

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Planning Committee

7<sup>th</sup> February 2007

**AUTHOR/S:** Executive Director / Head of Planning Services

---

**S/2235/06/O – WEST WRATTING**  
**Erection of 11 Houses (Including 6 Affordable Houses) and Village Shop/Café**  
**Land at The Common for J H E d’Abo**

**Recommendation: Refusal**

**Date for determination: 22<sup>nd</sup> February 2007 (Major Application)**

**Notes:**

**This Application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the recommendation of the Parish Council.**

**Departure Application**

**Site and Proposal**

1. The site, which extends to 1.16 hectares, is located in the countryside just beyond the eastern boundary of the village and on the north side of ‘The Common’. It comprises grassland and paddock land as well as some low, dilapidated agricultural outbuildings set well back from the road. Located just beyond the northern edge of the site, but within the applicant’s ownership, is a pair of modest red brick and slate cottages sited approximately 60 metres back from The Common and 90 metres to the east of the village framework boundary. There is a 1 – 1.5 metre high hedge along the road frontage of the site whilst directly adjacent to the western boundary is a public footpath. The existing point of vehicular access to the site is a single width track serving the existing pair of cottages.
2. This outline application, submitted on 23<sup>rd</sup> November 2006, proposes the erection of 11 houses (including 6 affordable houses) and village shop/café with flat above. Consent is sought for the means of access with all other matters reserved for further consideration. Initially, the application form specified that the market dwellings would comprise 2 x 5 bed, 2 x 4 bed and 1 x 3 bed properties whilst the affordable housing would consist of 2 x 3 bed and 4 x 2 bed dwellings. The mix of market dwellings has since been altered to 4 x 3 bed and 1 x 2 bed properties. The density of the development equates to just under 10 dwellings to the hectare. Vehicular access would be at the western corner of the site via the existing public footpath.
3. Although the application does not seek approval for details of siting, an illustrative layout plan has been submitted. This shows a spacious form of development spread out across the length of the site and extending to the east of the existing pair of cottages. 7 of the dwellings would be sited roughly in line with the existing cottages whilst the other 4 dwellings and village shop/café/flat would be sited adjacent to the roadside boundary of the site behind the existing hedge.
4. No information relating to the proposed shop has been submitted with the current application but the previous proposal stated that it would be an organic shop with post

office and small café. Research has been carried out throughout the village and it is believed there is sufficient demand to make the project viable.

### **Planning History**

5. **S/2267/05/O** – Application for erection of 11 houses (including 6 affordable houses) and village shop with flat above was withdrawn. Officers had intended to refuse the application on the grounds that it was contrary in principle to countryside and settlement policies and due to the form of development being harmful to the character of the area.

### **Planning Policy**

6. Structure Plan 2003 **Policy P1/2** states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location.
7. Local Plan 2004 **Policy SE8** states that residential development outside village frameworks will not be permitted.
8. Local Plan 2004 **Policy HG8** states that, as an exception to the normal operation of the policies of the Local Plan, planning permission may be granted for schemes of 100% affordable housing designed to meet identified local housing needs on sites within or adjoining villages. The policy states that the following criteria will all have to be met:
  - (1) The development proposal includes secure arrangements for ensuring that all the dwellings within the scheme provide affordable housing in perpetuity for those in 'housing need' as defined in policy HG7;
  - (2) The number, size, design, mix and tenure of the dwellings are all confined to, and appropriate to, the strict extent of the identified local need;
  - (3) The site of the proposal is well related to the built-up area of the settlement and the scale of the scheme is appropriate to the size and character of the village and
  - (4) The development does not damage the character of the village or the rural landscape.
9. Local Plan 2004 **Policy CS10** states that, where permission is granted for residential development of 4 or more dwellings, financial contributions will be sought towards the provision of additional permanent or temporary education accommodation in those cases where the new development would cause the planning capacity of permanent buildings at the local primary or secondary schools to be exceeded during the 5 years following the date of the application.
10. Local Plan 2004 **Policy EN3** states that, in those cases where new development is permitted in the countryside, the Council will require that (a) the scale, design and layout of the scheme (b) the materials used within it, and (c) the landscaping works are all appropriate to the particular 'Landscape Character Area', and reinforce local distinctiveness wherever possible.

