

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

2 September 2015

**AUTHOR/S:** Planning and New Communities Director

---

<b>Application Number:</b>	S/0287/15/OL
<b>Parish:</b>	Melbourn
<b>Proposal:</b>	Outline application for the erection of 18 residential units, and retention of existing bungalow, plus parking and amenity space. All matters reserved apart from access
<b>Site address:</b>	36 New Road, Melbourn
<b>Applicant:</b>	Mr N Newman
<b>Recommendation:</b>	Delegated Approval
<b>Key material considerations:</b>	Principle, density, mix and affordable housing, character of the area, residential amenity, highway safety and parking, drainage and other matters.
<b>Committee Site Visit:</b>	Yes
<b>Departure Application:</b>	Yes
<b>Presenting Officer:</b>	Paul Sexton
<b>Application brought to Committee because:</b>	The officers recommendation of delegated approval is contrary to the view of Melbourn Parish Council
<b>Date by which decision due:</b>	2 March 2015

### Executive Summary

1. This proposal, as amended, seeks permission for a residential development of 18 dwellings, and retention of an existing bungalow, on land which is mostly outside the adopted Melbourn village framework and in the countryside. The development would not normally be considered acceptable in principle as a result of its location. However, the site is part of a larger area which is proposed allocation H1/e in the Submission Local Plan (March 2014), and two recent appeal decisions on two sites in Waterbeach have shown that the district does not currently have a 5 year housing land supply, and therefore the adopted LDF policies in relation to the supply of housing are not up to date. The NPPF states that there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning

permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. In this case any adverse impacts of the development in terms of the scale of development, visual intrusion into the countryside, prematurity and limited impact on local services, are not considered to demonstrably outweigh the benefits that consist of a contribution of 18 dwellings towards the required housing land supply, including 7 affordable dwellings, in a location with good transport links and a range of services, and creation of jobs during the construction period that would benefit the local economy. Given the above balance, the application is recommended for delegated approval, subject to the resolution of matters of detail discussed in the report.

### **Planning History**

2. No relevant history on the application site. However Member's granted full planning permission for the erection of 64 dwellings on the adjacent land to the south west, comprising the remaining part of proposed housing allocation 1/e in the Submission Local Plan at the December 2014 meeting (Ref S/2048/14/FL).

### **Policy**

3. National Planning Policy Framework
4. **South Cambridgeshire Local Development Framework Core Strategy**  
ST/2 Housing Provision  
ST/5 – Minor Rural Centres
5. **South Cambridgeshire Local Development Framework Development Control Policies**  
DP/1 – Sustainable Development  
DP/2 – Design of New Development  
DP/3 – Development Criteria  
DP/4 – Infrastructure and New Developments  
DP/7 – Development Frameworks  
HG/1 – Housing Density  
HG/2 – Housing Density  
HG/3 – Affordable Housing  
SF/10 – Outdoor Playspace, Informal Open Space, and New Developments  
SF/11 – Open Space Standards  
NE/1 – Energy Efficiency  
NE/3 – Renewable Energy Technologies in New Developments  
NE/6 – Biodiversity  
NE/9 – Water and Drainage Infrastructure  
NE/10 – Foul Drainage – Alternative Drainage Systems  
NE/11 – Flood Risk  
NE/12 – Water Conservation  
NE/14 – Lighting Proposals  
NE/15 – Noise Pollution  
CH/2 – Archaeological Sites  
TR/2 – Car and Cycle Parking Standards.
6. **South Cambridgeshire LDF Supplementary Planning Documents (SPD)**  
Open Space in New Developments - adopted January 2009  
Public Art - adopted January 2009  
Trees and Development Sites - adopted January 2009

Biodiversity - adopted July 2009  
Landscape in New Developments - adopted March 2010  
Affordable Housing – March 2010  
District Design Guide - adopted March 2010

