Lead Flood Authority was consulted on the application on the basis that it reviewed the drainage scheme for the wider Darwin Green 1 and the reserved matters application for the BDW5/6 parcel. It supports the conclusions of the Surface Water Drainage Note and raises no objection to the current application. It has recommended conditions for a detailed surface water drainage scheme which would include site levels (**condition 8**) and construction drainage scheme (**condition 9**), and informatives. This advice is accepted.

10.46 In conclusion, the applicant has suitably addressed the issues of water management and flood risk, and subject to conditions the proposal is in accordance with Local Plan policies 31 and 32 and NPPF advice.

10.47 **Highway Safety and Transport Impacts**

10.48 Policy 80 of the Local Plan supports developments where access via walking, cycling and public transport are prioritised and is accessible for all. Policy 81 of the Local Plan states that developments will only be permitted where they do not have an unacceptable transport impact.

10.49 Paragraph 115 of the NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable

impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 10.50 The transport impacts have been assessed through the Darwin Green 1 outline application and the previous reserved matters application for parcel BDW5/6. The proposal would not increase the number of dwellings above the outline approval for Darwin Green 1.
- 10.51 The Highway Authority has advised that the proposed car parking layout would not have an unacceptable impact on the proposed adopted highway and has not objected to the proposal on highway safety grounds.
- 10.52 For these reasons, subject to the Unilateral Undertaking, the proposal accords with the objectives of Policies 80 and 81 of the Local Plan and is compliant with NPPF advice.

10.53 **Cycle and Car Parking Provision**

10.54 Cycle Parking

- 10.55 The Cambridge Local Plan (2018) supports development which encourages and prioritises sustainable transport, such as walking, cycling and public transport. Policy 82 of the Local Plan requires new developments to comply with the cycle parking standards as set out within Appendix L which for residential development states that one cycle space should be provided per bedroom for dwellings of up to 3 bedrooms, and 3 spaces for 4-bedroom dwellings. These spaces should be located in a purpose-built area at the front of each dwelling and be at least as convenient as car parking provision. To support the encourage sustainable transport, the provision for cargo and electric bikes should be provided on a proportionate basis.
- 10.56 In addition to this, the Darwin Green 1 outline consent and approved Design Code requires a higher number of cycle parking spaces than the adopted Local Plan policy. It requires 1 space per bedroom for dwellings up to 3 bedrooms, and 4 spaces per dwelling for 4 or 5 bedroom dwellings (rather than 3 spaces in the adopted standards).
- 10.57 During the course of the application, amendments were submitted to provide a split store arrangement with each dwelling having a store to the front and within the rear garden. This is consistent with stores approved on parcels BDW3 and BDW4. The stores provide space for two bikes in each (four in total for each dwelling), as shown on the revised site ground floor plan. This meets the requirements of the Design Code and exceeds the adopted standards.
- 10.58 Information within the Design and Access Statement shows the stores to the front would be brick and to the rear would be timber, however the Urban Design Team has requested confirmation that the brick stores would match the dwellings. The roofs would be sloped. A Sheffield hoop is shown within each store to provide secure storage, however the Urban Design Team has

recommended this is replaced by a wall mounted bar which would be more convenient.

- 10.59 The cycle store provision is acceptable, subject to the Urban Design Team's comments. As the detailed design of the stores is only shown within the Design and Access Statement, a condition is recommended for detailed plans and elevations to be submitted. This should address the consultee's comments. Subject to conditions, the proposal is acceptable
- 10.60 Car parking
- 10.61 Policy 82 of the Local Plan requires new developments to comply with, and not exceed, the maximum car parking standards as set out within appendix L. Outside of the Controlled Parking Zone the maximum standard is no more than 1.5 spaces per dwelling for up to 2 bedrooms and no less than a mean of 0.5 spaces per dwelling up to a maximum of 2 spaces per dwelling for 3 or more bedrooms. Car-free and car-capped development is supported provided the site is within an easily walkable and cyclable distance to a District Centre or the City Centre, has high public transport accessibility and the car-free status can be realistically enforced by planning obligations and/or on-street controls.
- 10.62 The proposed development provides two car parking spaces for each dwelling of 3 bedrooms or more. This is compliant with the adopted standards in Policy 82.
- 10.63 In addition to the adopted standards, the Darwin Green 1 outline consent restricts the total number of residential parking spaces for the Darwin Green development (2,389 spaces) and this cap has not been reached (a total of 2,224 residential spaces have been approved). While this condition does not apply to the current full application, it is worth noting that the proposal would not exceed the total number of spaces approved on Darwin Green 1.
- 10.64 The Council strongly supports contributions to and provision for car clubs at new developments to help reduce the need for private car parking. Car club spaces are secured in the Darwin Green 1 outline consent.
- 10.65 The applicant proposes to install one electric vehicle (EV) charge point for each dwelling. This exceeds the standards set out in the Greater Cambridge Sustainable Design and Construction SPD and is supported. **Condition 26** is recommended to secure this.
- 10.66 Subject to conditions, the proposal is considered to accord with Policy 82 of the Local Plan and the Greater Cambridge Sustainable Design and Construction SPD.
- 10.67 **Amenity**
- 10.68 Policies 35, 50, 52, 53 and 58 of the Local Plan seek to preserve the amenity of neighbouring and / or future occupiers in terms of noise and disturbance,

