

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 June 2012

AUTHOR/S: Planning and New Communities Director

S/2559/11 – ORCHARD PARK

**Erection of 112 Dwellings, including Vehicular Access and Mixed Use Building/
this is a hybrid application part outline and part full involving 7 Retail Units
(840sqm) and 28 Flats (2-1 bed and 26-2 bed) including Landscaping and Open
Space and involves two separate land parcels**

**Site A (Formerly Q & HRCC) Land Off Ringfort Road, and Site B (Formerly E3,
Comm2A, Comm2B & E4) Land off Chieftain Way,
For Gallagher Estates Ltd**

**Recommendation: Delegated Approval Subject to Planning Conditions and
S106**

Date of Determination: 6th June 2012

A. Update to the report

Agenda report paragraph number 7 – Orchard Park Community Council additional comments received:

- a) Pleased that the affordable housing will closely match SCDC policy levels, but raise concern regarding the delivery of the affordable homes before the market housing and the management of the undeveloped land parcels.
- b) Request that the planning permission be conditions to ensure Gallagher's work with the OPCC to deliver a public art project on POS2.
- c) Welcome the detail of the public open spaces but still concerned regarding the level of open space being provided within this scheme.
- d) Request that the colour detail on the mixed use building be agreed with the OPCC.
- e) OPCC are disappointed that the level of retail has been reduced without evidence as this appears as top-up shopping which is contrary to the vision of Orchard Park as a sustainable urban extension.
- f) Section 106 - pleased that the Section 106 offer has increased but note this is still a departure from policy in respect of open space contributions.

Officers have responded to the OPCC and have agreed to continue to work with the OPCC through the planning conditions to address issues b and d. In respect of issues raised:

a) it is not appropriate to link a full application to the delivery of an outline planning application.

c and f) the application's open space does not meet SCDC standards however, the applicant will provide contributions for the delivery of off-site mitigation. The application has been subject to a viability assessment by outside consultants and the scheme has been found to be unviable, but through negotiations and partnership working the applicant is prepared to provide additional contributions in order to ensure this application comes forward with sustainable community infrastructure.

e) this matter is dealt with in the main report.

Agenda report paragraph number 48 – Waste Management Section’s additional comments have been received:

- a) Following submission of revised sketches 30th May concerns regarding the internal layout at the rear of the retail premises is acceptable. However, there are still minor concerns that can be addressed by condition no.23 regarding the location of bin stores.

Agenda report paragraph number 139 – Recommendation

Delegated approval of hybrid application, as amended by plans and documents date stamped 5th April, 2012, 23rd May 2012 and 31st May 2012 subject to the following:

- a) Planning conditions as set out within the report and amended by this update report, with the final wording of amendments to be these to be agreed in consultation with the Chair, Vice Chair and Local Members prior to the issuing of planning permission;
- b) Contributions to be secured by way of a Section 106 legal agreement as set out in Appendix1 – final wording to be agreed in consultation with the Chair, Vice Chair and Local Members prior to the issuing of planning permission.

Agenda report section - conditions

Further work has been carried out with the applicant following the comments of the OPCC and the Waste Management Section to provide further clarity in respect of conditions concerning the individual land parcels (A and B) this involves minor amendments to the following conditions:

4. No development shall commence on the land hatched red until detail of the materials to be used in the construction of the external surfaces including windows and joinery of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those details.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.
5. Notwithstanding the submitted drawings GE.532.PO2 revision C, received 5th April 2012 and GE532 received 23rd May 2012, further details of the front elevation are required to show alterations to the fenestration, including details regarding the colours to be used in the centre block of the mixed use building, such details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development on site.
Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.
6. Prior to occupation of each commercial unit the premises shall be fitted with perforated lath roller shutters the colour, of which shall first be submitted to, and approved in writing by the Local Planning Authority. Reason: To ensure the appearance of the development is satisfactory in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/2.

