

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 December 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2048/14/FL
Parish:	Melbourn
Proposal:	Erection of 64 new residential dwellings, a village green providing public open space, connectivity for pedestrians and cyclists, remodelled and landscaped access to the cemetery, and an extensive landscaping screen form a soft village edge
Site address:	Land at Victoria Way, Melbourn
Applicant:	Mr B Tyler
Recommendation:	Delegated Approval
Key material considerations:	Principle, density, mix and affordable housing, character of the area, residential amenity, highway safety and parking, drainage and other matters.
Committee Site Visit:	Yes
Departure Application:	Yes
Presenting Officer:	Paul Sexton
Application brought to Committee because:	The Development Control Manager considers that the application should be presented to Planning Committee
Date by which decision due:	27 November 2014

Executive Summary

1. This proposal, as amended, seeks permission for a residential development of 64 dwellings 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 The NPPF states that there is a presumption in favour of sustainable development, and where relevant policies are out of date, planning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 64 dwellings towards the required housing land supply, including 24 affordable dwellings, 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.

Site and Proposal

2. This full application, as amended, proposes the erection of 64 dwellings, village green providing open space, remodelled and landscaped access to cemetery and landscaping, on a 2.3ha area of land to the rear of Victoria Way (off New Road), and to the south of Greengage Rise, Melbourn. The site forms the larger part of a 3ha site allocated for residential development as Site H1/e in the Submission Local Plan (March 2014).
3. The application proposes 64 dwellings arranged along/around a central spine road running east to west through the site. The housing will be split into three areas, with a village green area formed in the centre of the development, at the entrance to the cemetery. The scheme includes 24 affordable dwellings (37.5%). The overall housing mix, as amended, is 35 one and two bedroom, 13 three bedroom, and 16 four or more bedroom units. The market housing mix equates to 28% one and two bedroom, 32% three bedroom, and 40% four or more bedroom units.
4. Access to the site is from New Road via Victoria Way, a modern development of 100% affordable dwellings. There is a pedestrian access proposed to the byway which runs adjacent the south west boundary of the site. A realigned access to the cemetery is proposed as part of the development. The layout of the site provides for vehicular access to the remainder of the allocated land to the north, which is in different ownership.
5. The density is 28 dwellings per hectare. The applicant anticipates that the development would be provided in two phases.
6. To the north east, for its eastern half, the site adjoins the garden of 36 New Road, the boundary with which is formed by a hedgerow. It is this area of land which forms the remainder of the proposed housing allocation H1/e in the Submission Local Plan. The western part of the north east boundary adjoins the long rear gardens of properties in Greengage Rise, the boundary being formed partly by areas of hedgerow of various quality and depth, and outbuildings. To the north east the site adjoins the rear gardens of properties in Victoria Way.
7. To the south west, at its eastern end, the site adjoins a substantial area of planting, and at its western end, the cemetery. The boundary with the cemetery is formed by a hedgerow and metal fencing. A significant amount of planting has been carried out within the cemetery site by the Parish Council, with a number of trees being close to the application site. This planting, and its potential future contribution to the landscaping/screening of the application site, is discussed later in this report.

8. To the south west the site adjoins a public byway, which is a continuation of Water Lane, the boundary being formed by an established hedgerow.
9. The land rises by 8m east to west, with the majority of the rise being in the west part of the site, and from north to south by 1m. The level differences offer good distance views to the south, beyond from the Cemetery.
10. The application is accompanied by a Design and Access Statement, Planning Statement, Flood Risk Assessment, Sustainable and Renewable Energy Statement, Utilities Report, Surface Water Drainage Strategy, Foul Water Sewerage Appraisal Transport Assessment, Interim Travel Plan, Arboricultural Report, Ecology Report, Phase 1 Geo-Environmental Report, Phase 2 Site Investigation Report, Heritage Desk Based Assessment, and Statement of Community Involvement.

Planning History

11. No relevant history.

Policy

12. National Planning Policy Framework
13. **South Cambridgeshire Local Development Framework Core Strategy**
ST/2 Housing Provision
ST/5 – Minor Rural Centres
14. **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.
15. **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

16. **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
17. The application site comprises part of a 3ha area of land allocated for development under Policy 1/e of the Submission Local Plan. 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.

Consultation by South Cambridgeshire District Council as Local Planning Authority
18. **Melbourn Parish Council** – recommends approval. The Parish Council wishes to convey its wholehearted support for the application as it believes it to be compatible with the infrastructure of the village.
19. **Policy Team** – ‘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.
20. 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".