overshadowing, overlooking or overbearing and through providing high quality internal and external spaces. The applicant has provided sections and visualisations from neighbouring properties, and the case officer has visited each of the neighbouring properties discussed below.

10.69 Neighbouring Properties

10.70 The nearest existing property to Plot 202 is number 2 Martingale Close. This is a detached two storey dwelling with a garage to the side and a garden to the rear. There are first floor windows serving bedrooms on the rear elevation and a conservatory on the ground floor (in addition to other ground floor windows) which is shown on the amended site plan. The garden is approximately 6.6 metre long at the closest point of the rear elevation of the main house (approximately 4.2 metres long from the conservatory) with a hedge along the rear boundary that is understood to be within the application site.

10.71 The impact of the previous proposals for Plot 202 on the residential amenity of the occupants of this property is understood to be the main reason for condition 6 on the reserved matters and the removal of the previous Plot 202. The owner/occupier objected to the previous reserved matters application and to the current full application. However, their current objections relate to proposed Plots 203-205 and they have commented that they would be 'content' with the current proposals for Plot 202.

10.72 The current proposal for Plot 202 has increased the distance of the rear elevation to the boundary and has reduced the ridge height. The proposed rear garden would be 12.5 metres long compared to 5.5 metres long. The separation distance between two storey elements of the proposed dwelling and the neighbouring property would be 20.4 metres compared to 13.2 metres. The proposed dwelling would be two storeys with a flat roof element, rather than two-and-a-half storeys. The ridge height would be 7.9 metres compared to 8.6 metres. Sections provided by the applicant show this would be approximately 0.6 metres higher than the ridge of number 2 Martingale Close. For these reasons, the proposal would not have an unacceptable overbearing or enclosing impact on number 2 Martingale Close.

10.73 The proposed rear elevation of Plot 202 would have two small windows at first floor level. These would serve a bathroom and an ensuite. The amended plans show these would be obscure glazed and a condition is recommended to secure this (**condition 24**). Further conditions are recommended to removed permitted development rights for additional first floor windows, roof lights and dormer windows, and extensions (**conditions 21, 22, 23**). At ground floor level, the retention of the existing hedge would provide screening to minimise inter-looking. This is described in more detail in paragraph 10.84 below.

10.74 The orientation of the proposed dwellings to the north east of Martingale Close means there would be no unacceptable loss of light or overshadowing impact on the properties on Martingale Close.

- 10.75 In summary, the current proposal for Plot 202 would have a greater impact on the residential amenity of the occupants of number 2 Martingale Close compared to the approved reserved matters which had this plot removed by condition 6. However for the reasons above, the current proposal for Plot 202 would not have an unacceptable impact on their residential amenity and would have a lesser impact than the previous proposals that were removed from the reserved matters consent. In the opinion of officers, the current proposal has overcome the reason for applying condition 6.
- 10.76 Plots 203, 204 and 205 as currently proposed would be to the rear of numbers 2, 4 and 6 Martingale Close, and offset to the rear of number 8 Martingale Close. Numbers 4, 6 and 8 are also two storey properties with conservatories to the rear and rear gardens. The rear gardens are approximately 9 or 10 metres long (from the two storey rear elevation and not from the conservatory). The owner/occupiers of these properties have objected to the current application due to concerns about the impact on their residential amenity, primarily the overbearing and enclosing impact and overlooking resulting from one additional dwelling proposed along this section of the boundary and the reduced gaps between the proposed dwellings.
- 10.77 The reserved matters approved two dwellings along this section of the boundary. This is the fallback situation. One is two storeys and the other is two-and-a-half storeys. There is a gap the width of two car parking spaces between the dwellings. The approved dwellings have rear gardens between 14.1 – 15.5 metres long. The separation distance between the two storey rear elevations of the approved dwellings and numbers 4 and 6 Martingale Close is between 24.4 – 25.7 metres.
- 10.78 The current proposal has three dwellings along this section of the boundary. These would be a narrow house type. The gaps between the dwellings would also be narrower, between 1.7 and 2.7 metres to accommodate the width of a path. Parking would be relocated to the front.
- 10.79 The proposed dwellings would be two storeys. The proposed Plots 203, 204 and 205 would all have a ridge height of 8.3 metres. Sections provided by the applicant show the ridge height of Plots 203 and 204 would be the same as the approved scheme, and would be just over 1 metre higher than the ridge height of number 4 Martingale Close. Further sections show the ridge height of Plot 205 would be approximately 0.8 metres lower than the approved two-and-a-half storey dwelling, and would be approximately 1.3 metres higher than number 6 Martingale Close.
- 10.80 The proposed dwellings would be further away from the boundary with longer rear gardens increasing the separation distance with existing neighbouring properties. The rear gardens have been increased in length between 0.7 and 1.1 metres. This has increased the separation distance between the two storey rear elevations of Plots 203, 204 and 205 and numbers 4 and 6 Martingale Close to 26.3 metres. The distance to the conservatories of those properties would be between 22.9 – 23.5 metres.

