

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee 26 August 2020
AUTHOR/S: Joint Director of Planning and Economic Development

Application Number: S/4191/19/FL

Parish(es): Orchard Park, Impington

Proposal: Erection of new private rented residential block comprising a total of eighty studio, one and two bedroom apartments (Resubmission of application S/0768/18/FL)

Site address: Western side of Land Parcel COM4, Neal Drive, Orchard Park

Applicant(s): Marchingdale Developments Limited

Recommendation: Delegated Approval Subject to s.106

Key material considerations: Principle of Development
Urban Design, Character and Appearance
Landscaping and Planting
Ecology and Biodiversity
Housing Mix
Affordable Housing
Housing Density
Trees
Highway Safety and Parking
Air Quality
Crime Prevention
Noise
Neighbour Amenity
Residential Space Standards
Contaminated Land
Flood Risk and Drainage
Carbon Reduction and Water Efficiency
Archaeology
Section 106

Committee Site Visit: No

Departure Application: No

Presenting Officer: Nigel Blazeby, Delivery Manager Development Management

Application brought to Committee because: Previous application refused by planning committee and OPCC request committee decision

Date by which decision due: 28th August 2020

1. **Executive Summary**

2. The Application Site is located within the development framework of Orchard Park. It is situated to the north of the city of Cambridge and south of the A14 road and the villages of Histon and Impington. The site forms part of the plot known as 'COM4' (as described in the Orchard Park Design Guidance SPD, 2011).
3. The proposal, as amended is for the erection of 80 build-to-rent apartments. The residential development would comprise 75 one-bedroom apartments and 5 two-bedroom studio apartments. Build-to-rent developments are described in more detail in this report under the subtitle 'Housing Mix'.
4. The scheme would comprise two linear blocks arranged on the eastern and western boundaries of the site which would be linked via a bridging element orientated east-to west. The buildings would be 5 storeys and measure a maximum of 14.2 metres in height. The materials of construction would be Cambridge gault brick, bricks with recessed courses, glazed bricks, metal panels and corrugated metal panels. Windows and door frames would be grey and some windows would have precast cornices.
5. A vehicle parking area would be situated between the eastern and western wings at ground level and in the basement. A total of 47 parking spaces would be provided that would include four disabled spaces. 99 cycle parking spaces would be provided within secure buildings at ground level.
6. Vehicular access to the site would be from Neal Drive to the east. A route for pedestrians and cyclists would be provided to the south of the site between Chieftain Way and Neal Drive that would link to the pathways within the site.
7. This current planning application is a re-submission of the previously refused planning application for 93 build to rent apartments (Hereafter referred to as 'Appeal A'). Through this application the Applicant has sought to address the previous reasons for refusal in relation to landscape and urban design issues. The ecology reason for refusal is no longer being defended at appeal because the Appellant has provided the required additional survey which confirmed that there were no reptiles identified on the Application Site. This survey has also been submitted as part of this current planning application.
8. Planning Officers have concluded that the proposed development has overcome all three of the Appeal A reasons for refusal. Significant amendments have been proposed to the design of the proposed development, including re-siting the building, introduction of a bridging link, a reduction in units proposed and increased landscaping and planting measures.
9. Urban Design and Landscape consultees both recognise that the proposed development includes improvements over the Appeal A development. These consultees still have some concerns in relation to design and landscaping, however Planning Officers, for the reasons set out within this report, consider that the design of the Proposed Development accords with all of the relevant Development Plan Policies when considered as a whole. NPPF Paragraph 130 states that where design accords

with relevant policies, design should not be used by the decision-maker as a valid reason to object to a development.

10. Planning Officers also consider that a viable, high quality and policy compliant scheme of landscaping and planting can be achieved on the site, subject to a condition requiring submission of revised scheme of hard and soft landscaping measures prior to commencement of development. This is a different position to that taken in relation to the Appeal A proposals, where fundamental changes to design would have been required to achieve this.
11. The proposed development accords with all relevant development plan policies with the exception of Policy H/9 (Housing Mix), SC/6 (Indoor Community Facilities) and SC/7 (Outdoor Play Space, Informal Open Space and New Developments). However, the scheme is in accordance with the objectives of Policy H/9 and there is considered to be no harm associated with this conflict. The conflict with Policies SC/6 and SC/7 is outweighed by the viability evidence which is a material consideration and which demonstrates that further financial contribution cannot viably be delivered (as explained below). In addition, there is a large area of open space, including children's play space, directly adjacent to the application site, to the east. This is also a material consideration. These material considerations are such that conflict with the above policies is considered to be of limited weight. Therefore, notwithstanding the conflict with these policies it is considered that the proposed development accords with the development plan when considered overall.
12. Turning to material considerations, there would also be some conflict with the Orchard Park Design Guide SPD and the height parameter of 9m. However, compared to the Appeal A proposal there have been significant revisions to the siting of the building and an increased set back at fifth floor level which both serve to mitigate the impact of the buildings height. The proposed development is therefore considered to comply with Local Plan Policy HQ/1.
13. As Members may be aware, NPPF Paragraph 73 requires that the Council updates the 5YHLS position on an annual basis. The Applicant has confirmed that this scheme is deliverable within five years and has confirmed that the flats will be occupied within two and a half years of any planning consent being granted. The Proposed Development would make a contribution of an additional 80 units, over and above that included in the Council's current 5YHLS calculation. The Proposed Development would make a contribution towards significantly boosting the supply of housing, in line with the requirements of NPPF Paragraph 59. This is a material consideration which supports the grant of planning permission.
14. For these reasons, Planning Officers consider that planning permission should be granted subject to conditions and a suitably worded section 106 agreement.
15. **Planning History**

S/0768/18/FL - Erection of two new private rented residential blocks comprising a total of 93 apartments – Refused, currently subject to an appeal

S/3983/18/FL - Erection of two new private residential blocks comprising 168 student rooms and associated facilities – Refused, currently subject to an appeal

S/3039/17/RM - Application for approval of reserved matters (Access, appearance, landscaping, layout and scale) following planning permission S/2948/16/VC for the development of 82no. units for an Apart/Hotel with restaurant and gym facilities –

Approved (Site to directly east of Application Site)

S/2948/16/VC - Variation of conditions 1 (reserved matters), 2 (time scale), 3 (implementation), 5 (detailed view), 6 (detailed plans), 7 (road and footways), 9 (travel plan), 10 (car and cycle parking) and 11 (noise mitigation) pursuant to planning permission S/2975/14/OL for the erection of up to 42 No. 1,2,3 and 4 bedroom apartments on the smaller site within Land Parcel Com 4 and 82 No. units for an Apart / Hotel with a restaurant and gym facilities on the larger site on Land Parcel Com 4, Neal Drive, Orchard Park Development - Approved

S/2975/14/OL – Outline planning application for the erection/development of 42no apartments on the smaller site within the COMM 4 land parcel, and 82no units for an Apart/Hotel with a restaurant and gym facilities on the larger site on land parcel COMM 4 within the Orchard Park Development - Appeal Allowed

S/2248/14/OL - Outline planning application for the erection/development of 132 flats on Land Parcel COM4 (both Sites) at Orchard Park - Appeal Dismissed

S/1734/07/F - Erection of 182 dwellings (56 affordable) and associated infrastructure - Appeal Dismissed

S/2298/03/F - Strategic Infrastructure Comprising Spine Roads and Footways, Cycle ways, Surface Water Drainage, Foul Water Drainage and Strategic Services - Approved

S/2379/01/O - Development Comprising Residential, Employment, Retail, Leisure, Social/Community Uses, Open Space, Educational Facilities and Associated Transport Infrastructure - Approved

16. **National Guidance**

National Planning Policy Framework 2019
National Planning Practice Guidance
National Design Guide 2019

17. **Development Plan**

South Cambridgeshire Local Plan 2018
S/1 Vision
S/2 Objectives of the Local Plan
S/3 Presumption in Favour of Sustainable Development
S/5 Provision of New Jobs and Homes
S/6 The Development Strategy to 2031
S/7 Development Frameworks
SS/1 Orchard Park
HQ/1 Design Principles
HQ/2 Public Art
H/8 Housing Density
H/9 Housing Mix
H/10 Affordable Housing
H/12 Residential Space Standards
NH/2 Protecting and Enhancing Landscape Character
NH/4 Biodiversity
NH/8 Mitigating the Impact of Development In and Adjoining the Green Belt
NH/14 Heritage Assets

CC/1 Mitigation and Adaptation to Climate Change
CC/3 Renewable and Low Carbon Energy in New Developments
CC/4 Water Efficiency
CC/7 Water Quality
CC/8 Sustainable Drainage Systems
CC/9 Managing Flood Risk
SC/2 Health Impact Assessment
SC/4 Meeting Community Needs
SC/6 Indoor Community Facilities
SC/7 Outdoor Play Space, Informal Open Space and New Developments
SC/9 Lighting Proposals
SC/10 Noise Pollution
SC/11 Contaminated Land
SC/12 Air Quality
TI/2 Planning for Sustainable Travel
TI/3 Parking Provision
TI/8 Infrastructure and New Developments
TI/10 Broadband

18. **Supplementary Planning Documents**

Orchard Park Design Guide SPD – Adopted March 2011
Open Space in New Developments SPD - Adopted January 2009
Biodiversity SPD - Adopted July 2009
Trees & Development Sites SPD - Adopted January 2009
Landscape in New Developments SPD - Adopted March 2010
Affordable Housing SPD - Adopted March 2010
District Design Guide SPD - Adopted March 2010
Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, January 2020

19. **Consultation**

20. **Orchard Park Community Council** – Recommends refusal. The full response is included at Appendix 2. **Members are advised that they should read this appendix in full.** It is not considered appropriate to summarise these representations given the level of detail provided and number of issues included in the Community Council's response. The matters raised relate to the planning application as submitted and no comments were received on the amended scheme in response to consultation on 22nd April 2020. The substance of the matters raised are all fully addressed within this committee report as follows:

- Location Plan – Para's 63-65
- Principle of Development – Para's 69-76
- Sustainable Development – The entire committee report
- Viability and Affordable Housing – Para 151-163 and 240-258
- Density, Character and Appearance – Para's 135-137 (Density), 77-115 (Design)
- National Design Guide – Para 16
- Leisure, Recreation and Amenity Space – Para's 251-262 and 113-114 (Amenity Space)
- Build to Rent – Paras 140-50
- Transport and Parking matters – Para's 167-192
- Crime Prevention – Para's 237-239
- Pedestrian Route – Para's 100-106

- Anglian Water comments – Para 263
- Landscape Plans – Paras 116 to 127
- Ecology – Paras 128 to 134

21. **Impington Parish Council** - Recommends refusal, on the following grounds: -

'S/4191/19/FL Western side of Land Parcel COM4, Neal Drive, Orchard park erection of private rented residential block comprising a total of eighty studio, one and two bedroom apartments (resubmission of application S/0768/18/FL).

All agreed to make a recommendation of refusal, commenting: - Insufficient parking provision noting adjacent land parcels not yet fully developed and reliant on on-street parking - Noise reflection, impact of residents of Histon and Impington - No affordable housing provision'

22. **Joint Housing Development Officer** – Comments as follows, in full:

'I have reviewed the information provided by DVS and note the deficit for the scheme which confirms that the application cannot sustain any affordable housing.

However, I would like it noted that the Housing Strategy Team are disappointed that the developer has decided to provide such a high specification which has increased the costs substantially, ultimately further driving down the ability to provide the affordable housing element.

Whilst Housing are disappointed that this scheme cannot deliver any affordable housing on site due to viability, it has been agreed that a 'clawback clause' will be required. This clause will allow the District Council to 'clawback' contributions in the event the applicant sells the units on the open market before a set time. In this instance it has been agreed between Legal, Planning & the applicant that the time frame will be 15 years and the % clawback will be 12.143% of the Open market value of the first 32 units to be sold on the open market. This equates to 40% of the total units.

Whilst we would prefer to have an allocation of Affordable Private rent on this scheme, the viability reports show the scheme cannot feasibly provide the provision. Therefore, we have agreed that the clawback clause, in this instance, is reasonable given the advice of the District Valuer.'

23. **Urban Design Officer** – Comments in full:

'The below comments are made following amendments to this application since the previous urban design comments (made in February 2020), taking account of evidence that is being prepared for the appeal on the refused application ref. S/0768/18/FL for 93 apartments on the same site.

A previous full planning application ref: S/0768/18/FL for 93 apartments was refused by SCDC planning committee for three reasons including urban design, which is now the subject to the appeal. The urban design reason for refusal was as follows:

"The scale, siting and massing of the proposed five storey development would not be in keeping with the surrounding area and in particular the three storey residential developments directly to the south of the application site. The orientation and layout of the proposed development would also fail to meet the site-specific design guidance

set out at page 34 of the 'Orchard Park Design Guidance SPD'. The design of the proposed pedestrian link to the south and the lack of active frontages proposed on external facing elevations would result in a development which fails to create a positive sense of place."

The applicant in his current submission S/4191/19/FL and recent amendments seeks to address the planning committees' previous reasons for refusal and hence the urban design comments focus on

- Whether, those issues (with regard to urban design) which formed part of the reasons for refusal on the appeal scheme have been addressed or not, in the current scheme; and
- Any new issues that are created by the current scheme (not there on the previous scheme) which have adverse urban design impact.

1. The scale, siting and massing of the proposed five storey development

The main façade of Block A & B has been setback further such that their main facades are 12m and 15m respectively away from the residential buildings to the south. The fifth floor on block A and B is also setback by 2 and 4 mts respectively from their main façades and hence is further away from the residential building to the south. Whilst not exactly aligned with the building line of the Travelodge, the proposed arms of block A and B in our view is sufficiently set-back to mitigate the impact of the 5 storeys and achieve a reasonable transition to the 3 storey residential townhouses.

