



Appeal Decision

Inquiry opened on 12 July 2016

Site visit made on 15 July 2016

by **C J Ball** DArch DCons RIBA IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 August 2016

Appeal Ref: APP/W0530/W/15/3131724

Land to the east of New Road, Melbourn, Cambridgeshire SG8 6BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Endurance Estates Strategic Land Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/2791/14/OL, dated 24 November 2014, was refused by notice dated 26 June 2015.
 - The development proposed is residential development of up to 199 dwellings plus a care home of up to 75 beds, new vehicular and pedestrian accesses from New Road, public open space and a landscape buffer.
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Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 199 dwellings plus a care home of up to 75 beds, new vehicular and pedestrian accesses from New Road, public open space and a landscape buffer on land to the east of New Road, Melbourn, Cambridgeshire SG8 6BX in accordance with the terms of the application Ref S/2791/14/OL, dated 24 November 2014, subject to the conditions set out in Annex A.

Preliminary matters

2. The inquiry sat for 4 days on 12-15 July and I carried out an accompanied visit to the site and its surroundings on 15 July. I adjourned the inquiry on 15 July to 22 July to allow the various finalised legal agreements and undertakings to be signed and I closed the inquiry in writing on 25 July.
3. The application was submitted in outline with access proposals to be considered at this stage. The matters of appearance, landscaping, layout and scale were reserved for future consideration. The appellant submitted a Parameter Plan SZ25800025-101 Rev B and a Master Plan SZ258000250-04 Rev C with the application. While these plans give an indication of how the site might be developed, they are illustrative and are not a formal part of the application. Site access details are given in drawing 44687/P/001 Rev E. I note that, subject to appropriate conditions, the highway authority is content with these details.
4. At the inquiry the Parameter Plan was revised (SZ25800025-101 Rev E) to clarify the extent of the proposed strategic green buffer and the height of adjacent development. A Parameter Plan/Master Plan overlay, with indicative site sections, was submitted to further illustrate the proposed arrangements at the site boundary. Updated highways plans were also submitted to show the agreed

pedestrian/cyclist improvements along New Road (44687/P/003 Rev C); speed management works (44687 Fig 7 Rev A); and off-site cycle parking locations (44687/Fig 8 Rev A). These all represent minor alterations which make no practical difference to the proposal. I have taken the revised drawings into account in my consideration of the appeal.

Environmental impact

5. The Secretary of State has screened the proposal in accordance with the EIA Regulations and has come to the view that it is not EIA development so that a formal Environmental Statement is not necessary. I note the range of environmental and other information submitted with the application.

Planning obligations

6. Before the inquiry the parties submitted draft versions of 2 planning obligations and an associated legal agreement:
 - a s106 Agreement between District and County Councils, the owner and the developer intended to secure the provision of affordable housing and open space and the payment of financial contributions towards the improvement or provision of education, healthcare, library and lifelong learning, household waste receptacles, public transport and highways improvements;
 - a s106 unilateral undertaking by the owner to make community space and sports space contributions to Melbourn Village College for the construction of changing rooms and refurbishment of an all-weather pitch;
 - a concomitant Agreement between District and County Councils and Melbourn Village College to make these facilities available for use by the local community.
7. The obligations are intended to ensure the satisfactory mitigation of the impact of the proposals on local infrastructure. The Council submitted a justification statement setting out compliance with the CIL Regulations and national and local planning policy. The Council confirmed, in the light of these obligations, that it no longer intended to pursue its second reason for refusal of the application. Agreed final drafts of the agreements and undertakings were discussed at the inquiry and executed documents were submitted before the inquiry was closed.

Agreed matters

8. Before the inquiry the parties submitted a statement of common ground. This sets out agreed matters including the planning policy context, housing land supply position and agreed planning matters, including reference to the Council Officer's comments. The statement confirms that the first reason for refusal, relating to landscape and townscape character and visual impact, is now the Council's sole objection to the scheme.
9. The statement sets out the background in relation to education and healthcare contributions. It also refers to foul water drainage from the development and the need for off-site improvement works. Appendices to the statement include an extract from the emerging South Cambridgeshire Local Plan – Issues and Options 2; a SHLAA proforma for the site; the Parameter Plan; Design Workshop notes; and the Design Enabling Panel report. An agreed list of draft conditions is attached. At the inquiry the list of conditions was revised following discussion and an amended agreed list was submitted with the closing submissions.

Main issues

10. I consider the main issues in this case to be:

- whether the Council can demonstrate a 5 year supply of housing land and the consequent policy implications;
- the effect of the proposal on the character and appearance of the village and its rural surroundings;
- the impact of the proposal on local infrastructure and whether any adverse impacts can be effectively mitigated; and
- whether, taken as a whole, this is an appropriate location for housing with regard to local and national objectives for sustainable development.

Policy background

11. The local development plan includes the South Cambridgeshire Core Strategy DPD 2007 (CS) and the LDF Development Control Policies DPD 2007 (DCP). The CS policies relevant to the appeal are policy ST/5: Minor rural centres and policy ST/10: Phasing of housing land. The most relevant DCP policies include policy DP/1: Sustainable development, policy DP/2: Design of new development, policy DP/3: Development criteria, policy DP/4: Infrastructure and new development, and policy NE/4: Landscape character area.
12. The emerging South Cambridgeshire Local Plan (SCLP) is nearing examination, although the parties agree that there are outstanding and unresolved objections to it, including evidence of the under assessment of housing need, so that its policies carry little weight at this stage. The National Planning Policy Framework sets out key government planning objectives. Other material considerations include a range of supplementary planning documents (SPD) controlling various aspects of development. I have also taken account of the Landscape Institute's *Guidelines for Landscape and Visual Assessment* (GLVA).