- 10.81 In assessing the impact of the additional dwelling and reduced gaps between dwellings proposed along this section of the boundary, officers have considered the representations from third parties, the sections and visualisations provided by the applicant, and visits to the existing neighbouring properties. The existing reserved matters approval for two dwellings in this location is a material consideration as the fallback situation.
- 10.82 The additional dwelling and reduced width of the proposed gaps between dwellings would reduce the glimpses between the proposed dwellings. This would result in some degree of reduced outlook from numbers 2 – 8 Martingale Close compared to the approved scheme. However, this would not result in an unacceptable enclosing or overbearing impact because of the proposed ridge heights and increased separation distances, as explained above. For this reason, the combined impact of the proposed changes to the layout of this section of the boundary result in a proposal that would not have an unacceptable impact on the residential amenity of neighbouring properties.
- 10.83 Plots 203 – 205 would have two windows each on the first floor rear elevation (six in total). These would each serve bedrooms and would be unobscured (**condition 24**). The approved reserved matters scheme has three unobscured windows on the first floor (plus two obscured bathroom windows). The current proposal would have more windows than the approved reserved matters scheme. However, this would not result in an unacceptable overlooking or inter-looking impact or loss of privacy because of the increased separation distances, as explained above.
- 10.84 At ground floor level, the retention of the existing hedge along the boundary would reduce inter-looking between Plots 202, 203, 204 and 205 and existing neighbouring properties. As covered in the 'Trees' section of this report, the retention of the hedge would be secured through the implementation of tree protection measures during construction. Ongoing management and maintenance would be the responsibility of the future occupants of the proposed plots. The future occupants would have an interest in maintaining their own privacy. Nonetheless, the occupiers of the existing neighbouring properties could erect screening within their own gardens. Moreover, the relationship would be similar to the approved reserved matters scheme for the BDW5/6 parcel which is the fallback scenario.
- 10.85 As noted in paragraph 10.22, the applicant has offered to transfer ownership of the hedge to the occupiers of existing neighbouring properties. This is not considered necessary to make the development acceptable in terms of residential amenity for the reasons given in the paragraph above. Therefore it fails to meet the relevant tests to be included as a planning obligation within the Unilateral Undertaking. Nonetheless, the applicant could still offer to transfer ownership separate from the current planning application.
- 10.86 For these reasons, and subject to the recommended conditions to remove permitted development rights for new windows, roof lights and roof

extensions, and extensions (**conditions 21, 22 and 23**) the proposal would not have an unacceptable impact on neighbouring properties in this regard.

10.87 In conclusion, the proposal would not have an unacceptable impact on neighbouring properties and complies with Policies 35, 50, 52, 53 and 58.

10.88 Future Occupants

10.89 Policy 50 of the Cambridge Local Plan (2018) requires all new residential units to meet or exceed the Government’s Technical Housing Standards – Nationally Described Space Standards (2015).

10.90 During the course of the application, further consideration of the floor spaces was provided by the applicant including amended house type drawings. The gross internal floor space measurements for dwellings in this application are shown in the table below. Some of the amended house types benefit from studies which are supported.

Plot	Number of bedrooms	Number of bed spaces (persons)	Number of storeys	Policy Size requirement (m ²)	Proposed size of unit (m ²)	Difference in size (m ²)
202	3	4	2	84	114.2	+30.2
203	3	5	2	93	100.6	+7.6
204	3	5	2	93	100.6	+7.6
205	3	5	2	93	100.6	+7.6
209	5	9	3	134	157.6	+23.6

10.91 Third party representations have noted that one of the proposed house types fails to meet the more detailed parts of the Technical Housing Standards – Nationally Described Space Standards (2015) and policy 50 relating to the size of double bedrooms. The Kingsley house type (Plots 203, 204 and 205) would have two double bedrooms 9.5 square metres which is smaller than the standards that require double bedrooms to be at least 11.5 square metres. This would compromise the residential amenity of the future occupiers to some degree, however these homes benefit from studies and meet the overall floor space requirements. Furthermore, these are market homes so the occupier would have an element of choice and this house type has been used elsewhere on the wider BDW5/6 development. This would not result in significant harm and, on balance, the residential amenity for the future occupiers of the proposed development would be acceptable.