However, the organisation of massing on the fifth floor of block A is not setback sufficiently to achieve a reduced scale of building in its own right or create a coherent composition with the setback façade.

A new bridge link is proposed in the application reaching up to 5 storeys in height. As this bridge link is set further north into the site than the arms of block A & B, its relationship to the 3 storey residential buildings is acceptable. However, its fifth floor would benefit from being setback from the main façade to give prominence to the block A and B wings making the bridge link subservient, balancing the overall composition of the built form and massing. This situation could be slightly improved by conditioning the detail of how the fifth floor is connected to the lower floors in terms of their treatments, junctions and materials.

2. The orientation and layout of the proposed development

It is recognised that there are significant changes between the refused application and the current scheme in terms of its layout and orientation which are welcome and broadly addresses this element of the previous urban design reason for refusal. The length of Blocks A and B, which have a north south orientation are reduced, and are now connected with a bridging element, providing an overall impression of an east-west orientated building, broadly aligned with the SPD guidance. The proposal also has merit in providing some visual screening from the A14 highway. The proposal follows previous recommendation from the urban design team and reduces the overall number of dwellings in the scheme.

3. The design of the proposed pedestrian link to the south and the lack of active frontages proposed on external facing elevations:

This can be broken into two parts. A: Quality of the public realm along the pedestrian link and B: lack of active frontages facing this link.

A: Quality of the public realm along the pedestrian link

Whilst the width of the space between Blocks A and B to the southern residential development has increased, it has not translated into a high quality public realm, as a majority of the space between the buildings has been privatised, with a narrow pedestrian east-west link with minimal landscaping, adjacent to a tarmac road, providing access to the building as well as parking. This solution is not acceptable and does not in our view address the previous reason for refusal. However, there is a potential for a high quality scheme to emerge:

In order to address this reason for refusal, and keeping broadly with the existing siting and layout, the access road would need to be moved slightly closer to the southern façade of block B with some defensible space for low level planting, allowing a greater separation between the access road to the development and the east-west pedestrian link. A revised landscape scheme would need to be submitted which increased the width of the public realm to include the access road with high quality surfacing/treatment (to be conditioned) , the east-west pedestrian link and the landscape amenity space to the south of Block A. The boundary treatment would need to be conditioned. A pedestrian link from the main entrance to the east west pedestrian link should be provided

Whilst not ideal, one could improve the existing design and layout of the current scheme, by keeping the existing siting, layout as well as access, but conditioning a revised landscape scheme, increasing the width of the public realm to include the access road to include the access road with high quality surfacing/treatment (to be conditioned), the east-west pedestrian link and the landscape amenity space to the south of Block A. The boundary treatment would need to be conditioned. A pedestrian link from the main entrance to the east west pedestrian link should be provided

B: Lack of active frontages proposed on external facing elevations facing this link

Whilst the introduction of a bridging element with windows provide some overlooking, and animation to the façade facing the link, it is not at ground level and is setback into the site. There are no significant improvements made to the elevational design to the southern façade of Block A and Block B so as to address this reason for refusal. However, some improvements to the facade could be sought via condition through the use of glass block walls and materiality that seeks to create interesting brick/light pattern so as to animate the façade.

4. Elevational Design:

The northern elevation although not the most important, presents to the frontage of the Cambridge Edge which needs to be treated positively. There have been significant changes to this frontage since the last scheme that was seen at committee, in that the projecting bay for block B has been reduced, whilst the projecting bays for block A have been removed. Further the addition bridge element which adds an east-west link is treated as a back with limited articulation of windows. This adds to further lack of animation to this façade than the appeal scheme contrary to the objectives set out in Paragraph 4.17 (P. 12) of the 'Orchard Park Design Guide SPD' (2011) which requires a positive frontage facing the A14.

Furthermore, the brick elevation on the east elevation of block A extends over

the fifth floor which should be treated with a metal cladding consistent with the rest of the façade and has a negative impact on its design.

For the submitted documents, there are discrepancies between the 'apartment types' drawing (ref. OP/170/4 rev 01), the 'Floor plans' (ref. OP/170/3 rev 01) and 'elevations' (ref. OP/170/5 rev 01) drawings in terms of the number of windows and position of the front doors for studio apartment types 1, 2, 3, 4 and 8 and one-bed apartment types 2, 4, and 6 and these errors should be addressed.

Summary

1. *Whilst the scale height and massing addresses the previous reasons for refusal with regard to the impact on the neighbouring 3 storey residential building, the disposition of its mass particularly on the fifth floor does not create a built form that makes the fifth floor and the bridge element subservient to the two main north south blocks, impacting negatively on its overall character.*
2. *The proposal addresses the previous reasons for refusal in terms of its orientation of the layout.*
3. *In order to fully address the reason for refusal,*
 - A. *the proposals would need to move the access road, slightly to the north with a revised landscape scheme. However, improvements could be sought to improve the landscape based on the current layout.*
 - B. *The proposal would need further articulation of the southern elevation through more windows. However, some improvements could be sought via conditions*
4. *The quality of the northern elevation is further reduced in the current proposal.'*

24. Landscape Officer – Comments as follows:

'The suggested current layout has not improved the quality of the landscape and external space generally, and has resulted in a particular reduction in landscape quality to the south of the blocks.

Suitable conditions will be required to resolve layout issues and to amend planting and some plant species.

An acceptable layout may be possible retaining the existing location of the vehicle access to the site, but changes to the tree planting positions, and a loss of some parking spaces will result.

The strategic southern link must be separated from the car parking for the development, be obvious as public realm and have a robust landscape to cope with the anticipated heavy pedestrian use.

The scheme compared to the appeal site S/0768/18/FL

Similar details are provided with this application to the appeal site for tree planting over the basement car park, raised planting beds and the location of silva cells and surface drainage and irrigation. As long as these details can be shown to work with

the proposed drainage and general construction, then details can be resolved by condition.

The northern boundary treatment for this application has potentially improved from the appeal site with the addition of the green roof cycle store. However, the quality of this boundary will be dependent on the form and materials of the building and amendments to the layout and species in planting areas. These details can be resolved by condition.

Tree species should generally be of a scale to complement the buildings. As with the appeal site the species, particularly in the raised beds will require amendments to a more suitable scale.

Compared with the appeal site, the northern section will experience more shade due to the addition of the linking bridge between blocks A and B. Plant species and layout will require some amendments in this area to flourish and integrate the existing elements such as the pumping compound.

Comment

The combining of the car park and access road with the strategic east-west link is unacceptable and will produce a really poor-quality landscape space. This is contrary to the principles laid out in the Orchard Park Design Guide Fig 18 page 23 and para 5.35 page 24.

It is also contrary to the landscape and parking issues listed on pages 34-35.

However, amendments to the landscape layout should be possible, but will require extra space, and will result in the loss of some car parking spaces. The following should be secured by condition:

- *A robust, well landscaped strategic link provided south of the development that is separated from the car parking areas, and includes scope for viable planting on the southern edge.*
- *Viable tree planting in raised areas over the basement car parking that will function with the proposed drainage system and are structurally sound. Tree species should be in scale with the development.*
- *A planting palette that will cope with shade areas, heavy public use and integrate existing structures.*
- *Details of all hard materials to be used including paving, surfacing, kerbs and edgings, tree grilles, bollards, landscape structures and any street furniture.'*

25. **Trees and Landscapes Officer** – No objection to amended plans

26. **Ecology Officer** – Comments that the applicant has submitted a Preliminary Ecological Appraisal and a Reptile Survey report in support of the application. Having reviewed these documents the ecology officer has no objection subject to conditions as follows:

- 1: Condition requiring mitigation measures in accordance with the PEA
- 2: Precautionary method of works in respect of reptiles to be submitted
- 3: Biodiversity enhancement and management plan to be submitted.

The officer comments that the proposed landscaping measures need to be revised to accommodate the mitigation measures as set out in the submitted ecology

information.

27. **Environmental Health Officer**

The officer recommends approval subject to conditions.

Noise – Has no objections subject to the following conditions:

- 1: Hours of construction between 08.00 and 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays. No construction or deliveries on Sundays or Public Holidays.
- 2: Method statement in event of pile driven foundations
- 3: Scheme to minimise airborne dust to be submitted and approved.
- 4: Construction programme to be submitted and approved.
- 5: 1-4 above can be a combined condition requiring submission of a Construction Environmental Management Plan and Method Statement.
- 6: An assessment of noise impact from plant and or equipment including any renewable energy provision sources shall be submitted for approval

The Officer has considered the noise impact from the A14 on the residential premises and has no objection subject to a condition requiring that the development is constructed in strict accordance with the noise mitigation details submitted as part of this application.

Lighting – no objection subject to submission of artificial lighting scheme prior to commencement of development

Waste – Require that the access is a minimum of 5m wide and that a s106 contribution is made for provision of waste receptacles.

28. **Air Quality Officer** - Has no objections. Recommends conditions requiring implementation of sustainable transport measures, where low emissions boilers and CHP is proposed these should meet certain standards, accommodate use of on-site renewable and low carbon energy and submission of a construction environmental management plan.
29. **Sustainability Officer** - No objection. The Officer recommends conditions requiring submission and approval of details of carbon reduction measures and water efficiency measures prior to commencement of development.
30. **Drainage Officer** – Has no objections, as amended. Requires a condition to agree details of the maintenance and management of the surface water drainage scheme.
31. **Section 106 Officer** – No objection. Details of S106 contributions are included in the Heads of Terms at Appendix 1.
32. **Contaminated Land Officer** – No objection subject to condition requiring remediation of any previously unidentified contamination.
33. **Local Highway Authority** - Has no objections, as amended. Requires conditions in relation to the submission of a traffic management plan during construction, the provision of pedestrian visibility splays either side of the access, the proposed access points shall be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway and the proposed access points shall be constructed using a bound material to prevent debris spreading onto the adopted public highway; and the access width shall be a minimum of 5m.

34. **Lead Local Flood Authority** – No objection subject to a condition requiring the submission of a detailed surface water drainage scheme and associated management plan.
35. **Cambridgeshire County Council Transport Assessment Team** – No objection subject to conditions. Comments as follows:

'As requested by the Highway Authority the applicant has removed any Irish sites from the TRICS assessment and sent an updated TRICS assessment by email dated 28/01/2020.

The updated TRICS assessment with Irish sites removed is now comparable to Cambridgeshire. The TRICS output shows a reduction to originally proposed with a 9% decrease. The new trip rate calculates the following:

- *AM Peak (Arrive 4, Depart 12)*
- *PM Peak (Arrive 10, Depart 8)*

The development trip generation is agreed. Overall this predicts that there will be a much higher use of cycling and a lower use of cars for journeys to and from the site.

Parking The provision of 104 covered cycle parking spaces is proposed. This allows for one person per studio, two people per one bed unit, and three people per two bed unit, and is appropriate and recommended to be agreed by SCDC.

The revised proposal of 80 flats includes an underground car park which has 52 car parking spaces, of which 4 will be for disabled use giving 48 spaces for 80 flats. This results in a ratio of 0.6 car spaces per flat. This is a similar ratio to the provision proposed for plot L2 Topper Street S/1971/18/VC nearby.

With a provision of 0.6 spaces per dwelling there is the chance that typical car ownership for this type of dwelling will result in overspill parking onto the public highway. The applicant has provided evidence based on census data of the local area to analyse this further. This analysis suggests that since the 2011 census that car ownership has reduced. The applicant proposes a car club bay, which will encourage residents not to own a car, and could reduce the demand for residents to own a vehicle by up to 15 vehicles.

The applicant notes that neighbouring wards have lower car ownership and need for parking, and suggests that Orchard Park could now have similar car ownership for the size of dwellings provided. Young people own fewer cars than they once did. Another similar scheme in the south of Cambridge has a similar provision of parking, and this is shown to adequately meet the demand from its residents.

This rationale combined is accepted by the Transport Assessment Team. As a result, the risk of overspill parking onto the public highway is considered not to be significant.

Conclusion: Having reviewed the relative impacts of the development on the Histon Road corridor the following mitigation package is considered to be essential to mitigate development and therefore would seek to be agreed with the applicant as follows:

- *Should approval be given a Travel Plan should be secured through a condition. This should be agreed with the LPA prior to occupation.*

- *Provision of a car club bay as part of the site should be secured through a condition.'*

36. **Highways England** - Has no objections.
37. **Environment Agency** - Comments that the application falls within the Flood Risk Standing Advice. Requests informatives in relation to surface water drainage, pollution control, foul water drainage and contaminated land.
38. **Anglian Water** - Comments that the development is within 15 metres of a sewage pumping station and would be at risk of nuisance from noise, odour or general disruption from maintenance work. The development should take this into account and provide a 15 metre cordon sanitaire. Foul drainage from the development will be within the catchment of Cambridge Water Recycling Centre that, once necessary steps are taken by Anglian Water, will have available capacity for these flows and the sewerage system at present has available capacity for these flows. Requires a surface water drainage condition. The development may affect public sewers and the developer should therefore contact Anglian Water if intending to construct over existing public sewer.
39. **Cambridgeshire Fire and Rescue Service** – Not received. In relation to previous application commented that no additional supplies for firefighting are required. Fire service access should be provided.
40. **Health Specialist Officer** – The response states in part:

'As per the Council's Supplementary Planning Document on Health Impact Assessment (HIA SPD) this application is for a small major development and does not require a full Health Impact Assessment. The HIA has followed a standard methodology for assessment using the Healthy Urban Development Unit (HUDU) checklist. I have reviewed the full application against this checklist and in general am satisfied that due consideration has been made to the impacts on existing and future residents of this site.'