Reasons

13. The site, of about 10.9 Ha, is part of an area of open arable land lying on the south-eastern edge of Melbourn, east of New Road and adjacent to existing houses in Clear Crescent and Fordham way. There is some planting along the common boundary, including trees subject to a TPO. They would all be retained. The site is bounded to the north-east by East Farm and its enclosed orchard, to the south-west by New Road, a main approach to Melbourne, and to the south-east by open arable land rising away from the village. On the west side of New Road is an area of existing residential development, with an additional area allocated for development in the emerging SCLP. One site has been granted permission for 64 dwellings, another of 36 dwellings is under consideration. The site therefore is, or will be, effectively surrounded on 3 sides by development.
14. The site was considered as part of the Council's SHLAA and was assessed at the 'Issues and Options' stage of the emerging SCLP. While this is not conclusive, the assessment identified the site as suitable for consideration for allocation as a housing site, with development potential for about 205 houses. While noting a major landscape impact if development extends too far south, and the distance from local services and facilities, the assessment concluded that development

would have good accessibility and would have a limited impact on landscape setting if a new soft green edge was created to the south.

15. Melbourn is identified in the South Cambridgeshire CS policy ST/5 as a Minor Rural Centre where developments of up to 30 houses are acceptable. The proposal is for up to 199 houses plus a care home with up to 75 bedspaces on a site slightly larger than identified in the SHLAA. It includes a 30-35 metre wide strategic green buffer at the southern edge of the development, with a more limited green buffer at the boundary with the houses on Fordham Way. I note that the proposal was shaped by the Design Workshop session and that it was found generally acceptable by the Design Enabling Panel. The proposal was refused against an Officer recommendation for approval.

Whether the Council can demonstrate a 5 year supply of housing land and the consequent policy implications

16. The latest housing trajectory for South Cambridgeshire shows that 21,091 dwellings are expected to be delivered during the period 2011-2031, 8% more than the updated requirement of 19,500. However, the 2016 Annual Monitoring Report shows that, over the next 5 years, the district has no more than 3.9 years of deliverable housing sites. That equates to a shortfall over that period of 1,614 dwellings. There is no indication that this deficit will be addressed in the near future so, until such time as the relevant matters are determined through the Local Plan process, and in light of recent appeal decisions, the Council accepts that it cannot currently demonstrate a 5 year supply of housing land.
17. Furthermore, with one exception, the Council has persistently failed to meet its annual housing targets since 1999. The overall shortfall over that period amounts to 6,832 dwellings. There is also a particularly chronic shortage of affordable homes in the district, with an existing need at 2013/2014 of 2,846 dwellings. That is predicted to rise to almost half the total housing requirement over the plan period. In Melbourn alone there are currently 91 registered applicants for affordable housing. In addition, there is convincing evidence of a substantial local demand for elderly care units, reflecting the critical national need identified by the Government given the current under-provision of such specialist accommodation. Altogether this amounts to a very significant level of shortfall in all types of housing provision in the district.
18. Framework 49 makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development, which is at the heart of national policy. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. That is the case here so Framework 14 is engaged. This means, where the relevant policies of the development plan are out of date, granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. CS policies ST/5 and ST/10 both restrict the locations where new houses may be developed so they are clearly relevant policies affecting the supply of housing. The site lies adjacent to, but outside, the established boundary of the village so the proposal conflicts with these development plan policies. However, since they are not up to date, that conflict carries limited weight.

20. DCP policies DP/2: Design of new development, policy DP/3: Development criteria and policy NE/4: Landscape character area are all intended to control the quality of development and its impact on its surroundings. They may shape the way development is laid out but they do not generally restrict the supply of housing land or constrain its location. In my view they are not relevant policies for the supply of housing. All development proposals are required to comply with these policies and the extent of any conflict is a matter to be weighed in the balance. While they do not themselves carry the flexibility inherent in Framework policies, these policies are reasonably consistent with comparable Framework policy objectives so carry substantial weight.

The effect of the proposal on the character and appearance of the village and its rural surroundings