### **Consultations**

11. **West Wrattling Parish Council** initially recommended refusal of the application due to the number of large 4 and 5 bed dwellings proposed. Following the submission of

a letter from the applicant agreeing that all the dwellings (market and affordable) would be 2 and 3 bed properties, the Parish Council changed its recommendation to one of approval, by 4 votes to 3, stating:

“This approval is strictly subject to caveats and if these are not legally binding and enforceable by S/Cambs, prior to any approval by S/Cambs, then we reject the application as before. These conditions are:

1. 50% or more affordable housing;
2. No marketable with more than 3 beds or 2 reception rooms (5 rooms plus kitchen, utility, bath w. c. type facilities);
3. All land not falling within a residential holding to be handed to a local authority as open amenity land with funds to cover maintenance, grass cutting etc. (to ensure no further housing comes about later);
4. Agreement to ensure completion of affordable homes before completion of marketable ones. Maintenance of shop for an agreed time of 5 yrs at Mr d’Abo’s expense. If then a failure, then the shop can be converted to an affordable home not a marketable one;
5. Condition applied to private homes to ensure they cannot be significantly enlarged, possibly covenant on land or property. Otherwise marketable homes to be on smaller plots so enlargement would not be feasible.

We would also want any development to be outside the envelope and would want a legally enforceable agreement that application could not be made to bring this within the envelope in the future. As stated the yes position is dependent on the above being enforceable...”

12. **The Chief Environmental Health Officer** raises no objections subject to a condition restricting the hours of use of power operated machinery during construction being attached to any consent in order to minimise noise disturbance to neighbours; and to a contamination investigation being undertaken.
13. **The Local Highways Authority** advises that:
  - (a) The access must be a minimum width of 5 metres;
  - (b) A common turning area should be provided at the end of the private drive prior to the occupation of any of the new dwellings;
  - (c) Adequate parking should be provided and maintained thereafter;
  - (d) Visibility splays of 4.5m x 90m to the northwest and 4.5m x 120m to the southeast should be provided. It is not clear these can be achieved without crossing adjacent land to the northwest particularly as the splays have been drawn incorrectly on the submitted plan. A frontage survey should be undertaken and the required splays plotted on the resultant survey plan;
  - (e) 7.5m kerb radii are required;
  - (f) The existing footway along the High Street from No.6 up to the application site should be improved to provide a minimum width of 1.8m;
  - (g) The access to the existing cottages must be permanently closed within 14 days of the bringing into use of the new access road.

14. **The Countryside Services Team** has no objection to the development in principle but does object to the location of the access drive, which is proposed to run over the end of Public Footpath No.8 West Wrating.

“The Countryside Services Team in conjunction with the Parish Council and landowners have just completed a reorganisation of the public rights of way in West Wrating, which has taken the past three years. Public Footpath No.8 is one of the paths that has been re-aligned and its new location was clearly set out as being along a concrete track as shown on the attached plan, taken from our digital version of the Definitive Map.

The Countryside Services Team would require that the access drive be segregated from the public footpath, to minimise risk to the users of the footpath and to avoid those using the access drive in vehicles committing a road traffic offence (it is an offence under S.34 of the Road Traffic Act to drive on a public footpath without lawful authority). It would also ensure that there would be no possibility of the public footpath being obstructed by parked cars or vehicles (it is an offence under s.1 of the Highways Act 1980 to obstruct a public right of way). This could be achieved by rearranging the site so that access drive does not obstruct the 2 m width (set out in the 2005 Creation Order) of the footpath. The applicant should also note that no alteration to the surface of the public footpath is permitted without our consent (it is an offence under S.1 of the Criminal Damage Act 1971 to damage the surface of a public right of way)”.

15. **The Ramblers’ Association** raises no objections providing: the footpath would not be obstructed during the course of development, that vehicles visiting the site would not impede pedestrians, and that any signs would not be obscured or removed during development work.
16. **The County Council Chief Financial Planning Officer** is concerned that the development will place additional pressure on local education facilities at Linton Village College as well as pre-school facilities in Balsham, and seeks a £33,400 contribution to cover the cost of making additional provision available locally.
17. **The County Archaeologist** raises no objections subject to an archaeological investigation of the known medieval settlement remains being undertaken before construction/any ground works.
18. **The Cambridgeshire Fire and Rescue Service** raises no objections stating that additional water supplies for firefighting are not required.
19. The comments of the **Housing Development Manager** will be reported verbally at the Committee meeting.