The officer recommended various conditions all of which have been covered by other consultees in relation to other impacts.

41. **Police Crime Prevention Team** – Has reviewed Police incidents for the last 18 months. Area is medium to high risk. States as follows:
- Would like to see an external lighting plan
 - Queries over security of building (door system and access)
 - Cycle and Bin Stores should be secure
 - Suggestions for mail delivery method
42. **Cambridgeshire County Council Growth Team** – Not received. Commented in relation to previous application that no contributions towards education places is sought as the expected yield from the development is low and there is sufficient local capacity to accommodate this need.
43. **Cambridgeshire County Council Historic Environment Team** – No response received. Commented on the previous application that the application area was included within a parcel of land subject to archaeological evaluation in 1991 (Cambridgeshire Historic Environment Record ref ECB353). The associated report

indicates that the boundary ditches of a field system of medieval/post-medieval date cross the application area, however a further archaeological investigation on the scale permitted by the proposed application would be unlikely to contribute substantially to bettering our understanding of this site, therefore we have no objections or requirements for this development as proposed.

44.

Camcyle – Object, due to the use of two-tier racks for residential cycle parking, and because some of the Sheffield stands have been placed too closely to walls.

46.

Section 106 Officer –Recommends various contributions as set out in detail later in this report in relation to the Section 106.

47.

Representations

No neighbour representations have been received.

Site and Surroundings

48.

The 'Application Site' comprises the land edged-red on the submitted Site Location Plans.

49.

The Application Site is located within the development framework of Orchard Park. It is situated to the north of the city of Cambridge and south of the A14 road and the villages of Histon and Impington. The site forms part of the plot known as 'COM4' (as described in the Orchard Park Design Guidance SPD, 2011).

50.

The site area is approximately 0.26 hectares. The Application Site currently comprises an area of grassland. There are a number of small trees adjacent to the western boundary of the site. The Application Site is situated within flood zone 1 (low risk).

51.

The A14 road is situated directly to the north. A vacant plot which was granted planning permission for a six-storey aparthotel and a large area of public open space is situated directly to the east. Three storey residential properties are situated to the south. A three/four storey hotel (Travelodge) is situated to the west. To the east is the remaining part of the COM4 site and an area of open space.

Current Appeals

52.

A dual appeal in respect of two previously refused planning applications on the Application Site is currently pending determination. The Public Inquiry in respect of this appeal is scheduled for 29th September 2020. The appeal developments can be summarised as follows:

- Appeal A - Private rented Scheme - APP/W0530/W/20/3247265
LPA Reference: S/0768/18/FL

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

- Appeal B – Student accommodation scheme - APP/W0530/W/20/3247266
LPA Reference: S/3983/18/FL

'Erection of two new private residential blocks comprising 158 Student Rooms and associated facilities'

53. Both applications were determined at Planning Committee on 10th July 2019. Both were refused.

54. Reasons for refusal

Both applications were refused for the same reasons, as follow (see Appendix 3 for Appeal A decision notice):

1- *Design*

In the opinion of the local planning authority the scale, siting and massing of the proposed five storey development would not be in keeping with the surrounding area and in particular the three storey residential development directly to the south of the application site. The orientation and layout of the proposed development would also fail to meet the site-specific design guidance set out at page 34 of the Orchard Park Design Guidance SPD (2011). The design of the proposed pedestrian link to the south and the lack of active frontages proposed on external facing elevations would result in a development which fails to create a positive sense of place. The development therefore does not represent high quality design and would be contrary to adopted South Cambridgeshire Local Plan (2018) Policy HQ/1 (Design Principles) (criteria a, c, e & f) and the adopted Orchard Park Design Guide Supplementary Planning Document (March 2011).

2- *Landscaping*

In the opinion of the Local Planning Authority, the planting and landscaping proposals do not provide high quality landscaping which integrates the development with its surroundings and the landscaping and planting measures which have been proposed are not considered to be viable. The development would therefore be contrary to adopted South Cambridgeshire Local Plan (2018) Policy HQ/1 (Design Principles) (criterion m) and the adopted Orchard Park Design Guide Supplementary Planning Document (March 2011).

3- *Ecology*

Insufficient information has been provided to allow the Local Planning Authority to determine whether the proposed development would harm protected species. A Preliminary Ecological Appraisal (MKA Ecology, February 2019) has confirmed the suitability of the site for common reptiles. It is not possible for the Local Planning Authority to conclude whether or not there would be harm to protected species without further surveys to confirm whether there are common reptiles present and if they are present, how any potential harm will be mitigated, including through potential translocation to alternative sites. The development would therefore conflict with adopted South Cambridgeshire Local Plan (2018) Policy NH/4 (Biodiversity).

Relevance to this current application

55. This current planning application is a revised scheme for 80 units, submitted to address the reasons for refusal in relation to the previously refused planning application for 93 build to rent apartments (Hereafter referred to as 'Appeal A'). Through this application the Applicant has sought to address the previous reasons for refusal in relation to landscape and urban design issues. The ecology reason for refusal is no longer being pursued at appeal because the Appellant has provided the required additional survey which confirmed that there were no reptiles identified on the Application Site. This survey has also been submitted as part of this current planning

application.

56. In considering the current planning application, Planning Officers have considered the extent to which the previous reasons for refusal have been overcome.

Proposed Development

57. The Applicant has amended the Proposed Development in order to seek to address comments from Consultees (as discussed later in this report in relation to design and amenity) and to address an error with the originally proposed application red-line boundary. The proposal, as amended is for the erection of 80 build-to-rent apartments. The residential development would comprise 75 one-bedroom apartments and 5 two-bedroom studio apartments. Build-to-rent developments are described in more detail in this report under the subtitle 'Housing Mix'.
58. The scheme would comprise two linear blocks arranged on the eastern and western boundaries of the site which would be linked via a bridging element orientated east-to-west. The buildings would be 5 storeys and measure up to approximately 14.2 metres in height. The materials of construction would be Cambridge gault brick, bricks with recessed courses, glazed bricks, metal panels and corrugated metal panels. Windows and door frames would be grey and some windows would have precast cornices.
59. A vehicle parking area would be situated between the eastern and western wings at ground level and in the basement. A total of 47 parking spaces would be provided that would include four disabled spaces. 99 cycle parking spaces would be provided within secure buildings at ground level.
60. Vehicular access to the site would be from Neal Drive to the east. A route for pedestrians and cyclists would be provided to the south of the site between Chieftain Way and Neal Drive that would link to the pathways within the site.
61. Landscaping that includes tree planting would be provided to the south of the site. Landscaping in the form of hedges would surround the buildings to create public/private spaces. No public space would be provided on site but there is a large area of public open space immediately to the east.
62. Main differences between the Appeal A Development and the current application
1. Reduction in apartments from 93 to 80.
 2. Reduction in the building footprint from 1,068.4m² to 921.9m² resulting in a net increase in the landscaped area of 146.5m².
 3. Increase in distance from the gable end of Block A to the gable end of houses on Chieftain Way from 9.2m to approximately 12m.
 4. Increase in distance from the gable end of Block B to the gable end of houses on Neal Drive from 8.96 m to approximately 15m.
 5. Increase in distance from the gable end of Block A at 4th floor level to the gable end of houses on Chieftain Way from 10.4m to approximately 14m.
 6. Increase in distance from the gable end of Block B at 4th floor level to the gable end of houses on Neal Drive from 10.06m to approximately 19m.

7. As a result of the increased distances in 3 to 6 above the space around the link footpath is significantly increased.

8. An upper storey bridging link has been introduced between Blocks A and B which provides the appearance of a single building of east-west orientation.

9. Improved active frontage and elevational treatment to the south

10. Parking ratio increased – now 47 for 80 flats (0.6 per unit) – was previously 0.5 per unit.

11. Hard and Soft Landscaping scheme provided

12. Reptile survey now included.

Amended Plans and Consultation

63. The Planning Application was amended on 22nd April 2020 to address comments from urban design and to reduce the red line application boundary. The boundary revision involves a reduction in the extent of the application site boundary given that OPCC notified the Council that a small area of land to the north of the site was not within the ownership of the Applicant. The same revisions to the red-line were made in respect of the appeal schemes. All neighbours, statutory consultees and non-statutory consultees were re-consulted on 22nd April 2020.

64. Subsequent amendments have been received which are all considered to be non-material and therefore it was determined that these do not require re-consultation. These amendments are set out in summary below.

65. Proposed Condition 2 in this report includes all of the up-to-date plan references.

1. Initial consultation took place on 10th December 2019

- ✓ 130 neighbours notified
- ✓ Statutory consultees notified
- ✓ Non-statutory consultees notified
- Site Notice erected on 07th January 2020
- Newspaper advert published 18th December 2019

2. Amended Plans uploaded 22nd April 2020 (To address red line issue and urban design comments)

- ✓ All parties re-consulted 22nd April 2020

3. Non-Material changes-

- Amended cycle storage plan uploaded to include cycle storage numbers on 24th July 2020 (Non-material)
- Amended elevations, apartment types, floor plans, street scenes uploaded on 29th July (Non-material)
- Amended site plan 31st July (non-material)
- Revisions to the plan dates (no change to plans) – 13th August 2020.

Planning Assessment

66. This application must be determined in accordance with the development plan, unless there are material considerations which indicate that a decision should be made other

than in accordance with the adopted development plan policies. This is the statutory test set out under Section 38(6) of the Planning and Compulsory Purchase Act (2004). This committee report undertakes this statutory test.

67. Planning Officers consider that the main considerations in relation to this application are urban design and landscaping. This is because the Appeal A reasons for refusal only related to urban design and landscaping matters, with the ecology reason for refusal having been addressed. This report is therefore structured accordingly and also ensures that decision making is consistent.
68. Other matters, which did not form part of the previous reasons for refusal are then subsequently addressed in turn.

Principle of Development

69. The Application site is wholly located within 'Orchard Park' as defined on the Adopted Local Plan Policies Map (2018). The policy relevant to the principle of development in this location is Local Plan Policy SS1 (Orchard Park).
70. Policy SS/1 states that Orchard Park is allocated for a sustainable housing-led mixed-use development providing a minimum of 900 dwellings. When Orchard Park was originally allocated in 2004, it had been envisaged that the plots adjacent to the A14, including the Application Site, would be used for commercial development. However, since then, the principle of residential development on the Application Site has been established through outline planning permission for 42 units on the application site, allowed at appeal, under reference S/2975/14/OL. This consent was subsequently varied under application reference S/2948/16/VC but has now lapsed.
71. Although the previous outline planning permission has now lapsed, the principle of residential development on this site is referred to within the Orchard Park Design Guidance SPD (2011). Paragraph 2.9 of the SPD explains that the principle of residential development has been established on the COM4 site.
72. Part 3 of Policy SS/1 also makes provision for additional residential development. It states in part:

'Additional residential development may be granted planning permission but only where this would be compatible with the objective for the development as a whole of providing a sustainable housing-led mixed-use development'.
73. For the reasons set out in this report, Planning Officers consider that the proposed development would be compatible with policy objectives for Orchard Park. Policy SS/1 also sets out specific assessments which must be provided in relation to development under Part 3 of the policy, these include:
 - A Noise Assessment
 - Air Quality Assessment
 - Transport Assessment
74. These issues are discussed separately within this report.
75. For the reasons outlined above Planning Officers consider that the principle of the proposed development is acceptable and accords with Local Plan Policy SS/1.
76. Orchard Park Community Council have referred to an appeal decision made in 2014

under appeal reference APP/W0530/W/15/3095195 (S/2938/14/OL). This appeal was not dismissed on the basis of the principle of development. Furthermore, this decision was for a much larger scheme comprising 132 units. The decision was also made within a different development plan context, prior to the current Local Plan which was adopted in 2018.

Urban Design, Character and Appearance

The Appeal A Development

77. The Appeal A development was refused partly on the basis of a conflict with Local Plan Policy HQ/1 (Design Principles) and the guidance contained within the Orchard Park Design Guidance SPD. The SPD is a material consideration in the determination of this planning application. Pages 34 and 35 of the Orchard Park Design Guide set out design guidance specific to the wider COM4 site.
78. In relation to the Appeal A development, the design reason for refusal stated in full:
- 'In the opinion of the local planning authority the scale, siting and massing of the proposed five storey development would not be in keeping with the surrounding area and in particular the three storey residential development directly to the south of the application site. The orientation and layout of the proposed development would also fail to meet the site-specific design guidance set out at page 34 of the Orchard Park Design Guidance SPD (2011). The design of the proposed pedestrian link to the south and the lack of active frontages proposed on external facing elevations would result in a development which fails to create a positive sense of place. The development therefore does not represent high quality design and would be contrary to adopted South Cambridgeshire Local Plan (2018) Policy HQ/1 (Design Principles) (criteria a, c, e & f) and the adopted Orchard Park Design Guide Supplementary Planning Document (March 2011).'*
79. Paragraph 7.5 of the Council's Statement of Case for Appeal A states as follows:
- 'The Council's concerns in respect of the form and design of the proposed developments, in relation to both appeal schemes, may be separated into the following principal elements:*
- *Unacceptable impact caused by the scale, siting and massing of the proposed five storey element of the proposed development;*
 - *Unacceptable impact caused by the orientation and layout of the proposed development*
 - *Unacceptable impact as a result of the design and quality of the proposed pedestrian link to the south and the lack of active frontages proposed on external facing elevations'*
80. These are the issues which therefore form the primary considerations in relation to the design of the currently proposed scheme. As these are the issues which it is considered the development must overcome in order that the development complies with the relevant Local Plan Policies and supplementary planning guidance in relation to design.