21. The site lies within the National Character Area of landscape defined as East Anglian Chalk, characterised primarily by rolling downland. It is mostly in arable production, with sparse tree cover and open views of undulating chalkland with a rectilinear field pattern enclosed by low 'gappy' hedges of thorn. The East of England Landscape Framework identifies a broad range of landscape character types (LCT), with the site lying at the transition between the Lowland Village Chalklands LCT and the Lowland Village farmlands LCT. These are both characterised by gently rolling arable land, perhaps differing in some uses, field pattern and tree planting, but any real difference in characteristics between the LCTs is not discernable on the site. At a County scale, the Cambridgeshire Landscape Guidelines identify the site and its surroundings as lying within the Chalklands Landscape Area, with similar attributes.
22. At a more local level, the large field to the south of the village, rising to a low ridge, provides an open rural setting to the village. This gently sloping, rectangular arable field, with a low gappy hedge on the ridge, is typical of the local landscape. Because of the ridge and other intervening landscape features, there are few opportunities for longer range views of the site in relation to the village. However there are 2 key viewpoints of particular concern: on leaving the village on New Road, looking across the site to the ridge beyond; and on approaching the village from the south, looking from the ridge across the site to the village. A long distance footpath, Harcamlow Way, follows New Road and for both motorists and pedestrians, particularly as they crest the ridge, the site is an important part of the rural landscape setting of Melbourn.
23. The village itself, of medieval origins, has undergone recent expansion with fairly modern estate development forming the southern edge of the village adjacent to the site. There are a few hedgerow trees and some garden planting but built development predominates, providing a fairly abrupt built-up edge to the village, abutting the open field. The outlook from these estates is of open countryside. The proposed development would occupy the northern part of the field, adjacent to that boundary and below the ridge. While its curvilinear southern boundary, formed by the deep planted buffer, would not reflect the rectilinear field pattern, it would more or less follow the line of the existing village edge, and the new treed boundary would have a softer, very much less defined edge.
24. A core principle of the Framework is to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. Framework 109 makes it clear that, among other things, valued landscapes and soils should be protected and enhanced. In my view, while a

valued landscape does not necessarily have to be a National Park or an Area of Outstanding Natural Beauty, it does have to be a landscape where there is a fairly high level of physical attractiveness and/or some degree of formal public recognition of its value, such as a specific protective policy in the Local Plan or supplementary planning document. The site lies in an area which has no national or local designation and, while it is a gently attractive landscape, valued by local residents, I consider that it does not fall within the scope of Framework 109.

25. However, the site is part of a wider area of land classified as grade 2 in the Agricultural Land Classification, designated the best and most versatile agricultural land. Framework 112 requires account to be taken of the economic and other benefits of such land and, where significant development is necessary, to seek the use of areas of poorer quality in preference. The proposal would clearly fail to protect a significant area of high value soil and the development of the site would result in the loss of some 10 Ha of best and most versatile agricultural land.
26. In visual terms the parties effectively agree that the site makes a substantial contribution to the character of the village by providing an open landscape setting for it. Where they disagree is in the particular value of the local landscape and the extent of the harm caused by development. In my view, by restricting the development to the northern part of the field, limiting the height of the buildings (achievable by condition) and planting a deep strategic green buffer, the proposal would not necessarily harm the character of the wider landscape. On that larger scale, the extension of the tree-lined village edge would be barely discernable so that the characterisation of the landscape as gently rolling arable chalkland would essentially remain unaffected.
27. Nonetheless I consider that, on a more local level, the intrinsic character and beauty of the sloping field makes a strong contribution to the distinctive character of the village, with a clear contrast between the built-up area and its open countryside setting. That would be undermined by development. The current open outlook from the village would be entirely screened. On leaving the village, the view across open fields to the ridge would be all but lost and the prospect from the ridge of an open setting to the village would be severely curtailed. While in time the impact would be mitigated by the green buffer, the proposed development would not preserve the landscape character of the local area and would have an adverse effect on the established character of the village in its countryside setting. That would conflict, on a restricted local level, with DCP policies DP/2, DP/3 and NE/4.
28. I therefore come to the view that, while there would be very limited harm to the wider landscape, the loss of part of this important field and its development for housing would have a localised but fairly significant harmful effect on the character and appearance of the village and its rural surroundings.

The impact of the proposal on local infrastructure and whether any adverse impacts can be effectively mitigated

29. The development would bring an additional population of about 600 to the village, with perhaps 150 children of school age. While up to 100 would be care home residents, that would clearly have implications for local community infrastructure, including additional demands on the highway network, recreation, schooling and health facilities. The Council is satisfied that, with the planning obligations in place, the grant of permission would not give rise to an

unacceptable adverse impact on local infrastructure, although the appellant challenges some of the specific requirements or contribution levels. I note that the Council's draft CIL Charging Schedule will not be progressed until the Local Plan Examination resumes.

District Council

30. The scheme would provide 40% affordable housing – 80 dwellings – which would make a significant contribution towards local affordable housing need. The agreement necessarily sets out the number, sizes, tenures and provision rate in accordance with DCP policy HG/3 and the Affordable Housing SPD.
31. DCP policy SF/10 requires all residential development to provide or contribute to outdoor playing space and informal open space, in accordance with the standards in policy SF/11 and the Open Space in New Developments SPD. The scheme would provide on-site landscaped informal play areas, a NEAP, a LEAP and a strategic green buffer used for recreational purposes. The Agreement sets out the details of provision, timetabling, maintenance and transfer. However, there would be no indoor or outdoor sports provision on site. Since there is an identified deficiency in the village, the appellant undertakes to contribute a community space contribution of £97,965.20 towards the provision of changing facilities to serve the dance studio and sports hall, and a sports space contribution of £215,782.22 towards the refurbishment of an all-weather pitch, both at Melbourn Village College. The concomitant Community Access Principles Agreement, although not made under s106, would as a matter of law ensure that these facilities would be made available for community use, thus meeting the attributable need for additional indoor and outdoor sports provision.
32. The Council's RECAP waste management SPD, in conjunction with policy DP/4, requires developers to provide for household waste receptacles as part of the scheme. The agreed financial contribution, based on £69.50 per house and £150 per flat, would meet that requirement.
33. While monitoring compliance with the more straightforward terms of a planning obligation would not be CIL compliant, in this case I consider that the extent and duration of physical on-site monitoring required would not fall within the scope of the reasonable everyday functions of the local planning authority so that a financial contribution of £2,500 towards the Council's monitoring costs is justified.

