

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

1 August 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: Approve Subject to Planning Conditions and S106

Date of Determination: 5th March 2012

Notes:

This Application has been reported to the Planning Committee for determination because it was deferred by members at the Planning Committee of the 6th June 2012 for further negotiations as the recommendation of planning officer conflicts with material considerations raised by the Community Council.

Members visited this site on 1st June 2012

To be presented to the Committee by Julie Ayre

Issues Raised by Planning Members on 6th June 2012

1. Members will recall that 7 key issues were raised in respect of this planning application put to committee for determination on the 6th June and that officers were requested to investigate all the issues before returning the application to committee. Those issues were:
 - a) To investigate the movement of the mixed use block from Site B to the corner site, Site A.
 - b) Investigate and seek improvement in the commercial floor space offer so that it is closer to that in the original outline permission for Orchard Park.
 - c) To investigate the installation of grey water harvesting on the roof of the mixed use building.
 - d) Ensure that the number and location of cycle parking are adequate.
 - e) Investigate the deficiency of open space on Orchard Park.
 - f) Address the policy shortfall in the Affordable Housing offer.
 - g) Public engagement in relation to the site and the Orchard Park Community Council (OPCC).

Additional Consultation Responses Received by South Cambridgeshire District Council as Local Planning Authority

2. **OPCC** – “Following the deferral of this application, Gallagher attended OPCC’s Planning Committee to discuss points raised by OPCC and planning committee members and these are the OPCC additional

Comments:-

- a) Local Retail Centre - The master plan for the development located this centre on Site B and, in retrospect, had the master plan located it closer to Kings Hedges Road (Site A) it may have resulted in a greater footfall and increased viability and consequently a larger local centre than now proposed. However, the OPCC recognises that there is no realistic prospect of a new entrance/exit junction for traffic for any local centre on Site A, as it would be significantly detrimental to the residential amenity and safety on narrow residential streets. We therefore support the use of Site B for its location in the context of this application.
- b) The OPCC remains of the view that a diverse range of shops in the local centre is invaluable to the long term sustainability of what will be at the heart of this new community. We consider that a larger anchor store than that on offer is required. However, if members are minded to approve this application, we would ask for conditions limiting all deliveries by number, hours and on minimising impact on residential amenity on Sundays and Public Holidays.
- c) Public Open Space – The OPCC firmly believes that delivery of high quality open space for new residents should be at the heart of this application. However, we recognise that the additional homes accepted by the Inspectorate at the Housing Shortfall Inquiry has meant that a significant commuted sum will be required to make up the deficit. We are satisfied that the main civic space has been designed to a high quality in partnership with us. However, we would ask for conditions on other public open space requiring the developer to work with us on detailed design. We have clear plans for the public open space commuted sum to enhance our existing facilities and mitigate the impact of the additional homes. Overall, we have been through the S106 in detail with SCDC officers and other partners and consider that it is acceptable.
- d) Public Art – OPCC request that Gallagher be required to bring forward a public art scheme in partnership with the Community Council and centred on the local retail centre.”

3. **Bedfordshire Pilgrims Housing Association** – Has sent an e-mail in support of the application stating that:

- a) “BPHA has been working with SCDC and the applicant Gallagher in partnership to deliver this scheme. We have been involved in the design and layout of the scheme from the outset.
- b) This type of mixed use scheme is not something BPHA would normally commit to, as it is difficult to deliver residential of this type. But we have made an exception in this case, as we have a commitment to the development as a whole and understand that the retail facilities are very much wanted by the local community and indeed the Council.
- c) Our involvement in this project is strictly on the understanding that this scheme is well designed and was delivered in a way that ensured that it would be sustainable in the long term as a valuable asset to the local community.
- d) In order to ensure the on-going sustainability of tenancies in the local centre flats, it is our intention that the apartments above the retail will all be of Intermediate Tenure for either rent or shared ownership sale.
- e) SCDC has requested us to investigate conversion of two of the residential units at ground floor to commercial, in order to increase the proposed commercial floor space within the local centre. However, this is not something we can take forward as our rules prevent us from undertaking non

charitable activities and therefore we would be unable to undertake such commercial activities.