Relevant Policies

81. Local Plan Policy HQ/1 (design principles) sets out various design criteria that must be met in respect of new development. This policy is supplemented by the District Design Guidance SPD (2010) and the Orchard Park Design Guidance SPD (2011).
Orchard Park Design Guide (SPD) (March, 2011)

82. Page 34-34 of the Orchard Park Design Guide sets out design guidance specific to the wider COM4 site. This is included at Appendix 2 of this report.

Scale, siting and massing

83. Criterion 'a' of Local Plan Policy HQ/1 states that development proposals must '*preserve or enhance the character of the local urban and rural area and respond to its context in the wider landscape*'. Criterion 'd' states that they must also '*be compatible with its location and appropriate in terms of scale, density, mass, form, siting, design, proportion, materials, texture and colour in relation to the surrounding area*'.

84. The Orchard Park Design Guide SPD goes further, providing specific guidance on the design of development in Orchard Park and includes guidance in relation to the Application Site.

85. The Orchard Park Design Guide SPD provides guidance on the height of development on the wider COM4 plot, which includes the Application Site. The design guidance refers to various appropriate building heights for the COM4 plot, including 15m for a primary block, 12m for buildings overlooking the open space and 9m for other buildings. It is not explicitly clear which of these standards applies to the Application Site. However, it is reasonable to conclude that the only site to which the 9m height parameter can apply is the Application Site.

86. The scale of development in the surrounding area varies, with three storey residential development located to the south of the site, along Chieftain Way and Neal Drive. Directly to the west of the site is the Travelodge building, which is between 3 and 4 storeys. To the west of the site is an area of open space to the north of which is a site which has previously been granted consent for an aparthotel with a maximum height of 19m. This consent is however no longer extant.

87. Planning Officers consider that the overall height and scale of the proposed development must be read in this context but also within the context of the revised siting of the proposed development. Indeed, siting, massing and scale are inter-related and are all referred to within the same criterion ('d') of Local Plan Policy HQ/1.

88. The Appeal A development has a height of approximately 14.1m. The currently proposed development does not involve any reduction in this proposed height. However, Planning Officers consider that the impact of the development, in terms of the scale, siting and massing, is mitigated through the following revisions to the proposed design:

- Increase in distance from the gable end of Block A to the gable end of houses on Chieftain Way from 9.2m to approximately 12m.
- Increase in distance from the gable end of Block B to the gable end of houses on Neal Drive from 8.96 m to approximately 15m.
- Increase in distance from the gable end of Block A at 4th floor level to the gable end of houses on Chieftain Way from 10.4m to approximately 15m.

- Increase in distance from the gable end of Block B at 4th floor level to the gable end of houses on Neal Drive from 10.06m to approximately 19m.
89. The current application includes the re-siting of the proposed building, further to the north of the site, increasing the separation to the three storey residential buildings to the south. The fifth floor is now setback further than the fourth storey, when compared to the Appeal A development. Planning Officers consider that this increased set back at fifth floor level further mitigates the impact of the scale of the development and reduces the perceived scale of the building from surrounding areas.
90. The Urban Design Officer acknowledges that the increased setback has mitigated the impact of the scale of the proposed development, stating:
- 'The main façade of Block A & B has been setback further such that their main facades are 12m and 15m respectively away from the residential buildings to the south. The fifth floor on block A and B is also setback by 2 and 4 mts respectively from their main façades and hence is further away from the residential building to the south. Whilst not exactly aligned with the building line of the Travelodge, the proposed arms of block A and B in our view is sufficiently set-back to mitigate the impact of the 5 storeys and achieve a reasonable transition to the 3 storey residential townhouses.'*
91. The Urban Design Officer considers that the fifth floor element of the proposed development should be set back even further to reduce the scale of the proposed development. However, Planning Officers consider that the currently proposed set back at fifth floor level is sufficient to mitigate the impact of the scale of the development.
92. The revised design now incorporates a bridging element which links the eastern and western flanks of the building. This is set back further than the eastern and western flanks. The scale of this part of the development is also considered to be in keeping with the surrounding area. Whilst this element increases the massing of the proposed development, it is a design which aims to address previous concerns in relation to the orientation of the proposed development. This is discussed below in further detail.
93. In summary, through the re-siting of the proposed building, further to the north of the site and as a result of a proposed increased setback at fifth floor level, Planning Officers consider that the Applicant has addressed the previous reason for refusal in relation to the scale, siting and massing of the proposed development. There would remain a conflict with the Orchard Park Design Guide SPD 9m height parameter. However, Planning Officers consider the impact of the overall height is mitigated by the revisions to the design described above. Planning Officers therefore concluded that the proposed development would comply with criteria 'a' and 'd' of Local Plan Policy HQ/1.

Orientation and Layout

94. The Appeal A development was refused partly due to the proposed north-south orientation of the two buildings. The revised scheme proposes a single building with eastern and western wings linked by a central bridging element.
95. The Orchard Park Design Guide SPD outlines that development should be orientated in such a way that it provides a barrier to noise from the A14, Figure 22a of the SPD indicates that plots adjacent to the A14 should include development which is orientated east to west. Much of the development adjacent to the A14 including the

adjacent Travelodge is orientated in an east-west direction. This has created a specific character to development to the north of Orchard Park.

96. The reference to the orientation of the buildings in the Appeal A reason for refusal is based on the impact upon character and appearance of the surrounding area as opposed to noise attenuation. There is no noise reason for refusal in relation to the previous scheme. Indeed, the Council's Environmental Health Officer did not object to the Appeal A proposal and has no objection to the current proposal, subject to suitably worded conditions (This is addressed at paragraphs 199-204 of this report).
97. The Applicant has revised the design significantly, introducing a bridging element between the two wings. This gives the building the appearance more of an east-west orientation. Planning Officers consider that this will ensure that the development would be in keeping with the character of the surrounding area.
98. The Council's Urban Design Officer has acknowledged that the revisions to the design of the proposed development have broadly addressed previous concerns in relation to the orientation of the buildings. The response states in part:

'It is recognised that there are significant changes between the refused application and the current scheme in terms of its layout and orientation which are welcome and broadly addresses this element of the previous urban design reason for refusal. The length of Blocks A and B, which have a north south orientation are reduced, and are now connected with a bridging element, providing an overall impression of an east-west orientated building, broadly aligned with the SPD guidance. The proposal also has merit in providing some visual screening from the A14 highway. The proposal follows previous recommendation from the urban design team and reduces the overall number of dwellings in the scheme.'

99. For these reasons Planning Officers consider that the proposed development now complies with the SPD with regard to orientation and layout. The layout of the proposed landscaping is discussed separately at paragraphs 115-127 of this committee report.

Design of the proposed pedestrian Link and active frontages

Pedestrian Link

100. Criterion f of Local Plan Policy HQ/1 requires new development proposals to:
- 'Achieve a permeable development with ease of movement and access for all users and abilities, with user friendly and conveniently accessible streets and other routes both within the development and linking with its surroundings and existing and proposed facilities and services, focusing on delivering attractive and safe opportunities for walking, cycling, public transport and, where appropriate, horse riding.'*
101. The Orchard Park Design Guide SPD includes a diagram at page 35 which indicates that a pedestrian link should be implemented between Neal Drive and Chieftain Way.
102. The Appeal A development included provision of a pedestrian link to the south of the site. However, planning permission was refused partly on the basis that the design of the proposed link did not create a positive sense of place. The current proposals have revised the design significantly through an increased separation distance between the eastern and western wings of the proposed development and the pedestrian link to

the south. Planning Officers consider that this has resulted in a far more open and attractive visual connection between Cheiftain Way and Neal Drive than that proposed under the Appeal A proposals.

103. The proposed vehicle access into the site would be directly adjacent to the pedestrian link, however, Planning Officers consider that the treatment of the surface could be such that it complements the pedestrian link, with a high quality surface treatment controlled by planning condition. The area proposed for landscaping to the south of the western wing has also been increased and would serve to provide the appearance of a more attractive area of public realm than that proposed under the Appeal A scheme.
104. The Urban Design Officer has commented that they do not consider that the revisions to the design of the proposed pedestrian link have overcome the previous reason for refusal. However, the Urban Design Officer concludes as follows:
- 'Whilst not ideal, one could improve the existing design and layout of current scheme, by keeping the existing siting, layout as well as access, but conditioning a revised landscape scheme, increasing the width of the public realm to include the access road with high quality surfacing/treatment (to be conditioned) , the east-west pedestrian link and the landscape amenity space to the south of Block A. The boundary treatment would need to be conditioned. A pedestrian link from the main entrance to the east west pedestrian link should be provided'*
105. In conclusion, Planning Officers conclude that the pedestrian link would comply with Local Plan Policy HQ/1 part 'f' and the guidance contained within the Orchard Park Design Guide SPD, subject to a condition requiring details of hard and soft landscaping to be submitted prior to commencement of development and a further condition requiring details of boundary treatments.
106. It is also considered necessary to include a condition requiring that the pedestrian link is made available for use by members of the public for the lifetime of the development. Land to the south west of the site, required to complete the pedestrian link to the public highway is owned by the Orchard Park Community Council as show on the submitted site plan. Therefore, it is proposed that a contribution of £2000 is made to the District Council for completion of these works. Further details are provided in relation to 'Section 106' later in this report.

Active Frontages and Elevational Treatment

107. With reference to the wider COM4 site, the Orchard Park Design Guide SPD (Page 34) states that *'active frontages and usable public entrances should be provided from the adjacent public realm areas'*.
108. The Appeal A proposal was refused partly on the basis of the lack of active frontages, particularly in relation to the pedestrian link to the south. The Urban Design Officer has considered whether or not this has been addressed through the revised design of the proposed development and comments as follows:
- 'Whilst the introduction of a bridging element with windows provide some overlooking, and animation to the façade facing the link, it is not at ground level and is setback into the site. There are no significant improvements made to the elevational design to the southern façade of Block A and Block B so as to address this reason for refusal. However, some improvements to the facade could be sought via condition through the use of glass blocks wall and materiality that seek to create interesting brick/light*

pattern so as to animate the façade.'

109. Planning Officers consider that the introduction of the bridging element serves to provide a more active frontage in relation to the pedestrian link to the south. Whilst the conclusions of the Urban Design Officer are noted, Planning Officers consider that overall the scheme would be a significant improvement over the Appeal A scheme. The bridging element with entrances below would clearly be perceived as the primary frontage of the building. Furthermore, the introduction of apartments with windows facing south would ensure natural surveillance of the pedestrian link to the south. The recommendation from the Urban Design Officer in relation to the improvements to the southern façade could be achieved through a condition requiring submission of details of proposed materials for approval prior to commencement of development.

110. In respect of the northern elevation's treatment the Urban Design Officer comments as follows:

'The northern elevation although not the most important, presents to the frontage of the Cambridge Edge which needs to be treated positively. There has been significant change to this frontage since the last scheme that was seen at committee, in that the projecting bay for block B has been reduced, whilst the projecting bays for block A has been removed. Further the addition bridge element which adds an east-west link is treated as a back with limited articulation of windows. This adds to further lack of animation to this façade than the appeal scheme contrary to the objectives set out in Paragraph 4.17 (P. 12) of the 'Orchard Park Design Guide SPD' (2011) which requires a positive frontage facing the A14.

Furthermore, the brick elevation on the east elevation of block A extends over the fifth floor which should be treated with a metal cladding consistent with the rest of the façade and has a negative impact on its design.'

111. Planning Officers consider that the revised proposals do improve the treatment of the northern elevation with additional windows proposed in the northern elevation as well as elevational detailing and projecting elements. This elevation would face north towards the A14 and this is considered to be the least prominent and sensitive elevation in design terms.

112. In summary, Planning Officers consider that the revisions to the pedestrian link, active frontages and elevational treatment have all significantly improved the design of the proposed development when compared to the Appeal A scheme and the design complies with Local Plan Policy HQ/1 and the requirements of the Orchard Park Design Guide SPD.

Other Design Matters

113. The District Design Guide SPD (2010) includes standards for private amenity space. These standards would not be met by the Proposed Development. The Proposed buildings would not include balconies, primarily due to the potential for noise impacts associated with the adjacent A14. There is therefore a balance to be struck between ensuring that residents are protected from noise nuisance and ensuring sufficient access to amenity space. However, Planning Officers consider that on balance private amenity space is not required in this instance given that there is a large area of public amenity space directly to the east of the Application Site.

114. Amenity space did not form part of the previous reason for refusal in relation to the Appeal A scheme and there has been no alteration to provision of amenity space

proposed under the current application.

Conclusions on Design Character and Appearance

115. The proposed development has been significantly revised to address the previous reasons for refusal. The scheme was also amended post-submission to seek to address the initial comments from the Urban Design Officer. Planning Officers consider that the proposed development has overcome the first reason for refusal for the Appeal A Development and now complies with Local Plan Policy HQ/1. There is a conflict with the height parameters set out under the Orchard Park Design Guide SPD, but this has been successfully mitigated through setting back the first storey and re-positioning the building further to the north of the site.

Landscaping and Planting

116. The Appeal A Development

117. Reason for Refusal 2 for the Appeal A development states:

'In the opinion of the Local Planning Authority, the planting and landscaping proposals do not provide high quality landscaping which integrates the development with its surroundings and the landscaping and planting measures which have been proposed are not considered to be viable. The development would therefore be contrary to adopted South Cambridgeshire Local Plan (2018) Policy HQ/1 (Design Principles) (criterion m) and the adopted Orchard Park Design Guide Supplementary Planning Document (March 2011).'

118. The Council's case at Appeal relates to the following matters:

a) That the proposed planting measures are not viable

b) That the proposed landscaping and planting proposals are not of a high quality and do not comply with Local Plan Policy HQ/1 or the Orchard Park Design Guide SPD (2011)

119. In refusing planning permission for the Appeal A development, the Council considered that these matters could not be addressed through a planning condition because significant and fundamental changes to the layout of the development would have been required. However, in respect of this current application, the Applicant has sought to amend the layout of the development and revise the proposed landscaping measures in order to address this reason for refusal.