21. 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.
22. 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.

Submission Local Plan

23. 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 31 in the Issues and Options 1 consultation in July 2012 (with the adjoining land at 36 New Road included as site option 30).
24. 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.
25. The principle of development on this site is acceptable. Given public concerns expressed in regard to recent Local Plan consultations especial scrutiny should be given to the following matters:
 - a. Landscaping – creation of a soft village edge.
 - b. Traffic – impact on village and possible mitigation.
 - c. Education – mitigation of any capacity shortfalls.
 - d. Community infrastructure – mitigation of any capacity shortfalls regarding health, play and open space.
 - e. Drainage – ensuring greenfield runoff rates to mitigate impacts elsewhere in the village. Capacity of sewers and waste water treatment works.
 - f. Affordable housing- the 2% shortfall could be made up by a financial contribution in lieu of on-site provision.

- g. Housing mix – the proposed mix is considered to be acceptable with regard to submission Local Plan Policy H/8.
 - h. Space standards – the proposed residential space standards are stated to be excess of those proposed as minimums in the submission Local Plan at Policy H/11. Provided that the minimum space standards are achieved this would be consistent with the policy, which does not seek to restrict exceedances. It should be noted that the Government is currently consulting on a national set of residential space standards which sometimes slightly more generous space standards than the ones in Figure 1 of Policy H/11.
26. **Local Highway Authority (Development Control)** – Commented in respect of the application as originally submitted that it will seek to adopt the areas which serve a highway function within the proposed development, and would not seek to adopt flats 47-58 or beyond plot 27 and plot 35.
 27. Roads of traditional construction should have a 5m carriageway with 2m footways, and those of shared surface construction should have a 6m carriageway with 500mm strip either side.
 28. It is requested that a 2m footway is installed to the cemetery to the fronts of Plots 40-42, to provide suitable pedestrian access. A plan showing the tracking of a hearse to demonstrate that the vehicle can turn within the proposed carriageway to ensure that no unnecessary manoeuvring is required at the junction into the cemetery.
 29. The use of parking courts for Plots 17 to 24 is not recommended as on plot parking is found to be utilised more by residents.
 30. The vehicular accesses to the blocks of parking courts and private drives should be constructed using dropped kerbs rather than the radii ones as shown. Dropped kerbs emphasise the message that pedestrians have right of way over the access.
 31. Although identified within the Design and Access Statement as a key element within the public realm, a full design of the 'village square' has not been brought forward as part of the application. This is of concern to the Highway Authority as without a design the adoption of the road may be in jeopardy.
 32. The application is suggesting the use of *Liriodendron tulipifera*, which has a tendency to shed limbs without warning, and as such it is unacceptable to plant this species within or adjacent to the proposed adopted public highway.
 33. Comments on the amended plans will be reported.
 34. **Architectural Liaison Officer** – has no issue with the original layout in general terms but raises surveillance concerns in respect of Plot 6, where the front entrance door is out of view of any other properties on site, and the parking spaces to the side of Plots 47-52 and 53-58. The use of bi-folding doors on many of the plots is considered a challenge as to how they will be secured to provide a burglar proof solution.
 35. **Design Enabling Panel** – considered the proposals as originally submitted to be generally acceptable, but would benefit from detailed consideration and minor amendment of certain elements.
 36. The general approach to density and scale of development is considered satisfactory, although at the upper limits given the constraints of the site. The overall layout was considered generally effective and contains interesting spaces and connectivity. Some

concerns regarding proximity of certain plots to the outer curtilage of the site, and the impact this may have upon existing vegetation/planted boundary treatments, and matters such as outlook and maintenance. Of particular concern are Plots 6, 12, 22, 23, 28, 29, 31, 32 and 59-60. In addition outlook and overlooking issues should be addressed for certain plots e.g relationship between Plots 31 and 29. 41 and 43, and 13 and 20.