7. **Submission Local Plan (March 2014)**

S/3 Presumption in Favour of Sustainable Development  
S/7 Development Frameworks  
S/9 Minor Rural Centres  
HQ/1 Design Principles  
HQ/2 Public Art and New Development  
H/7 Housing Density  
H/8 Housing Mix  
H/9 Affordable Housing  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
CC/1 Mitigation and Adaptation to Climate Change  
CC/3 Renewable and Low Carbon Energy in New Developments  
CC/4 Sustainable Design and Construction  
CC/6 Construction Methods  
CC/8 Sustainable Drainage Systems  
CC/9 Managing Flood Risk  
SC/6 Indoor Community Facilities  
SC/7 Outdoor Play Space, Informal Open Space and New Developments  
SC/8 Open Space Standards  
SC/10 Lighting Proposals  
SC/11 Noise Pollution  
SC/12 Contaminated Land  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

8. The site forms part of a proposed allocation for housing development in the new Local Plan, Policy H1 'Allocations for Residential Development in villages' site H1/e for 65 homes. It was proposed to the Council for development in 2011 as part of the 'Call for Sites', and its technical suitability for residential development established in the Council's Strategic Housing Land Availability Assessment (as SHLAA site 130). It was then included as site option 30 in the Issues and Options 1 consultation in July 2012 (with the adjoining land to the rear of Victoria Way included as site option 30).
9. For the Pre-submission Local Plan, Site options 30 and 31 were combined into a composite site and consulted on in July 2013. A total of 230 representations were made in response, 179 supporting the allocation and 51 objecting to it, primarily having regard to traffic and other village impacts. Some weight can be given to the proposed allocation as a material consideration given the balance of representations made and the nature and significance of the objections to the policy.
10. An indicative dwelling capacity of 65 dwellings is given for the whole of the allocation. The development requirements are stated to be the creation of a significant landscape buffer along the boundary of the site where it adjoins, or could be seen from open countryside, to provide a soft green village edge. This was secured through application S/2048/14/FL (See History above).

## **Consultation by South Cambridgeshire District Council as Local Planning Authority**

11. **Melbourn Parish Council** – recommends refusal of the scheme as amended for 22 units, stating that ‘more information is required on the mix of houses, and affordable dwellings is still slightly under 40%. We feel there is a lack of consultation on the revised plan.’
12. Comments on the latest revisions will be reported.
13. **Local Highway Authority (Development Control)** – has no objection to the proposed access details as amended. A list of required conditions is to be provided.
14. **SCDC Urban Design** – comments that the scheme, as amended, now demonstrates that the amount of development for which consent is sought, can now be achieved without unduly compromising design quality, and in the main addresses previously expressed concerns regarding design. The details can be dealt with at the reserved matters stage.
15. **SCDC Landscapes Officer** – Comments in respect of the revised scheme for 18 new dwellings will be reported. In respect of the previous scheme for 22 dwellings, no objections were expressed in principle, however the layout and high density, which resulted in a high percentage of hard paving, with little soft landscaping in certain areas was questioned. The positioning of the play area in close proximity to the linear access road. Applicant to relocate.
16. **SCDC Ecology Officer** – No objection. The application is supported by an ecological assessment. No signs of badgers were noted within the plot. The vegetation (both hedges and trees) provides opportunities for nesting birds. The open space and community orchard is welcomed, however it would be preferable to retain some of the old fruit trees, as part of the site’s ecological reserve, and provide new ones to complement. Who will take ownership of the open area?
17. **SCDCTrees Officer** – No objection in principle.
18. **Design Enabling Panel** – has not considered the application as amended. It did consider the initial scheme for 26 dwellings on the site at the pre-application stage. It concluded that the scheme at that stage was not sufficiently developed and justified to receive its support, and appeared to have been developed in order to achieve a fixed number of dwellings. It stated that it may well be that a fresh site analysis, based on good urban design principles, would demonstrate that some reduction in density was necessary. The Panel did accept that the shape of the site dictated that any layout would be predominantly linear.
19. **Cambridgeshire County Council Growth and Economy** – Comments in respect of the scheme for the reduced number of dwellings, and any contributions required will be reported.
20. In respect of the application as originally submitted for 26 dwellings, it identified that there was currently insufficient capacity in terms of early years need in the area in the next two years to accommodate places being generated by this development, and therefore a contribution will be required. It also identified that there was insufficient capacity at Melbourn Primary School over the next five years to accommodate the additional primary school places being generated, and therefore a contribution will be required.