Relevant Policies

120. Local Plan Policy HQ/1(m) requires development proposals to include high quality landscaping and public spaces which integrate the development with its surroundings.
121. The Orchard Park Design Guide SPD (2010) requires that appropriate landscaping is provided along the boundaries of the site to create a quality environment and protect privacy. The SPD also advises that there is landscaping provided to the north to terminate views of the A14 barrier.

The current planning application

122. The Applicant has revised the layout of the proposed development, amended the

proposed planting measures and increased the separation distance between the proposed building and the pedestrian link to the south of the site. In comparison with the Appeal A development, there is far more scope for provision of a viable and high quality landscaping and planting scheme, subject to a condition requiring these details to be submitted prior to commencement of development.

123. The Landscape Officer has reviewed the revised landscaping and planting proposals and has concluded that they could be viable with the exception of those proposed below the proposed bridging element. The response states in part:

'Similar details are provided with this application to the appeal site for tree planting over the basement car park, raised planting beds and the location of silva cells and surface drainage and irrigation. As long as these details can be shown to work with the proposed drainage and general construction, then details can be resolved by condition....

...Tree species generally be of a scale to compliment the buildings should. As with the appeal site the species, particularly in the raised beds will require amendments to a more suitable scale...

...Compared with the appeal site, the northern section will experience more shade due to the addition of the linking bridge between blocks A and B. Plant species and layout will require some amendments in this area to flourish and integrate the existing elements such as the pumping compound.'

124. Planning Officers therefore consider that the revised planting proposals are capable of being viable subject to a condition requiring submission and approval of hard and soft landscaping details and a management plan prior to commencement of development. The Applicant has therefore addressed part of the previous reason for refusal ('a' described above).

Turning to consider whether the proposed landscaping and planting proposals provide a high quality landscape, the Landscape Officer has concluded that the proposals as they stand do not overcome the previous reason for refusal. His response states:

'The suggested current layout has not improved the quality of the landscape and external space generally, and has resulted in a particular reduction in landscape quality to the south of the blocks.

Suitable conditions will be required to resolve layout issues and to amend planting and some plant species.

An acceptable layout may be possible retaining the existing location of the vehicle access to the site, but changes to the tree planting positions, and a loss of some parking spaces will result.

The strategic southern link must be separated from the car parking for the development, be obvious as public realm and have a robust landscape to cope with the anticipated heavy pedestrian use...

...The northern boundary treatment for this application has potentially improved from the appeal site with the addition of the green roof cycle store. However, the quality of this boundary will be dependent on the form and materials of the building and amendments to the layout and species in planting areas. These details can be resolved by condition.'

125. The main objection centres on the quality of the landscaping and planting measures proposed to the south of the site and in particular the relationship between the pedestrian link and the proposed access road. The Landscape Officer considers that there should be a soft landscaped area between the pedestrian link and the access road. However, Planning Officers note the Urban Design Officers response which outlines that through use of appropriate surface materials an acceptable quality of public realm can be achieved. Planning Officers consider that these details could be secured by condition and that samples of materials could be required for the Council's approval prior to commencement of development. In addition, as outlined earlier in this report, the current proposals significantly increase the distance between the proposed building and the pedestrian link to the south. They also provide a larger area to the south of the western wing for landscaping.
126. The Landscape Officer has accepted that the current proposals offer potential for improvement of the northern boundary when compared to the Appeal A development, subject to conditions on landscaping and materials. Indeed, one of the main landscape objections in relation to the Appeal A development relates to the poor quality of the landscaping and planting measures on the northern boundary. Planning Officers consider that the current application has overcome this issue through fundamental changes to the building layout and design. Planning Officers consider that the landscaping within the scheme could be further improved through submission of revised details pursuant to the discharge of an appropriately worded planning condition.
127. The issues in respect of the Appeal A landscaping and planting measures could not have been overcome by condition and would have required fundamental changes to the design of the development. In contrast, the current proposals, subject to condition, are capable of being viable and of a high quality and linking the development with the surroundings, in accordance with Local Plan Policy HQ/1 and the guidance contained in the Orchard Park Design Guide SPD.

Ecology and Biodiversity

128. The application site consists of an area of rank grassland which is likely to have been unmanaged since the site was cleared. The site falls within the impact zone of a nearby SSSI. However, it does not currently meet the cited criteria which would result in an automatic consultation with Natural England.

The Appeal A Development

129. Reason for refusal 3 in relation to the Appeal A development states in full:

'Insufficient information has been provided to allow the Local Planning Authority to determine whether the proposed development would harm protected species. A Preliminary Ecological Appraisal (MKA Ecology, February 2019) has confirmed the suitability of the site for common reptiles. It is not possible for the Local Planning Authority to conclude whether or not there would be harm to protected species without further surveys to confirm whether there are common reptiles present and if they are present, how any potential harm will be mitigated, including through potential translocation to alternative sites. The development would therefore conflict with adopted South Cambridgeshire Local Plan (2018) Policy NH/4 (Biodiversity).'

130. The Applicant has now submitted the required information with this current application and in respect of Appeal A and therefore this reason for refusal has been overcome.

Indeed, it no longer forms part of the Council's case in respect of Appeal A.

The current planning application

131. As part of this current application the Applicant submitted a report entitled '*Land West of Neal Drive Orchard Park – Reptile Survey*' produced by MKA Ecology in November 2019. The Council's Ecologist has reviewed this report and concluded that no reptiles were found on site during surveys, which followed best practice guidance. The Council's ecologist comments that the recommendation for a precautionary method of works for reptiles to be followed during site clearance is welcomed, as a common lizard population is present on adjacent land.
132. The additional survey information is therefore acceptable subject to a condition requiring submission of details of a precautionary method of works which includes a requirement addressing reptiles and their habitat. A condition requiring that works are carried out in accordance with the submitted Preliminary Ecological Appraisal is also proposed. Planning Officers consider that these conditions are reasonable and necessary and should be attached to any planning permission granted.
133. Local Plan Policy NH/4 also requires that new development maintains, enhances or adds to biodiversity with opportunities taken to achieve a positive gain (net gain) in biodiversity. The Council's ecologist has concluded that a net gain in biodiversity is achievable subject to an appropriately worded condition requiring a scheme for biodiversity enhancement to be submitted to and approved by the Local Planning Authority.
134. The ecology officer has commented that the landscaping and planting measures need to be revised to reflect the recommendations in the submitted ecology report. Planning Officers consider that these matters can be addressed through a requirement for submission of hard and soft landscaping details for approval prior to commencement of development as set out earlier in this report.

For the reasons outlined above, Planning Officers consider that the Proposed Development accords with Local Plan Policy NH/4 (Biodiversity).

Housing Density

135. The site measures 0.26 of a hectare in area. The provision of 80 apartments would equate to a density of 325 dwellings per hectare. This would comply with the requirement of at least 40 dwellings per hectare for developments on the edge of Cambridge.
136. Whilst this is a very high density of development, it would make the most efficient use of the land.
137. The proposal would therefore comply with Policy H/8 of the Local Plan.

Housing Mix

Relevant Policy

138. Policy H/9 (Housing Mix) sets out the Council's policy on the type and mix of housing which will be provided to meet the needs of the community. Part 1 of this policy states that a wide choice, type and mix will be provided including 'people seeking private rented sector housing'. Part 1 also sets out the mix of homes to be achieved in

developments of 10 or more homes, as follows:

- a. At least 30% 1 or 2 bedroom homes;
- b. At least 30% 3 bedroom homes
- c. At least 30% 4 or more bedroom homes;
- d. With 10% flexibility allowance that can be added to any of the above categories taking account of local circumstances.

Proposed Mix

139. The Applicant proposes a build-to-rent scheme comprising:

- 75 one bedroom flats
- 5 two bedroom flats

Build to Rent housing

140. Build to Rent is defined in the glossary of the NPPF 2019 as *'purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more and will typically be professionally managed stock in single ownership and management control'*.
141. Build to rent (BTR) forms part of the private rented housing sector. The Applicant has submitted information in support of this application which states that the BTR sector has seen significant growth in the UK recently from 11% of households in 2004/5 to 19% of households in 2014/5. Of the 11% in 2004/5, 24% of those aged 25-34 lived in the private rented sector and of the 19% in 2014/5, 46% of those aged 25-34 lived in the private rented sector. However, home ownership has decreased with 54% of those aged 25-34 with mortgages in 2004/5 to 34% of those aged 25-34 with mortgages in 2014/5.
142. Private sector accommodation is normally required for those aged 20 to 35, single people, couples, young professionals, students and short-term work contractors.
143. The proposal for build to rent housing would provide a different type of accommodation, that is currently not highly available within the District, to meet the needs of the community. It would provide accommodation for people that cannot access affordable housing due to a less urgent need who can't afford to buy a property due to the high costs in the area, and/or are working on short contracts in the area.
144. The mix and size of units in this location would cater for the specific need for the majority of people looking for private sector housing. The Applicant has suggested that this is evidenced by a similar scheme of the applicants on the southern edge of the city that comprises 90% of occupants in the age range of 20 to 35 and 10% in the age range of 36 to 55, 76% single occupants and 24% couples and 92% employed and 8% students.

Policy compliance

145. The Proposed Development does not technically comply with the requirements of Policy H/9, insofar as the policy specifies the split of housing mix required and there are no 3 or 4 bedroom units proposed. However, Planning Officers consider that there

are several material considerations which are relevant, and which indicate that this development provides a housing mix which is broadly consistent with the objectives of Policy H/9.

146. Firstly, Planning Officers do not consider that the housing mix contained within Policy H/9 is directly applicable, in a rigid manner, to high density apartment developments. For example, it would be very unusual for apartment blocks to comprise 3 and 4 bedroom flats. It is relevant to note for example, that the Council approved a development comprising solely of one-bedroom flats on the 'L2' site in Orchard Park.
147. Secondly, build-to-rent development is a relatively recent concept which is not necessarily reflected by Policy H/9. However, it is referred to in the Policy H/9 subtext at paragraph 7.36 which states in part:

*'Affordability within the private sector is a major concern for the District. The increase in the size of deposit required for both market and shared ownership means there is likely to be a significant demand for private rented accommodation from low to middle income households. **We will support the private rented sector to grow through build to let**, to meet the growing demand for rented homes as part of the market element of housing developments.'*

148. Finally, the Applicant has submitted evidence, in the form of a detailed and referenced report, to show that there is a demonstrable demand for additional housing in the Cambridge area of a type and tenure that is affordable to young households that make up a considerable proportion of the population. The report demonstrates that these are people who often do not meet the criteria for social rented housing but cannot afford to buy their own home.
149. Planning Officers concur with the assessment and evidence provided by the applicant. There is a clear need for smaller dwellings in the District, with housebuilders traditionally favour larger detached and semi-detached dwellings. Indeed, Local Plan paragraph 7.37 supports this conclusion. It states:

'Our housing stock has traditionally been dominated by larger detached and semi-detached family houses. Whilst recent developments have helped to increase the stock of smaller properties available, the overall imbalance of larger properties remains. The Census 2011 for example identifies that 75% of the housing stock are detached and semi-detached houses and bungalows, with 18% terraced homes and 6% flats and maisonettes.'

150. For these reasons Planning Officers consider that, although technically in conflict with Policy H/9, the mix proposed through this build-to-rent proposal would accord with the broad policy objectives of Policy H/9 and would be acceptable. This conflict is also outweighed by other material considerations as discussed in the 'Planning Balance' section of this report.

Affordable Housing

151. No affordable housing or affordable private rented accommodation has been provided within the scheme.
152. NPPF Paragraph 64 states in full:

'Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for

affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

*a) **provides solely for Build to Rent homes;***

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.' (emphasis added)

153. The National Planning Policy Framework states that affordable housing on build to rent schemes should be provided by default in the form of affordable private rent, a class of affordable housing specifically designed for build to rent. Affordable private rent and private market rent units within a development should be managed collectively by a single build to rent landlord.
154. The NPPG states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. The guidance on viability permits developers, in exception, the opportunity to make a case seeking to differ from this benchmark.

The Appeal A Development

155. A viability assessment was submitted as part of the Appeal A planning application. The Council instructed the District Valuer to advise whether the evidence submitted was correct and whether the proposal would be viable with any affordable housing. The District Valuer originally advised that the scheme was viable subject to further information on build costs. Further information on the build costs was submitted by the Applicant. This information was reviewed and accepted by the District Valuer, who confirmed that the scheme was no longer being viable. In addition, further amendments to the scheme involving the provision of further vehicle parking at basement level and a reduction in the number of units resulted in an increased deficit and questions over whether the scheme is deliverable. The applicants advised that the proposal is a long-term investment which is why such losses can be accommodated within the scheme.
156. Copies of the viability assessment and district valuer report were provided to the Community Council on 26th June 2019 and to Members of the Planning Committee on 9th July 2019. All of this viability information has been published as part of this current planning application, in accordance with NPPF Paragraph 57.
157. Whilst the viability assessment justified the lack of affordable housing within the scheme, Planning Officers considered it appropriate to secure a section 106 legal agreement to ensure that the units remain Build to Rent for a certain period of time, and if the units are sold on the open market, the value of affordable housing provision is recouped. Had members resolved to grant planning permission then the Appeal A scheme would have been subject to a section 106 agreement to include these provisions.
158. In refusing the application members did not include any issues pertaining to affordable housing or viability in the reasons for refusal. Viability and affordable housing are not matters which are in contention in relation to the Appeal.