- f) The conversion of two residential units to commercial would impact on the affordable housing offer unless Gallagher were intending to offer additional units in another part of the site, which I understand is unlikely due to viability.
- g) In response to SCDC's request to investigate the provision of grey water harvesting, BPHA have a commitment to delivering sustainable homes, but our experience of new technologies in meeting the Code for Sustainable homes has led us to conclude that grey water harvesting is not one of our preferred methods of delivering homes that are sustainable, largely because of the on-going landlord maintenance responsibilities (Legionella) and the feedback on sites where we have introduced it has been disappointing. However, we are keen on pursuing a solar photovoltaic renewable energy project or the use of air source heat pumps for the mixed use commercial building."

4. **Gallagher Estates** – Has submitted a further letter dated 19th July 2012 in support of the work it has carried out since the application was considered by members at the Planning Committee on the 6th June 2012.

- a) "We have investigated further the possibility of moving the retail and commercial elements of our scheme from Site B to Site A, but this raises a number of issues which rule it out as an option, a) the location within Site A would cause serious problems in terms of access both by potential customer and, more critically, by service vehicles; the road layout in this part of the site precludes easy access for those particular movements. In addition, such a location would be contrary to the adopted Council policy given that the current location of the local centre is consistent with the Orchard Park Design Guide.
- b) We have been successful in attracting an anchor tenant to the key convenience store, which in turn, we hope, will attract occupiers for the other six smaller units. Given the design constraints associated with the site, we have worked extremely hard with BPHA to bring forward a scheme which will not only deliver much needed affordable housing but also provides residents with facilities which are much needed.
- c) We understand from the Committee Minutes that you were asked to investigate whether or not greywater recycling could be delivered as part of the main commercial block. We have looked in to this in some detail and discussed it further with BPHA and it has emerged that the cost of installing such a system would seriously impact on the viability of the whole scheme. However, BPHA recognise the need to react to matters of sustainability and are therefore investigating the possible provision of solar PV on the roof of the building.
- d) I understand there was some concern about the number of cycle parking spaces that are being provided for the commercial units; I would confirm that we are providing 38 cycle parking spaces in front of the retail units with a further 8 spaces to the rear of the units for staff and another 60 cycle spaces for residents of the flats. The parking spaces for the flats and staff are covered and the cycle spaces to the front are in excess of 1m between hoops.
- e) I understand that there is some concern over the level and type of open space being proposed in our scheme. In discussions with SCDC, this has been acknowledged and the point has been covered by way of a contribution towards the improvement of facilities on site. I would point out that the viability of this site is very much at the margin as has been evidenced by the

work both by our own consultant and SCDC's who validated our conclusions. Any further loss of developable land over and above that which is illustrated in our proposals could put the whole scheme at risk.

- f) A considerable amount of effort over the last 12-18 months has been put into the scheme that is now in front of you. We have worked with SCDC, OPCC, CCC and BPHA to arrive at the scheme, which we hope will deliver the facilities that will benefit the residents of Orchard Park.
- g) Our meeting with the OPCC on the 29th June, 2012 covered all those areas of concern to both them and your Committee Members and I hope the answers given at that meeting have put everyone's mind at rest."

Members Issues from the 6th June 2012

Movement of the Commercial Mixed Use Building from the Local Centre to the Corner site

- 5. Officers have had several discussions with the applicant regarding the possibility of a large retail store located on Site A. The applicant has confirmed that it is not prepared to move the mixed use building, to that site as there are significant highways access issues which would be difficult to overcome. In addition, the creation of a larger unit would need to attract more customers to ensure it was viable which will result in more traffic being generated within Orchard Park to the detriment of the existing residents.
- 6. The Arbury Park Design Guide 2007, Orchard Park Design Guide 2011, and original outline planning permission have all indicated that Site B is the appropriate location for the retail element.

The Commercial Floor Space Offer

- 7. Officers have investigated three options in relation to improving the commercial offer associated with the existing application these options have been discussed with Gallagher and BPHA:-
- 8. Option 1 - A completely revised scheme which would provide a significant increase in commercial offer, closer to that agreed in the previous planning application (S/0622/08). Such a redesign would impact on the delivery of the whole scheme and the site could potentially lose the anchor tenant, for the convenience store which could result in the scheme being significantly delayed. Whilst this may be an option the market assessment material submitted with the application does not support a higher level of commercial offer, in the proposed location. To seek to deliver a higher level would be unsustainable and result in vacant units within the local centre if in fact the market would deliver anything.
- 9. Option 2 - The possibility of converting two of the ground floor flats adjacent to the commercial units to commercial. This option has significant issues for BPHA as they would be owners and managers of those units, which is against their rules and therefore undeliverable.
- 10. Option 3 – Gallagher leasing two of the flats from BPHA and converting them to commercial. This is deliverable but would require a significant legal work as Gallagher have been working with BPHA for some time on the legal contract associated with application. In addition, Gallagher insist that the market research carried out as part of this application concludes that the development cannot sustain

a higher level of retail offer. The conversion of these two units would reduce the level of affordable housing offered with this application.