21. It confirmed that there was adequate capacity at Melbourn Village College over the next five years to cater for the additional demand for places generated by this development, and therefore no contribution is sought. Contributions are also sought to the household recycling service, and the library and lifelong learning service in the village).
22. **Housing Development Officer** – originally objected to the application as it did not provide 40% affordable housing. As revised the application is supported, and the provision of 7 affordable units with 4x1 bed and 3x2 bed units is considered appropriate. Tenure split should be 70/30 in favour of rented accommodation.
23. **Environmental Health Officer** - No objection in principle subject to conditions relating to control of construction work, a scheme for external lighting, and a waste management and minimisation strategy.
24. **Environmental Health (Contaminated Land)** – The site is currently in residential use. Pesticide contamination was identified in the soil of an adjacent site due to its former use as an orchard. It is believed that the application site may also have been in use as an orchard prior to its current use. It is recommended that a condition is included requiring a scheme of investigation and remediation for any contamination.
25. **Environmental Health (Public Health Specialist)** – comments that the submitted Health Impact Assessment (HIA) has been assessed as grade B, and meets the required standard of the HIA SPD policy.
26. **Environment Agency** – No objection in principle, subject to conditions.
27. **Anglian Water** – comments that the foul water from the development is in the catchment area of Melbourn Recycling Centre that at present has capacity for these flows. The sewerage system at present has available capacity for these flows.
28. Since issuing the above comments Anglian Water has commissioned a survey and modelling of foul sewerage capacity in Melbourn, the results of which are not currently known.
29. **NHS Property Services** – Has indicated in respect of other large scale applications for residential development in Melbourn, that the Melbourn Practice appears to be at capacity now and therefore a contribution should be sought from the development to mitigate the cost of providing additional capacity. Confirmation of its requirements in respect of this application, as amended, will be reported.
30. **Cambridgeshire Archaeology** – indicates that the site lies in an area of high archaeological potential and, whilst not objecting to the development, considers the site should be subject to a programme of archaeological investigation. This can be secured by a negative condition.
31. **Architectural Liaison Officer** – considered the layout as originally submitted to be generally fine with good surveillance for most of the parking, Comments have not been sought on the revised layouts and any matters can be resolved at the reserved matters stage.
32. **Cambridgeshire Fire and Rescue Service** – requests that adequate provision is made for fire hydrants, to be secured by way of a Section 106 agreement or a planning condition.