The current application

159. In respect of this current revised planning application, the Applicant has submitted a letter from their viability consultant dated 20th November 2019. This letter confirms that the deficit will be greater as a result of fewer residential units being proposed as part of the revised scheme. Given that the shortfall in relation to the Appeal A scheme was approximately -£2,802,025. Planning Officers are in agreement that the conclusions previously reached in relation to the Appeal A scheme are not altered and that the scheme would not be viable with the provision of affordable private rented units. The deficit is likely to increase even further given the reduction in the number of units proposed and the high probability that construction costs will significantly increase as a result of the introduction of the bridging link.
160. However, it is considered appropriate to secure a section 106 legal agreement to ensure that the units are Build to Rent for a certain period of time and if the units are sold on the open market within that time frame, the value of affordable housing provision is recouped. More details in respect of this mechanism, known as a 'clawback', are discussed under the subtitle 'Section 106'.
161. The Housing Development Officer has concluded as follows:
- '...the viability reports show the scheme cannot feasibly provide the provision. Therefore, we have agreed that the clawback clause, in this instance, is reasonable given the advice of the District Valuer.'*
162. Orchard Park Community Council have questioned the fact that the District Valuer have been instructed to undertake an appraisal of the viability assessment with the suggestion made that a second independent review by another party is necessary. District Valuer Services (DVS) is the specialist property arm of the Valuation Office Agency (VOA). They provide independent, impartial, valuation and professional property advice across the entire public sector, and where public money or public functions are involved. Their details are included on the central government website. It is standard practice for many local authorities to use the VOA to assess viability appraisals. No second independent review is considered necessary. The reason why the application has not been referred back to the DVS is addressed above.
163. For the reasons set out above, Planning Officers therefore consider that the proposal would comply with Policy H/10 of the Local Plan.

Trees

164. There are no trees benefiting from statutory protection on or adjacent to the Application Site.
165. The Council's Tree Officer has no objection to the proposed development having reviewed the amended landscape/planting plans.
166. Planning Officers consider that the proposed development therefore complies with Local Plan Policy NH/4 (Biodiversity).

Highway Safety and Parking

167. The Appeal A reasons for refusal do not include any issues pertaining to sustainable transport, highway safety and parking provision.

Highway Safety

168. The Applicant submitted a Transport Statement which included an assessment of the likely impact of the Proposed Development upon the Transport Network. The Orchard Park Community Council have criticised the findings and methodology of the Transport Statement. Whilst the comments of the Community Council are noted, the Cambridgeshire County Council Transport Assessment Team have reviewed the submitted information and have concluded that the transport impacts associated with the development are acceptable.
169. The Transport Statement was reviewed by the County Council Transport Assessment Team (08/01/20). In their initial response the Transport Assessment Team requested additional data in relation to trip generation calculations. Upon receipt of this information, the Transport Assessment Team confirmed that the development trip generation is agreed. They also confirmed that the Transport Statement predicts that there will be a much higher use of cycling and a lower use of cars for journeys to and from the site.
170. The Transport Statement concludes that there would be no noticeable impact upon junction capacity or upon the wider transport network as a result of the Proposed Development.
171. Consultees, including CCC Transport Assessment Team and the Highways Development Management Team have reviewed the Transport Statement submitted in respect of this planning application. There were no objections received from Highways England. The Local Highway Authority do not object to the Proposed Development subject to conditions requiring submission of a Traffic Management Plan, pedestrian visibility splays, minimum access width of 5m, access falls and levels and the access to be constructed of a bound material.
172. Planning Officers therefore consider that there would be no unacceptable impact upon highway safety as a result of the Proposed Development, in accordance with NPPF Paragraph 109.

Car Parking Provision

173. Local Plan Policy TI/3 (Parking Provision) states that car parking provision should be provided through a design-led approach in accordance with the indicative standards set out in Figure 11 included at Appendix 3 of this report. Figure 11 requires 2 spaces per dwelling for residential dwellings. On this basis the indicative parking standards for the proposed development are for a requirement of 160 spaces. The Applicant proposes:
- 30 Parking Spaces at Basement Level
 - 17 Parking Spaces at Surface Level (of which 4 would be for disabled use)
174. This means that the level of parking provision proposed is approximately 0.6 car parking spaces per flat. This compares with the 0.5 spaces per dwelling proposed under the Appeal A development.
175. It should be noted that the parking standards set out at Local Plan Figure 11 are indicative. Local Plan Policy TI/3(2) states that car parking provision will take into consideration site location, type and mix of uses, car ownership levels, availability of local services, facilities such as public transport, highway safety and user safety issues as well as ensuring parking for people with impaired mobility. Policy TI/3(5)

also sets out that developers must provide a clear justification for the type and level of parking proposed.

176. The CCC Transport Assessment team commented that with a provision of 0.6 spaces per dwelling there is the chance that typical car ownership for this type of dwelling will result in overspill parking onto the public highway.
177. This analysis suggests that since the 2011 census that car ownership has reduced. The applicant proposes a car club bay, which will encourage residents not to own a car, and could reduce the demand for residents to own a vehicle by up to 15 vehicles. The Transport Statement includes details of the proposed car club scheme. The car club would be controlled/implemented through a s106 agreement. As the operator of a car sharing club in Cambridge, Zipcar has been approached by the Applicant with a view to providing supplementary car provision and has expressed its interest in doing so with a formal proposal which is included at Appendix G of the Transport Statement.
178. The applicant notes that neighbouring wards have lower car ownership and need for parking, and suggests that Orchard Park could now have similar car ownership for the size of dwellings provided.
178. This rationale combined is accepted by the Transport Assessment Team. As a result, the risk of overspill parking onto the public highway is considered not to be significant.
179. Planning Officers and the CCC Transport Assessment Team are satisfied that the Applicant has justified the level of parking provision proposed. The additional measures proposed, including provision of a travel plan (required by condition) and a car club (implemented by s106), are such that the level of parking provision proposed is acceptable. In addition, the site is considered to have good access to public transport for an urban fringe location. For these reasons, subject to a s106 agreement in relation to the provision of a car club and subject to the provision of a travel plan required by condition, Planning Officers consider that the proposed development would comply with TI/2 (Planning for Sustainable Travel) and TI/3 (Parking Provision) in relation to car parking provision.

Cycle Parking Provision

180. The indicative standards for cycle parking are set out at Local Plan Figure 11. These standards suggest an indicative provision of one cycle parking space per bedroom. Based on these standards the development would require 85 spaces and additional provision for visitors.
190. The proposed provision of 99 covered cycle parking spaces (including 7 visitor spaces) exceeds the standards set out within the Local Plan. The CCC Transport Assessment Team have reviewed the proposed cycle parking and are satisfied that this meets all policy requirements.
191. The objections of Camcycle are acknowledged. However, given that the transport assessment team has reviewed the cycle parking proposals and are satisfied that they meet SCDC Local Plan policy requirements it is considered that the cycle parking provision is acceptable.
192. Planning Officers therefore consider that the cycle parking provision is therefore considered to comply with Local Plan Policy TI/3 (Parking Provision).

Air Quality

193. Local Plan Policy SS1 (Orchard Park) requires the submission of an Air Quality Assessment in respect of planning applications for additional residential development at Orchard Park. The site is located within an Air Quality Management Area (AQMA). Local Plan Policy SC/12 (Air-Quality) outlines that development will not be permitted where it would adversely affect air quality in an AQMA.
194. The Applicant submitted an Air Quality Assessment in respect of this planning application. The assessment concluded that there would be no significant effects on local air quality during either the construction or operational phases of development. Furthermore, the assessment concluded that the Proposed Development would not result in future occupants being exposed to poor ambient air quality.
195. The Council's Air Quality Officer has no objections to the proposed scheme subject to conditions requiring sustainable transport measures and low emissions boilers. The Officer has also requested conditions in relation to renewable energy and construction management.
196. In terms of the sustainable transport measures, it is already proposed to condition these as requested by the Transport Assessment Team.
197. Conditions controlling emissions and requiring construction management details are considered necessary and reasonable
198. Subject to these conditions, Planning Officers consider that the Proposed Development complies with Local Plan Policy SC/12 (Air Quality) and the relevant part of Local Plan Policy SS1 (Orchard Park).

Noise

199. Local Plan Policy SS/1 (Orchard Park) requires that planning applications for additional residential development in Orchard Park include a noise assessment which demonstrates that the development takes account of, and where necessary mitigates, any impacts of noise on achieving satisfactory external and internal residential noise environment. In addition, Local Plan Policy SC/10 (Noise Pollution), outlines that planning permission will not be granted for development which (amongst other criteria) would be subject to unacceptable noise levels from existing noise sources. The Application Site is in close proximity to the A14.
200. The Applicant has submitted a Noise Assessment as required by Policy SS/1.
201. The Council's Environmental Health Officer (EHO) has no objection subject to conditions controlling the construction noise impacts of the development and has concluded that subject to conditions, these impacts are acceptable.
202. The EHO has also considered the acoustic impact associated with the adjacent A14. The EHO response states in part:

'I confirm I have reviewed the Orchard Park, Apartment Development, Cambridge, Site Suitability Assessment (Project No.: 70065122 and dated November 2019) submitted by WSP and have the following comments/observations. This assessment has already been submitted and reviewed with previous applications, but has been updated in 2020 with new detailed modelling and noise break-in calculations, which are specific to this revised scheme.

I am in agreement with the methodology, findings and conclusions drawn in this assessment.

Previous similar schemes on this site were commented upon with noise in mind and following consultation with the developer's noise consultants, an updated noise assessment has been submitted that builds upon previous submissions.

Although dated, the information contained in the historically adopted 'Orchard Park Design Guidance Supplementary Planning Document' (SPD) March 2011 was previously referred to. PPG24 has been withdrawn, but the guiding principles can still be a useful informative tool.

Additionally, the guidance previously used for informing the noise levels required to be met in habitable rooms at this site (and contained in Condition 11 of the original outline permission) are still relevant today. However, a new 'Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, January 2020 has been adopted, which contains current guidance and best practice, which supersedes the previous documents used.

As the assessment points out, this is a Full application and so Condition 11 is no longer in force. However, the content i.e. The Condition 11 noise limits have remained the same and are still relevant to this proposal, although references to the current standards have been updated. Therefore, they can be assumed to be acceptable design criteria.

Section 6.4 of the assessment recognises the high level of road traffic noise at the proposed building's facades and recognises alternative ventilation will be necessary, by way of mechanical ventilation to negate the need to open windows. Satisfactory noise levels in habitable rooms can not be achieved with windows open.

The noise assessment goes on to recommend specifications of glazing needed to achieve the internal noise levels in habitable rooms contained in BS8233 2014 guidance.

In view of this, I would recommend a condition be attached requiring the development be constructed in accordance with the details contained in this assessment.

The development shall be constructed in strict accordance with the noise mitigation scheme detailed in the Orchard Park, Apartment Development, Cambridge, Site Suitability Assessment (Project No.: 70065122 and dated November 2019, as amended 2020) produced by WSP for protecting the proposed dwellings from noise from the A14 and submitted with the application.

All works which form part of the approved scheme shall be completed before any one of the permitted dwelling is occupied.'

203. The EHO has also recommended a condition relating to noise emissions associated with renewable energy plant. This is discussed in further detail later in this report in relation to 'carbon reduction'.
204. Histon and Impington Parish Council raised concerns in relation to noise reflection from the A14. It is not considered that there would be any adverse impact associated with noise reflection from the A14 to residential development to the north of the site. The villages of Histon and Impington are over one kilometre to the north and north east of the site. The EHO has not identified any adverse acoustic impacts on neighbouring properties to the north.

205. For these reasons Planning Officers consider that, subject to the recommended conditions and informatives, the Proposed Development would comply with Local Plan Policy SC/10 (Noise Pollution) the relevant part of Local Plan Policy SS1 (Orchard Park).

Neighbour Amenity

206. Local Plan Policy HQ/1(n) (Design Principles) requires that developments protect the health and amenity of occupiers of surrounding uses. Considerations include, overlooking, overbearing, loss of daylight and noise, dust, odour, emissions and dust impacts.
207. The proposed apartment buildings would be located approximately 12 metres to the north of the existing three storey residential blocks located on Chieftain Way and approximately 15m north of the neighbouring properties on Neal Drive. This is an increased separation distance in comparison to the Appeal A scheme.
208. The development would be separated from these neighbouring residential buildings by a proposed pedestrian link between Chieftain Way and Neal Drive. There are no living space windows in the north facing elevations of these neighbouring dwellings, with the existing habitable rooms facing east and west.
209. The only windows within the eastern and western wings of the proposed apartment blocks which face these neighbouring dwellings would be located at ground floor level and at fifth floor level (set back). The new bridging element includes windows in the south facing elevation, facing the neighbouring residential development to the south, However, these would be located approximately 22m from these neighbouring properties. This distance is considered sufficient to avoid any loss of privacy to the neighbouring properties to the south. For these reasons it is considered that there would be no adverse impact upon amenity of the neighbouring dwellings to the south.
210. Given the separation distance between the proposed development and the neighbouring three storey residential buildings, it is not considered that the development would result in any adverse overbearing impact.
211. As identified earlier in this report, the Environmental Health Officer is satisfied that there would be no adverse impacts related to noise associated with the proposed development, subject to appropriate conditions attached to any consent granted.
212. There is a Travelodge hotel located approximately 12.5 metres to the west of the nearest proposed apartment building. There are three windows, serving corridors, in the eastern elevation of the hotel, facing the proposed development. Given that these windows serve corridors it is considered that there would be no unacceptable adverse impact on the amenity of occupiers of this neighbouring development.
213. To the east of the application site there is currently a vacant plot which previously had outline planning permission for an 82 unit apart/hotel with restaurant and gym facilities. An application for reserved matters was approved under reference S/3039/17/RM. However, this consent no longer remains extant. If a planning application is submitted for development on this neighbouring site then the impact upon the amenity will need to be considered at that stage and it is not considered that the Proposed Development would prejudice the potential development opportunities on this adjacent site.