County Council

34. The Council has shown that early years provision and primary school provision are both currently at or above capacity, so that expansion of these education facilities to accommodate the cumulative effects of local development is necessary. The Milestone 1 Report details the projects and costs involved, to be pooled with 3 other local development schemes. The refurbishment of 2 rooms at Melbourn Primary School would enable the Melbourn Playgroup to provide an additional 52 places to serve these developments, with 30 children coming from the appeal site. On a cost per place basis, the early years contribution of £144,210 is justified.
35. To accommodate the cumulative number of primary school children, Melbourn primary School would need to be upgraded from a 1.5 Form of Entry (FE) to a 2 FE school. I note that negotiations have been concluded with the other developers and that, to accommodate 70 pupils from the appeal site, the Council

is seeking the remainder of the overall cost, a contribution of £1,547,983. However, calculated on a fairer cost per place basis, the contribution would be somewhat less, at £1,332,693. The higher figure is intended to make up an effective shortfall in contributions from the other developments. This seems to me to be unreasonable and not CIL compliant, as that level of contribution would not be directly related to the development. I therefore consider that only the lower figure of £1,332,693 is justified as a primary education contribution.

36. To make the development acceptable in planning terms early years and primary school places should be available to children from the development as soon as they are needed. To that end, the Council seeks 50% of the contributions before commencement to fund design and planning, with in each case the remaining 50% paid before occupation of the 100th dwelling. That has significant upfront funding implications for the developer, who proposes 10% before commencement, 60% before occupation of more than 30 dwellings (primary) and 50 dwellings (early years) and the remainder before occupation of more than 60 dwellings (primary) and 100 dwellings (early years). In this arrangement, less would be contributed upfront, but that seems sufficient to me to fund the design and planning stages. The remainder of the contributions would be paid earlier. I consider this arrangement to be more reasonable and more fairly related in scale to the development.
37. The Council confirms that there is sufficient capacity at Melbourn Village College to accommodate the 50 secondary school pupils generated by the development.
38. The Council has a statutory duty to provide a comprehensive library service. That is currently provided in Melbourn by 2 mobile library stops. The Council considers that there is not sufficient capacity to accommodate more residents and, in order to provide a comprehensive and efficient library service, seeks an additional stop at the site. The cost of such provision is based on the necessarily earlier replacement of the library vehicle on a 10 year cycle, related to the cost per head of increased population. Proper provision for library access is necessary and I consider that a library and lifelong learning contribution of £13,812.19 is justified. However I note that, as a costs-saving exercise, the Council is currently considering whether to withdraw all funding for mobile libraries. If that decision is made, it would clearly be unnecessary and non-CIL compliant for this contribution to be made.
39. A number of transport related provisions are necessary to mitigate the impact of the development on the local traffic infrastructure. They would also promote the use of more sustainable means of transport, a key Framework objective. Many of these can be achieved by condition. However, the site lies beyond comfortable walking distance to the nearest public bus service so to ensure reasonable access a community transport contribution of £45,000 towards the provision of a community transport vehicle is necessary. A contribution of £7,000 towards the maintenance of the bus shelter required by condition and a public transport contribution of £54,000 towards real time passenger information displays at the 2 bus stops closest to the site would increase the use of public transport, thereby reducing the highway impact of the proposal.
40. A footpath contribution of £81,600 towards the improvement of the footpath to the station would encourage walking/travel by train and a cycleway contribution of £ 23,225 towards the improvement of the cycleway on Cambridge Road would help reduce the development impact and encourage cycling as a sustainable

means of transport. The appellant would also provide space for, and set up, a Car Club on site, thereby reducing traffic impact. I consider that the transport provisions, taken as a whole, are necessary to make the development acceptable in planning terms.

Healthcare contribution

41. NHS England has identified the substantial impact of the addition of 199 new houses and a care home on the delivery of primary health care in the area. The nearest GP surgery to the appeal site is the Orchard Surgery in Melbourn. It does not have capacity for the additional growth arising from the development so capacity would have to be improved by way of extension, refurbishment, reconfiguration or even relocation. A contribution of £75, 840 is sought towards the cost of mitigating the capacity deficit.
42. I note that NHS England is currently reviewing other options to use the contribution to increase capacity in the area. In line with its 5 year forward view of changes in the delivery of primary healthcare, this includes the possible amalgamation of practices and co-locating of services. A Health Impact Assessment, focussed on the care home, would need to be provided at reserved matters stage; that may also point to a different conclusion. Thus whether the funding would be used to increase capacity by improving the Orchard Surgery or by other means is currently somewhat vague. This is potentially problematical in terms of the CIL Regulations. However, I accept that having the flexibility to attribute funding to a better scheme that may not yet have been identified can help to provide the most benefit to the local community with the least amount of funding. In order to provide assurance that the contribution would be used for the benefit of the residents of the development, NHS England undertakes to provide full details of the specific project to be funded by the contribution before drawing it down. As a last resort, the Agreement provides that, if the contribution is not spent for its intended purpose within 10 years, it has to be repaid. In these circumstances I consider that the healthcare contribution essentially complies with the tests of CIL Regulation 122.