Grey Water Harvesting within the Commercial Mixed Use Building

11. Members asked that a 'Grey Water Harvesting Project' be investigated in relation to the commercial mixed use building. Discussion with BPHA has determined that they have no financial revenue budget to put towards such a project, it adds significantly to the management costs for tenants, and their experience is that tenants are unsure about the technology so tend to bypass it as they are alarmed about the possibilities of Legionella etc. In addition, it is hard to install such a system into shared ownership homes and the maintenance and serving is made difficult by the number of interests in the system. However, they are working with Gallagher's to install a solar photovoltaic panels project on the roof of the building which might be prejudiced by the grey water harvesting, which will enhance the sustainability of the building significantly and will provide renewable energy in excess of the policy NE/1 requirement.
12. Officers also raised the possibility of providing rain water harvesting tanks under POS2. Initial discussions with Gallagher's were promising however, it would appear that the cost of such a project would be in excess of £100,000, which could not be afforded, as the scheme was unviable and any financial commitment to such a project would have to be made using the offered Section 106 obligation, which is not possible as the service providers have worked hard to ensure the delivery of the services with the offer of £1.353 million.

Cycle Provision within the Local Centre

13. The application has 16 'Sheffield hoop' design cycle racks designed at 1 m apart, as measured by the base of the cycle rack. This provides spaces for 32 cycles located to the front of the retail centre and a further 8 wall mounted racks located under canopies on the rear wall of the mixed use block. Cycle storage for the flats will be provided on the basis of one bedroom equates to one space in a covered/secure block of $20 \times 3 = 60$ cycles. This ratio is expected to be continued within the reserved matters applications for the remaining site.

The Provision of Open Space within the Orchard Park and this application

14. Officers have calculated the total amount of public open space currently available on Orchard Park (37,432sq.m) with a further 440 sq.m to come forward as part of land parcel G. Whilst this is below that required by the South Cambridgeshire LDF Supplementary Planning Documents (SPD): Open Space in New Developments (2009), which indicates that (44,293sq.m) is required, this policy was adopted post the determination of the outline application, and it would be inappropriate to ask this application to compensate for any shortfall in the original outline. This application offers a further 2,835 sq.m excluding POS2, which is a further 1,383sq.m. resulting in a of shortfall of 1,701sq.m (excluding POS2) below the policy required 4,536 sq.m. Whilst there is a clear short fall in the open space provision this is compensated by an off-site contribution. Which officers understand could be used to extend the changing rooms located at POS1 in order to create a sports/cultural room which will provide activities for the residents of Orchard Park, in particular the teenagers, and will help provide natural surveillance to an area which is suffering from vandalism. It is therefore considered that this application is in accordance with the Orchard Park

Design Guide SPD, (2011) and DP/2 and NE/6 of the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007.

Affordable Housing Offer

15. Policy HG/3 of the LDF provides the policy format for determining planning applications for dwellings. It specifies that the amount of affordable housing sought on all sites of two or more dwellings will be 40% or more of the dwellings to be provided. However, development can take into account any abnormal costs associated with the development, such as infrastructure costs and other viability considerations. Whilst members requested that officers renegotiate the level of affordable housing from the current application offer of 36.4% to at least 40% this has not been possible due to viability issues. Detailed viability work indicates that this site is unviable at the level of obligations outlined in this report. Officers have discussed this issue with the Council's partners, BPHA, who are fully supportive of this approach. Therefore, on balance, the amount of affordable homes delivered on the site is considered acceptable.

Public Engagement in Orchard Park

16. This application is supported by a Public Consultation document which sets out the pre-application consultation carried out in respect of this development by the applicant. Prior to submission the applicant has attended the OPCC meetings on four occasions, ensuring that they were part of the process associated with the delivery of the local centre and it has incorporated many changes to the building through that consultation, such as the coloured panelling to the front elevation. In addition, officers have held regular meetings with the OPCC to ensure it is kept informed of the progress of the current application.
17. Officers and Gallagher attended the OPCC Planning Committee meeting to discuss its issues and the additional issues raised by members on the 6th June, 2012.