10.92 The proposal would be acceptable in terms of the relationship between the proposed dwellings and other homes, and also with dwellings on the approved reserved matters scheme. In particular, the relationship between proposed Plot 209 and the approved dwelling to the rear. The separation distance and number of windows on the rear elevation is similar to the approved reserved matters, and therefore would be acceptable in terms of overlooking, inter-looking and privacy.

- 10.93 Policy 50 of Local Plan states that all new residential units will be expected to have direct access to an area of private amenity space which should be of a shape, size and location to allow effective and practical use of the intended occupiers. The proposed dwellings would have gardens to the rear which would provide appropriate private amenity space for the size of the dwellings. The proposal complies with policy 50 in this respect.
- 10.94 Accessibility
- 10.95 Policy 51 requires all new residential units to be of a size, configuration and internal layout to enable Building Regulations requirement part M4(2) accessible and adaptable dwellings to be met. The Design and Access Statement confirms that all proposed homes would meet the requirement part M4(2). Officers consider that the layout and configuration enables inclusive access and future proofing. The proposal complies with policy 51.
- 10.96 Noise
- 10.97 The application proposes air source heat pumps for each dwelling. During the course of the application, a plan showing the location of air source heat pumps close to the rear of the dwellings and a noise impact assessment were submitted. The Environmental Health team have reviewed this information and advised that the air source heat pumps have been located to maximise separation from the existing properties off site at Martingale Close and those within the Darwin Green development. The consultee has raised no objection and recommends a noise compliance **condition 18** to ensure implementation of the mitigation measures set out in the applicant's noise impact assessment. This advice is accepted. Subject to these conditions, the proposal is acceptable.
- 10.98 Construction and Environmental Impacts
- 10.99 Policy 35 guards against developments leading to significant adverse impacts on health and quality of life from noise and disturbance. Noise and disturbance during construction would be minimized through conditions restricting construction hours and collection hours to protect the amenity of future occupiers. These conditions are considered reasonable and necessary to impose.
- 10.100 The Council's Environmental Health team have assessed the application and recommended standard conditions relating to construction impacts (**conditions 3, 4, 6 and 7**). This advice is accepted. An additional condition is recommended to secure compliance with the construction mitigation measures approved for the wider Darwin Green 1 development and the BDW5/6 reserved matters scheme, namely the Construction Environmental Management Plan (CEMP) and the Construction Method Statement (CMS) (**condition 5**). Subject to these conditions, the proposal is acceptable in accordance with policy 35.

10.101 Summary

10.102 The proposal adequately respects the amenity of its neighbours and of future occupants and is considered that it is compliant with Cambridge Local Plan (2018) policies 35, 50, 51, 52, 53, 57 and 58.

10.103 **Third Party Representations**

10.104 The remaining third-party representations not addressed in the preceding paragraphs are summarised and responded to in the table below:

Third Party Comment	Officer Response
Density and overdevelopment	<p>Density has been assessed in the 'Design, Layout, Scale and Landscaping' section of this report.</p> <p>The proposed density is in accordance with the Design Code for the Darwin Green 1 development and follows the design principles with lower density development along the margins of the site near to existing residential properties.</p> <p>Third party concerns about density refer to overdevelopment and the resulting impact on residential amenity of neighbouring properties. This has been assessed in the 'Amenity' section of this report.</p> <p>The proposed density is acceptable in terms of urban design and residential amenity.</p>
Residential amenity impact (impacts on enclosure, overbearing and privacy)	<p>The impact on residential amenity of existing neighbouring properties has been assessed in detail in the 'Amenity' section of this report.</p>
Residential amenity impact (noise disturbance from air source heat pumps)	<p>The impact on residential amenity of existing neighbouring properties has been assessed in detail in the 'Amenity' section of this report.</p>
Ground level raising	<p>The finished ground levels are shown on the proposed sections. This has allowed an assessment to be made of the ridge heights and the impact on residential amenity. This has been assessed in the 'Amenity' section of this report.</p> <p>Third party representations have also raised concerns about ground raising in terms of the impact on flooding.</p>

