

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee

2nd August 2006

AUTHOR/S: Head of Planning Services

**S/0371/06/O - Hatley
Erection of Dwelling and Provision of Access for Existing Dwelling
Touchwood, 38 East Hatley for Mr and Mrs D Ward**

**Recommendation: Approval
Date for Determination: 21st April 2006**

Site and Proposal

1. Members may recall discussing this application at the May meeting following a site visit (agenda item 24). A copy of the officer report to that meeting is attached as Appendix 1.
2. Members resolved to grant delegated powers to officers to approve the application subject to, amongst other issues, a meeting with local residents to look at the concerns raised in respect of the exact line of the village framework in relation to the application site. Officers indicated that if it transpired that the line of the village framework had not been properly identified to Members that it might be necessary to bring the application back for further consideration.
3. A meeting has subsequently been held with the occupiers of 47 and 49 East Hatley. I am content that in respect of the line of the village framework in relation to the south west boundary of the site was correctly presented to Members there is an issue that has been identified that affects the depth of the site in relation to the framework boundary (see Planning Comments).

Planning History

4. An outline application for the erection of a dwelling and garage on a slightly larger site in 1995 was withdrawn (**Ref: S/0299/05/O**).
5. In 1988 an appeal was dismissed for the erection of a house and garage on land extensively to the south west of the current site but which overlapped by 5m at the north east end (**Ref: S/0286/87/O**). The Inspector considered the proposal to be an undesirable extension of the village and harmful to the appearance and setting of the Listed church building.

Consultation Update

6. At the May meeting officers reported the comments on the **Conservation Manager**. These are now set out in detail below.

“The proposed development site is understood to be within the village framework, although what I take to be indicative plans suggest that the dwelling would be on the edge of the defined village boundary.

The key conservation issues relate to the proposed development's impact on:

- (a) On the setting of the church and local built heritage
- (b) The agricultural character of the site and village.
- (c) The biodiversity of the surrounding area
- (d) The quality of design of any addition to the built form.
- (e) Access to the countryside

With regard to (a) the built heritage, it is considered essential to avoid any development on the meadow site which would compromise views across the meadow to the church, or which would alter the foreground setting and approach to the church. The outline proposal would appear to be tight enclosure of the development site within the boundaries of the existing property which could ensure that the development would not intrude into this important viewpoint.

However, it is not possible to determine the full impact of the development on the views to the church without more detailed design. The site is compact and would suggest a modest dwelling. The indicative plan on the contrary suggest that the development could be substantial, creating a hard edge to the meadow. While this may not necessarily intrude into the important views, I am of the opinion that it should be demonstrated before consent is granted. It is also unclear whether there will be any boundary treatment associated with the development. It is clearly important that the development does not erode the existing character by visually 'tidying' the edges or that any domestic elements, including access encroach upon the meadow.

With regard to (b), agricultural character of the site and village it will be noted that the site immediately adjoins a meadow which is within the ownership of the applicant, and which forms an important gap site within the linear village, as well being part of the agricultural setting of the Grade II * redundant church.

This meadow site effectively forms part of the amenity area of the existing property, and is currently managed as a meadow area by the applicant. With regard to the meadow site itself, I note that this is not included in the outline application and that the applicants are not seeking to change its agricultural use. It is the stated intention of the applicant to manage this site as a meadow for its biodiversity value.

While this is to be welcomed, given that it is actually no longer in active agricultural use, I would suggest that a detail is required. I would suggest that, should any consent be granted for this site that a, "scheme of ecological management and enhancement' should be developed to ensure that the site is not over-managed and that the site's potential biodiversity is well understood and improved. While this is not in the development site, given that it will actually form part of the 'amenity area' associated with the development I would suggest that such an ecological enhancement plan is a condition of any potential approval. This would also help ensure that issue. (c) the biodiversity of the surrounding area is appropriately addressed.

It is evident that issue (d) the quality of design of any addition to the built form can not be determined by this application but will be an essential factor in considering the appropriateness or otherwise of the development on such a sensitive village edge site. The scale of the site and hard onto the village edge would suggest that an innovative design would be necessary to avoid compromising existing character.