Conclusion

18. Viability is a significant issue in relation to this application. SCDC's own viability consultants agree that the delivery of this scheme is very difficult, as it simply does not appear to be able to afford the site obligations. Consequently, officers have negotiated hard with the applicant in order to ensure that the community infrastructure can be delivered. The Orchard Park local centre has been delayed by a significant period of time and the residents were offered a higher level of retail in the 2009 application (S/0622/08) but the market has not delivered this. The economic downturn could be one of the issues for its non-delivery but it is difficult to see how that will change significantly for the coming years. This application offers the delivery of a market tested, sustainable retail offer, which is being delivered in an unusual manner (by a Registered Provider) as the market won't take up such a site. Therefore, on balance this application is considered acceptable.

Recommendation

19. It is recommended that the Planning Committee approves the application as amended subject to the following:
 - a) Section 106 requirements; and
 - b) The following Conditions and Informatives.

Conditions

Time (Site A and B)

1. The development shown hatched red on the attached plan, hereby permitted shall be begun before the expiration of 3 years from the date of this permission. In addition the development, shown hatched blue on the attached plan, hereby permitted shall begin not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.
(Reason: In relation to the area hatched red, to ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon; and, in relation to the area hatched blue, as the application is outline only.)

Reserved Matters (Site A and B)

2. In relation to the area shown hatched blue on the attached plan, approval of the details of the layout of the site, the scale and appearance of buildings, the means of access and landscaping (hereinafter called "the reserved matters" shall be obtained from the Local Planning Authority in writing before any development of this area is commenced.
(Reason: As the application is partly outline only).

Plans (Site A and B)

3. The development hereby permitted shall be carried out in accordance with the following approved plans: GE.OP- Site Plan, Figure 1, GE.OP - Proposal Boundaries Figure 2, GE.OP- Plot A Development Zones Figure 3, GE.OP-Plot B Development Zones Figure 4, 021-Plot A Parameter Plans Figure 5 revision B, 022-Plot B Parameter Plans Figure 6 revision B, 023-Plot A Indicative Layout Figure 7 revision B, 024-Plot B Indicative Layout Figure 8 revision B, 1050/135 Concept Site Layout, 1608/SK/001 revision A, 1608/SK/002 revision A, 1608/SK/003 revision A, 1608/SK/004 revision A, 21106-001 revision E, 21106/002 revision A, 21106-004 revision A, GE.532.PO1 revision D, GE.532.PO2 revision C, GE 532 (22nd May 2012), GE.532.PO3, GE.532.PO4, GE.532.PO5. Details of perforated lath roller shutters date 5th April 2012.
Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

Materials (Site B)

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.

Permitted Uses of the Mixed Use Commercial Block (Site B)

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 140sq.m, 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.
8. No individual unit on site shall be occupied until a scheme for the provision of CCTV has been submitted to and approved in writing by the Local Planning Authority, and has been subsequently installed in accordance with that approved scheme thereafter be retained and maintained in strict accordance with the approved plans in perpetuity and not be altered without the prior written approval of the Local Planning Authority.
Reason: To ensure adequate surveillance of the car parking areas in the interest of amenity, security and the quality of the development in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy DP/2 and 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.
10. Notwithstanding the submitted drawing 21106-001 revision E, a schedule for the provision of delivery of cycle parking to both Site A and Site B shall be submitted to and approved in writing by the Local Planning Authority. The schedule will then be implemented in strict accordance with that delivery plan unless otherwise agreed in writing with the Local Planning Authority.
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.

Construction Noise & Vibration (Site A & B)

11. No construction work and or construction related collection 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 on Saturdays and no construction works or collection/deliveries shall take place on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.)
12. In the event of the foundations from the proposed development requiring piling, prior to the development taking place the applicant shall provide the Local Planning 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 or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with provision of BS5528,2009 - Code for Noise and Vibration Control of Construction and Open Sites Part 1 - Noise and 2- Vibration Control on Development shall be carried out in accordance with the approved details.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.)
13. No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details/scheme unless the Local Planning Authority agrees to the variation of any detail in advance and in writing.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
14. Prior to the development commencing on site a Construction Environmental Management Plan and a phased Construction Method Statement/Strategy shall be submitted to and approved in writing by the Local Planning Authority. Construction on site shall be strictly in accordance with those agreed documents unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To protect the amenities of nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.)
15. No power operated machinery (or other specified machinery) shall be operated on the premises before 08:00 on weekdays and 09:00 on Saturdays or after 18:00 weekdays and 13:00 on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.
Reason: To minimize noise disturbance to adjoining residents in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/15.