	<p>Drainage and flooding are discussed in the 'Water Management and Flood Risk' section of this report. The detailed drainage design which will include levels is secured by condition 8 – detailed surface water drainage scheme, as recommended by the Lead Local Flood Authority.</p> <p>Third party concerns about evidence of ground raising on the wider Darwin Green 1 development site are a separate matter for compliance and enforcement.</p>
Residential amenity of future occupants (internal space standards)	This is assessed in the 'Amenity' section of this report.
Loss of biodiversity	This is addressed in the 'Biodiversity' and 'Trees' sections of this report.
Impact on and loss of trees/hedges	This is assessed in the 'Trees' section of this report and tree/hedge protection measures are recommended to be secured by condition 10 – tree works compliance .
Future maintenance of trees/hedges	The hedge would be maintained by the future occupants of Plots 202, 203, 204 and 205. This is acceptable. Notwithstanding this, the applicant has offered to transfer ownership to neighbouring properties, but this would be subject to further discussions separate from the planning process.
Flooding/subsidence	Drainage and flooding are discussed in the 'Water Management and Flood Risk' section of this report.
Inadequate consultation undertaken by developer and inaccurately reported	<p>Planning officers have encouraged the developer to engage with local residents throughout all stages of developing this proposal.</p> <p>Concerns about accuracy of the developer's reporting of that process are noted.</p> <p>Nonetheless, a full and appropriate consultation has been undertaken as part of the planning application and representations have been given full consideration.</p>

10.105 Planning Obligations (S106)

10.106 The Community Infrastructure Levy Regulations 2010 have introduced the requirement for all local authorities to make an assessment of any planning

obligation in relation to three tests. If the planning obligation does not pass the tests then it is unlawful. The tests are that the planning obligation must be:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

10.107 Policy 85 states that planning permission for new developments will only be supported/permitted where there are suitable arrangements for the improvement or provision and phasing of infrastructure, services and facilities necessary to make the scheme acceptable in planning terms.

10.108 The applicant has submitted a Unilateral Undertaking to link any planning permission granted for the current application to the Section 106 Agreement for the outline planning permission for the Darwin Green 1 development. This is to ensure that the delivery of the five units proposed would be bound by the terms of the outline Section 106 Agreement. This is particularly important for the housing delivery numbers and meeting the triggers for delivery of infrastructure.

10.109 This is necessary, directly related to the development and fairly and reasonably in scale and kind to the development and therefore the Planning Obligation passes the tests set by the Community Infrastructure Levy Regulations 2010 in are in accordance with policy 85 of the Cambridge Local Plan (2018).

10.110 The applicant has also offered to transfer ownership of the hedge to the relevant existing neighbouring properties and to make a commitment within the Unilateral Undertaking to offer the land. Officers do not consider this to be necessary to make the development acceptable in terms of the ongoing management and maintenance of the hedge and in terms of residential amenity for the reasons stated in this report. Therefore it fails to meet the tests set by the Community Infrastructure Levy Regulations 2010 and is not included within the Unilateral Undertaking.

10.111 A draft Unilateral Undertaking has been shared with Cambridge City Council and the terms are agreed in principle, subject to agreement of the final wording. The Unilateral Undertaking is also subject to agreement with Cambridgeshire County Council.

10.112 **Other Matters**

10.113 Bins

10.114 Policy 57 requires refuse and recycling to be successfully integrated into the proposals. The proposal includes bin stores within the rear gardens. Recommended **condition 16 – cycle and bin stores** would secure the detail. Subject to this, the proposal complies with policy 57.

11.0 Planning Balance

- 11.1 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).
- 11.2 Specifically addressing the reason for the condition that removed Plot 202 from the reserved matters approval, the current proposal for Plot 202 would have a greater impact on the residential amenity of the occupants of number 2 Martingale Close and other properties compared to the approved reserved matters simply because this plot had been removed by that condition. However, the current proposal for Plot 202 would not have an unacceptable impact on their residential amenity and would have a lesser impact than the previous proposals for Plot 202. In the opinion of officers, the current proposal has overcome the reason the condition to remove Plot 202 was applied.
- 11.3 The other changes to Plots 203, 204 and 205 have included an additional dwelling along the section of the boundary to the rear of numbers 2 – 8 Martingale Close. This has reduced the width of the proposed gaps between dwellings compared to the approved reserved matters scheme. This would result in some degree of reduced outlook from numbers 2 – 8 Martingale Close compared to the fallback scenarios. At the same time, those plots have been moved away from the boundary with existing properties to increase the separation distance. For this reason, the current proposal would not result in an unacceptable enclosing or overbearing impact on the residential amenity of neighbouring properties. The current proposal would have more windows than the approved reserved matters scheme. However, this would not result in an unacceptable overlooking or inter-looking impact or loss of privacy because of the increased separation distances.
- 11.4 Summary of harm
- 11.5 One of the proposed house types fails to meet the more detailed parts of the Technical Housing Standards – Nationally Described Space Standards (2015) and policy 50 relating to the size of double bedrooms. The overall floor space for this house type and the two other proposed house types exceeds the standards. These are market homes so the occupier would have an element of choice. This house type has been used elsewhere on the wider BDW5/6 development. On balance, this would not result in significant harm to the residential amenity for the future occupiers of the proposed development.
- 11.6 Summary of benefits
- 11.7 The proposal would deliver five new market homes within the Darwin Green 1 development, which forms part of the strategic housing allocation supported under Policy 20 of the Cambridge Local Plan 2018.

