

## **Planning application S/0768/18/FL**

### **Erection of two new private rented residential blocks comprising a total of 93 apartments**

#### **Objection by Orchard Park Community Council**

##### **Introduction**

We have been waiting several months for the disclosure of the viability assessment for this proposal but as it has not yet been disclosed this submission is being made without the benefit of reviewing it or the basis on which it was submitted.

From discussions today with the planning officer we understand it thought it was solely to justify the lack of any affordable housing on this proposal. From discussion with an agent for the applicant the Community Council was let to believe it was to make a case why the “apartments application is not viable, so the application has been made for student rooms”.

The viability assessment should be publicly accessible for a sufficient time before any determination is made on this application.

It also appears that whilst it was suggested to the applicants that the proposal be submitted to the Design Enabling Panel, they did not take up the option.

Orchard Park Community Council respectfully asks South Cambridgeshire District Council to reject both this application and even more so the application for student rooms. Please consider if such an application be approved for Cambourne or in Cambridge City? So why approve it in Orchard Park.

The committee is urged to read the Inspector’s decision, particularly paragraphs 14 to 18 and his rationale for approving the application he did and refusing the other one as well as the acceptance of the terms of the Unilateral Undertaking submitted by the then applicants.

##### **Principle of Residential Development**

Whilst the residential use of this site has potentially been established by the appeal decision on APP/W0530/W/15/3095195 (SCDC S/2975/14/OL) that is no justification for the current proposal which is of a very different scale.

It should also be noted that the linked appeal APP/W0530/W/15/3095195 (SCDC S/2938/14/OL) was refused for the erection of up to 132 1 and 2 bed flats on all of the COM4 site. A costs application against SCDC was refused on both appeals.

Both original refusals contained robust decisions and reasons for refusal. Many still apply and even more so given the greater scale of what is proposed.

The approval appeal decision in April 2016 was for “up to 42 1, 2, 3 and 4 bedroom apartments”. It is now expired so should now be afforded less weight, particularly given the revised NPPF and NPPG as well as the recently adopted South Cambridgeshire Local Plan.

The applicants bought the site from the owners in full knowledge of the then extant planning consent. They made no effort to submit a reserved matters application for that development and allowed it to lapse.

This application was submitted in February 2018 in what was clearly deficient form given all the revisions and additional information that has had to be submitted first. This is a classic example of attempts to wear down opposition by Local Planning Authorities and communities by repeat application.

### **Viability and Affordable Housing**

Current details on the public planning register do not include the viability assessment which we understand has been submitted to demonstrate why the development does not comply with the policy for affordable housing. As the proposal does not comply with the policy requirement for affordable housing the application should be rejected.

Further comment on viability may be made once the viability assessment is disclosed as required by the NPPF and NPPG.

### **Density, Height and Massing, Character and Appearance**

Whilst some of the issues raised by Urban Design in April 2018 have been addressed in subsequent revisions the fundamental issues remain and have not been overcome.

This is over-development on a grand scale, in a site that is only 0.27 ha (gross). The proposal as approved at appeal for 42 units would have resulted in a net density of well over 190. This proposal was submitted for 99 dwellings so a net density of around 450 dwellings per hectare. The proposal has been reduced to 93 dwellings so slightly reducing things to around 420 net (344 gross).

The Orchard Park SPD provides guidance as to the built form likely to be considered acceptable within the COM4 area. It suggests built forms of approximately 15 metres in height (with four plus storeys) for primary blocks and between 9 and 12 metres for other buildings should be considered acceptable. In this area the SPD seeks provision of 'landmark buildings' to terminate views and strong frontages to define and contain open spaces and streets. The applicants attempt to use this policy to justify the height and massing of this development.

### **Leisure, Recreation and Amenity Space**

The proposal results in a very cramped development. There is little or no private or public amenity space. There is no onsite provision for leisure or recreation space nor any proposed s106 contribution for off-site provision. On the basis it does not comply with these policy requirements it should be rejected.

### **Build to Rent**

The proposal is based on the difference between South Cambridgeshire and Cambridge City, it fails to take account of the very different demographics in the two districts. Orchard Park already has more of the issues of Cambridge City but without the supporting infrastructure or services.

Orchard Park has a large number of houses in multiple occupation with what were meant to be family homes now converted to 6 or more HMO units. This is estimated to be around 25% of the total buildings. Many HMOs are uncontrolled in planning terms but immune now from any enforcement action.

The need for and benefit of HMO properties is recognised but they should never dominate any one street as they do in Orchard Park.

HMO properties will not generally be picked up in any Private Rented Sector survey. In several instances whole streets are largely or entirely HMOs. So, whilst the PRS within South Cambridgeshire as a whole may only have been 12% in 2014/15 that is for South Cambridgeshire as a whole. The PRS within Orchard Park is well in excess of 20% - bear in mind that a 6-bedroom HMO should be counted as 6 PRS units.

