



Planning Committee Date Report to	13 September 2023 South Cambridgeshire District Council Planning Committee
Lead Officer	Joint Director of Planning and Economic Development
Reference Site	22/03407/S73 Land to the West Neal Drive, Orchard Park, Cambridgeshire
Ward / Parish Proposal	Orchard Park – Histon & Impington S73 to vary condition 2 (drawings) of ref: S/4191/19/FL - (Erection of new private rented residential block comprising a total of eighty studio one and two bedroom apartments) for removal of underground car parking and associated structures, reduction in the length/depth of the new blocks with associated internal alterations, alterations to apartment mix, reduction in amount of internal communal space, alterations to cycle storage, increased no. of EV charge points, alterations to above ground car-parking including increase in total no. of car club spaces and external landscape alterations.
Applicant Presenting Officer Reason Reported to Committee Member Site Visit Date Key Issues	Cammaro Limited Michael Hammond Called-in by Cllr Martin Cahn & Orchard Park Community Council N/A 1. Transport & Parking 2. Viability & Affordable Housing 3. Design & Landscape
Recommendation	APPROVE subject to conditions & deed of variation to Section 106

1.0 Executive Summary

- 1.1 The application seeks to vary condition 2 (drawings) of planning permission reference: S/4191/19/FL - (Erection of new private rented residential block comprising a total of eighty studio one and two bedroom apartments) for the removal of underground car parking and associated structures, reduction in the length/depth of the new blocks with associated internal alterations, alterations to apartment mix, reduction in amount of internal reception and circulation space, alterations to cycle storage, increased no. of EV charge points, alterations to above ground car-parking including increase in total no. of car club spaces and external landscape alterations.
- 1.2 Planning permission was granted on 28 August 2020 for the erection of two linked private rented residential blocks consisting of 80no. apartments. The makeup of this was 42no. studios, 33no. one-bedroom and 5no. two-bedroom apartments. This included the provision of a basement level car park that, collectively with parking on the ground-floor level, provided 47no. car parking spaces.
- 1.3 This S73 application seeks to remove the basement car parking from the proposed development along with subsequent changes to the proposed layout of the site, landscaping and a reduction in the length of Block A. 26no. car parking spaces are proposed at the surface level. Reference is made to the potential of 2no. car club spaces on the public highway immediately to the east.
- 1.4 The justifications presented by the applicant for the removal of the basement car park are the improved management of landscaping, sustainability benefits in terms of a reduction of embodied carbon and operations and enhancing the design of the scheme. It is pertinent to note that the application has also been supported by a Viability Assessment which demonstrates that the removal of the basement car park reduces the financial deficit of the scheme in terms of viability due to the significant reduction in building costs as a result of no longer needing the basement element.
- 1.5 The proposed amendments to the approved development would result in a minor degree of harm in terms of the reconfiguration to the landscape scheme and subsequent increase in hardstanding to accommodate some of the surface level car parking in compensation of the loss of the basement car parking. Although it is unfortunate that the landscaping would be less desirable than that which was approved, when considering the proposed landscaping scheme in its own right it would still provide an acceptable standard of landscaping and ensure that the site does not appear overdeveloped within its context.
- 1.6 The removal of the basement car parking and resultant lowering of on-site car parking from 47no. spaces (as approved) to 26no. spaces (as proposed) may have some impact on car parking pressures on local

streets within the vicinity. However, the Transport Assessment Team consider that this impact would be minimal in light of new evidence provided by the applicant in terms of the effect of the 2no. proposed car club spaces and car ownership data in the Orchard Park area. The levels of parking are akin to what was approved on a nearby development for 75 dwellings at Topper Street (20/03802/FUL).

- 1.7 The proposed reduction in the physical mass and footprint of the development would enhance the buildings appearance and how it assimilates into its surrounding context to the benefit of the character and appearance of the area.
- 1.8 The proposed removal of the basement car park and reductions in massing would also improve the sustainability performance of the building compared to what was approved by way of use of less materials and associated foundations.
- 1.9 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions and a deed of variation to the Section 106 Agreement.

2.0 Site Description and Context

None relevant	x	Tree Preservation Order	
Conservation Area		Local Nature Reserve	
Listed Building		Flood Zone 1, 2, 3	
Building of Local Interest		Green Belt	
Historic Park and Garden		Protected Open Space	
Scheduled Ancient Monument		Controlled Parking Zone	
Local Neighbourhood and District Centre		Article 4 Direction	

*X indicates relevance

- 2.1 The 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).
- 2.2 The site area is approximately 0.26 hectares and is 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).

2.3 The A14 road is situated directly to the north. A vacant plot (COM4 and L2) which has a pending planning application (22/01632/FUL) for an aparthotel/ hotel 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.

3.0 The Proposal

3.1 The application seeks to vary condition 2 (drawings) of ref: S/4191/19/FL - (Erection of new private rented residential block comprising a total of eighty studio one and two bedroom apartments). The proposed amendments include:

- Removal of underground car parking and associated structures;
- Reduction in the length/depth of the new blocks with associated internal alterations;
- Alterations to apartment mix (reduction in number of 2 bed units);
- 77sqm. reduction in amount of internal reception and circulation space;
- Alterations to cycle storage and a reduction in number of spaces provided from 99no. spaces to 95no. spaces;
- Increased no. of EV charging points from 3no.spaces to 10no. spaces;
- Alterations to above ground car-parking including increase in total no. of car club spaces; and
- External landscape alterations.

3.2 The proposed removal of the basement car parking and alterations to the layout of the above ground landscaping scheme would reduce the quantum of on-site car parking from 47no. spaces to 26no. spaces. As approved, 17no. spaces were proposed at the ground-floor level. As 26no. spaces are proposed under this variation application, the car parking and landscaping layout would be amended to facilitate this.

3.3 The physical mass of blocks A and B would be reduced compared to what was approved by way of reductions in the length/ depth of these blocks. The height of the blocks remains as approved.

3.4 The approved (S/4191/19/FL) apartment mix was 42no. studios, 33no. one-bedroom and 5no. two-bedroom apartments. The proposed alterations would amend this to 76no. studios, 3no. one-bedroom and 1 no. two-bedroom apartments.