- 11.8 The proposed 3 and 5 bedroom homes would contribute to the housing mix on the Darwin Green 1 development, and would provide accessible homes compliant with Building Regulations requirement part M4(2).
- 11.9 The proposal would achieve high quality development in terms of urban design and landscaping, and would meet sustainability targets for carbon reduction and water efficiency. The dwellings would have high quality cycle parking facilities and electric vehicle charging points. Ecological enhancement measures have been included in the proposals.
- 11.10 Mitigation measures would be secured by conditions to protect residential amenity, existing trees and hedges, and ecology during construction.
- 11.11 In the planning balance, the harms associated with the failure to comply with the more detailed parts of the Technical Housing Standards – Nationally Described Space Standards (2015) and Policy 50 relating to the size of double bedrooms do not outweigh the benefits of delivering five new high-quality homes on an allocated development site supported by Policy 20.
- 11.12 Having taken into account 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 subject to conditions.

12.0 Recommendation

12.1 **Approve** application reference 24/00961/FUL subject to:

(i) The planning conditions and informatives as set out below with minor amendments to the conditions as drafted delegated to officers to carry through minor amendments to those conditions and informatives (and include others considered appropriate and necessary) prior to the issuing of the planning permission; and. (ii) Satisfactory completion of a Unilateral Undertaking to link any planning permission granted for the current application to the Section 106 Agreement for the outline planning permission for the Darwin Green 1 development.

13.0 Planning Conditions

1. Standard time

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved drawings

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

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.

3. CE16AC – Construction / demolition hours

No construction or demolition work shall be carried out and no plant or power operated machinery operated other than between the following hours: 0800 hours and 1800 hours on Monday to Friday, 0800 hours and 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays, , unless otherwise previously agreed in writing with the Local Planning Authority.

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

4. CE17AC – Demolition / construction collections / deliveries

There should be no collections from or deliveries to the site during the demolition and construction stages outside the hours of 0800 hours and 1800 hours on Monday to Friday, 0800 hours to 1300 hours on Saturday and at no time on Sundays, Bank or Public Holidays unless otherwise previously agreed in writing with the Local Planning Authority.

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

5. CEMP and CMS compliance

Development shall only be carried out in accordance with the Construction Environmental Management Plan (CEMP) approved in writing by the local planning authority as required by condition 51 on the outline consent 07/0003/OUT, and in accordance with the Construction Method Statement (CMS) approved in writing by the local planning authority as required by condition 52 on the outline consent 07/0003/OUT in relation to the reserved matters 21/03619/REM. The approved CEMP and CMS shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

6. CE19AS – Piling

In the event of piling, no development shall commence until a method statement detailing the type of piling, mitigation measures and monitoring to protect local residents from noise and/or vibration has been submitted to and

approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5228-1&2:2009 Code of Practice for noise and vibration control on construction and open sites.

Development shall be carried out in accordance with the approved statement.

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

7. CE05AS – Unexpected Contamination

If unexpected contamination is encountered during the development works which has not previously been identified, all works shall cease immediately until the Local Planning Authority has been notified in writing. Thereafter, works shall only restart with the written approval of the Local Planning Authority following the submission and approval of a Phase 2 Intrusive Site Investigation Report and a Phase 3 Remediation Strategy specific to the newly discovered contamination.

The development shall thereafter be carried out in accordance with the approved Intrusive Site Investigation Report and Remediation Strategy.

Reason: To ensure that any unexpected contamination is rendered harmless in the interests of environmental and public safety (Cambridge Local Plan 2018 policy 33).

8. Construction Surface Water Drainage Scheme

No development, including preparatory works, shall commence until details of measures for how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence, and shall be retained for the duration of the works.

Reason To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

9. Detailed Surface Water Drainage Scheme

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Surface Water Drainage Note (Plot 202, BDW 5&6, Darwin Green One) prepared by Woods Hardwick (ref: 18906/SWDN (PLOT 202))

dated March 2024, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling hereby approved, and shall be retained as such thereafter.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity (Cambridge Local Plan 2018 policies 31 and 32 and the National Planning Policy Framework).

10. Tree protection

Prior to commencement of development, including demolition, and in accordance with BS5837 2012, a phased tree protection methodology in the form of an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) shall be submitted to and agreed in writing by the local planning authority before any tree works are carried out and before any equipment, machinery or materials are brought onto the site for the purpose of development (including demolition).