37. The house type for Plots 23 and 24 should be clarified and adequate private amenity space provided for these plots.
38. The outlook of the affordable plots is compromised by the proximity of parking, although some simple amendment revisions to siting would improve this. Plots 21-22 and 23-24 could also benefit from being set back from the parking area. The parking courts are squeezed and would be improved if they could be broken up with more landscaping.
39. The plan depth of Plots 47-52 and 53-58 will result in a high ridge height of 11.3m, which may not be appropriate for this fringe site.
40. The 'Village Square' is acknowledged as an appropriate focal point and open space, although the landscaping and detail of this area needs to be developed, and in particular in conjunction with access to the adjoining cemetery. Concern was expressed regarding the proximity and orientation of the cemetery gates which face east and directly opposite the front of Plot 40. This has resulted in an awkward/constrained access, with the main vehicular route close to the front of Plots 40-42, and with a tight radius turn adjacent the north west corner of Plot 42. The removal of one unit along that row would help ease this corner/entrance significantly.
41. It was acknowledged that the cemetery layout and access gates were beyond the control of the applicant, but the Panel would urge the applicant to liaise with Melbourn Parish Council with the aim of addressing the above concerns. This exercise might be completed together with fuller and more detailed development of the 'Village Green' proposal.
42. A broader palette of materials should be considered in order to better the character and create a sense of place.
43. It is disappointing that no proposals for any on-site renewable energy source have been included in the development. The majority of the properties would have orientation/roof slope suitable to provide renewables, and the details of such provision might be subject of a planning condition.
44. Addressing the above points could further refine and improve the development to create an exemplar housing development for Melbourn.
45. **Landscapes Officer** – No objections to a residential development on this site, however there are a number of landscape issues on the plans as originally submitted which would require either relocation or removal of a number of plots. Existing hedgerows should be protected and retained. Plots should not be positioned in close proximity to allow maintenance and access.
46. The residential development, particularly to the south west would have significant landscape and visual impacts. Significant native buffer planting is required to mitigate these effects and screen the site from the direction of the A505 and Clay Hill.

47. **Ecology Officer** – No objection, but protection of natural features sought. The supporting ecological assessment does not identify any significant constraint to development of the site. However it does draw attention to the habitat value of the hedgerows, particularly the hedge on the north boundary. The layout should not result in the reduction of hedge size. The true position of hedgerows is often not correctly plotted on drawings, and latter revisions result in hedgerows being cut back. All boundary features should be afforded adequate space through the design process. Plots 31 and 32 (original layout) are example where development appears too close.
48. The idea of a community orchard linking the site to the cemetery should be taken forward with the final design and species determined through condition. Plots 1-9 abut onto an area of old orchard. It would be appropriate to plant some fruit trees in the rear of the properties and hedge lines to compliment this adjacent habitat.
49. A condition should also be used to secure provision of bird and bat boxes.
50. **Housing Development Officer** – comments that the development is for 64 dwellings, and 40% should be provided as affordable i.e. 26 dwellings. The applicant is providing 24 dwellings on site and a commuted sum has been offered for the remaining two dwellings. It is understood that the local Members are in support of the scheme being delivered. In this case, whilst the proposal is not in accordance with policy in respect of Chapter 5, paragraph 5.21 of the Affordable Housing SPD, which states that 'it will not be appropriate for major developments (10 or more dwellings) to provide financial contributions in lieu of on-site provision' a commuted sum will be accepted on the basis that the monies can be used to deliver other affordable housing developments in Melbourn. A valuation will need to be carried out to determine the commuted sum to be paid.
51. **Environmental Health (Contaminated Land)** – There is evidence with the submitted reports that the site contains an area of infilled land in the north east corner. Gas monitoring in the two boreholes within this locality has revealed some elevated CO₂ concentrations, close to 5%. Further gas monitoring is required, taking into account whether atmospheric pressure is low/falling etc, so that a minimum of 6 readings are taken over 3 months in accordance with CIRIA Report C665.
52. A condition should be included in any consent stating that no development should commence until further monitoring has been carried out, and where required, details proposals for the mitigation or otherwise rendering harmless any ground gas have been submitted and approved.
53. **Cambridgeshire County Council Growth and Economy** – comments that no contribution to secondary school places is required as a result of the proposed development. As amended, £73,080 (8.7 children x £8,400 per space) is sought for Early Years education, £4,090.45 for Libraries and Lifetime Learning (144 new people x £28.02), and £101,640 for Primary Education (12.1 places generated x £8,400). In addition a £536.96 contribution is sought to Strategic Waste Infrastructure (64 dwellings x £8.39 per household).
54. **Environment Agency** – No objection in principle. A condition should be included in any consent to ensure that no infiltration of surface water drainage into the ground is permitted other than in those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.
55. A condition is also required to deal with any contamination not previously identified found during development. A number of informatives are provided.