214. For these reasons Planning Officers consider that the proposed development complies with Local Plan Policy HQ/1(n) (Design Principles).

Residential space standards

215. Local Plan Policy H/12 states that new residential units will be permitted where their gross internal floor areas meet or exceed the Government's Technical Housing Standards – Nationally Described Space Standards (2015) or successor document. The standards are also set out within the policy itself.
216. All of the units meet the standards set out under Local Plan Policy H/12.

Health Impact Assessment

217. The applicant has submitted a health impact assessment. This has been reviewed by the Council's Health Specialist Consultee. Her response states in part:

'As per the Council's Supplementary Planning Document on Health Impact Assessment (HIA SPD) this application is for a small major development and does not require a full Health Impact Assessment. The HIA has followed a standard methodology for assessment using the Healthy Urban Development Unit (HUDU) checklist. I have reviewed the full application against this checklist and in general am satisfied that due consideration has been made to the impacts on existing and future residents of this site.'

218. The officer recommended various conditions all of which have been covered by other consultees in relation to other impacts.
219. Planning officers therefore consider that the proposed development would accord with Local Plan Policy SC/2 (Health Impact Assessment).

Contaminated Land

220. The Contaminated Land Officer has recommended a condition requiring that where any contamination is identified during construction works, no further development is commenced until a remediation strategy has been submitted to and approved by the local planning authority. Planning Officers therefore consider that the same condition should be included on any decision notice issued, should planning permission be granted.
221. The proposed development would therefore comply with Local Plan Policy SC/11 (Contaminated Land).

Flood Risk and Drainage

222. The site is located in Flood Zone 1 (low risk). The Applicant submitted a Surface Water Drainage Strategy, revised drainage details and other correspondence in relation to drainage. Based on the information submitted the Cambridgeshire County Council Lead Local Flood Authority confirmed that they do not object to the proposed development, subject to conditions. The Drainage Officer has no objection subject to conditions.
223. Council Lead Local Flood Authority confirmed that they do not object to the proposed development, subject to conditions. The Drainage Officer has no objection subject to conditions.
224. Planning Officers therefore consider that the Proposed Development would accord with Policy CC/9 (Managing Flood Risk).

Carbon Reduction and Water Efficiency

225. Sustainability measures were detailed within the Planning Statement submitted in respect of this planning application.
226. The Council's sustainability officer has been consulted and has suggested that further information is required which can be provided prior to development above ground level and prior to occupation.
227. The Sustainability Officer recommends the following condition on carbon reduction measures:

'No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.'

228. In relation to on-site renewable energy generation, the Council's EHO has also commented that a condition is required to ensure that the noise impacts associated with any renewable energy generation plant are sufficiently mitigated.
229. Subject to these conditions, Planning Officers consider that the proposed development would accord with Local Plan Policy CC/3 (Renewable and Low Carbon Energy in New Developments) and the Greater Cambridge Sustainable Design and Construction SPD 2020.)
230. In relation to Water Efficiency, the Sustainability Officer has recommended the following condition:

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

231. Planning Officers consider that subject to this condition the proposed development would accord with the requirements of Local Plan Policy CC/4 (Water Efficiency).

Broadband

232. Local Plan Policy TI/10 requires that infrastructure is included to create access to broadband internet.

It is therefore considered necessary to include a condition on any planning permission granted to secure this prior to occupation.

233. Subject to this condition the proposed development would comply with Local Plan Policy TI/10.

Archaeology

- 234. No consultation response was received from the County Archaeologist in relation to this current application. However, in relation to the Appeal A development on the same site, the Archaeology Officer raised no objections or requirements as the sufficient archaeological work was undertaken as required by the previous planning permission.
- 235. There are no other nearby heritage assets that would be affected by the proposed development.
- 236. The Proposed Development would therefore comply with Local Plan Policy NH/14 (Heritage Assets).

Crime Prevention

- 237. Local Plan Policy HQ/1(o) requires that developments create an environment for people that feels safe.
- 238. The crime prevention officer has provided comments in relation to the security of the building, such as door access and mail delivery, these are in the applicant's own interest and are not considered to be planning matters. There is no reason to consider that the design of the development would be such that it would not comply with Local Plan Policy HQ/1(o). With regard to cycle and bin storage the majority of cycle storage is secure and the bin storage would also be secure and is internal. The crime prevention team have also requested details on external lighting and a condition is proposed which would require submission of these details.
- 239. Officers are therefore satisfied that the proposed development complies with Policy HQ/1 in relation to crime prevention.

Section 106

- 240. The proposed heads of terms are attached at appendix 1.
- 241. Local Plan Policy TI/8 (Infrastructure and New Developments) states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure necessary to make the scheme acceptable in planning terms. Planning Officers consider that, subject to an appropriately worded s106 agreement, the proposed development would comply with Local Plan Policy TI/8.

15 year affordable housing clawback

- 242. As specified earlier in this report, the NPPG requires that 20% of Build to Rent units are affordable private rented units. However, given that the developer has demonstrated, through the submission of viability evidence, that the scheme is not financially viable with affordable housing contributions, there are no affordable rent units proposed as part of this application.
- 243. In order to ensure that this scheme remains as Build to Rent housing it is proposed that a covenant is included in a suitably worded Section 106 Agreement. Build to Rent schemes are common in London and elsewhere in the South East of England. They are less common in the East of England. The Draft London Plan deals specifically with Build to Rent schemes and addresses the issue of affordable housing provision.

245. The draft London Plan requires that, in order to qualify as a Build to Rent scheme, homes are held as Build to Rent under a covenant for at least 15 years. A clawback mechanism is also required in order to ensure that additional affordable housing contributions are made should this covenant be broken.
246. It is therefore proposed that a Section 106 Agreement includes a covenant with a clawback mechanism requiring that if the units are sold on the open market within the first 15 years an affordable housing contribution will be secured, being a sum equal to 12.143% of the net sales receipt of a Relevant Dwelling or Dwellings or the same percentage shall in effect be applied to the Open Market Value and which contribution shall in either case be put by the Council towards the off-site provision of Affordable Housing necessitated by the Development but there is to be provision that if the 12.143% applies to an Open Market Value rather than a sales receipt the Owner shall be entitled to deduct such reasonable sum(s) incurred or which would be incurred by the Owner in relation to sales agency costs and legal costs in relation to Open Market Valuation
247. The s106 Agreement will also include provision that there shall be an Affordable Housing Contribution due in relation to a maximum of 40% of the Dwellings (being 32 of the Dwellings to be provided as part of the Development).
248. The 12.143% arrives from the figures assessed by the District Valuer under the previous viability as the % difference in value between a Dwelling sold as a Build to Rent unit and the value if the same unit was sold on the Open Market.
249. This approach is supported by the Council's Affordable Housing Officer. It is also an approach advocated within the NPPG. The NPPG (007 Reference ID: 60-007-20180913) states:

'Circumstances may arise where developers need to sell all or part of a build to rent scheme into owner occupation or to multiple landlords or, exceptionally, to convert affordable private rent units to another tenure. The section 106 should consider such scenarios and, in particular, include a mechanism to recoup ('clawback') the value of the affordable housing provision that is withdrawn if affordable private rent homes are converted to another tenure.

Consideration should also be given to a covenant period for the retention of private market rent homes in that tenure and potential compensation mechanisms in the event that private market rent homes are sold before the expiration of an agreed covenant period.

Planning authorities should recognise that build to rent operators will want sufficient flexibility to respond to changing market conditions and onerous exit clauses may impede development. However, the sale of homes from a build to rent development should not result in the loss of affordable housing without alternative provision being made.'

250. Planning Officers therefore recommend that if permission is granted a suitably worded Section 106 Agreement is required to include the clawback mechanism, as set out above.

Developer Contributions

251. Local Plan Policy SC/7 says all housing developments will contribute towards Outdoor

Playing Space (including children's play space and formal outdoor sports facilities), and Informal Open Space to meet the need generated by the development. Based the proposed housing mix the following Outdoor Playing Space would be required; Formal sports space – 1748 m2, Formal children's play space – 35 m2, Informal children's play space – 35 m2 and, Informal open space – 437 m2. Where onsite infrastructure is not provided an offsite contribution would be required in lieu. Based on the submitted mix, in accordance with the Open Space in New Developments SPD 2009 the application requires a contribution of £51,015.38 towards sports facilities and £6,367.46 towards children's play space. Orchard Park Community Council has stated that any developer contributions received would be used to fund (a) unspecified projects at the existing sports facilities at Ring Fort recreation ground and Topper Street recreation ground and (b) replacement and additional play features at the Topper Street play area.

252. Local Plan Policy SC/6 says all housing developments will contribute towards the provision of indoor community facilities to meet the need generated by the development. Based the proposed housing mix around 12 m2 of indoor meeting space is required. Where onsite infrastructure is not provided an offsite contribution would be required in lieu. Based on the submitted mix, in accordance with Council policy the application requires a contribution of £23,161. Orchard Park Community Council has stated that any developer contributions would be used to help fund unspecified improvements and alterations to the Orchard Park Community Centre.
253. Local Plan Policy TI/8 states that planning permission will only be granted for proposals that have made suitable arrangements for the improvement or provision of infrastructure. Cambridgeshire County Council have confirmed that no education contributions are required in respect of the proposed development.
254. A contribution of £69,000 has been requested as a contribution towards cycleway network improvements along Histon Road between Kings Hedges Road and Hazelwood Close with additional provisions in respect of the Car Club. The cycleway network improvements are in the process of being delivered and the contribution sought by the County Council is toward the expenditure already committed in its delivery.
255. The Council's Waste Service Officer has requested a contribution of £6,300 towards waste receptacles.
256. Government guidance states plans should set out the contributions expected from development towards infrastructure and affordable housing. Where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. Planning obligations can provide flexibility in ensuring planning permission responds to site and scheme specific circumstances. Where planning obligations are negotiated on the grounds of viability it is up to the applicant to demonstrate whether particular circumstances justify the need for viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker.
257. The viability assessment for the South Cambs Local Plan did not assess private rented sector proposals meaning a site specific viability assessment is required. Having undertaken an assessment of the information presented to the Council in relation to the previous application, which demonstrated a significant viability deficit, officers are satisfied that the currently proposed scheme is incapable viably of funding the contributions required under policies SC/6 and SC/7 for Orchard Park Community Council. Therefore there would be a conflict with Local Plan Policies SC/6 and SC/7

but officers consider that this is outweighed by the viability of the scheme which is a material consideration and which demonstrates that the contributions sought by those policies cannot be delivered consistent with a viable development. Furthermore, a large area of open space including children's play facilities is located directly adjacent to the east of the Application Site. This is also a material consideration. Contributions towards cycleway network improvements and waste receptacles are to be secured.

258. It is understood that if planning permission is granted then OPCC would like to receive the open space contributions identified above. However, Planning Officers consider that material considerations are such that the conflicts with policies SC/6 and SC/7 are outweighed by other considerations. The cycleway improvements on Histon Road) are considered to be more important and have therefore been secured. If members are minded to disagree and consider the policy compliant open space contributions (as set out above) are a greater priority and should be secured in place of the cycleway contributions (which are in the process of being delivered in any event) then members could require this.

Car Club

259. Planning Officers consider that a suitably worded Section 106 Agreement is required in order to implement, control and maintain a car club scheme in respect of this proposed development. The car club would be required for the first three years from occupation of the development. After this time, if the car club is still viable (i.e. if people are using it) then the operator is likely to retain it. It is not reasonable to require the car club in perpetuity as it may not be viable (i.e. residents might not use it).

Cycle Route Improvements

260. The Transport Assessment Team requested a contribution of £69,000 towards cycle route improvements on Histon Road between Kings Hedges Road and Hazelwood Close. Planning Officers recommend that provision is made for this within a suitably worded Section 106 Agreement for this contribution.

Pedestrian Link

261. Part of the land required to link the proposed pedestrian link with the adopted highway is owned by the Orchard Park Community Council. A contribution of £2000 will therefore be required to cover the costs of works to complete the link. This contribution is payable to the District Council. The Council can either arrange for the construction works to take place with the agreement of OPCC or if OPCC prefer then they can instruct contractors directly and the funds will be made available to them.
262. All of the above contributions, to be secured through a planning obligation, are considered necessary to make the development acceptable in planning terms and otherwise meet the requirements to the CIL Regulations 2010, regulation 122 so as to be material to the determination of the application

Other Matters

Pumping Station

263. Anglian Water have recommended a 15 metre cordon sanitaire around the Pumping Station adjacent to the Proposed Development. There were no issues raised by Environmental Health Officer in respect of impacts (odour, noise) arising from the proximity of this adjacent pumping station and therefore are satisfied that no such

cordon is required. In any event, the closest ground floor element of the proposed development to the pumping station is an internal refuse store.