In a logical sequence the AMS and TPP will consider all phases of construction in relation to the potential impact on trees and detail tree works, the specification and position of protection barriers and ground protection and all measures to be taken for the protection of any trees from damage during the course of any activity related to the development, including supervision, demolition, foundation design (allowing for tree root growth and accounting for heave and subsidence), storage of materials, ground works, installation of services, erection of scaffolding and landscaping.

Development shall be carried out fully in accordance with the approved AMS and TPP thereafter.

Reason: To ensure that trees to be retained will be protected from damage during any construction activity, including demolition (Cambridge Local Plan 2018 Policy 71 and Section 197 of the Town and Country Planning Act 1990).

11. Ecological Conservation Management Plan

Development shall only be carried out in accordance with the Construction Ecological Management Plan (CEcMP) approved in writing by the local planning authority as required by condition 2 on the reserved matters consent 21/03619/REM. The approved CEcMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure that before any development commences appropriate construction ecological management plan has been agreed to fully conserve and enhance ecological interests, in compliance with Cambridge Local Plan 2018 Policy 57.

12. Ecological Enhancements

Prior to first occupation of the dwellings hereby permitted, the ecological enhancements detailed in the approved Ecological Assessment Issue Number 2 report prepared by Eight Versa Ltd. dated 03.04.2023 shall be fully installed and operational. The ecological enhancements shall be retained as such thereafter.

Reason: To conserve and enhance ecological interests, in line with Cambridge Local Plan 2018 Policy 57.

13. CL01DS Hard and soft landscape

No development above ground level, other than demolition, shall commence until all details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The works shall be fully carried out in accordance with the approved details prior to the occupation of the development, unless an alternative phasing scheme for implementation has otherwise been agreed in writing by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved design (Cambridge Local Plan 2018; Policies 55, 57 and 59).

14. CL02BS Landscape replacement

If within a period of 5 years from the date of planting of any trees or shrubs, or 5 years from the commencement of development in respect of any retained trees and shrubs, they are removed, uprooted, destroyed, die or become seriously damaged or diseased, replacement trees and shrubs of the same size and species as originally planted shall be planted at the same place in the next available planting season, or in accordance with any variation agreed in writing by the Local Planning Authority.

Reason: To require replacement trees to be approved, planted and subsequently protected, to ensure continuity of tree cover in the interests of visual amenity (Cambridge Local Plan 2018 Policy 71 and Section 197 of the Town and Country Planning Act 1990).

15. Materials and Brickwork

The materials and brickwork used in the construction of external surfaces on the development hereby permitted (including, for the avoidance of doubt, all dwellings, stores and hard landscaping) shall be the same as those used on the parcel known as BDW5/6 approved by reserved matters consent 21/03619/REM, or shall be in accordance with details that have been submitted to and approved in writing by the local planning authority prior to commencement of development above ground level.

Reason: To ensure the external appearance of the development does not detract from the character and appearance of the area in accordance with Policy 55 of the Cambridge Local Plan 2018.

16. Cycle and bin stores

No development of any cycle and bin stores above ground level shall commence until detailed plans and elevations of the stores, including materials, have been submitted to and approved in writing by the local planning authority. The details shall include the means of providing secure storage and the materials for the external walls and roofs. Development shall be carried out in accordance with the approved details.

Reason: To provide convenient cycle storage for two cycles to promote the use of sustainable transport modes (Cambridge Local Plan 2018 policy 82).

17. Green roof (bin and bike stores)

Any flat roof of the stores within the development hereby permitted shall be a green biodiverse roof(s). The green biodiverse roof(s) shall be constructed and used in accordance with the details outlined below:

- a) Planted / seeded with a predominant mix of wildflowers which shall contain no more than a maximum of 25% sedum planted on a sub-base being no less than 60 mm thick.
- b) Provide suitable access for maintenance.
- c) Not used as an amenity or sitting out space and only used for essential maintenance, repair or escape in case of emergency.

The green biodiverse roof(s) shall be implemented in full prior to occupation of the dwellings.

Reason: To ensure the development provides the maximum possible provision towards water management and the creation of habitats and valuable areas for biodiversity (Cambridge Local Plan 2018, policy 31).

18. Air Source Heat Pumps Compliance

The Air Source Heat Pumps, associated equipment and specified mitigation hereby approved shall be installed and implemented fully in accordance with the operational noise levels and noise mitigation scheme measures as specified in the submitted *24 Acoustics "Noise Assessment – Technical Report: R10712-1 Rev 0" dated 22nd July 2024*.

Reason: In the interests of noise mitigation and the impact on residential amenity (Cambridge Local Plan 2018, policy 35).

19. Implementation of carbon reduction technologies and Future Homes Standards

No dwelling shall be occupied until the approved carbon reduction strategy for that dwelling as set out in the Sustainability Statement Darwin Green BDW 5&6 – Plots 202 to 205 and 209 version 1 report prepared by Environmental Economics dated 22 January 2024 has been implemented in full. Any associated renewable and / or low carbon technologies shall thereafter be retained and remain fully operational in accordance with the approved details.