56. **Definitive Map Officer, Cambridgeshire County Council** – it is clear that the main access to the site will be from New Road, however there is an access shown to Hook Lane, which the applicant has confirmed will not be for vehicles. On this basis the scheme is satisfactory, however to ensure that motorised vehicles do not use the byway as a short cut it is requested that a condition is imposed requiring that solid concrete bollards are placed at this exit.
57. Should consent be granted a number of informatives should be included relating to the byway not being obstructed or damaged.
58. **NHS Property Services** – 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.
59. **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
60. **Cambridgeshire Archaeology** – formal comments are awaited. Since submitting the application the applicant has undertaken a field assessment, the interim findings of which has been passed to the County Archaeologist for comment.
61. **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

62. Letters have been received from the occupiers of Nos. 3 and 37 Water Lane
 - a. Assurance is sought that effective measures are put in place to ensure that construction traffic is routed away from the centre of the village, and in particular that access via Back Lane, Water Lane, Greenbanks, Orchard Road and Beechwood Avenue is expressly prohibited.
 - b. A covenant should be included to ensure that the access shown to the byway leading from Water Lane remains pedestrian only, and is not used as a road in the future.
63. Councillor Jose Hales – ‘I fully support this application as the developer has been working closely with myself, the parish council and community to agree the best possible option. I believe the application represents a high quality design and will fit nicely with the existing Victoria Way homes. I am convinced that this development is possible given the present and existing infrastructure that exists in Melbourn. I also support the commuted sum aspect of the application as this will enable further provision within the existing village. As you know I and the SCDC housing department identified the site off Fordham Way which is considered suitable. This too I support.’
64. Cllr Val Barrett – ‘I would like to lend my full support to the application for 64 new residential dwellings with extensive landscaping screen on land at Victoria Way, Melbourn on behalf of Mr B Tyler. This is one development we have anticipated for some time now and have been kept up to date at Parish Council on a regular basis. Any amendments have been adhered to, to the satisfaction of the Parish Council and

will be a welcome addition to the Village. I sincerely hope this application will be recommended for approval.'

Planning Considerations

65. 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

66. The position in respect of the five year housing land supply, and the implications for the way this application needs to be considered, are set out in the comments of the Policy Team in paragraphs 20-22 above.

Principle of development and sustainability of location

67. 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 up to 64 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)
68. 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 up to 64 dwellings would exceed the amount of residential dwellings allowed in such locations and would not support the strategy for the location of housing across the district. However, this policy 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 suitable for development for a larger number of dwellings by being an allocated site for development for an indicative scheme of 65 dwellings.
69. 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 650m from the Doctors Surgery, 830m from the Primary School, and 930m from the junction of New Road and High Street where the majority of the retail premises are located.
70. 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.
71. Overall the site is considered by officers to be in a sustainable location for a development of the scale proposed.

Density and Housing Mix

72. 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 2.3ha of the overall allocation of 3ha, and seeks consent for 64 dwellings, at a density of approximately 28 dwelling 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.
73. The market housing mix proposed is set out under paragraph 3 above and is considered to be compliant with Policy H/8 in the Submission Plan in terms of numbers of units proposed. However, as originally submitted officers had expressed concern that each of the thirteen 2 bedroom market dwellings contained a first floor study, which was at least of the minimum size recommended for a single bedroom, and that therefore these units were in effect three bedroom units. Although the amended scheme deletes the study areas from 4 of these units by rearranging the first floor layout, along with five of the 3 bedroom units, officers remain concerned that the scheme still contains nine 2 bedroom units with first floor studies, and that as a result the requirement to provide suitable number of smaller 2 bedroom properties is still compromised. Further discussions will be held with the applicant on this point before the meeting, but officers are confident that this matter can be addressed.

Affordable housing

74. The application proposes 24 affordable dwellings, located in two separate areas within the site. Under Policy HG/3 the requirement to provide at least 40% of the number of houses for which permission is sought would mean that 28 affordable units should be brought forward by this development. The Affordable Housing SPD states that in major developments the affordable housing should be provided on site, and that a commuted sum would not be appropriate.
75. In this case the applicant has stated that it is not considered appropriate for the scheme to accommodate 40% on-site affordable housing as the 38% provided strikes an appropriate balance between the provision of affordable housing and the provision of a suitable design solution for the site, having regard to its edge of settlement location.
76. Officers are of the view that it would be possible to accommodate two additional affordable dwellings within the site, without compromising the design of the scheme, however given that the Affordable Housing Officer has agreed that in this case the small percentage shortfall could be made up by a contribution, that could bring forward a scheme on another site in Melbourn for affordable dwellings, officers are prepared to accept a commuted sum. The Local Members are supportive of this approach.
77. 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

78. The Design Enabling Panel were generally supportive of the layout and design approach, and commented that by incorporating some of the suggested revisions the scheme could be further improved to create an exemplar housing development for Melbourn. The layout comprises three character areas, with the village green area forming a significant feature in the centre of the site.