The planning obligations

43. With the alternative provisions decided as above, I consider that the planning obligations are all related to requirements of national planning policy and guidance or the policy requirements of the local development plan and supplementary planning guidance. The levels of financial contribution have been properly calculated in accordance with relevant local policy guidance. The obligations are all necessary to make the development acceptable in planning terms. They are all directly related to the development and are fairly and reasonably related in scale and kind to it. They meet the tests of CIL Regulations 122 and 123 and comply with Framework 204. I consider that the adverse impacts of the development on local infrastructure would be effectively mitigated by the binding agreement, undertaking and concomitant agreement.

Conditions

44. I have considered the suggested conditions agreed by the parties (Document 26). They are generally intended to control the extent and form of the development, to mitigate the impact of the proposal, to prevent harm to the local environment and the amenities of local residents and to provide necessary highways improvements.

45. The appellant suggests shorter time limits for the submission of reserved matters and commencement of development in order to provide an early boost to the supply of housing (1, 3 & 4). That would be a real advantage in meeting the current shortfall. The proper protection of existing trees, particularly those protected by TPO, would be necessary to ensure their survival (2). Requiring compliance with approved plans would give the Council certainty of control over the development (5). Details of surface water and foul drainage arrangements would be necessary to prevent pollution of the water environment as would compliance with the submitted Flood Risk Assessment (6, 7 & 9). The submission of measures to deal with any unexpected contamination found on the site would be clearly sensible, for the same reason (8).
46. In order to protect the ecological interests of the site I consider it appropriate to require the submission of a detailed Landscape and Ecological Management Plan (11). The provision of fire hydrants would be necessary to ensure an adequate supply of water for emergency use (12). Since there is a critical need for accommodation for older persons, I consider it reasonable to restrict occupation of the care home to those over 60 (13). To limit the visual impact of the development, particularly in longer views, I consider it would be necessary to restrict the height of the buildings in relation to ground levels (14, 15, 16 & 17). There is some potential for archaeological remains on the site so a scheme of investigation would be required to ensure proper assessment and recording (18).
47. For the construction period, in order to mitigate the environmental impact of development works and to protect the amenities of local residents, the submission of a Construction Environment Plan would be necessary to establish the measures required (19). For similar reasons it would be necessary to control site working hours (20) and to control site traffic movement (24). There is the potential for noise disturbance from the sub-station and care home equipment so a noise impact assessment would be required (21). Waste management strategies, for both the construction and operational stages of the development, would be necessary to minimise waste and to maximise opportunities for recycling and reuse (22 & 23). The submission of a Travel Plan would be necessary in order to reduce car dependency and to promote alternative means of travel (25).
48. To avoid causing harm to nesting birds it is necessary to prevent the removal of trees and hedges in the nesting season (26). The mix of housing types to be provided on site cannot be left to the reserved matters stage so details of an appropriate mix are necessary now to ensure that the development meets established local housing needs (27). The parties agree that, in order to ensure an energy efficient and sustainable development, a high level of renewable energy generation should be provided on site (28). A range of highway improvements is necessary to limit highway impact and to encourage and support sustainable transport options including additional cycle stands (29), a bus shelter (30), footway improvements (32), speed control measures (33) and the provision of a shared footpath/cycleway (34). Other highway measures to provide visibility splays (35), parking and cycle space (36) and junction improvements (37) are necessary in the interests of highway safety.
49. I consider all the conditions to be reasonable and necessary to the development of the site. I have reworded some of them for consistency and have reordered them for clarity. Some of the particular requirements are set out as Grampian conditions or conditions precedent, requiring work to be done before

development can start on site or before dwellings can be occupied. These measures are so fundamental to the acceptability of the proposal that it would be otherwise necessary to refuse planning permission. The conditions are listed in Annex A.

Whether, taken as a whole, this is an appropriate location for housing with regard to local and national objectives for sustainable development

50. It is agreed that the relevant policies of the development plan are out of date, so there is a presumption in favour of granting planning permission unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits.

Adverse effects

51. In these circumstances the fact that the site lies outside the current settlement boundary, so that the proposal would conflict with development plan housing policies, carries very little weight. Much new development in South Cambridgeshire will have to take place in similar locations. While the development of this site would cause very limited harm to the wider landscape, there would be greater localised harm to the character of the village and its countryside setting, in conflict with development control policies. This carries fairly significant weight. The loss of an area of best and most versatile agricultural land, seen in the context of its locally wide availability, carries moderate weight. Other potentially adverse effects would be overcome or satisfactorily mitigated by planning obligations and conditions.

Benefits

52. Against that, the proposal would provide up to 199 new dwellings, of which 80 would be affordable, and up to 75 care home bedspaces for elderly people. Given the severe shortfall in housing provision in the area, the chronic shortage of affordable homes and the critical need for elderly care units, this is a very significant social benefit carrying very substantial weight. That would be enhanced by the commitment to their early delivery, a valuable step towards meeting local housing need. The play areas and open space on site, and the access to indoor and outdoor sports facilities at Melbourn Village College, while necessary to mitigate the impact of the additional population from the development, would also be available to all villagers. That is a social benefit of the scheme which carries some moderate weight.
53. The site is of limited ecological value and the strategic green buffers and other landscape planting offer the opportunity for increased biodiversity in the area, a key Framework environmental objective carrying moderate weight. The commitment to a higher, 20% level of on-site renewable energy provision is a clear environmental benefit, representing a move towards a low carbon economy. The improvements to local footpaths and cycleways, the upgraded road junction, the modernised bus stops and the funding of a community transport vehicle, while all necessary to mitigate the impact of the scheme, would improve conditions for all local residents and promote more sustainable means of travel. This is another key objective of the Framework and is an environmental benefit that carries at least moderate weight.
54. The development of the new housing scheme would support about 860 jobs on site and in the supply line, including apprentices or trainees, over the course of

the construction period. The care home would provide 45-50 full-time equivalent permanent jobs. The additional population of about 600 people would provide long term support for local village shops and services, promoting the development of local businesses and supporting a prosperous rural economy. These would all support the broader sustainability and economic growth of the area and are all economic benefits carrying fairly significant weight.