## **Representations**

33. 19 letters have been received objecting to the application on the following grounds:
- i. Impose too much strain of existing infrastructure
  - ii. Local services are already at full stretch with the GP's surgery and Primary School at or above capacity, with little or no chance of being able to increase capacity. There are already parking problems at the school.
  - iii. Although the Village College currently has available capacity it is as result of poor recent performance and the number of better alternatives available. This could change in the future.
  - iv. No suitable vehicular access. Any increase in traffic on New Road is totally unacceptable. Mortlock Street and the area around the traffic lights is a bottleneck for a large part of the day. Additional traffic will be a further danger to school children. Most traffic will not turn right from the development to the A505 as indicated in the application.
  - v. A safer access would be via the adjacent site to Victoria Way.
  - vi. Pavements along New Road are not wide enough. Many houses on New Road do not have off-street parking leading to on-street parking and significant traffic congestion at peak times.
  - vii. A505 junction with New Road is already dangerous.
  - viii. Additional traffic will impact on response times of ambulances to incidents south of the village from the base in Back Lane.
  - ix. The development will contribute nothing to Melbourn.
  - x. The cumulative impact of other developments in Melbourn and surrounding villages also need to be considered.
  - xi. Development is unsustainable.
  - xii. Original proposal does not comply with affordable housing requirements.
  - xiii. Plans indicate a possible link between this and the adjacent site for 64 dwellings, which will only add to potential traffic levels in Victoria Way.
  - xiv. Access point originally proposed would threaten mature tree on New Road.
  - xv. Destroy rural character of the village. The density of development is too high.
  - xvi. Overlooking of rear of bungalows in Carlton Rise to the north. Does not comply with SCDC Design Guide criteria.
  - xvii. Density of development will overwhelm existing properties, and result in loss of sunlight.
  - xviii. Impact of street lighting on rear gardens of adjacent properties.

- xix. Concern about noise from proposed speed hump on access road
  - xx. Will exacerbate existing sewerage problems.
  - xxi. The location and safety of the proposed play area is questioned.
  - xxii. As the Local Plan is still being considered the legality of the application is questioned.
34. Any comments on the latest revised drawings will be reported.

### **Site and Proposal**

- 35. This outline application, as amended, proposes the erection of 18 dwellings and the retention of an existing bungalow, parking and amenity space, on a 0.7ha area of land to the east of New Road, Melbourn. All matters are reserved apart from access.
- 36. The outline application is accompanied by an illustrative layout plan. Access to the site will be from New Road, with a new access being formed to the south of the existing bungalow to serve the 18 new units, with the existing bungalow being served by an existing access.
- 37. The illustrative layout shows a detached dwelling fronting New Road, south of the access road, with other dwellings within the site being located south of the access road, with the exception of two blocks of flats at the west end of the site.
- 38. The illustrative layout includes 7 affordable dwellings (4 x 1-bed and 3 x 2-bed units) and a market housing mix of 3 x 2-bed, 3 x 3-bed, 4 x 4-bed, and 1 x 5-bed units. The affordable units are located within the two blocks of flats at the west end of the site.
- 39. An area of open space is provided on the south side of the site, with a link to the access road.
- 40. 30 parking spaces are shown for the 18 new units.
- 41. The overall density is 26 dwellings per hectare.
- 42. To the north the site abuts the rear gardens of properties in Carlton Rise, and to the west properties in Greengage Rise. To the south the site abuts the rear gardens of properties in Victoria Way, and the land recently granted consent for 64 dwellings.
- 43. The application is accompanied by a Design and Access Statement, Planning Statement, Flood Risk Assessment, Transport Assessment, Foul Drainage and Utilities Assessment, Health Impact Assessment, Arboricultural Report, Ecology Report, and Phase 1 Geo-Environmental Report.

### **Planning Considerations**

- 44. The key issues to consider in the determination of this application are whether the Council has a 5-year housing land supply, and whether in that context the principle of development is acceptable in the countryside, density and housing mix, affordable housing, the impacts of the development upon the character and appearance of the

area, highway safety, residential amenity, education and health facilities, flood risk and drainage, archaeology, contamination, renewable energy, and prematurity.