79. A significant number of these suggested changes, highlighted in paragraphs 36-43 above, have been incorporated into the revision drawings. The comments of the Urban Design Team on the revised scheme will be reported at the meeting.
80. The Panel questioned whether the proposed height of the flats at Plots 47-52 and 53-58 was appropriate for this edge of village location. Although the footprint of these units has been reduced in the revised plans the ridge height remains at 11.3m, which is significantly above the heights of other proposed plots, and that of surrounding development. Officers will have further discussions with the applicant on these plots before the meeting.
81. Officers retain some concern about the height of the proposed dwelling on Plot 32, adjacent the bridleway, in relation to the visual impact at the edge of the development when viewed from the adjacent countryside. Although this house has been moved further from the south west boundary in the revised plans the ridge height is unaltered. Officers will have further discussions with the applicant on these plots before the meeting.
82. Although the site is located to the rear of existing dwellings in Victoria Way, and is well screened to the south west along the front section of the site, it is open to view from the south to the rear and from the right of way which runs out of the village along the south west boundary. The fact that the site is elevated to the west means that views of the new development from New Road and the south will be more pronounced.
83. In the Submission Local Plan the need for 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 is highlighted.
84. During the course of pre-application discussions the applicant raised the potential to provide landscaping for the southern boundary of the site within the adjacent cemetery site owned by the Parish Council, rather than within the site itself. The Parish Council has already carried out extensive new planting within this area, particularly in the area adjacent the south west boundary of the site, although the species of trees planted to date would not be those which the Landscapes Officer would advocate for screening of a residential development.
85. The Landscapes Officer original comments on the application in particular highlighted the need to reinforce the proposed landscaping on the south west side of the site, to allow further space between the boundary of the site and Plots 31 and 32, to allow protection/reinforcement of the existing boundary hedge along the byway. More space should also be allowed between the buildings on Plots 8, 12, 22, 23/24, 28 and 29 to allow retention and reinforcement of existing boundary treatment along the north west boundary of the site. The Ecology Officer and Design Enabling Panel have also stressed the need to ensure protection of these areas of boundary planting.
86. In respect of the south west boundary meetings have been held with the applicant and a representative of the Parish Council, to see if additional planting could be provided within the cemetery site, which would negate the need for planting within the application site to provide the 'significant landscape buffer' required by the Submission Local Plan. Officers would normally expect to see such landscaping provided within the application site. However, in this case it recognises the potential for the cemetery area to be used to provide to this, given that the land is owned by Melbourn Parish Council, and therefore the Members can be confident that any agreed planting will be carried out and retained of any agreed, although any agreed scheme will need to form part of the Section 106 Agreement.

87. Officers are confident that following a recent site meeting, and the preparation of a suggested draft planting scheme for the cemetery site by the Landscapes Officer, that it will be possible to secure a planting scheme, which is accepted by the Parish Council as being appropriate for the cemetery site, and provides the significant buffer planting required by the Submission Local Plan.
88. The layout, as amended, moves the Plots 31 and 32 further from the south east boundary as required, but the position of the plots on the north west boundary, identified as being too close to existing boundary planting, has not been modified. The landscaping of that boundary as shown on the submitted layout is not reflective of the planting that exists, which is not strong in certain places and extends over the site boundary. Further discussions will be held with the applicant, with a view to addressing these concerns.

Residential Amenity

89. The application, as amended, has satisfactorily addressed officer concerns about the relationship of the proposed plots to existing houses in Victoria Way, the remainder of the allocated site, and various locations within the site itself where distances between proposed dwellings, boundaries and first floor windows did not comply with the minimum distances set out in the District Design Guide SPD. This has been achieved by dropping ridge heights where required, revising house locations and boundary positions, and internal layouts of individual dwellings.
90. The adjoining properties Greengage Rise are set a minimum of 30 metres from the boundary of the site, and concerns regarding the relationship of the proposed development those properties are limited to the proximity of some of the proposed units to the boundary and the ability to retain, and reinforce existing boundary planting. These are discussed above.
91. Officers have expressed concern about the position of the proposed flats on Plots 47-52 and 53-58, which are set within 3m of the substantial planting belt to the south east. The flats have bedroom windows facing the south east boundary of the site, which are the only openings to these rooms. Although it is recognised that the rooms are not main habitable rooms, officers are concerned that the outlook from these windows, and hence the residential amenity of the occupiers of those properties, and that this still needs further consideration.