The planning balance

55. Taking account of the wide range of social, environmental and economic benefits of the proposal I believe that, with the planning obligations and conditions in place, it would represent sustainable development. I consider that, while there would be some notable adverse impacts, they would not be sufficient to outweigh the very significant benefits of the proposal. I find on balance that the site is an appropriate location for housing.

Conclusions

56. I understand the wish of local residents to see the village grow more incrementally and their attachment to the current landscape setting of the village. However, there is a chronic shortfall in housing supply which undermines economic growth and opportunities for local people, particularly the younger generation. I have found this scheme to be a sustainable development and, in view of clear government policy to boost the supply of housing, I consider that this proposal would make an early and very positive contribution to the delivery of much-needed new homes. For the reasons given above I conclude that the appeal should be allowed.

Colin Ball

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Rebecca Clutten of Counsel	Instructed by the Head of Legal Practice, South Cambridgeshire District Council.
She called:	
Matthew Bright BSc(Hons) BLD CMLI	Huskisson Brown Associates, Landscape Architects.
Sarah Ballantyne-Way BSc(Hons) MSc MRTPI	Consultant, SBW Planning.

FOR THE APPELLANT:

Rupert Warren QC	Instructed by Bidwells.
He called:	
Johnny Clayton BA(Hons)LA PGDipLA PGCertUD CMLI	Partner, Bidwells.
Nigel Rockliff BA DipLA CMLI	Director, DRaW (UK) Ltd.
Jan Kinsman CEng MICE BSc(Eng) ACGI	Associate Director, EFM Ltd.
Ray Long BSc(Hons) IEng MCIHT MICE	Senior Engineer, Richard Jackson Ltd.
Guy Kaddish BSc(Hons) DipTP MRTPI	Planning Partner, Bidwells.

FOR MELBOURN PARISH COUNCIL:

Philip Kratz, Solicitor	Instructed by Melbourn Parish Council.
He called:	
Richard Morrish BSc(Hons) MA CMLI	Director, Richard Morrish Associates.

ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Signed statement of common ground.
- 2 Mr Hayden's tree survey addendum/statement.
- 3 Copy of appeal ref APP/W0530/W/15/3138791 (Duxford).
- 4 Bundle of A3 illustrative plans and photomontages.
- 5 Comparison table of evidence given by Mr Bright and Mr Rockliff.
- 6 Extract from GLVA relating to landscape character.
- 7 Copy of [2016] EWCA Civ 168 (Richborough Estates) - CD10.3.
- 8 Minister's letter to PINS 27 March 2015 - SCDC/2/B/Appendix 3.
- 9 Extract from PPG 'local finance considerations' - SCDC/2/B/Appendix 4.
- 10 Extract from Fenland Local Plan May 2014 - SCDC/2/B/Appendix 5.
- 11 Extract from PPG 'landscape character assessment' - SCDC/2/B/Appendix 6
- 12 Revised Parameter Plan SZ25800025-101 Rev E.
- 13 Parameter Plan/Master Plan overlay, with indicative site sections.
- 14 Agreed pedestrian/cyclist improvements on New Road - 44687/P/003 Rev C.
- 15 Agreed speed management works - 44687 Fig 7 Rev A.
- 16 Agreed off-site cycle parking locations - 44687/Fig 8 Rev A.
- 17 Draft suggested conditions.
- 18 Summary of POS future management proposals.

- 19 Final draft s106 Agreement.
- 20 Final draft s106 Unilateral Undertaking.
- 21 Final draft concomitant legal agreement.
- 22 Miss Clutten's closing submissions for the Council.
- 23 Mr Kratz's closing submissions for the Parish Council.
- 24 Mr Warren's closing submissions for the appellant.
- 25 Agreed site visit itinerary.
- 26 Agreed conditions
- 27 Executed s106 Agreement.
- 28 Executed s106 Unilateral Undertaking.
- 29 Executed legal agreement.
- 30 Letter 25 July 2016 closing the inquiry

Richborough Estates

ANNEX A

Schedule of conditions to be attached to the planning permission:

- 1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 44687/P/001 Rev E (in respect of access arrangements only); SZ25800025-03 Rev B; and SZ25800025-101D.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of retained trees and hedges (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with British Standard BS 5837: 2012 'Trees in relation to design, demolition and construction – Recommendations' has been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved and retained for the duration of the construction works.
- 6) No development shall take place until a scheme for the provision and implementation of surface water drainage works and sustainable urban drainage systems (SUDS), has been submitted to and approved in writing by the local planning authority. The submitted details shall have regard to Defra's non-statutory technical standards for sustainable drainage systems and provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The schemes shall be constructed and completed in accordance with the approved plans and implementation programme
- 7) The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Project No.44687.
- 8) If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall be carried out in accordance with the approved measures.
- 9) No dwelling or care home unit shall be occupied until a scheme for the improvement of foul sewage capacity has been submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.