7. Notwithstanding the provisions of the Article 3 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), the mixed use block of commercial premises shall be used for A5, A2 A1 uses and for no other purposes (including any other purposes in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or within modification). Not more than two units totalling 140sqm, within the mixed use building shall be used for A5 uses at any time.
Reason: a) To protect the amenities of adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3. b) To safeguard the character of the area in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3.
9. No individual commercial unit on site shall be occupied until the cycle parking to serve that unit has been provided on site and made available for use. The Cycle parking shall not thereafter be used for any purpose other than the parking of cycles. Reason: To ensure adequate provision of cycle parking for the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/1 and TR/3.
16. Before the commercial uses hereby permitted are commenced, a noise assessment and a scheme for the insulation of the building and associated plant/equipment, in order to minimise the level of noise emanating from the building and a plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be fully implemented before the use hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details.
Reason: To protect the amenity of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
- 21.(a) Prior to commencement of development on site A 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 the 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 vertical and horizontal isolux contour maps, 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/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.
- 21.(b) Prior to commencement of development on site B 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 the 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 vertical and horizontal isolux contour maps, 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/safeguard the amenities of nearby residential properties from light pollution/nuisance in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/14.

22. No development approved by this permission on site A shall be commenced until:
- a) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the Local Planning Authority.
 - b) The works specified in the Remediation Method Statement have been completed, and a Validation Report is submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - c) If, during remediation works, any contamination is identified that has not been considered in the Remediation Method Statement, then a remediation proposal for this material shall be agreed in writing by the Local Planning Authority.
- Reason: to protect the amenities of future residents from contamination in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.
23. Prior to commencement of development on the land hatched red and prior to the commencement of any reserved matters application associated with the land hatched blue full details of the on-site storage facilities for waste including waste for recycling shall be submitted to and approved in writing by the Local Planning Authority. Such details shall identify the specific positions of where facilities for trade waste, domestic bins, recycling boxes or any other means of storage will be stationed and the arrangements for the disposal of waste. Details shall also be included on how this complies with any approved design code for domestic waste. The approved facilities shall be retained thereafter unless alternative arrangements are agreed in writing by the Local Planning Authority.
- Reason: To ensure the efficient management of waste recycling facilities in accordance with Cambridgeshire Council Councils RECAP Guidance (SPD) 2012.
27. No development shall commence within the part of site B for which full approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/1, NE/2 and NE/3.

- 28.(a) No development shall commence within site A for which outline approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy NE/1, NE/2 and NE/3.

- 28 (b) No development shall commence within the part of site B for which outline approval is being given until such time as a renewable energy statement for the site, which demonstrates that at least 10% of the building's total predicted energy requirements will be from on-site renewable energy sources, has been submitted to and approved in writing by the Local Planning Authority. The statement shall include the total predicted energy requirement in the form of an Energy Statement of the development and shall set out a schedule of the proposed on-site renewable energy technologies, their respective energy contributions, location, design and a maintenance programme.

The approved renewable energy technologies shall be fully installed and operational prior to the occupation of any approved buildings and shall thereafter be maintained and remain fully operational in accordance with the approved maintenance programme, unless otherwise agreed in writing by the Local Planning Authority.

Reason : In the interest of reducing carbon dioxide emissions, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/1, NE/2 and NE/3.

29. Delete as this condition is duplicated.
30. Before the commencement of uses A1 and A5, hereby permitted are commenced, details of equipment for the purpose of extraction and/or filtration and/or abatement of fumes and or odours related to non-residential uses which are not residential premises including the operation of any in vessel composting, shall be submitted to and approved in writing by the Local Planning Authority. The approved extraction/filtration/abatement scheme/s

shall be installed before the use hereby permitted is commenced and shall be retained thereafter. Any approved scheme/system shall not be altered without prior approval.

Reason: To protect the future amenity of future residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.

32. No unbound material shall be used in the surface finish of any driveway within 6 metres of the highway boundary, or the boundary of any land intended to be dedicated as public highway.

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.

41. Delete as this condition is duplicated.

47. Notwithstanding the submitted details, no occupation of the residential units shall begin until details of a scheme for the provision of public art has been submitted to and approved in writing by the Local Planning Authority. The implementation of such a scheme shall be prior within 6 months of the occupation of the residential units unless otherwise agreed in writing by the Local Planning Authority.

Reason Insufficient details were submitted with the application in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy SF/6.

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