#### *Housing Land Supply*

45. The National Planning Policy Framework (2012) (NPPF) requires councils to boost significantly the supply of housing and to identify and maintain a five-year housing land supply with an additional buffer as set out in paragraph 47.
46. On the 25 June 2014 in two appeal decisions for sites in Waterbeach the Inspector concluded that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. He identified either a 3.51 or 3.9 year supply (each appeal was judged on its own evidence and slightly different conclusions reached). This is against the Strategic Housing Market Assessment figure for objectively assessed needs of 19,000 homes between 2011 and 2031, which he concluded had more weight than the Core Strategy figure. It is appropriate for the conclusions reached within these appeal decisions to be taken into account in the Council's decision making where they are relevant. Unless circumstances change, those conclusions should inform, in particular, the Council's approach to paragraph 49 of the NPPF, which states that adopted policies "for the supply of housing" cannot be considered up to date where there is not a five year housing land supply. Those policies were listed in the decision letters and are: Core Strategy DPD policies ST/2 and ST/5 and Development Control Policies DPD policy DP/7 (relating to village frameworks and indicative limits on the scale of development in villages). The Inspector did not have to consider policies ST/6 and ST/7 but as a logical consequence of the decision these should also be policies "for the supply of housing".
47. Where this is the case, paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. It says that where relevant policies are out of date, planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted (which includes land designated as Green Belt in adopted plans).

#### *Principle of development and sustainability of location*

48. The majority of the site is located outside the Melbourn village framework and in the countryside where Policy DP/7 of the LDF states that only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted. The erection of a residential development of 18 dwellings would therefore not under normal circumstances be considered acceptable in principle. However, this policy is considered out of date due to the current lack of a 5 year housing land supply. In addition the site is a part of a site which is a proposed allocation for residential development under Policy H1/e in the Submission Local Plan (March 2014)
49. Melbourn is identified as a Minor Rural Centre under Policy ST/5 of the LDF and Policy S/9 of the emerging Local Plan where there is a reasonable range of services and facilities and residential developments of up to 30 dwellings are normally supported in policy terms. The erection of 18 units would not, on its own, exceed the amount of residential dwellings allowed in such locations. However, officers are of the view that this figure needs to be considered alongside the 64 dwellings already permitted on the remaining part of proposed allocation 1e. However, Policy ST/5 is considered out of date due to the current lack of a 5 year housing land supply, and in this



case the site has been considered suitable, as part of a larger area of land, for development for a larger number of dwellings by being an allocated site for development, albeit for an indicative scheme of 65 dwellings.

50. The site was assessed in terms of sustainability during the local plan process, and would not have been included as a proposed allocation in the Submission Local Plan had it not performed well in this respect. The centre of the site is located 500m from the Doctors Surgery, 720m from the Primary School, and 850m from the junction of New Road and High Street where the majority of the retail premises are located.
51. The site is 1.7km from Meldreth Railway Station. The nearest bus stop is located on the High Street, which is some 900m from the centre of the application site, and is outside the easy walking distance of 800m.
52. Overall the site is considered by officers to be in a sustainable location for a development of the scale proposed.

#### *Deliverability*

53. The applicant has agreed that the time period allowed for submission of reserved matters can be reduced to 2 years from the date of consent, and to a condition requiring development to commence within 1 year of the final approval of reserved matters, or before the expiration of 3 years from the date of the outline permission, whichever is the latter.
54. The results of the modelling being undertaken by Anglian Water are not known, and therefore the extent of new works, if any, which may be required to provide capacity for proposed development are yet to be identified. However, officers are of the view that the indication given by Anglian Water that works would normally be expected to be carried out within 18 months, means that the deliverability of the scheme should not be prejudiced.
55. Officers are of the view that the applicant has demonstrated that the site can be delivered within a timescale whereby significant weight can be given to the contribution the proposal could make to the 5 year housing land supply.

#### *Density and Housing Mix*

56. In allocating this land for development in the Submission Local Plan an indicative dwelling capacity of 65 dwellings was indicated under Policy H1/e. The application site represents 0.72ha of the overall allocation of 3ha, and seeks consent for 18 new dwellings and retention of the existing bungalow, at a density of approximately 26 dwellings per hectare. This density is still below the net average density sought by Policy HG/2, and provided that the development complies with other criteria of the plan is not considered to be inappropriate.
57. The indicative market housing mix proposed is set out in paragraph 38, and is considered to be compliant with Policy H/8 in the Submission Plan in terms of numbers of units proposed, if required in order to provide 40% affordable housing.