3.5 The cycle parking approved under the original permission included 78no. double stacker spaces and 14no. Sheffield stand spaces in a separate structure to the north of Blocks A and B. 7no. visitor Sheffield stand spaces were also provided in the landscape area. The proposed amendments would remove the separate structure to the north and replace this with 16no. Sheffield stand spaces in a covered shelter, with 72no. spaces internally within Block A and the 7no. Sheffield stand spaces

remaining in the landscaped area outside Block A. The movement of the cycle parking spaces internally has resulted in a reduction in the amount of lobby spaces within the entrance to Block A.

- 3.6 The application has been amended to address consultee comments and further consultations have been carried out as appropriate.

4.0 Relevant Site History

S/4191/19/FL - 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) – Approved.

S/0768/18/FL - Erection of two new private rented residential blocks comprising a total of 93 apartments – Refused (Appeal Withdrawn)

S/3983/18/FL - Erection of two new private residential blocks comprising 168 student rooms and associated facilities – Refused (Appeal Withdrawn)

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

5.0 Policy

5.1 National

National Planning Policy Framework 2021
National Planning Practice Guidance
National Design Guide 2021
Environment Act 2021
Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
Equalities Act 2010
Planning and Compulsory Purchase Act 2004
Technical Housing Standards – Nationally Described Space Standard (2015)
Circular 11/95 (Conditions, Annex A)

5.2 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
CC/1 – Mitigation and Adaption 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
HQ/1 – Design Principles
HQ/2 – Public Art and New Development
NH/2 – Protecting and Enhancing Landscape Character
NH/4 – Biodiversity
NH/8 – Mitigating the Impact of Development in & adjoining the Green Belt
NH/14 – Heritage Assets
H/8 – Housing Density
H/9 – Housing Mix
H/10 – Affordable Housing
H/12 – Residential Space Standards
SC/2 – Health Impact Assessment
SC/4 – Meeting Community Needs
SC/6 – Indoor Community Facilities
SC/7 – Outdoor Play Space, Informal Open Space & 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

5.3 Neighbourhood Plan

None.

5.4 Supplementary Planning Documents

Biodiversity SPD – Adopted February 2022
Sustainable Design and Construction SPD – Adopted January 2020
Cambridgeshire Flood and Water SPD – Adopted November 2016

- 5.5 The following SPDs were adopted to provide guidance to support previously adopted Development Plan Documents that have now been superseded by the South Cambridgeshire Local Plan 2018. These documents are still material considerations when making planning decisions, with the weight in decision making to be determined on a case-by-case basis:

Health Impact Assessment SPD – Adopted March 2011
Landscape in New Developments SPD – Adopted March 2010
District Design Guide SPD – Adopted March 2010
Affordable Housing SPD – Adopted March 2010
Open Space in New Developments SPD – Adopted January 2009
Trees and Development Sites SPD – Adopted January 2009
Orchard Park Design Guide SPD – Adopted March 2011

6.0 Consultations

6.1 Orchard Park Community Council – Object

- 6.2 The removal of the car park from this development is a major material amendment. It is substantially different from the development originally approved. Adequacy of parking was a matter of considerable interest at the time of the original application. It has become a greater, not lesser, problem since that time. Even stronger objections, from the Council and residents, would undoubtedly have been made during the original consultation period had the proposal excluded the underground car park. Permitting such a contentious major change via a S73 procedure would be unlawful, procedurally improper and irrational.

- 6.3 Orchard Park has ongoing on-street parking problems (photos available). There are insufficient spaces for the residents and this has been, and will be, exacerbated by the new developments, the increase in HMO's and the

reduction in bus services. This results in pavement parking, parking on bends and corners and use of designated parking spaces by third parties. This is a danger to cyclists and drivers, wheelchair users as well as children and their parents/carers walking to school.

- 6.4 Given residents' interest in the parking issues when the original permission was consulted upon, we are of the view that there should be a full consultation process conducted prior to any decision being taken. Treating this as a S73 minor material amendment will feel to people as a concession gained by stealth. Residents should be given the fullest opportunity to examine the new proposal, question the developers etc.

6.5 County Highways Development Management – No Objection

- 6.6 The proposed alterations do not change the Highway Authority's original comments and it is requested the conditions sort by the Highway Authority and required by the Planning Authority under application S/4191/19/FL be re-imposed.

- 6.7 The new development may therefore impose additional parking demands upon the on-street parking on the surrounding streets and, whilst this is unlikely to result in any significant adverse impact upon highway safety, there is potentially an impact upon residential amenity which the Planning Authority may wish to consider when assessing this application.

- 6.8 The Local Highway Authority would like to highlight to the Local Planning Authority that the on-street car parking as shown on Neal Drive can be removed at any point if restrictions are introduced, the car parking is not shown within the submitted red line and therefore is not within the applicants control

6.9 County Transport Team – No Objection

- 6.10 The applicant proposes to reduce the amount of car parking spaces from 47 spaces with one on street car club space to 26 spaces and two on street car club spaces to be located on Neal Drive adjacent to the development. This is a similar ratio to a nearby approved application S/20/03802/FL for 75 apartments on Topper Street which had 26 on plot car parking spaces of which 2 are car club spaces, leaving 24 spaces for the flats.

- 6.11 The Topper Street application referred to census data for the surrounding area for flats with one or two occupants. This shows that the level of car ownership in Orchard Park is higher than for areas towards Cambridge City Centre, with an average of 0.57 cars per flat with one occupant, and 0.94 cars per flat for all flats. However, in 2011 Orchard Park was being developed. Applying the car ownership of the area to the south would result in an average of 0.63 cars per flat and a demand of 50 parking spaces for the 80 flats. This is considered to be a reasonable assumption to make.