Planning Balance

264. Planning Officers have concluded that the proposed development has overcome all three of the Appeal A reasons for refusal.
265. Urban Design and Landscape consultees both recognise that the proposed development includes improvements over the Appeal A development. These consultees still have some concerns in relation to design and landscaping, however Planning Officers, for the reasons set out within this report, consider that the design of the Proposed Development accords with all of the relevant Development Plan Policies when considered overall. NPPF Paragraph 130 states that where design accords with relevant policies, design should not be used by the decision-maker as a valid reason to object to a development.
266. Planning Officers also consider that a viable, high quality and policy compliant scheme of landscaping and planting can be achieved on the site, subject to a condition requiring submission to the LPA (and approval by the LPA) of a scheme of hard and soft landscaping measures prior to commencement of development. This is a different position to that taken in relation to the Appeal A proposals, where fundamental changes to design would have been required to achieve this.
267. The proposed development accords with all relevant development plan policies with the exception of Policy H/9 (Housing Mix), SC/6 (Indoor Community Facilities) and SC/7 (Outdoor Play Space, Informal Open Space and New Developments). However, the scheme is in accordance with the objectives of Policy H/9 and there is considered to be no harm associated with this conflict. The conflict with Policies SC/6 and SC/7 is outweighed by the viability evidence which is a material consideration and which demonstrates that further financial contribution cannot viably be delivered. In addition, there is a larger area of open space, including children's play space, directly adjacent to the application site, to the east. This is also a material consideration. These material considerations are such that conflict with the above policies is considered to be of limited weight. Therefore, notwithstanding the conflict with these policies It is considered that the proposed developed accords with the development plan when considered overall.
268. Turning to other material considerations, there would also be some conflict with the Orchard Park Design Guide SPD and the height parameter of 9m. However, compared to the Appeal A proposal there have been significant revisions to the siting of the building and an increased set back at fifth floor level. The proposed development is therefore considered to comply with Local Plan Policy HQ/1.
269. As Members may be aware, NPPF Paragraph 73 requires that the Council updates the 5YHLS position on an annual basis. The Applicant has confirmed that this scheme is deliverable within five years and has confirmed that the flats will be occupied within two and a half years of any planning consent being granted. Therefore, this Proposed Development would make a contribution of an additional 80 units, over and above that included in the Council's current 5YHLS calculation.
270. The Proposed Development would make a contribution towards significantly boosting the supply of housing, in line with the requirements of NPPF Paragraph 59. More specifically the scheme would provide private rented housing which is in short supply within the District. This is a material consideration which supports the grant of

planning permission .

For these reasons, Planning Officers consider that planning permission should be granted.

Recommendation

271. Delegated approval subject to the following conditions with the final wording to be agreed with the Chairman of the Planning Committee and a section 106 to secure:

- A 15 year clawback mechanism in relation to affordable housing
- Implementation and maintenance of a car club scheme
- Developer Contributions.

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan (Received 22nd April 2020)
Apartment Types OP/170/4 Rev 2 Dated 22.07.20
Elevations OP/170/5 Rev 2 Dated 22.07.20
Floor Plans OP/170/3 Rev 2 Dated 22.07.20
Column Details OP/170/9
Block Plan OP/170/1 Rev 1
Site Plan OP/170/2 Rev 2 Dated 31.07.20
Cycle Shelter OP/170/7 Rev 2 Dated 24.07.20
Street Scenes and Sections OP/170/5 Rev 2 Dated 29.07.20

(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

3. No development above base course level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

(Reason - To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

4. Prior to occupation of the approved development a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan

shall be implemented in accordance with the approved details.

(Reason - To reduce car dependency and to promote alternative modes of travel in accordance with Policy TI/2 of the South Cambridgeshire Local Plan 2018).

5. The pedestrian link within the Applicant's ownership, between Neal Drive and Chieftain Way, as shown on the approved Site Plan OP/170/2 Rev 1 shall be constructed and made available for public use prior to first occupation of the approved development. The pedestrian link within the Applicant's ownership, shall thereafter be retained in accordance with the approved plans and shall remain accessible to the general public at all times unless otherwise agreed in writing with the Local Planning Authority,

(Reason: To ensure that the development includes a pedestrian link as required by the Orchard Park Design Guide SPD (2011))

6. No development shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include the surface treatment of the approved access and surface level car park, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the adopted Local Plan 2018.)

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies HQ/1 and NH/4 of the adopted Local Plan 2018.)

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed prior to first occupation of the approved development in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018).

9. All ecological measures and/or works shall be carried out in accordance with the details contained in Section 5 of Preliminary Ecological Appraisal (MKA

Ecology, February 2019) and agreed in principle with the local planning authority prior to determination. If any amendments are required to the recommendations, the revised approach shall be submitted in writing to the Local Planning Authority and implemented in accordance with the agreed measures.

(Reason: To comply with the requirements of the Wildlife and Countryside Act 1981 (as amended) and adopted South Cambridgeshire District Council Local Plan Policy NH/4)

10. Prior to the commencement of the development, a Precautionary Method of Works for reptiles shall be submitted to the local planning authority and approved in writing. The Method of Works shall include details of a destruction search completed under a watching brief by an ecologist, including the protocol which shall be followed if reptiles are found. Thereafter the development shall be carried out in accordance with the approved details.

(Reason: To comply with the requirements of the Wildlife and Countryside Act 1981 (as amended) and adopted South Cambridgeshire District Council Local Plan Policy NH/4)

11. Prior to the commencement of development above slab level a scheme of biodiversity enhancement and management including native planting and a location plan and specification of bat and bird boxes shall be supplied to the local planning authority for its written approval. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.

(Reason: To meet the NPPF and the Adopted South Cambridgeshire District Council Local Plan Policy NH/4)

12. Prior to the first occupation of the dwellings hereby approved, each dwelling to be occupied shall be made capable of accommodating Wi-Fi and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) shall be provided to the public highway that can accommodate fibre optic cabling or other emerging technology, unless otherwise agreed in writing with the Local Planning Authority.

(Reason – To ensure sufficient infrastructure is provided that would be able to accommodate a range of persons within the property and improve opportunities for home working and access to services, in accordance with policy TI/10 of the South Cambridgeshire Local Plan 2018.)

13. No construction works shall commence on site until a traffic management plan has been agreed in writing with the Planning Authority. The principle areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted public highway)
 - ii. Contractor parking; provide details and quantum of the proposed car parking and methods of preventing on street car parking.
 - iii. Movements and control of all deliveries (all loading and unloading shall be undertaken off the adopted public highway)
 - iv. Control of dust, mud and debris, in relationship to the operation of the adopted public highway.The development shall be carried out in accordance with the approved details.

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

14. The access shall be a minimum width of 5m, for a minimum distance of 5m measured from the near edge of the highway boundary and not carriageway edge.

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

15. Prior to the first occupation of the development, pedestrian visibility splays measuring 2 metres x 2 metres shall be provided each side of the vehicular access measured from and along the highway boundary within the site area. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adopted public highway.

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

16. The proposed access points shall be constructed so that the falls and levels are such that no private water from the site drains across or onto the adopted public highway (the use of permeable paving does not give the Highway Authority sufficient comfort that in future year's water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided).

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

17. The proposed access point shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

(Reason - In the interests of highway safety in accordance with Policy HQ/1 of the adopted Local Plan 2018.)

18. Development shall not commence until a detailed surface water scheme for the site based on the agreed Surface Water Drainage Strategy prepared by MTC Engineering Ltd. (ref. 2204-DS- Rev B) dated November 2019 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 before the development is completed.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies CC/8 and CC/9 of the adopted Local Plan 2018.)

19. Details for the long term maintenance arrangements of the surface water drainage system (including all SUDS features) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub catchments, SUDS components, control structures, flow routes and outfalls. In addition, the plan must clarify access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

(Reason - To ensure a satisfactory method of surface water drainage and to prevent the increased risk of flooding in accordance with Policies CC/8 and CC/9 of the adopted Local Plan 2018.)

20. No development above ground level shall proceed until an Energy Statement has been submitted to and approved in writing by the local planning authority. The Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with the approved details.

(Reason – To ensure an energy efficient and sustainable development in accordance with Policy CC/3 of the adopted South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.)

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

(Reason - To ensure that the development makes efficient use of water and promotes the principles of sustainable construction (South Cambridgeshire Local Plan Policy CC/4 and the Greater Cambridge Sustainable Design and Construction SPD 2020))

22. No development shall commence until details of a scheme for the provision of 5% car park spaces to have electric vehicle charge points have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in accordance with the approved details prior to the first occupation of the development/first use of the car park and shall be retained thereafter.

(Reasons: In the interests of encouraging more sustainable forms of travel/transport and to reduce the impact of development on local air quality, in accordance with the National Planning Policy Framework (NPPF) and South Cambridgeshire Local Plan 2018 Policy TI/3. In the interest of reducing carbon dioxide emissions, in accordance with policy South Cambridgeshire Local Plan 2018 SC/12).

23. If during the development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved to the satisfaction of the Local Planning Authority.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with South Cambridgeshire Local Plan (2018) Policy SC/11.)

24. No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 hours on Saturdays and no Construction works or collection/deliveries shall take place on Sundays, Bank of Public Holidays unless otherwise agreed in writing by the local planning authority

(Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan (2018) Policy SC/10)

25. In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide the local authority with a report/method statement for approval detailing the type of piling and mitigation measures to be taken to protect local residents from noise and vibration. Potential noise and vibration levels at the nearest noise sensitive locations, shall be predicted in accordance with the provisions of BS 5528 2009 – Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 – Noise and 2 – vibration (or as superseded). Development shall be carried out in accordance with the approved details.

(Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan (2018) Policy SC/10)

26. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and suppression provisions) from the site during the construction period or relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details / scheme unless the local planning authority approves the variation of any detail in advance in writing.

(Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan (2018) Policy SC/12)

27. No development (including any pre-construction, demolition or enabling works) shall take place until a comprehensive construction programme identifying each phase of the development and confirming construction activities to be undertaken in each phase of the development and confirming construction activities to be undertaken in each phase of the development and a timetable for their execution submitted to and approved in writing by the Local Planning Authority in writing. The development shall subsequently be implemented in accordance with the approved programme unless any variation has first been agreed in writing by the Local Planning Authority.

(Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan (2018) Policy SC/10)

28. During construction there shall be no bonfires or burning of waste on site except with the prior permission of the Environmental Health Officer in

accordance with best practice and existing waste management legislation.

(Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan (2018) Policy SC/12)

29. No development including demolition or enabling works shall take place until a Site Waste Management Plan for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.

(Reason - To ensure that waste arising from the development is minimised and that which produced is handled in such a way that maximises opportunities for re-use or recycling in accordance with Policy CC/6 of the South Cambridgeshire Local Plan 2018).

30. The development shall be constructed in strict accordance with the noise mitigation scheme detailed in the Orchard Park, Apartment Development, Cambridge, Site Suitability Assessment (Project No.: 70065122 and dated November 2019, as amended 2020) produced by WSP for protecting the proposed dwellings from noise from the A14 and submitted with the application. All works which form part of the approved scheme shall be completed before any one of the permitted dwelling is occupied.

Reason: To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Plan (2018) Policy SC/10)

31. Before the development / use hereby permitted is commenced, an assessment of the noise impact of plant and or equipment including any renewable energy provision sources such as any air source heat pump or wind turbine on the proposed and existing residential premises and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant and or equipment shall be submitted to and approved in writing by the local planning authority. Any noise insulation scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

(Reason – To protect the amenities of nearby residential properties in accordance with South Cambridgeshire Local Development Framework Development Control Policies 2007, Policy NE/15.)

32. Prior to commencement of the development an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans / elevations with luminaire locations annotated, full isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the site, on the boundary of the site and at adjacent properties, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type / profiles, mounting height, aiming angles / orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals “Guidance Notes for the Reduction of Obtrusive Light GN01:2011”.

33. The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures unless the Local Planning Authority gives its written consent to any variation.

(Reason: To protect local residents from light pollution / nuisance and protect / safeguard the amenities of nearby residential properties in accordance with NE/14 – Lighting Proposals.)

Informatives

1. This permission is subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended)
2. To satisfy the noise insulation scheme condition for the residential building envelope and traffic noise, the applicant / developer must ensure that the residential units at are acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:2014 “Sound Insulation and noise reduction for buildings-Code of Practice” derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 LAeq (Good) and 40 LAeq (Reasonable) for living rooms and 30 LAeq (Good) and 35 LAeq (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and thermal comfort / summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulations Approved Document F 2006: Ventilation will also need consideration.

For any noise attenuation scheme proposed due regard should be given to current government / industry standards, best practice and guidance and ‘Greater Cambridge Sustainable Design and Construction Supplementary Planning Document, Adopted January 2020’ – Section 3.6 Pollution - Noise Pollution (including vibration) (pages 89 -113) and appendix 8 : Further technical guidance related to noise pollution- available online at:

<https://www.scams.gov.uk/planning/local-plan-and-neighbourhoodplanning/sustainable-design-and-construction-consultation-spd/>

Further advice can be obtained from Nick Atkins, Environmental Health Officer, Environment and Waste Telephone No: 01954 713145

3. The granting of permission and or any permitted development rights for any Air Source Heat Pump (ASHP) does not indemnify any action that may be required under the Environmental Protection Act 1990 for statutory noise nuisance. Should substantiated noise complaints be received in the future regarding the operation and running of an air source heat pump and it is considered a statutory noise nuisance at neighbouring premises a noise abatement notice will be served. It is likely that noise insulation/attenuation measures such as an acoustic enclosure and/or barrier would need to be installed to the unit in order to reduce noise emissions to an acceptable level. To avoid noise complaints it is recommended that operating sound from the ASHP does not increase the existing background noise levels by more than

3dB (BS 4142 Rating Level - to effectively match the existing background noise level) at the boundary of the development site and should be free from tonal or other noticeable acoustic features.

4. In addition equipment such as air source heat pumps utilising fans and compressors are liable to emit more noise as the units suffer from natural aging, wear and tear. It is therefore important that the equipment is maintained/serviced satisfactory and any defects remedied to ensure that the noise levels do not increase over time.

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.

Background Papers:

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

- South Cambridgeshire Local Plan 2018
- South Cambridgeshire Local Development Framework SPDs
- Planning File reference S/4191/19/FL

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