#### *Affordable housing*

58. The application proposes 7 affordable dwellings, which is compliant with the number required by Policy HG/3. The indicative layout plan shows these being located in two blocks of flats at the west end of the site. The mix of the affordable units (4 x 1-bed

and 3 x 2-bed) is supported by the Housing Development Manager. The tenure mix should be 70/30 in favour of rented units.

59. As approval of housing on this site would be a departure from the current local plan, local preference can be given for first occupancy of the affordable dwellings.

#### *Character of development and landscape impact*

60. The site is located immediately to the south and east of existing residential development in Carlton Rise and Greengage Rise. To the south the site abuts Victoria Way and the remaining part of the proposed housing location, which now benefits from consent for 64 dwellings. The development of the site results in an area of currently mostly open land, however, given its relationship to surrounding existing and permitted development it will have limited impact on the wider landscape setting of the village.
61. The Design Enabling Panel, although being critical of several aspects of the illustrative scheme or 26 dwellings originally submitted, accepted that due to the constraints of the site that a linear form of development, with dwellings mainly to one side of a central roadway, was an appropriate form for development in principle.
62. Existing boundary hedges should be retained and enhanced where required.

#### *Residential Amenity*

63. The application, as amended, demonstrates that the site can be developed for the number of units proposed in a manner which will be compliant with the Design Guide Criteria in respect of distances required from existing dwellings and boundaries to prevent unreasonable overlooking. A 15m distance is shown from the front elevations of proposed dwellings to the rear boundaries of adjacent properties in Carlton Rise, and a 25m distance from the dwellings. In the latest illustrative layout the number of dwellings directly facing Carlton Rise has been reduced.
64. The distance from the boundary with properties in Greengage Rise is also in compliance with the Design Guide criteria, and a minimum of 13m is allowed from the south boundary with the approved dwellings on the adjacent site, which reflects the distance those properties will be from the common boundary.
65. The scale of units will be resolved at the reserved matters stage, and will need to ensure that the development is not visually overbearing when viewed from adjacent properties.

#### *Highway Safety and Parking*

66. The Local Highway Authority has raised no objection to the application, as amended, and the proposal of construct a new entrance from New Road. The Transport Assessment submitted with the application considers that the proposal would give rise to no significant highway safety concerns, and that there is no need for physical mitigation measures or highway improvements. The Highway Authority not raised any objection to these findings.
67. The indicative scheme, as amended, satisfies the Council's adopted car parking standards in terms of the number of car parking spaces provided. However, the detailed arrangement of these will be secured through the reserved matters application.

68. The layout of the site allows for a potential pedestrian link to the remaining part of the proposed allocation 1e. A condition of the consent for 64 dwellings required a connection between the sites to be achieved, however a subsequent application to remove that requirement, to which no objection was raised by the Parish Council, is in the process of being approved by officers. Officers have considered that the link, whilst desirable, is not essential to make the development acceptable in this case.

#### *Education and Health facilities*

69. Cambridgeshire County Council has highlighted the need to secure contributions with a Section 106 Agreement to increase early years and primary education provision within the village, and these are dealt with under contributions below.
70. The County Council has identified the need for funding for a total of 4 additional classrooms (2 of which are already committed) at Melbourn Primary School, with there being sufficient capacity on site to deliver these. There is also a need for additional early years provision. The funding will be secured through the S106. Sufficient capacity exists at Melbourn Village College to accommodate the increased number of pupils. It is hoped that early years provision can also be secured at the Primary School site, with community access being secured.
71. Both the NHS and Orchard Surgery have confirmed that there is currently no capacity at the surgery to cater for the new development, and that the premises will need to be extended so that it can accommodate the additional patients that will be generated by site 1e. Whilst it may be physically possible to extend the building, additional car parking cannot be achieved on the site. At the current time a specific scheme for extension of the premises has not been identified, and therefore the NHS has previously requested a contribution on the basis of a sum per person. This will be secure through the Section 106 Agreement.