- 6.12 The applicant proposes two car club bays, which will encourage residents not to own a car, and could reduce the demand for residents to own a vehicle by up to 24 vehicles. Using a similar approach used for the nearby application on Topper Street this allows for the provision of 26 spaces on site.
- 6.13 If the two car club spaces are to be private for residents of this development only then they should ideally be located off street within the site. They can be left on street but not in a marked car club bay. This is because marked car club bays can only be provided for cars that are available for anyone to use.
- 6.14 In summary 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. The developer highlights that the provision of two car club cars will also reduce the demand for car ownership by 24 spaces by residents of this development. The car club industry is still fairly new in Cambridge and so there is not enough local evidence to support this assumption. However, we do support the use of car club spaces in residential dwellings.
- 6.15 This application will increase the trips on the surrounding network in comparison to previously approved applications for this site. The mode share for cycling from this area is shown to be high from the 2011 census and there are works to Histon Road as part of Greater Cambridge Partnership to further encourage cycling in this area. Should the car club not be as successful as planned and the development results in additional car ownership and parking in the surrounding area, then a small contribution is also sought towards preventing parking on junctions and footways in the surrounding area. The following mitigation package is considered to be essential to mitigate development and therefore would seek to be agreed with the applicant as follows.
- A contribution of £70,000 in a S106 agreement towards the cost of the works to improve facilities for cycling on Histon Road between Kings Hedges Road and Victoria Road.
 - Contribution of £10,000 towards the cost of measures to prevent parking on junctions and footways within 200m of the site.
 - Provision of two car club bays for the site with membership for site residents;
 - Travel Plan as a condition;
- 6.16 County Education – No comment.**
- 6.17 No comments received.
- 6.18 Sustainable Drainage Officer – No comment.**
- 6.19 Drainage has no comments to the proposed variation.

6.20 Lead Local Flood Authority – No comment.

6.21 The application to vary condition 2 does not appear to have any surface water flood risk or drainage implications therefore we have no comments to make.

6.22 Environment Agency – No comment.

6.23 No comments received.

6.24 Anglian Water – No comment.

6.25 The condition 2 and the submitted documents with the application is not related to Anglian Water network and therefore this application is outside of our jurisdiction to comment.

6.26 Urban Design Team – Object

Original Comments (21/10/2022)

6.27 Design officers are concerned about the loss of lawn amenity space at the frontage to the site in this S73 application proposal. The proposed addition of ten parking spaces and service road means the addition of 60m² of hard standing in this area of the site with the narrow strip soft landscaping removed from the south side of the entire pedestrian link facing blocks A and B. It means much more hard standing in this area of the site with a minimal area (20m²) of soft landscaping in front of block A to provide relief to mean a less attractive welcoming environment for the scheme. Ground floor residents in flat numbers 1 and 2 will suffer from an outlook of ten parked cars which visually detract from the public realm. It will mean a deterioration of the public realm along the east-west pedestrian link and is not supported.

6.28 Design officers are disappointed that there isn't an improvement in the revisions made to the elevations of the building. Setbacks on the 4th floor for block A and the 'bridge' have not been provided. There is a lack of overlooking from the south elevation to the pedestrian link and a lack of animation on the north and south façades.

6.29 Design officers also raise concerns that 3 new apartment types proposed which feature double bedrooms that would not be meeting the minimum space standards in policy H/12 of the district Local Plan (2018).

Comments on Revisions (19/12/2022)

6.30 Overall, the amendment (rev.4) in this S73 application is still proposing the addition of a service road and additional parking plots to mean more hardstanding in the south-west area of the site at the expense of lawn in this south-west corner. Design officers retain the same concerns as their previous comments about this area of the site compared to the consented

site plan: It will mean a less attractive, less welcoming environment for the scheme. Ground floor residents in flat numbers 1 and 2 would suffer from an outlook of a long row of parked cars which will visually detract from the public realm.

6.31 In all other respects of design, for these rev.4 proposals for this consultation for this S73 application, design officers repeat the design comments submitted on 24 October 2022.

6.32 County Archaeology – No Objection

6.33 We can confirm that the amendments do not alter our previous advice seen on previous applications S/4243/19/FL, 22/03407/S73 and S/3983/18/FL, namely that we have no objections to the development on archaeological grounds (see attached).

6.34 Senior Sustainability Officer – No comment.

6.35 No comment received.

6.36 Landscape Officer – Object

Original Comments (24/10/2022)

6.37 The proposed changes are not supported. It would also seem that the changes made – and their knock-on effects - may go beyond that of a S73 as other respondents have commented.

6.38 The scheme shows a marked reduction in quality compared to the consented S/4191/19/FL and also to the consented landscape proposals submitted under 21/4191/19/CONDC. This is not to say that the consented scheme and landscape proposals were of high quality, but that application 22/03407/S73 demonstrates a deterioration.

6.39 The proposed layout, particularly on the highly visible southern side, has removed areas of soft landscape and trees, increased the numbers of visible car parking spaces and hard surfaces and removed landscape separation between parking areas, footpaths and adjacent dwellings.

6.40 The increase in visible car parking spaces in the landscape is a direct result of the loss of the underground car park. Parking has always been an issue on this site and early proposals included only very limited surface parking. It was felt that this lack of parking provision would certainly result in uncontrolled parking on footpaths, public open space, landscape areas etc. and so the underground car park was introduced in the later and approved applications.

6.41 The buildings themselves appear to have less detail and fewer windows on the elevations, and setbacks to the upper story have been reduced. This combined with the removal of landscape screening and increase in

hard surfacing will result in a scheme where large areas of blank or unarticulated elevations and a surrounding of undefined hard surfaces and poor landscape views will dominate.

Comments on Revisions (10/01/2023)

6.42 In landscape terms the proposed changes are not acceptable. The site is overdeveloped and was already struggling to provide an acceptable landscape setting. The revised proposals have made this situation worse.

6.43 Ecology Officer – No Comment.

6.44 No comment required.

6.45 Natural England – No Comment.

6.46 No comment received.

6.47 Tree Officer – No Objection

6.48 There are no arboricultural or hedgerow objection.

6.49 Environmental Health – No Objection

6.50 No objection.

6.51 Cambridgeshire Constabulary – No Objection

6.52 Recommendations on previous application reiterated.

6.53 S106 Officer – Object / No Objection

Original Comments (03/10/2022)

6.54 The permitted scheme proposes to construct a basement beneath part of the site to provide additional space for resident's car parking in addition to that provided at surface level. The S73 application proposes to remove the underground car parking. I consider there to be a significant material change to the permitted scheme and as such do not recommend the grant of the application until the viability assessment has been revisited to explore the potential to which any build costs savings to be realised by the applicant are instead paid as an affordable housing commuted sum.