With regard to (e) access to the countryside I note that both the development site and the adjacent meadow is crossed by a public footpath, with another public footpath also extending from the road to the church. Clearly the footpath will need to be diverted to enable any development. This is fundamental to the consideration of the development and the alternative route which avoids significant diversion is not obvious. The construction of a diversion could also potentially impact on the character and biodiversity of the area. I would consequently suggest that this diversion should be demonstrated as part of a detailed planning application. Therefore, both the agreed route and design resulting from the bridging of the 'moat' should be subject to consideration and approval.

Conclusion:

I have significant concerns about the potential impact of this development on the above issues which I do not think could be satisfied by the level of information available within this **Outline** proposal. I am of the opinion that the proposal is premature without details to satisfy the above matters.

Should outline consent be granted I would suggest that:

- a. All matters are reserved, including location and design.
- b. A condition is added to require the submission of an "*ecological management & enhancement plan*" for the adjacent meadow site and moat edge.
- c. A condition is added to require details of the diversion of the footpath and details of any construction that result from the diversion for approval."

Representations Update

7. At the May meeting officers reported the receipt of additional letters from the occupiers of 47 and 49 East Hatley. Summarised below are any points raised in those letter which were not included in the written report to the May meeting.
8. There continue to be inaccuracies in respect of the representation of the village framework in respect of the south west boundary, which extends 1m less than that shown. As a result the proposed dwelling on the indicative drawing is on the village framework line rather than inside it.
9. It is questioned whether before the grid system was introduced the village envelope stop line ran along the fence between No38 and the adjoining meadow.
10. Although it is recognised that any building would be the subject of further detailed approval there is concern at any building being constructed up to the framework boundary and comparison is made to a site on the opposite side of the village when officers recommended refusal of a dwelling on a similar plot. This application would have similar implications
11. There is concern as to how agreement has been reached on the line of the village framework
12. There was concern that the comments of the Conservation Manager were not included in the previous report to Members. As a result there was no opportunity for local residents to comment on any observations made

13. There is concern that the Parish Council has been unable to comment on the application and that this would again be the case on any detailed application

Planning Comments

14. Members are asked to refer to the May report for a summary of the key issue.
15. The comments of the Conservation manager were considered by Members at the May meeting and it was resolved that the application could be dealt with in outline but that any planning consent should contain a condition requiring a scheme for the ecological enhancement on the adjoining meadow land. This would include future maintenance and would secure enhancement to the setting of the Listed church.
16. On the question of the position of the village framework officers explained at the May meeting the difficulty of giving precise measurements of exact position of a boundary when it does not follow an identifiable feature on the ground, given that the Local Plan map is produced at a scale of 1:5000. I am content however that the position of the south west boundary of the framework was correctly identified to Members during both the site visit and at the May meeting.
17. The Local Plan Inset Map for East Hatley shows the north east boundary of the village framework as running along the far side of the ditch that forms the property boundary of No 38. However on the current OS plan for the area the ditch is shown as being further from the rear of the dwelling by some 5m and as a result the village framework lies between the rear of the dwelling and the ditch. On site officers pointed out that the ditch represented the line of the framework and that it appears whilst that is the case on the Local Plan map it is no so on the ground. The applicant maintains that the ditch has not been re-aligned.
18. As a result the garden land of any proposed dwelling, whilst not extending beyond the ditch which currently marks the property boundary, would partly be outside the village framework as shown on the Local Plan 2004. Any reserved matters application would ensure that the dwelling itself is located within the framework.
19. I am of the view that the above does not alter my previous recommendation to Members that the site is suitable for a modest sized dwelling, the siting, size and design of which would be considered and determined at the reserved matters stage.

Recommendation

20. That outline consent is granted, with all matters reserved, and subject to additional conditions which, amongst other issues, preclude any development of the site unless a diversion of Public Footpath No 13 Hatley has been secured and require the submission of scheme for the ecological enhancement of the adjacent meadow land.

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:**
 - P1/3** (Sustainable Design in Built Development)
 - P7/6** (Historic Built Environment)
 - P8/9** (Provision of Public Rights of Way)

- **South Cambridgeshire Local Plan 2004:**
 - SE5** (Development in Infill Villages)
 - SE8** (Village Frameworks)
 - SE9** (Village Edges)
 - EN28** (Development within the Curtilage or Setting of a Listed Building)
2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
- Residential amenity including noise disturbance and overlooking issues
 - Highway safety
 - Visual impact on the locality
 - Character of the area
 - Impact on Public Footpath No 13 Hatley
 - Impact upon setting of adjacent Listed Building

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/0371/06/O, S/0299/05/O and S/0286/87/O

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