- 10) No development shall take place until a detailed Landscape and Ecological Management Plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The Plan shall include full details of landscape and ecological management objectives, operations and maintenance prescriptions, together with their timings. The plan shall also include details of specific ecological features to be enhanced, recreated and managed for species of local importance and provision made for bird nest boxes. The LEMP shall be carried out as approved and the site managed thereafter in accordance with it.
- 11) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development has been submitted to and approved in writing by the local planning authority. No dwelling or care home unit shall be occupied until the approved scheme has been implemented.
- 12) Each unit of the care home hereby permitted shall be occupied only by persons above the age of 60 years.
- 13) No development of a building shall take place until a plan showing the finished floor levels of that proposed building in relation to the existing and proposed ground levels of the surrounding land has been submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) The ridge heights of the residential buildings hereby permitted shall not exceed 8m above approved finished floor levels for 2 storey dwellings, 9.5m above approved finished floor levels for 2.5 storey dwellings and 11m above approved finished floor levels for 3 storey dwellings.
- 15) Notwithstanding the details shown on the parameter plan Rev: D (SZ25800025-101D), the ridge height of the care home hereby permitted shall not exceed 9.5m above approved finished floor levels.
- 16) Notwithstanding the details shown on Parameter Plan Rev D (SZ25800025-101D), the ridge height of any buildings located adjacent to the southern boundary of the site, within the 'restricted height area' identified in drawing no.: SZ25800025-101E, shall not exceed 9.5m above finished floor levels.
- 17) No development shall take place until a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions and :
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the written scheme of investigation.

- 18) Notwithstanding the details shown on the parameter plan Rev: D (SZ25800025-101D), the ridge height of the care home hereby permitted shall not exceed 9.5m above approved finished floor levels.
- 19) Prior to the commencement of the residential development and separately prior to the commencement of the care home, a Construction Environmental Plan (CEMP) shall be submitted to and approved in writing by the local planning authority for that development stage. The CEMP shall accord and give effect to the waste management principles set out in the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy. The CEMP shall address the following aspects of construction:
 - i. A construction programme;
 - ii. Contractor's access arrangements for vehicles, plant and personnel including the location of construction traffic routes to, from and within the site, details of their signing, monitoring and enforcement measures, along with the location of parking for contractors and construction workers;
 - iii. Construction hours;
 - iv. Delivery times for construction purposes;
 - v. Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007;
 - vi. Noise monitoring method including location, duration, frequency and reporting of results to the local planning authority in accordance with the provisions of BS 5228 (1997);
 - vii. A construction noise impact assessment and a report/method statement detailing predicted construction noise and vibration levels at noise sensitive premises, and consideration of mitigation measures to be undertaken to protect local residents from construction noise and/or vibration. Potential construction noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5228:2009+A1:2014: 'Code of practice for noise and vibration control on construction and open sites - Part 1: Noise and Part 2: Vibration'..
 - viii. A programme of measures to minimise the spread of airborne dust (including consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development.
 - ix. Site lighting;
 - x. Drainage control measures including the use of settling tanks, oil interceptors and bunds;
 - xi. Screening and hoarding details;
 - xii. Access and protection arrangements around the site for pedestrians, cyclists and other road users;
 - xiii. Procedures for interference with public highways (including rights of way), permanent and temporary realignment, diversions and road closures;
 - xiv) External safety and information signing and notices;

- xiv. Liaison, consultation and publicity arrangements including dedicated points of contact;
- xv. Consideration of sensitive receptors;
- xvi. Prior notice of agreement of procedures for works outside agreed limits;
- xvii. Complaints procedures, including complaints response procedures;
- xviii. Location of Contractors compound and method of moving materials, plant and equipment around the site.

The CEMP shall be implemented in accordance with the approved details.

- 20) No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturdays. No construction works or collection/deliveries shall take place on Sundays or Bank Holidays.
- 21) Prior to the commencement of development of the electricity substation or the care home as approved, an operational noise impact assessment and a scheme of noise insulation or other noise mitigation measures as necessary for any buildings and/or plant and equipment associated with the electricity substation and care home, in order to minimise the level of noise emanating from these sources shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
- 22) No demolition or construction works shall commence on site until a Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The principle matters to be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway);
 - ii. Contractor parking, all such parking should be within the curtilage of the site and not on street;
 - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway);
 - iv. Control of dust, mud and debris.
- 23) No development shall take place until a full Site Waste Management Plan and Waste Audit has been submitted and approved by the local planning authority in writing. The Plan shall include details of:
 - i. Construction waste infrastructure dealing with how inert waste arisings will be managed/recycled during the construction process;
 - ii. Anticipated nature and volumes of waste and measures to ensure the maximisation of the reuse of waste;
 - iii. Measures and protocols to ensure effective segregation of waste at source including waste sorting, storage, recovery and recycling facilities to ensure the maximisation of waste materials both for use within and outside the site;
 - iv. Any other steps to ensure the minimisation of waste during construction;

- v. The location and timing of provision of facilities pursuant to criteria i), ii), iii) and iv);
- vi. Proposed monitoring and timing of submission of monitoring reports;
- vii. The proposed timing of submission of a Waste Management Closure Report to demonstrate the effective implementation, management and monitoring of construction;
- viii. A RECAP Waste Management Guide toolkit, including a contributions assessment, shall be completed with supporting reference material;
- ix. Proposals for the management of municipal waste generated during the construction phase of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable material; access to storage and collection points by users and waste collection vehicles is required.