Comments on Revisions

6.55 The applicant had not submitted a detailed cost plan so BNPPRE prepared appraisals using the RICS Build Cost Information Service database in addition to other projects within the surrounding area that they had reviewed to establish if the costs proposed by the Applicant were

within the range experience within the surrounding area. The build cost adopted by BNPPRE was £12,456,720 (inclusive of contingency).

6.56 BNPPRE concluded that a scheme using the RICS Build Cost Information Service database, generates a deficit against the viability benchmark of -£134,918. They stressed that this outcome was not informed by a proper understanding (by either party) as to the construction costs and BNPPRE recommend the Applicant submit a comprehensive cost plan that can then be independently reviewed.

6.57 The applicant has since provided the Council with a document titled 'Construction Cost Estimate' dated 3 November 2022 prepared by Bremner Partnership. This has since been reviewed by CDM Project Services on behalf of the Council who have concluded that the total cost of £14,289,000 is above what is reasonable in the current market. BNPPRE have therefore adopted a reduced cost of £13,211,897 in their assessment in line with advice received from CDM.

6.58 The outcome is that the proposed Development with 100% private housing generates a residual land value (RLV) of -£829,581 providing a deficit of -£914,831 against the viability benchmark. As such, whilst the changes proposed by the applicant will result in savings, there remains insufficient value for an affordable housing commuted sum to be secured.

6.59 Strategic Housing Team – No objection

Original Comments (25/10/2022)

6.60 As you are aware, when the scheme was first submitted in 2018/2019, the developer prepared a financial viability that stated the scheme could not afford an affordable housing contribution. The S73 application is showing a significant material change and I think it is vital we ask for an up to date viability assessment. It is important we show we have considered the possibility that if the developer is saving money with the changes, that we have looked at receiving an affordable housing contribution or at least a commuted sum.

Comments on Additional Information (02/08/2023)

6.61 As the Section 106 Team has offered no objection to the revised viability report, Housing do not wish to comment further.

6.62 National Highways – No objection.

6.63 No objection.

7.0 Third Party Representations

7.1 3no. representations have been received in objection and have raised the following issues:

- The removal of the underground parking will exacerbate parking problems on surrounding streets which are already at capacity.
- This is a major material amendment and should not be considered under a minor material amendment application and community should be given full opportunity to comment as per a new application.
- Topper Street parking does not work.
- Public transport not efficient enough for lack of car parking proposed.

8.0 Member Representations

8.1 Cllr M. Cahn has made a representation objecting to the application on the following grounds:

8.2 There is a new application for amendment to an existing permission which applies to greatly reduce the parking for the flats that have been approved on Neal Drive, Orchard Park and replace the parking with two car club places. This is, apparently, considered (by the applicant) to be a 'minor material amendment'. Parking was a big issue when the application was considered, and I think for the residents of Orchard Park this will be considered a really major issue. Is this matter being considered a major material amendment or a minor one? Without prejudice to what may be decided on this matter, this seems to me to be a matter of sufficient significance that it should be considered by committee.

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

9.0 Assessment

9.1 Planning Background

9.2 Planning permission (S/4191/19/FL) for 80no. studio, one and two bedroom apartments was approved on 28 August 2020. The relevant pre-commencement conditions have been discharged and development of this permission has commenced by way of installation of part of the foul water drainage below ground level on the site. This is therefore an extant permission. Where conditions on this extant permission have already been discharged, these will be converted into compliance conditions where appropriate in the event that this S73 planning application is approved

9.3 Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306].

9.4 The applicant has sought to amend condition no.2 (approved drawings) attached to the planning permission by seeking to make a minor material

amendment. Planning Practice Guidance advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development that is not substantially different from the one which has been approved.

[Paragraph: 017 Reference ID: 17a-017-20140306] Case law has established the test which governs section 73 cases is to be found in R v Coventry City Council, ex p. Arrowcroft Group plc [2001] PLCR 7, in which Sullivan J held that, under that section, a local planning authority: "is able to impose different conditions upon a new planning permission, but only if they are conditions which the council could lawfully have imposed on the original planning permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application." (para. 33).

9.5 Where an application under section 73 is granted, the effect is the issue of new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].

9.6 Through the proposed variation of condition no.2 of planning permission S/4191/19/FL, the proposal seeks the following amendments to the approved development:

- Removal of underground car parking and associated structures;
- Reduction in the length/depth of the new blocks with associated internal alterations;
- Alterations to apartment mix (reduction in number of 2 bed units);
- 77sqm. reduction in amount of internal reception and circulation space;
- Alterations to cycle storage and reduction in spaces from 99no. spaces to 95no. spaces;
- Increased no. of EV charging points from 3no. spaces to 10no. spaces;
- Alterations to above ground car-parking including increase in total no. of car club spaces; and
- External landscape alterations.

9.7 As the nature of development (80no. residential apartments) remains unchanged as a result of the proposed amendments listed above, it is not considered necessary to revisit certain elements of the original permission such as the principle of development, density etc as this was considered under the original permission which is an extant permission that has commenced.

9.8 The report will instead assess all factors that are considered to be materially affected by the proposed amendments compared to what has been approved which in this case are:

- Design, Layout, Scale and Landscaping;
- Highway Safety and Parking;

- Affordable Housing and Planning Obligations;
- Neighbour Amenity;
- Residential Space Standards;
- Air Quality;
- Flood Risk and Drainage;
- Carbon Reduction and Water Efficiency; and
- Biodiversity.