Operational Noise Impact- (Site B)

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.
17. No development shall commence until full details of a scheme of sound insulation standard between any retail, food or commercial (any premises class use other than residential) and residential uses within the same building has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed before the units hereby permitted are occupied and measures permanently retained thereafter.
Reason: In the interests of the amenities of permitted residential units close to non-residential premises in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies NE/15, NE/16 and DP6.
18. No vehicles associated with any retail, food or commercial units shall be loaded or unloaded within the application site outside the hours of 07.00 and 22:30hrs on Monday to Saturday and the hours of 10:00 and 14:00 on Sundays and not at all on Bank and Public Holidays unless otherwise agreed in writing by the Local Planning Authority. The number of deliveries to the site shall be limited to a maximum of 34 per week, including a maximum of 4 on Sundays. Such delivery vehicles shall be limited to a maximum size of 10.35 metres in length.
Reason: To avoid unreasonable disturbance outside normal working hours to nearby residential properties in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policies NE/15, NE/16 and DP6.
19. Details of the location and type of any power driven plant or equipment including equipment for heating, ventilation and for the control or extraction of any odour, dust for fumes from the building but excluding office equipment and vehicles and the location of the outlet from the building of such plant or equipment shall be submitted to and approved in writing by the Local Planning Authority before such plant or equipment is installed; the said plant or equipment shall be installed in accordance with the approved details and with any agreed noise restrictions.
Reason: To protect the occupiers of adjoining dwellings from the effect of odour, dust or fumes in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy NE/16.

Air Quality Mitigation (Site A)

20. The approved development and uses shall be constructed and maintained in accordance with the mitigation measures as detailed in the submitted WSP Environmental Air Quality Assessment Report, Orchard Park, Plot A, Gallagher UK, May 2011 and as part of the air quality mitigation scheme no development on any individual phase shall commence until approval of the details of the design, layout and scale, including the location of external amenity areas and formal/informal open space within the phase has been obtained from the Local Planning Authority in writing. The development shall be carried out strictly as approved.
Reason: To safeguard the amenity and health of future residents in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007,

policies NE/16 accordance and the South Cambridgeshire (SPD) Design Guide 2010.

Artificial Lighting (Site A & B)

- 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.

Contaminated Land (Site A)

22. Prior to occupation of any dwelling on site:
- a) The additional works recommended in the Validation Report dated February 2006 by WSP should be carried out to ensure the site is suitable for the proposed residential end use. Details confirming that these measures have been undertaken should be submitted to the Local Planning Authority for approval.
 - b) If, during the additional remediation works, any contamination is identified that has not been considered, then remediation proposals for this material should 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.

Waste (Site A & B)

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.

24. No material or equipment shall be stored on the site outside the buildings save that waste material may be kept in bins for removal periodically.

Reason: In the interest of visual/residential amenity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/1.

25. Notwithstanding the submitted drawings, no development shall take place until a scheme for the siting and design of the screened storage of refuse, in relation to site B, has been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage for the site shall be completed before the mixed use building is occupied in accordance with the approved scheme and shall thereafter be retained.

Reason: To provide for the screened storage of refuse in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policy DP/3.

26. Notwithstanding the submitted plan ref: GE.532.PO1 revision D, further details of the exact location of the retail bins shall be submitted to and approved in writing by the Local Planning Authority. Any bin location 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.

Renewable Energy (Site A & B)

27(a). To 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 buildings' 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.

- 27(b) 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 demonstrate that at least 10% of the buildings' 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.

- 27 (c) 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 buildings' 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.

Odour (Site B)

28. 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.

29. Any approved fume filtration/extraction system installed, shall be regularly maintained in accordance with the manufactures specification to ensure it continues satisfactory operation to the satisfaction of the Local Planning Authority. Documented evidence including receipts, invoices and copies of any service contracts in connection with the

maintenance of the extraction equipment, shall be kept for inspection by officers of the Local Planning Authority.

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.