#### *Flood risk and drainage*

72. The site is within Flood Zone 1, and the Environment Agency has accepted the Flood Risk Assessment submitted with the application. The development will incorporate a Sustainable Drainage System (SuDS). The Flood Risk Assessment states that this will be designed to suit the site conditions and location.
73. Anglian Water has confirmed that adequate capacity exists within its network for the additional demands that will result from the proposed development. Foul drainage will be provided to the public sewer.
74. There have been concerns expressed about existing drainage problems in the village, albeit on the north east side. However, it is important to ensure that this development does not exacerbate existing problems. The results of the modelling of the existing system and Melbourn works will identify if any mitigation is required as a result of these works. Anglian Water has recognised that it is required to carry out any mitigation works required, and officers are of the view that these should be able to be secured within a timescale which will not prejudice deliverability of the scheme. However, as the extent of any works required are not yet known, any consent would be delegated, and the matter brought back to Members for further consideration if as a result of the findings the deliverability of the scheme was materially compromised.
75. A foul water drainage scheme can be secured through a Grampian style condition.

### *Archaeology*

76. The site lies in an area of Melbourn where there has been previous archaeological interest, and there have been finds on nearby sites. The request by Cambridgeshire Archaeology for an investigation of the site, to be secured by condition, is therefore reasonable.

### *Contamination*

77. The development is not considered to result in contamination to future occupiers of the dwellings or off-site receptors such as watercourses providing a condition is attached to any consent to carry out an investigation into contamination and agree a remediation strategy to address any contamination found on site.

### *Renewable Energy*

78. The application outlines a number of measures that could be adopted to comply with the Council's requirement for a minimum of 10% of predicted energy use to be provided by renewable energy sources. This includes use of solar panels, energy efficient appliances, improved insulation specifications, and methods for reduced water consumption. A detailed scheme to meet the Council's standard can be secured by condition.

### *Prematurity*

79. As outlined above in light of the appeal decisions at Waterbeach regarding the 5 year land supply this application needs to be considered against policies in the NPPF, however Members also need to address the issue of whether the approval of development on this site would be premature in respect of the consideration of the Submission Local Plan.
80. The National Planning Policy Guidance states that the NPPF explains how weight may be given to policies in emerging plans. However, it states that in the context of the NPPF and the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify refusal of planning permission, other than where it is clear that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, taking the NPPF policies and any other material considerations into account.
81. The NPPG indicates that such circumstances are likely to be limited to situations where both the development proposed is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location of phasing of new development that are central to an emerging local plan; and the emerging plan is at an advance stage but is not yet formally part of the development plan for the area.
82. Where permission is refused on grounds of prematurity, the NPPG states that a Local Planning Authority will need to clearly indicate how the grant of permission would prejudice the outcome of the plan-making process.
83. In this case while there were significantly more responses in favour of the proposed allocation (179) than opposed (51) as a result of the Local Plan consultation process, Members need to be sure that those persons who made representations against the

allocation, would not be unreasonably disadvantaged if a decision were made to approve the planning application.

84. Consultation letters in respect of the planning application have been sent to all third parties who made representations through the local plan process. Objections received during the local plan process were primarily on grounds of traffic and village impact, which have been assessed as part of this report.
85. Officers are of the view that in this case the proposed development is not so substantial, or the cumulative effect of approval would be so significant, as to render a favourable decision in respect of the planning application premature or unlawful, given the technical response to consultations received, and the need to determine it against the NPPF policies in the absence of a five year housing land supply.