Orchard Park is already suffering from the issues that flow from a high transient population, that this application makes the case on the lines of “we will be different as we will be high quality and well managed” it will still exacerbate not improve the situation.

### **Crime Prevention - parking**

The Police “Designing Out Crime Officer” has expressed concerns and refers to “anti-social and inappropriate parking across the Orchard Park area and regularly calls are received to our Control Room.” Despite these comments the applicant does not appear to have made any response.

If anything, the situation on parking is now worse since those comments were made with vehicles regularly being “parked” on pavements and even roundabouts.

### **Parking**

Orchard Park has reasonably good accessibility by public transport and cycling. So, whilst someone may be able to commute to work on foot, by cycle or by bus they still will often have a car for other journeys such as leisure and shopping. This is demonstrated by observing the number of cars parked within Orchard Park during the day.

Whilst a parking stress survey has been submitted which is said to be in accordance with the Lambeth Methodology<sup>1</sup> even a cursory read of the methodology shows the submitted survey does not. It is clear the submission clearly does not comply with the methodology in a number of ways including that it has not been based on a 200m walking distance. It has not properly identified and excluded around dropped kerbs, nor excluded 5m from junctions. The survey was also undertaken over a year ago before the “Marmalade Lane” (K1) development was completed.

Even if the applicants could control car ownership of tenants, they could not control the behaviour of visitors. Provision of double yellow lines would simply lead to parking on double yellow lines as happens at present with the existing restrictions. SCDC is one of the few districts in England which does not have decriminalised parking, so parking remains a police matter and giving other competing pressures so does not get dealt with. If the application is to be permitted then the applications should be required (through a Grampian condition and s106 agreement) to fund the introduction of decriminalised parking within either all of SCDC area of Orchard Park (whichever is the preference of County Council) as well TROs for parking restrictions on roads (and pavements) and funding an enforcement service for at least five years on a 24/7 basis to cover the area within a 600 m radius of the site.

There are two hotels within Orchard Park both of which were permitted as it is now clear, without sufficient parking for the number of guests they now accept or the sorts

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<sup>1</sup> [https://www.lambeth.gov.uk/sites/default/files/pl-PARKING\\_SURVEY\\_GUIDANCE\\_NOTE\\_Nov\\_2012\\_Update.pdf](https://www.lambeth.gov.uk/sites/default/files/pl-PARKING_SURVEY_GUIDANCE_NOTE_Nov_2012_Update.pdf)

of vehicles some use (HGV, coaches). Even when there may be space with the car parks some chose to park on the street and/or pavement instead. This indicates how people behave, garage parking accessible by lifts will not be used as it should be. Given rear-courtyard parking has been demonstrated to not work, it is fallacious to suggest garage parking accessed by lift will work unless supported by a controlled parking zone and strong enforcement action.

The use of Census data by either the applicants is entirely inappropriate. It was carried out whilst Orchard Park was still being developed. The LSOA census area covering the site does not cover all of Orchard Park and includes areas not in Orchard Park. It is of no real use to assess the situation now. In the absence of other validated data on car ownership the standard parking requirements should be the minimum requirement.

### **Preliminary Ecological Appraisal**

Recommendation 2 is for further survey visits to be undertaken. In light of this either defer consideration of both applications until the survey work is undertaken (or alternatively to reject the application pending the survey being undertaken). The applicants ought to have had this survey undertaken before they submitted their applications, so cannot justify complaining now about determination being delayed.

### **Highways Authority**

A rebuttal to the response by the Highways Authority (Tam Parry 2nd August 2018) was submitted by Clewlow Consulting for the applicants at some point in August 2018 (it is shown as County Highways Responses and titled as [Cambridge\\_County\\_Highways\\_Response.pdf](#) for application S/0768/18/FL). No further response from the Highways Authority appears to have been made for application S/0768/18/FL but there is one for S/3983/18/FL dated 19th December that appears to raise no objection subject to mitigation package. We've been advised though via County Councillor David Jenkins that County Highways still object to both applications. That response also refers in Comment 8 to "Please refer to comments from Highways Development Management in this regard" but there does not appear to be any such response from Highways DM on either application. Nor does there appear to be anything from the applicants in response to the mitigation measures requested.

### **Anglian Water**

The response from Anglian Water dated 23rd April 2018 made the point about a 15 m buffer zone around the pumping station. Given the multiple instances there have been of issues with the pumping station including sewage smells and their need to bring tankers in the concept of a buffer appears to be well made. WSP for the applicants have submitted a rebuttal to the buffer point. Anglian Water do not appear to have been asked to respond to this.

Given the ongoing issues with the pumping station there should be a clear buffer around the pumping station and the 15 m required by Anglian Water seems justified.