9.9 **Design, Layout, Scale and Landscaping**

- 9.10 Fundamentally, from a massing and footprint perspective the proposed re-design represents a consolidation of the extent of the proposed development when compared to the originally approved design (S/4191/19/FL). This would be achieved principally through the pulling back (northwards) of Block A from the southern boundary by approximately 6m.
- 9.11 The revised building line would bring the footprint in line with the adjacent Travelodge building immediately to the west and provides greater separation distance between the built forms in the immediate vicinity. This proposed reduction in mass and footprint is considered to represent an improvement compared to the originally approved design and is supported.
- 9.12 The overall height of the proposed development would remain as per the approved design which was previously considered acceptable. As such, the scale of the proposed development is considered appropriate.
- 9.13 The general elevational treatment, façade and material palette of the proposed development would broadly mirror what was previously approved, albeit with minor changes where necessary to accommodate the revised footprint and layout. Nevertheless, from an appearance perspective, the proposal is considered to assimilate successfully within its immediate context and that of Orchard Park.
- 9.14 It is noted that the Urban Design Team have raised concerns regarding the organisation of massing on Block A, setting back of the 'bridge' between the two blocks and proposed materials. However, these concerns were also raised under the previously approved application which was overall found to be acceptable. In light of the fact that these aspects are unaffected by the proposed amendments to the approved design, it is not considered reasonable to object to these elements.
- 9.15 The most notable changes to the design of the proposal that would be introduced through the proposed re-design would be to the site layout and landscaping arrangements. This is due to a combination of the proposed removal of the basement car parking and reduction in building length and subsequent re-provision of some of this car parking at surface level.

- 9.16 The proposed re-design would increase the quantum of hardstanding present on the site in the south-western corner, largely filling the void vacated by the recessed building depth of Block A. This hardstanding would provide additional car parking at surface level compared to what was approved as a means of partially off-setting the loss of parking caused by the removal of the basement car park from the scheme.
- 9.17 The Landscape Team have objected to the application as they consider the proposals represent a deterioration of landscape quality compared to what was previously approved. They state that this is because the proposed layout, particularly on the highly visible southern side, has removed areas of soft landscape and trees, increased the numbers of visible car parking spaces and hard surfaces, and removed landscape separation between parking areas, footpaths and adjacent dwellings. In addition, they consider that the reduction in setbacks to the upper-storey, combined with the removal of landscape screening and increase in hard surfacing, would result in a scheme where large areas of blank or unarticulated elevations and a surrounding of undefined hard surfaces and poor landscape views will dominate.
- 9.18 The Landscape Team have also raised concerns with the proposed landscape between the main east-west path and the dwellings to the north of Neal Drive being removed and that further screening and green separation is needed. The removal of the large bike store and soft landscaped area immediately north-east of Block A is also objected to as this was considered to provide screening in terms of preventing views of the A14 barrier.
- 9.19 Echoing the comments of the Landscape Team, the Urban Design Team share concerns regarding the site layout and landscaping. Concerns are raised by the Urban Design Team that the reduction in green open space from circa 40m² to 20m² would mean that there is a less attractive welcoming environment and that the outlook for flat numbers 1 and 2 on the southern façade of Block A is unacceptable due to the close proximity to car parking spaces.
- 9.20 It is unfortunate that the amount of hardstanding proposed to accommodate car parking would increase and that subsequently there would be an overall reduction in soft landscaping of circa 33sqm (558sqm as approved vs 525sqm as proposed) when compared to the approved scheme. Nevertheless, while the landscaping arrangements are less desirable compared to the approved scheme, officers need to consider whether the layout as proposed would provide an acceptable landscape arrangement and not to automatically consider it unacceptable only because it is less desirable than the approved scheme.
- 9.21 The proposed layout would retain green strips adjacent to the main vehicular access into the site which would allow for tree planting to create a green verdant feel when entering the site. There would also be a reasonable green wedge on the south-western corner which facilitates

tree planting and would provide a soft buffer between the edge of hardstanding and the adjacent sites to ensure the site does not feel overdeveloped. There would also be circa 3.5m of defensible green and hedge planting immediately to the south of flat nos.1 and 2 at ground-floor level and the nearest car parking space directly south of these flats would be over 9.5m away from the nearest window. The outlook for these flats is considered to be of an acceptable quality for future occupants.

9.22 The proposal would provide ample soft landscaping immediately to the east of ground-floor units of Block A and room for sufficient tree planting which would ensure that these flats would have acceptable outlooks. The proposed removal of the cycle parking store from the northern edge into the internal arrangement of Block B would be a positive design move. Whilst this would open up views of the A14 embankment, it is not considered that the presence of the bike store shielding the view of this was considered imperative to the overall appearance and views out from this development.

9.23 Overall, whilst hardstanding in the form of car parking would be more present on the site as a result of the proposed amendments, it is considered that the site layout would retain sufficient levels of soft landscaping and tree planting opportunities to ensure that the site would not appear overdeveloped or overly urban within the context of Orchard Park and that it is acceptable from a landscaping perspective. Conditions are recommended to ensure that an effective landscaping scheme is delivered.

9.24 In summary, subject to conditions, the proposal is considered to provide a high quality design and complies with South Cambridgeshire Local Plan (2018) Policies HQ/1 and NH/2 and the requirements of the Orchard Park Design Guide SPD (2011).

9.25 Highway Safety and Parking

Highway Safety

9.26 The proposed vehicular entrance and exit into the site remains as per the approved means of egress. It is therefore not considered that the proposed changes have any material impact on highway safety. This is confirmed by the Local Highway Authority who raise no objection subject to the reimposition of the conditions applied to the original permission.

Car Parking

9.27 The proposed quantum of on-site car parking as a result of the removal of the basement car park and re-configuration of the surface level car parking would reduce from 47no. spaces to 26no. spaces. 2no. car club parking spaces are also proposed on Neal Drive which fall outside the red-line boundary of the site.