#### *Contributions*

86. The CIL Regulation 122 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
  - (i) Necessary to make the development acceptable in planning terms;
  - (ii) Directly related to the development; and
  - (iii) Fairly and reasonably related in scale and kind to the development
87. Under Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended in 2014); after 6th April 2015 a planning obligation may not constitute a reason for granting planning permission if since 6th April 2010 five or more separate planning obligations, that provide for the funding or provision of that project or type of infrastructure, have been entered into. Officers can confirm that there have been more than 5 planning obligations for the village of Melbourn since 6th April 2010.
88. The Section 106 Agreement is currently being discussed with the applicant but should include the following:

Affordable housing  
Contribution towards the building of new classrooms and the provision of Early Years facilities at Melbourn Primary School.  
Healthcare contribution  
Sports space – a deficit in sports space has been identified for projects in the village.  
Indoor community space – a deficit has been highlighted in Melbourn, notwithstanding the provision of new hub. This is identified for use as part of the primary school project where community access for groups would be secured  
Libraries and Lifelong Learning  
Household waste receptacles
89. Having regard to the development plan and the NPPF Officers are of the view that these obligations are all considered necessary to make the development acceptable in planning terms and without these contributions would not be confident that the development could be considered sustainable. All contributions have been scrutinised and are considered the result as a direct consequence of the development and proportionate to the development.

## *Conclusion*

90. In considering this application, the following relevant adopted development plan policies are to be regarded as out of date while there is no five year housing land supply:  
ST/5: Minor Rural Centres – indicative maximum scheme size of 30 dwellings  
DP/7: Village Frameworks  
This means that where planning permission is sought which would be contrary to the policies listed above, such applications must be determined against paragraph 14 of the NPPF.
91. This adverse impact must be weighed against the following benefits of the development:
- The provision of 18 dwellings towards the shortfall in 5 year housing land supply in the district based on the objectively assessed 19,000 dwellings target set out in the SHMA and the method of calculation and buffer identified by the Inspector.
  - The provision of 7 affordable dwellings towards the need of 1,700 applicants across the district.
  - Developer contributions towards public open space, community facilities, education and health facilities in the village.
  - Suitable and sustainable location for this scale of residential development given the position of the site in relation to access to public transport, services and facilities and local employment.
  - Employment during construction to benefit the local economy.
  - Greater use of local services and facilities to contribute to the local economy.
92. The adverse impacts of this development are not considered to significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole which aim to boost significantly the supply of housing and which establish a presumption in favour of sustainable development in the context of the lack of a 5-year housing land supply.
93. Officers have set out in paragraphs 69-75 above why favourable consideration of the application at this stage is not felt to be premature in advance of the consideration of the allocation of this site through the Local Plan process.
94. Planning permission should therefore be granted because material considerations clearly outweigh the limited harm identified, and conflict with out of date policies of the LDF.

## **Recommendation**

95. That delegated powers of approval be given subject to the further revisions to the details of the scheme highlighted above, and the prior signing of a Section 106 Agreement.

## **Conditions (to include)**

- (a) Outline consent
- (b) Submission of reserved matters (1 year
- (c) Landscaping
- (d) Implementation of landscaping

- (e) Tree/hedge protection
- (f) External materials
- (g) Boundary treatment
- (h) Surface water drainage
- (i) Foul water drainage
- (j) Restriction on hours of power driven machinery during demolition and construction
- (k) External lighting
- (l) Archaeological investigation
- (m) Traffic Management Plan (including construction traffic)
- (n) Fire Hydrants
- (o) Bird and Bat boxes
- (p) Renewable energy

### **Background Papers**

Where the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 require documents to be open to inspection by members of the public, they must be available for inspection: -

- (a) at all reasonable hours at the offices of South Cambridgeshire District Council;
- (b) on the Council's website; and
- (c) in the case of documents to be available for inspection pursuant to regulation 15, on payment of a reasonable fee required by the Council by the person seeking to inspect the documents at the offices of South Cambridgeshire District Council.

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 Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/0287/15/OL

**Report Author:** Paul Sexton – Principal Planning Officer  
Telephone: (01954) 713255