Transport (Site A and B)

30. 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.
31. Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking, amending or re-enacting that order) no gates shall be erected across the approved accesses unless details have first been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3.
32. Prior to the commencement of the first use the vehicular accesses where they cross the public highway shall be laid out and constructed in accordance with the Cambridgeshire County Council construction specification.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3.
33. No part of any structure shall overhang or encroach under or upon the public highway and no gate/door/ground floor window shall open outwards over the public highway.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/3.
34. The accesses shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
Reason: To prevent surface water discharging to the highway, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
35. The manoeuvring areas and accesses shall be provided as shown on the drawings and retained free of obstruction.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.
36. The uses, hereby permitted, shall not commence until parking, turning, loading and unloading spaces have been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy DP/2.
37. The flats above the mixed use block, hereby permitted, shall not be occupied until covered and secure cycle parking has been provided within the site in accordance with the approved scheme.

Reason: To ensure the provision of covered and secure cycle parking in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policy TR/2.

38. No building shall be occupied until a Travel Plan for staff, residents and visitors has been submitted to and approved in writing by the Local Planning Authority. The plan shall include marketing, incentive schemes, monitoring and review process as well as mechanisms for its implementation and shall be implemented in accordance with the approved details.

Reason: To reduce car dependency and to promote alternative modes of travel in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD) 2007, policy TR/3.

Landscaping (Site A and B)

39. 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 ten 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 give its written consent to any variation.

Reason: To ensure that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

40. No development shall take place until full details of the public open space (POS2) have been submitted to and approved by the Local Planning Authority, including details of both hard and soft landscape works, provision of water supply, drainage, power points, refuse bins, cycle racks and seating. The development shall subsequently be implemented in accordance with the approved details prior to the first occupation of any individual unit on the site, apart from the soft landscaping works, which shall be carried out within the first planting season following the first 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 of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, another tree 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 that development is satisfactorily assimilated into the area and enhances biodiversity in accordance with the South Cambridgeshire (LDF) Development Control Policies (DPD 2007, policies DP/2 and NE/6.

41. No development of any reserved matters consent shall be commenced on Site A until a pedestrian and cycle connection has been provided between the junction of Kings Hedges Road and Cambridge Road and the south western corner of Site A, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation on site, this connection will be retained in perpetuity

Drainage (Site A and B)

42. No dwellings/premises shall be occupied until the works have been carried out in accordance with the approved Surface Water Strategy, unless otherwise approved in

writing with the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programmed agreed in writing with the Local Planning Authority

Reason: To prevent amenity problems and arising from flooding, in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1 and NE/11 .

43. Prior to the commencement of any part of the development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the implementation programme agreed in writing with the Local Planning Authority.

Reason: To reduce the risk of pollution of the water environment and to ensure a satisfactory method of foul water drainage in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1 and NE/10.

44. Prior to the commencement of any development, a scheme for the provision and implementation of water conservation system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.

(Reason - To ensure a satisfactory method of water conservation measures are taken to prevent the wastage of water in accordance with Policies DP/1 of the adopted Local Development Framework 2007.

Public Art (Site B)

45. Notwithstanding the submitted details in relation to the local centre public art project, no occupation of the residential units shall begin until details of a scheme for the provision of public art project has been submitted to and approved in writing by the Local Planning Authority. The implementation of such as scheme shall be within 6 months of the occupation of any residential unit 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.

Ecology (Site A and B)

46. No development shall take place until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for specified of local importance both in the course of development and in the future. The scheme shall be carried out prior to the occupation of any part of the development or in accordance with a programme waghered in writing with the Local Planning Authority.

Reason: To enhance ecological interest in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

47. No development shall commence on site until a comprehensive Lizard survey has been carried out and the results of which have been documented in accordance with a scheme which shall first have been agreed in writing by the Local Planning

Authority. Such protection measures as agreed shall be implemented prior to development commencing on site and shall be maintained throughout the construction period, any alteration to the approved scheme shall first be submitted to and agreed in writing with the Local Planning Authority.

Reason: To enhance ecological interest in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

48. Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To avoid causing harm to nesting birds in accordance with their protection under the Wildlife and Countryside Act 1981 and in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

49. No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority: the mixed use building shall not be occupied until the nest boxes have been provided in accordance with the approved scheme.

Reason: To achieve biodiversity enhancement on the site in accordance Sustainability with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/1, DP/3 and NE/6.