### **Representations**

20. Objections have been received from the occupiers of 2, 3, 14, 16, 50, 52, 54, 72 and 74 High Street; The Old Vicarage; West Wrating Hall; 17 The Common; and 2 and 3 Spicers Close on the following grounds:
- (a) The site is outside the village framework and there is no justification or exceptional need for the development;
  - (b) The site provides a typically rural aspect at this end of the village, is of natural beauty and is part of the special character of the area which should be preserved;
  - (c) Creep of development and negative impact on the character of the village;
  - (d) Loss of lovely view towards Weston Colville;

- (e) Burden on existing stretched infrastructure and utilities;
- (f) Additional traffic on an already busy village road;
- (g) The access is dangerous/at a difficult junction in the road;
- (h) There is a 60mph speed limit and no footways on The Common;
- (i) Shop customers would park cars on or close to the junction;
- (j) Previous shop and post office in the village had to close a few years ago due to lack of support and, with post offices struggling in nearby Weston Colville and Balsham, it is hard to understand how further provision would help;
- (k) The shop has been designed to be turned into a house if it fails;
- (l) Noise and rubbish from shop;
- (m) Significant effect on existing shops in Balsham and Weston Colville;
- (n) Precedent for more building outside village framework;
- (o) Village already has a good cross-section of housing types and sizes and there is no reason to presume that there exists a demand for further affordable housing in the area;
- (p) Low-cost housing isn't low-cost in this area. The development does not genuinely constitute low-cost housing;
- (q) West Wrattling is not a suitable place for social housing as it is on the outskirts of Cambs and the bus service is infrequent at best;
- (r) There are more suitable sites for affordable housing with the necessary infrastructure (e.g. Haverhill);
- (s) There is little local employment and residents would need to commute, most likely to Cambridge, increasing traffic through the village;
- (t) Light pollution; and
- (u) Devaluation of properties.

### **Planning Comments – Key Issues**

21. The main issues in relation to this application are:
  - (a) Whether there are any material considerations which outweigh the presumption against general market residential development and a shop in the countryside;
  - (b) The impact of the development on the visual amenities of the countryside;
  - (c) Highway matters; and
  - (d) Impact on public rights of way.
  
22. The site lies outside the defined village framework and within the countryside. The erection of general market housing and retail development on this site would be contrary, in principle, to Policy P1/2 of the Structure Plan and Policy SE8 of the Local Plan. Policy HG8 of the Local Plan makes it clear that residential development can only be supported on sites outside frameworks if they are schemes of **100%** affordable housing designed to meet local housing needs (On this point, I am still awaiting the Housing Manager's comments regarding the mix of affordable

dwelling). Within this application, only just over 50% of the properties would be affordable dwellings, a ratio that would be required anyway on suitable sites within the framework. Whilst the provision of affordable housing to meet the needs of the village is to be welcomed, no special circumstances or justification have been put forward to outweigh the presumption against general market residential development and a shop in the countryside.

23. Notwithstanding the objection to the principle of the development, Officers have concerns about the form/pattern of the proposed development. The illustrative layout plan indicates a sprawling and very low density form of development that would extend across the entire width of the site, representing an inefficient use of the land and unacceptable intrusion into the landscape. A more compact scheme, perhaps with fewer detached properties and more terraced/semi-detached dwellings, could possibly avoid the need to extend to the east of the existing pair of cottages, providing a form of development that would fill in the gap between the footpath and the cottages. This would make better use of the land and minimise the intrusion into the countryside.
24. The submitted layout plan purports to show that adequate vehicle visibility splays can be achieved from the proposed means of access. However, the Local Highways Authority has advised that these have been drawn incorrectly. In the absence of a frontage survey and properly drawn splays, the application fails to demonstrate that the development would not result in highway safety problems.
25. In addition to the above, the County Footpaths Department has specified that any access must be segregated from the public footpath. The submitted layout/access plan is insufficiently detailed to demonstrate that this could be achieved.

### **Recommendation**

26. Refusal
  1. The proposal involves general market residential development and a shop outside the village framework and within the countryside. The proposal is therefore contrary to: Cambridgeshire & Peterborough Structure Plan 2003 Policy P1/2 which states that development in the countryside will be resisted unless the proposals can be demonstrated to be essential in a particular rural location; and South Cambridgeshire Local Plan 2004 Policy SE8 which states that residential development outside village frameworks will not be permitted.
  2. Notwithstanding the above reason for refusal, if the proposed development was considered to be acceptable in principle, a more compact form of development and a better relationship between the proposed dwellings would make better use of land and minimise the intrusion into the countryside. The proposal is therefore contrary to South Cambridgeshire Local Plan 2004 Policy EN3 which states that, in those cases where new development is permitted in the countryside, the Council will require that the layout of the scheme is appropriate to the particular 'Landscape Character Area', and reinforces local distinctiveness wherever possible.
  3. The application fails to demonstrate that adequate vehicle to vehicle visibility splays can be achieved from the proposed means of access, thereby avoiding highway safety problems, and that the access can be satisfactorily segregated from the public footpath, thereby avoiding conflict with users of the public footpath.

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

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Refs: S/2235/06/O and S/2267/05/O

**Contact Officer:** Lorraine Casey – Senior Planning Assistant  
Telephone: (01954) 713251