The construction works shall be carried out in accordance with the approved Plan.

- 24) Any reserved matters application pursuant to this outline approval shall be accompanied by a Waste Management and Minimisation Strategy (WMMS), including the completed RECAP Waste Management Design Guide Toolkit and supporting reference material, addressing the management of municipal waste generation during the occupation stage of the development pursuant to the reserved matters development. No development shall take place until the strategy has been approved in writing by the local planning authority, and no dwelling or care home unit shall be occupied until the strategy has been implemented in accordance with the approved details.

The WMMS shall demonstrate how waste will be managed in accordance with the requirements of the RECAP Waste Management Design Guide Supplementary Planning Document 2012 (or as superseded) and the principles of the waste hierarchy, thereby maximising waste prevention, reuse and recycling from domestic households and contributing to sustainable development. The WMMS should include as a minimum:

- i. A completed RECAP Waste Management Design Guide Toolkit and supporting reference material;
- ii. A detailed Waste Audit to include anticipated waste type, source, volume, weight etc. of municipal waste generation during the occupation stage of the development;
- iii. Proposals for the management of municipal waste generated during the occupation stage of the development, to include the design and provision of permanent facilities e.g. internal and external segregation and storage of recyclables, non-recyclables and compostable materials; access to storage and collection points by users and waste collection vehicles;
- iv. Highway vehicle tracking assessment and street widths/dimensions.
- v. Arrangements for the provision, on-site storage, delivery and installation of waste containers prior to occupation of any dwelling;

- vi. Arrangements for the efficient and effective integration of proposals into waste and recycling collection services provided by the Waste Collection Authority;
- vii. A timetable for implementing all proposals;
- viii. Provision for monitoring the implementation of all proposals.

The approved facilities shall be provided prior to the occupation of any building and shall be maintained thereafter.

- 25) No dwelling or care home unit shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Plan shall be implemented in accordance with the approved details.
- 26) Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 27) Notwithstanding the submitted indicative layout, details of the mix of housing (including both market and affordable housing) shall be submitted with any reserved matters application for housing.
- 28) No development shall take place until a scheme for the provision of on-site renewable energy to meet 20% of the projected energy requirements of the development has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented and thereafter retained in operation.
- 29) Prior to the occupation of the first dwelling, additional cycle stands shall be provided in High Street, Melbourn and near to Meldreth Station as generally shown on drawings 44687/Figure 8A, in accordance with a scheme which has first been submitted to and agreed in writing by the local planning authority.
- 30) Prior to the first occupation of the development, the eastbound bus stop on High Street, Melbourn at the junction of Vicarage Close shall be upgraded to include a bus shelter, in accordance with a scheme which has first been submitted to and agreed in writing by the local planning authority.
- 31) Prior to the first occupation of the development, works to improve traffic speed management when entering Melbourn from the south as generally shown on approved drawing 44687/P/001 Rev E shall be carried out in accordance with a scheme and a programme of implementation which has first been submitted to and agreed in writing by the local planning authority. The approved works shall be undertaken in accordance with the programme of implementation and within land owned by the highway authority.
- 32) Prior to first occupation of the development, the footway improvements along the east side of New Road to the immediate west of the site, as generally shown on approved drawing 44687/P/001 Rev E, shall be implemented in accordance with a scheme which has first been submitted to and agreed in writing by the local planning authority.

- 33) Prior to the first occupation of the development, the existing speed humps along New Road, between the proposed site vehicular entrance and north up to the New Road/High Street junction, shall be replaced with speed cushions as generally shown on drawing 44687/Figure 7A in accordance with a scheme which has first been submitted to and agreed in writing by the local planning authority.
- 34) Prior to the first occupation of the development, works to provide a shared use footway/cycleway along the eastern side of New Road, from the new development shared use footway/cycleway in the northwest corner of the site north to opposite the access road to Cawdon Row to facilitate non-motorised user access to the Doctor's surgery, as generally shown on approved drawing 44687/P/003 Rev C, shall be carried out in accordance with a scheme for the provision and implementation of the footway/cycleway, including an agreed timetable, which has first been submitted to and agreed in writing by the local planning authority. The shared use facility shall be 2.5m wide (unless otherwise agreed as part of the approved scheme), and constructed entirely within the existing adopted public highway.
- 35) Prior to the first occupation of the development, visibility splays shall be provided on each side of the vehicular access in full accordance with the details indicated on Drawing No. 44687/P/001 Rev E. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 36) Prior to the first occupation of the development, appropriate car parking and covered and secure cycle parking shall be provided within the site in accordance with a scheme which has first been submitted to and agreed in writing by the local planning authority. The car parking and cycle parking spaces shall thereafter be kept available at all times for those purposes.
- 37) Prior to the occupation of the 100th dwelling, a scheme for improvements to the MOVA traffic signal control at the junction of High Street/ Station Road/ Mortlock Street to allow the site to operate fault-free under MOVA control shall have been implemented in accordance with a scheme which has first been submitted to and agreed in writing by the local planning authority.