- 9.28 The Transport Assessment Team has been consulted on the application. They have stated that the levels of car parking ratio are similar to the nearby approved application on Topper Street (20/03802/FUL). This nearby permission was for 75 apartments with 26no. on plot car parking spaces of which 2 were car club spaces, leaving 24no. spaces for the flats.
- 9.29 The Topper Street application referred to census data for the surrounding area for flats with one or two occupants. This shows that the level of car ownership in Orchard Park is higher than for areas towards Cambridge City Centre, with an average of 0.57 cars per flat with one occupant, and 0.94 cars per flat for all flats. However, in 2011 Orchard Park was being developed. Applying the car ownership of the area to the south would result in an average of 0.63 cars per flat and a demand of 50 parking spaces for the 80 flats. The Transport Assessment Team considers this to be a reasonable assumption to make.
- 9.30 Two car club bays are proposed, which the Transport Assessment Team considers will encourage residents not to own a car, and could reduce the demand for residents to own a vehicle by up to 24 vehicles. Using a similar approach used for the nearby application on Topper Street this allows for the equivalent provision of 26 spaces on site.
- 9.31 The site plan indicates that these two car club spaces are proposed to be provided off-site on the street of Neal Drive immediately to the east. The Transport Assessment Team has raised concern with this and stated that they should be located off-street within the site so that they are available exclusively for the future occupants. In order for these spaces to be effective in mitigating the parking pressures on surrounding streets and enforceable, it is agreed that the spaces should be within the site. Therefore, notwithstanding the proposed site plan, it is recommended that the car club spaces occupy two of the 26no. car parking spaces proposed within the site, reducing the level of private car parking to 24 spaces. This will need to be agreed by way of a deed of variation to the original car club clause in the Section 106 Agreement.
- 9.32 In addition to the securing of two car club spaces, the Transport Assessment Team has recommended a travel plan to be secured by way of condition and this has been recommended accordingly.
- 9.33 It is noted that the Transport Assessment Team has requested a financial contribution of £70,000 towards the cost of works that have been completed on Histon Road for cycling, and, £10,000 towards the cost of measures to prevent parking on footways and junctions in and around the site. Officers however note that the decision was made by members at the Planning Committee meeting of 26 August 2020 under the original permission not to include these within the original Section 106 Agreement for reasons of viability. Therefore, as this is a minor material amendment (Section 73) application, it would not now be reasonable to introduce these contributions.

- 9.34 Planning Officers and the 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 Section 106 agreement), 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 deed of variation to the Section 106 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

- 9.35 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 81no. spaces and additional provision for visitors.
- 9.36 The proposed provision of 72no. internally integrated cycle parking spaces (36no. stands), 32no. covered cycle store spaces (16no. stands) and 7 visitor spaces, despite representing a slight reduction compared to the approved scheme, 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.
- 9.37 It is considered that the cycle parking provision is acceptable and would comply with Local Plan (2018) Policy TI/3 (Parking Provision).

9.38 Affordable Housing and Planning Obligations

- 9.39 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

- 9.40 No affordable housing or affordable private rented accommodation was proposed under the original permission. This Section 73 application also does not propose any affordable housing.
- 9.41 National Planning Policy Framework (NPPF) (2021) Paragraph 65 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)

- 9.42 The NPPF 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.
- 9.43 The National Planning Practice Guidance for build to rent 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.
- 9.44 The applicant has submitted an updated Viability Assessment (November 2022) and follow up construction cost update (June 2023) which have been reviewed by the Council's viability consultant (BNP Paribas). This demonstrates that the proposed Development with 100% private housing generates a Residual Land Value of -£829,581 providing a deficit of -£914,831 against the viability benchmark. For comparison, the Viability Assessment (March 2019) submitted under the previously approved application (S/0768/18/FL) demonstrated a deficit of £2,802,025. As such, the viability evidence confirms that the development is not viable and as such no affordable housing can be secured in this instance. The viability consultant maintains their recommendation that the Council include both early and late stage review mechanisms within the Section 106 Agreement.
- 9.45 In order to ensure that this scheme remains as Build to Rent housing a covenant was included in the original 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 London Plan 2021 deals specifically with Build to Rent schemes and addresses the issue of affordable housing provision.
- 9.46 It is therefore proposed that this covenant is retained in any deed of variation to the Section 106 Agreement. This covenant includes 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.

- 9.47 The Section 106 Agreement also included 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).
- 9.48 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.
- 9.49 This approach was supported by the Council's Affordable Housing Officer under the original permission. 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.'

- 9.50 It is therefore recommended that if permission is granted, a suitably worded deed of variation to the Section 106 Agreement is required to retain the affordable housing clawback mechanism, as set out above. Overall it is considered that subject to this deed of variation the proposal would comply with Policy H/10 of the Local Plan (2018).

Developer Contributions

9.51 Contributions towards the following planning obligations were secured under the original permission:

Obligation Type	Detail	Contribution
Childrens' play space contribution	Fund replacement and/or additional play features at Topper Street Play Area	£6,367.46
Footpath Contribution	Footpath link	£2,000
Formal Sports Contribution	Improvement to existing sport facilities at Ring Fort recreation ground and/or Topper Street recreation ground	£51,015.38
Household Waste Receptacle Contribution	Provision of household waste receptacles	£6,300
Indoor off-site Community Space	Improvements and/or alterations to the Orchard Park community centre	£23,161

9.52 As the quantum of development (80no. flats) proposed remains as per the approved permission, it is not considered that the amendments warrant any diversion from these contributions sought. These will be carried through any deed of variation to the original Section 106 Agreement and are necessary to comply with South Cambridgeshire Local Plan (2018) Policies SC/6, SC/7 and TI/8.

9.53 Again It is noted that the Transport Assessment Team has requested a financial contribution of £70,000 towards the cost of works that have been completed on Histon Road for cycling, and, £10,000 towards the cost of measures to prevent parking on footways and junctions in and around the site. Officers however note that the decision was made by members at the Planning Committee meeting of 26 August 2020 under the original permission not to include these within the original Section 106 Agreement. Therefore, as this is a minor material amendment (Section 73) application, it would not now be reasonable to introduce these contribution. The car club clause of the Section 106 Agreement will be updated by way of a deed of variation to ensure that the two spaces are provided.

9.54 Neighbour Amenity

- 9.55 The originally approved development was found not to cause any harm to the amenities of neighbours in terms of loss of light, loss of privacy or visual dominance. As the proposed re-design would reduce the footprint and massing compared to what was approved, it is considered that this position remains and that no harm would arise from the physical development. The proposed outlooks from windows are in similar positions to what were approved and therefore no new overlooking opportunities would be introduced.
- 9.56 The reconfigured landscaping and movement of vehicles on the additional hardstanding proposed is not considered to introduce significant levels of noise above that which was approved. The amenities of neighbours would be respected in terms of noise and disturbance. Conditions associated with the originally approved scheme would be reapplied on any new permission.
- 9.57 Since the original permission on this site, a planning application (22/01632/FUL) has been submitted for the plot of land immediately to the east on Parcels COM4 and L2. This adjacent application seeks planning permission for the erection of an aparthotel/ hotel. This adjacent application is pending consideration and has not been brought before any planning committee at this time. Nevertheless, in studying the latest plans for this adjacent application, it does not appear the proposal would have any harmful impact on this adjacent proposal and would not prejudice its delivery. In addition, the original permission (S/4191/19/FL) on the application site has commenced and subsequently there is an established fallback position.
- 9.58 It is therefore considered that the proposed development complies with South Cambridgeshire Local Plan (2018) Policy HQ/1(n) (Design Principles).