Construction management (Site A and B)

50. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- i. Contractors' access arrangements for vehicles, plant and personnel;
- ii. Contractors' site storage area(s) and compound(s);
- iii. Parking for contractors' vehicles and contractors' personnel vehicles;

Development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with South Cambridgeshire (LDF) Development Control Policies (DPD 2007), policies DP/3 and DP/6.

Fire Hydrants (Site A and B)

51. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.

Reason: To ensure an adequate water supply is available for emergency use.

Informatives

Environmental Health

- i. To satisfy the noise insulation scheme condition for the residential building envelope and traffic noise, the applicant / developer must ensure that the residential units at are acoustically protected by a noise insulation scheme, to ensure the internal noise level within the habitable rooms, and especially bedrooms comply with British Standard 8233:1999 "Sound Insulation and noise reduction for buildings-Code of

Practice” derived from the World Health Organisation Guidelines for Community Noise: 2000. The code recommends that a scheme of sound insulation should provide internal design noise levels of 30 L_{Aeq} (Good) and 40 L_{Aeq} (Reasonable) for living rooms and 30 L_{Aeq} (Good) and 35 L_{Aeq} (Reasonable) for bedrooms. Where sound insulation requirements preclude the opening of windows for rapid ventilation and thermal comfort / summer cooling, acoustically treated mechanical ventilation may also need to be considered within the context of this internal design noise criteria. Compliance with Building Regulations Approved Document F 2006: Ventilation will also need consideration.

Parcel B

- i. To satisfy the Retail Units Operational Noise Impact / Insulation condition, the noise level from all powered plant, vents and equipment, associated with this application that may operate collectively and having regard to a worst case operational scenario (operating under full power / load), should not raise the existing lowest representative background level dB $L_{A90,1hr}$ (L_{90}) during the day between 0700 to 2300 hrs over any 1 hour period and the existing lowest background level dB $L_{A90,5mins}$ (L_{90}) during night time between 2300 to 0700 hrs over any one 5 minute period by more than 3 dB(A) respectively (i.e. the rating level of the plant needs to match the existing background level), at the boundary of the premises subject to this application (or if not practicable at a measurement reference position / or positions in agreement with the LPA) and having particular regard to noise sensitive premises. Noticeable acoustic features and in particular tonal/impulsive noise frequencies should be eliminated or at least considered in any assessment and should carry an additional 5 dB(A) correction. This is to guard against any creeping background noise in the area and to protect the amenity of the area, preventing unreasonable noise disturbance to other premises.

To demonstrate this requirement it is recommended that the agent/applicant submits a noise prediction survey/report in accordance with the principles of BS4142: 1997 “Method for rating industrial noise affecting mixed residential and industrial areas” or similar. In addition to validate /verify any measured noise rating levels, noise levels should be collectively predicted at the boundary of the site having regard to neighbouring residential premises.

Such a survey / report should include: a large scale plan of the site in relation to neighbouring noise sensitive premises; with noise sources and measurement / prediction points marked on plan; a list of noise sources; details of proposed noise sources / type of plant such as: number, location, sound power levels, noise frequency spectrums, noise directionality of plant, noise levels from duct intake or discharge points; details of noise mitigation measures (attenuation details of any intended enclosures, silencers or barriers); description of full noise calculation procedures; noise levels at a representative sample of noise sensitive locations (background L_{90}) and hours of operation. Any report shall include raw measurement data so that conclusions may be thoroughly evaluated and calculations checked. Any ventilation system with associated ducting should have anti vibration mountings.

The deliveries condition contained within this report does not exclude one delivery to the site of newspapers to the site each morning.

Background Papers: the following background papers were used in the preparation of this report:

- National Planning Policy Framework

- Cambridgeshire County Council Local Development Framework Supplementary Planning Document;
RECAP Waste Management Design Guide (February 2012)
- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- South Cambridgeshire Local Development Framework Site Specific DPD (adopted January 2010)
- South Cambridgeshire Local Development Framework Supplementary Planning Documents:
 - Public Art (adopted January 2009)
 - Open Space in New Developments (adopted January 2009)
 - Trees and Development Sites (adopted January 2009)
 - Biodiversity (adopted July 2009)
 - Landscape in New Development (adopted March 2010)
 - District Design Guide (adopted March 2010)
 - Affordable Housing (adopted March 2010)
 - Health Impact Assessment (adopted March 2011)
 - Orchard Park Design Guide (adopted March 2011)
- Planning Files Ref: S/2379/O, S/0622/08, and S/2559/11.

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