The dwellings hereby approved shall be constructed to the Future Homes Standard. Post-construction assessments demonstrating compliance with the relevant standard shall be submitted to and approved in writing by the local planning authority prior to occupation of the dwelling to which the assessment relates.

Reason: In the interests of reducing carbon dioxide emissions (Cambridge Local Plan 2018, Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

20. Water efficiency (CR10BS)

No dwelling shall be occupied until water efficiency measures for the scheme have been implemented in accordance with the optional requirement as set out in Part G of the Building Regulations, which requires all dwellings to achieve a design standards of water use of no more than 110 litres/person/day.

Reason: To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (Cambridge Local Plan 2018 Policy 28 and the Greater Cambridge Sustainable Design and Construction SPD 2020).

21. Removal of permitted development rights (windows)

Notwithstanding the provisions of Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or openings of any kind, other than those expressly authorised by this permission, shall be constructed in the rear elevations of Plots 202, 203, 204 and 205 at and above first floor level unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf.

Reason: To safeguard the privacy of adjoining occupiers (Cambridge Local Plan 2018 policies 52, 55, and 57).

22. Removal of Class A permitted development rights (extensions)

Notwithstanding the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration of the dwelling

house(s) shall be constructed on Plots 202, 203, 204 and 205 without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity (Cambridge Local Plan 2018 policies 55, 56 and 57).

23. Removal of Class B and C permitted development rights (alterations to roof)

Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that order with or without modification), no new windows or dormer windows, additions or alterations to the roof of the dwelling house(s) shall be constructed on Plots 202, 203, 204 and 205 without the granting of specific planning permission.

Reason: In the interests of protecting residential amenity (Cambridge Local Plan 2018 policies 55, 56 and 57).

24. Opaque and fixed windows for all bathroom and ensembles

No dwelling hereby permitted shall be occupied until all windows shown as obscure glazed on the approved drawings have, apart from any top hung vent, been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity) and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties (Cambridge Local Plan 2018 policies 55, 56 and 57).

25. Curtilages

No dwelling hereby permitted shall be occupied until the curtilage of that dwelling has been fully laid out and finished in accordance with the approved plans. The curtilage shall remain as such thereafter.

Reason: To ensure an appropriate level of amenity for future occupiers and to avoid the property being built and occupied without its garden land (Cambridge Local Plan 2018 policies 50, 55 and 56).

26. Electric Vehicle Charging

No dwelling shall be occupied until one active electric vehicle charge point for each dwelling has been installed and functioning with a minimum power rating output of 7 kilowatts. The electric vehicle charge points shall be designed and installed in accordance with BS EN 61851 or any superseding standard or Building Regulations.

Reason: In the interests of encouraging more sustainable modes and forms of transport and to reduce the impact of development on local air quality, in accordance with the NPPF and policy 36 of the Cambridge Local Plan 2018 and with Cambridge City Council's adopted Air Quality Action Plan 2018.

INFORMATIVES

Unilateral Undertaking

This application is subject to a Unilateral Undertaking dated [insert date].

Environmental Health Conditions

To satisfy and discharge Environmental Health conditions relating to artificial lighting, contaminated land, noise / sound, air quality and odours / fumes, any assessment and mitigation shall be in accordance with the scope, methodologies and requirements of relevant sections of the Greater Cambridge Sustainable Design and Construction SPD, (Adopted January 2020) <https://www.cambridge.gov.uk/greater-cambridge-sustainable-design-and-construction-spd> and in particular section 3.6 - Pollution and the following associated appendices:

- 6: Requirements for Specific Lighting Schemes
- 7: The Development of Potentially Contaminated Sites in Cambridge and South Cambridgeshire: A Developers Guide
- 8: Further technical guidance related to noise pollution

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).

Ordinary Watercourse Consent

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/asset-library/Cambridgeshires-Culvert-Policy.pdf>

Please note the council does not regulate ordinary watercourses in Internal Drainage Board areas.

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

Construction Surface Water Maintenance

Prior to final handover of the development, the developer must ensure that appropriate remediation of all surface water drainage infrastructure has taken place, particularly where the permanent drainage infrastructure has been installed early in the construction phase. This may include but is not limited to jetting of all pipes, silt removal and reinstating bed levels. Developers should also ensure that watercourses have been appropriately maintained and remediated, with any obstructions to flows (such as debris, litter and fallen trees) removed, ensuring the condition of the watercourse is better than initially found. This is irrespective of the proposed method of surface water disposal, particularly if an ordinary watercourse is riparian owned.

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.

- Cambridge Local Plan 2018
- Cambridge Local Plan SPDs