9.59 Residential Space Standards

- 9.60 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.
- 9.61 The reconfigured units as a result of the amendments continue to meet the standards set out under Local Plan (2018) Policy H/12. The reduction in the internal circulation and reception space is not considered to harm the amenity of future occupiers and entrances to the two blocks would remain welcoming and attractive.

9.62 Air Quality

- 9.63 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.

- 9.64 The Applicant submitted an Air Quality Assessment in respect of the original 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.
- 9.65 The Council's Air Quality Officer has no objections to the proposed scheme subject to conditions requiring sustainable transport measures and low emissions boilers. Additional conditions were also applied to the original permission relating to renewable energy and construction management and these have been re-applied accordingly.
- 9.66 In terms of the sustainable transport measures, it is already proposed to condition these as requested by the Transport Assessment Team.
- 9.67 Conditions controlling emissions and requiring construction management details are considered necessary and reasonable. Overall, as the quantum of built development would decrease as a result of the proposed amendments, it is considered that, as concluded under the original permission, there would be no harmful impact on air quality.
- 9.68 Subject to conditions, it is considered that the proposed development complies with Local Plan (2018) Policy SC/12 (Air Quality) and the relevant part of Policy SS1 (Orchard Park).

9.69 Flood Risk and Drainage

- 9.70 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 under the original application. Based on the information submitted then the Lead Local Flood Authority raised no objection to the proposed development, subject to conditions. The Drainage Officer also raised no objection subject to conditions.
- 9.71 Condition 18 (surface water drainage) of the original permission was discharged on 5 May 2023 through discharge of condition application S/4191/19/CONDJ. This was required to be agreed prior to commencement of development. As the hard and soft landscaping and building footprint would be amended under this proposed Section 73 application, it will be necessary for drainage details to be updated. The increase in hard surfacing could also impact on the ability for surface water to drain effectively. Therefore, as below ground works have already technically commenced, it is considered that in this case a condition

requiring details to be agreed prior to any above ground works will be necessary to ensure that drainage is suitably addressed.

- 9.72 It is therefore considered that the proposed development would accord with Policy CC/9 (Managing Flood Risk) of the Local Plan (2018) subject to conditions.

9.73 Carbon Reduction and Water Efficiency

- 9.74 The approved development was found to be acceptable from a sustainability perspective subject to conditions regarding use of renewable energy and low carbon technologies, and water use being no more than 110 litres/ person/ day. These conditions have both been discharged.

- 9.75 The proposed amendments would remove the basement car park and a considerable quantum of built development compared to what was approved. These changes would consequently have sustainability benefits as “building less” has embodied carbon benefits in terms of lower volumes of materials and removal of a significant amount of foundations that would have been necessary to support the basement car park.

- 9.76 The proposed amendments would therefore improve the sustainability performance of the development and subject to the reimposition of the conditions identified above, the proposal accords with Policies CC/3 and CC/4 of the Local Plan (2018) and the Greater Cambridge Sustainable Design and Construction SPD 2020.

9.77 Biodiversity

- 9.78 The approved development was found to be acceptable from a biodiversity perspective subject to reptile survey and ecological enhancement conditions. These conditions have both been discharged.
- 9.79 The reptile survey was required to be discharged prior to commencement of development and was found to be acceptable by the Ecology Officer. The preliminary reptile survey has been carried out on the site. As such, this is proposed as a compliance condition to ensure that watching brief element continues as the development progresses.
- 9.80 The ecological enhancement condition will need to be re-discharged however as the landscape amendments and increase in area of hard surfacing could impact upon the ecological enhancements. This will be re-applied as a prior to commencement of development above slab level condition. The Ecology Officer has raised no objection to the proposals.
- 9.81 Subject to the amendments to the conditions identified above, the proposal accords with Policy NH/4 of the Local Plan (2018) and the Greater Cambridge Biodiversity SPD (2022).

9.82 Housing Provision

9.83 Density

9.84 Policy H/8 requires housing density in new settlements and urban extensions to achieve a housing density of 40 dwellings per hectare (dph) and in Rural Centres, Minor Rural Centre villages and Group Villages to achieve a density of 30dph. The policy states that density may vary where justified by the character of the locality, the scale of the development, or other local circumstances.

9.85 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.

9.86 Whilst this is a very high density of development, it would make the most efficient use of the land.

9.87 The proposal would therefore comply with Policy H/8 of the Local Plan.

9.88 Mix

9.89 Policy H/9 'Housing Mix' requires a wide choice, type and mix of housing to be provided to meet the needs of different groups in the community. For market housing development of 10 or more homes, H/9 provides targets as set out in the table below. H/9 states the mix of affordable homes is to be set by local housing needs evidence. 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

9.90 The Applicant proposes a build-to-rent scheme comprising:

- 79no. one bedroom and studio flats
- 1no. two bedroom flat

Build to Rent housing

9.91 The Applicant proposes a build-to-rent scheme comprising:

9.92 Build to Rent is defined in the glossary of the NPPF 2021 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'.

- 9.93 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.
- 9.94 Private sector accommodation is normally required for those aged 20 to 35, single people, couples, young professionals, students and short-term work contractors.
- 9.95 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.
- 9.96 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

- 9.97 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.
- 9.98 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.

9.99 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:

9.100 '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.'

9.101 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.

9.102 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:

9.103 '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.'

9.104 The Housing Team have raised no objection to the proposed housing mix. 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.