Highway Safety and Parking

92. The Local Highway Authority has raised no objection in terms of the use of the existing access to New Road to serve the new development proposed. 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 has accepted these findings.
93. The scheme, as amended satisfies the Council's adopted car parking standards. Additional parking spaces have been provided to serve Plots 45-60.
94. The layout of the site provides a suitable point of access to the remaining part of the allocated site to the north.

95. A condition can be included in any consent ensuring that the proposed pedestrian access onto the byway on the south west side of the site, is not used as an access for motorised vehicles.
96. The comments of the Highway Authority on the revised plans will be reported. The parking courts referred to in its previous comments have been revised. The applicant has not removed a unit from the area around the entrance to the cemetery, however officers do not feel this is required. Officers are also of the view that whilst the provision of a 2m footpath in front of Plots 40-42 may be desirable, it would be detrimental to the street scene, and given the limited amount of traffic activity that will be generated from these three dwellings, pedestrian safety will not be prejudiced if the footway is not provided.

Education and Health facilities

97. 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.
98. The Health Authority has identified the need for a contribution to provide additional capacity at Melbourn Surgery for cater for the proposed development.
99. The applicant has accepted the need for these contributions.
100. The applicant has also accepted the need for a contribution towards community services.

Flood risk and drainage

101. 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.
102. 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.

Archaeology

103. The site lies in an area of Melbourn where there has been previous archaeological interest, and there have been finds on nearby sites. The applicant has undertaken a field evaluation, which has been requested by the County Archaeologist prior to the determination of the application, and an interim report has been provided.
104. The report states that a number of archaeological features (ditches, gullies, small pits/postholes) were found, mainly concentrated in two zones, but that overall the findings appeared to indicate low level prehistoric (Neolithic to Bronze Age) activity on the site, probable human habitation of the same date nearby, and possible Roman low level activity/occupation of the site.
105. The comments of Cambridgeshire Archaeology on the interim report will be reported at the meeting.

Contamination

106. 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.
107. Following the receipt of the comments from the Environmental Health Officer the applicant has undertaken three further gas monitoring visits and submitted a report which concludes that 'no special precautions are required to protect the proposed development from ingress of soil gases'. The comments of the Environmental Health Officer on this additional report will be given at the meeting.

Renewable Energy

108. The application states that the application will comply with the Council's requirement for a minimum of 10% of predicted energy use to be provided by renewable energy sources. In this case this will be achieved through use of solar water heating to all houses, combined with photovoltaic panels to some dwellings.

Prematurity

109. 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.
110. 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.
111. 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.
112. 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.
113. 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.
114. Consultation letters in respect of the planning application have been sent to all third party who made representations through the local plan process. Objections received

during the local plan process where primarily on grounds of traffic and village impact, which have been assessed as part of this report.

115. 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, 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.

Other matters

116. The applicant has submitted a draft heads of terms which accepts the need to provide contributions in respect of open space, community facilities, education, health and public art.
117. The sizes of the proposed units meets, and in many cases exceeds, the proposed residential space standards in the Submission Local Plan, although due to objections received to that policy it carries very limited weight in the determination of this application.
118. Officers are of the view that by providing a possible vehicular link to the remainder of land which forms other part of the proposed allocation H1/e in the Submission Local Plan, the current application does not compromise that area of land being brought forward for development. Officers are also of the view that the additional number of dwellings for which consent might be sought on the remaining area of land will not materially change the comments from statutory consultees.

Conclusion

119. 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.
120. This adverse impact must be weighed against the following benefits of the development:
- The provision of 64 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 24 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.

121. 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.
122. Officers have set out in paragraphs 109-155 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.
123. 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

124. 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) 3 year time limit
- (b) Approved drawings
- (c) Landscaping
- (d) Implementation of landscaping
- (e) Tree/hedge protection
- (f) External materials
- (g) Boundary treatment
- (h) Surface water drainage
- (i) Restriction on hours of power driven machinery during demolition and construction
- (j) Levels
- (k) Withdrawal of PD
- (l) No further windows in specified elevations
- (m) Traffic Management Plan (including construction traffic)
- (n) Travel Plan
- (o) Fire Hydrants
- (p) Bird and Bat boxes
- (q) Access to byway
- (r) 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/2048/14/FL

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