9.105 Third Party Representations

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

Third Party Comment	Officer Response
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<p>The removal of the underground parking will exacerbate parking problems on surrounding streets which are already at capacity.</p>	<p>This is addressed in the 'Transport and Parking' section of this report.</p>
<p>This is a major material amendment and should not be considered under a minor material amendment application and community should be given full opportunity to comment as per a new application.</p>	<p>As the description of development ("Erection of new private rented residential block comprising a total of eighty studio one and two bedroom apartments") is unaffected by the proposed amendments it is considered that the proposed amendments can be considered procedurally through a Section 73 (minor material amendment) application. Notwithstanding this, all neighbours have been consulted for 21 days and the application publicised with a site notice and press notice in the same manner as a full planning application as required procedurally.</p>
<p>Topper Street parking does not work.</p> <p>Public transport not efficient enough for lack of car parking proposed.</p>	<p>The Transport Assessment Team have not objected to the use of similar parking ratios as the Topper Street development. They are also content that access to non-car modes of transport is sufficient for the area.</p>

9.107 Planning Balance

- 9.108 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 9.109 The proposed amendments to the approved development would result in a minor degree of harm in terms of the reconfiguration to the landscape scheme and subsequent increase in hardstanding to accommodate additional surface level car parking lost through the removal of the basement car park. Although it is unfortunate that the landscaping would be less desirable than that which was approved, when considering the proposed landscaping scheme in its own right it would still provide an acceptable standard of landscaping and ensure that the site does not appear overdeveloped within its context.
- 9.110 The removal of the basement car parking and resultant lowering of on-site car parking from 47no. spaces (as approved) to 26no. spaces (as proposed) may have some impact on car parking pressures on local streets within the vicinity. However, the Transport Assessment Team

consider that this impact would be minimal in light of new evidence provided by the applicant in terms of the effect of the 2no. proposed car club spaces and car ownership data in the Orchard Park area. The levels of parking are akin to what was approved on a nearby development for 75 dwellings at Topper Street (20/03802/FUL).

- 9.111 The proposed reduction in the physical mass and footprint of the development would enhance the buildings appearance and how it assimilates into its surrounding context to the benefit of the character and appearance of the area.
- 9.112 The proposed removal of the basement car park and reductions in massing would also improve the sustainability performance of the building compared to what was approved.
- 9.113 Having taken into account the provisions of the development plan, NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is recommended for approval subject to conditions and a deed of variation to the Section 106 Agreement.

10.0 Recommendation

10.1 Approve subject to:

-The planning conditions as set out below with minor amendments to the conditions as drafted delegated to officers.

-Satisfactory completion of a Deed of Variation to the original Section 106 Agreement which includes the Heads of Terms (HoT's) as set out in the report with minor amendments to the Heads of Terms as set out delegated to officers.

11.0 Planning Conditions

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

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

- 2 The development hereby permitted shall be carried out in accordance with the materials approved to be used in the construction of the external surfaces of the development as approved by the local planning authority through discharge of condition application reference S/4191/19/CONDE of condition no.3 of permission S/4191/19/FL unless otherwise agreed in writing by the local planning authority.

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

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

- 4 The pedestrian link on land within the Applicant's ownership, between Neal Drive and Chieftain Way, as shown on the approved Site Plan OP/170/2 Rev 4 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. The pedestrian link within the applicant's ownership shall be maintained to a standard sufficient for public use as proposed.

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

- 5 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.)

- 6 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.)

- 7 Prior to the commencement of development above slab level, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the local planning authority. 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).

- 8 Prior to the commencement of development above slab level, an updated Preliminary Ecological Appraisal shall be submitted to the local planning authority and approved in writing. All ecological measures and/or works shall be carried out in accordance with the approved details. 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 South Cambridgeshire Local Plan (2018) Policy NH/4)

- 9 The development hereby permitted shall be carried out in accordance with the Reptile Method Statement (MKA Ecology, 82019, Version 1.0, 13 May 2022), including the watching brief, as approved by the local planning authority through discharge of condition application reference S/4191/19/CONDD of condition no.10 of permission S/4191/19/FL unless otherwise agreed in writing by the local planning authority.

(Reason: To comply with the requirements of the Wildlife and Countryside Act 1981 (as amended) and South Cambridgeshire Local Plan (2018) Policy NH/4)

- 10 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: In accordance with the requirements of South Cambridgeshire Local Plan (2018) Policy NH/4).

- 11 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.)

- 12 The development hereby permitted shall be carried out in accordance with the Traffic Management Plan PC(13)01 REV P1 and the Neal Drive 8-Wheel Tipper Lorry Entry, Turn and Exit 3022007/A/1/Rev B documents as approved by the local planning authority through discharge of condition application reference S/4191/19/CONDI of condition no.13 of permission S/4191/19/FL unless otherwise agreed in writing by the local planning authority.

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

- 13 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.)

- 14 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.)

- 15 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.)

- 16 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.)

- 17 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.)

- 18 Prior to commencement of development above slab level, a detailed surface water scheme for the site shall be 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 South Cambridgeshire Local Plan 2018.)

- 19 Prior to the commencement of development above slab level, an Energy Statement shall be 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 South Cambridgeshire Local Plan 2018 and the Greater Cambridge Sustainable Design and Construction SPD 2020.)

- 20 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))

- 21 Prior to the commencement of development above slab level, a scheme for the provision of electric vehicle charge points shall be 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 Policy SC/12).

- 22 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.)

- 23 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)

- 24 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)

- 25 The development hereby permitted shall be carried out in accordance with the dust report titled 'DISCHARGE OF CONDITION 26 - Dated March 2021' as approved by the local planning authority through discharge of condition application reference S/4191/19/CONDB of condition no.26 of permission S/4191/19/FL 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/12)

- 26 Prior to the commencement of development above slab level, 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 shall be submitted to and approved in writing by the Local Planning Authority. 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)

- 27 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)

- 28 Prior to the commencement of development above slab level, a Site Waste Management Plan for the construction phase shall be 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).

- 29 Prior to the commencement of development above slab level, a noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority which sets out the means of protecting the proposed dwellings from noise from the A14. 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)

- 30 Prior to the commencement of development above slab level, 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 Plan (2018) Policies HQ/1 and SC/10).

- 31 Prior to the commencement of development above slab level, 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".

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 South Cambridgeshire Local Plan (2018) Policy SC/9).

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