

EAST HERTS COUNCIL

DEVELOPMENT MANAGEMENT COMMITTEE – 27 MAY 2015

REPORT BY HEAD OF PLANNING AND BUILDING CONTROL

PLANNING APPEAL: RESIDENTIAL DEVELOPMENT PROPOSALS,
LAND OFF GREEN END, BRAUGHING (UP TO 60 HOUSES) REF
3/14/1448/OP

WARD(S) AFFECTED: BRAUGHING

Purpose/Summary of Report:

- To update Members in relation to the current circumstances regarding the above application and to enable the position of the Council to be considered in the light of further relevant information.

RECOMMENDATIONS FOR DECISION That:

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| (A) | in relation to reason for refusal 1, the Council prepare its case in relation to the forthcoming public inquiry with authority delegated to Officers to deal with matters arising as detailed in recommendation (C); |
| (B) | in relation to reason for refusal 2, the Council does not pursue a case in relation to Conservation issues or the loss of roadside hedgerows at the forthcoming public inquiry, and informs the appellant of its position; and |
| (C) | The Head of Planning and Building Control, in consultation with the Chairman of the Committee and the local ward Member, be authorised to engage with the appellants in relation to all matters relevant to the appeal and to formulate, alter, amend and update the Council's statement and evidence to be submitted in relation to the forthcoming public inquiry. |

1.0 Background

- 1.1 Development proposals at this site were considered at the 12 November 2014 meeting of this Committee. A copy of the report submitted to that meeting is attached as ERP B to this report.

The recommendation submitted at the time was that planning permission be refused, and Members resolved to refuse planning permission for the same reasons, as set out below:

1. The proposed development, by reason of its scale and location in relation to the existing village, its poor public transport connections and lack of local employment opportunities, would represent an unsustainable form of development contrary to the requirements of the National Planning Policy Framework. The proposal thereby represents inappropriate development in the Rural Area beyond the Green Belt contrary to policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.
 2. The proposed development would represent a major extension of the village and an intrusion into the open countryside, resulting in a significant reduction in the open space between the settlements of Braughing and Hay Street, and significant adverse impacts on the local landscape and the amenity of sensitive receptors. The proposed development would thereby have a detrimental impact on the wider landscape, and the significance of the Braughing Conservation Area, and the loss of roadside hedgerows would exacerbate this harm, contrary to policy GBC14 of the East Herts Local Plan Second Review April 2007 and Sections 11 and 12 of the National Planning Policy Framework.
- 1.2 An appeal was lodged on 12 February 2015 and has been agreed by the Planning Inspectorate to be heard at a public inquiry on 11-14 and 18-21 August 2015. In preparing its case, Officers have been further scrutinising and testing the relevant issues and have taken further advice on the matters relating to the refusal.
- 1.3 In addition, an amended plan has been submitted by the appellant in relation to access arrangements, to minimise the impact on roadside hedgerows.
- 2.0 Update
- 2.1 When considering the original planning application, conservation advice was provided in relation to heritage issues. This was based on an assessment of the impact of the development on the historic and architectural character and appearance of Braughing. This related predominantly to the sense of place associated with

the hamlet of Hay Street and the wider setting of the site, including the Braughing Conservation Area. This concern was incorporated into the second refusal reason.

- 2.2 In relation to roadside hedgerows, the appellant has submitted an amended plan showing the detailed access arrangements and visibility splays, and providing a footpath within the site. This now identifies that there would in fact be a 0.7 metre net gain in roadside hedgerow, rather than a loss. This amended plan is not considered to represent a material change to the previous plans and has therefore not been the subject of full re-consultation. However consultation has been carried out with the Local Member, Chair of Committee for the last civic year, Parish Council, and relevant statutory consultees.

3.0 Review of the Council's Position

- 3.1 In reviewing its case in advance of the public inquiry, and preparing witnesses to defend the Council's position, Officers have sought further conservation advice and input. This has had regard to the application documents, the previous Conservation advice, and through a thorough site visit.
- 3.2 The original objection, on the basis of conservation matters, identified harm to the settlement of Hay Street – a settlement that does not have a designated Conservation Area – rather than Braughing. The development site sits detached from the existing village (of Braughing) and outside the designated Conservation Area with limited views between the Conservation Area and the development site. It is considered that the appellant's submitted Heritage Statement, which addresses these matters, is sound.
- 3.3 Whilst this is the case, the landscape impact elements of the refusal reason, relating to the intrusion of the development into the open space between Braughing and Hay Street and impact on the local and wider landscape, remain. It is considered that addressing the appeal on the basis of these matters, rather than a conservation impact, provides for the most cogent case to be formulated.
- 3.4 In respect of roadside hedgerows, consultation has been carried out with relevant bodies, and Officers are satisfied that the amended plan identifies no significant loss of roadside hedgerows, and in fact a net gain of 0.7 metres – subject to a condition to require hedgerow planting within existing gaps.

- 3.5 In respect of both matters then, the respective parts of the reason for refusal have therefore been addressed and Officers recommend that these not be pursued as part of the Council's case at public inquiry.
- 3.6 It is therefore recommended that Officers prepare their case based on the amended wording of reason for refusal 2, as set out below:
 2. The proposed development would represent a major extension of the village and an intrusion into the open countryside, resulting in a significant reduction in the open space between the settlements of Braughing and Hay Street, and significant adverse impacts on the local landscape and the amenity of sensitive receptors. The proposed development would thereby have a detrimental impact on the wider landscape, contrary to policy GBC14 of the East Herts Local Plan Second Review April 2007 and Section 11 of the National Planning Policy Framework.

4.0 Delegation

- 4.1 Officers also request that authority be delegated, subject to consultation with the Chair of the Committee and the Local Member, to further formulate, alter, amend and update the Council's statement and evidence to be submitted in relation to the forthcoming inquiry. This will allow the Council the flexibility to react promptly to any new information and required changes to the Council's position as a result. Significant matters can be raised at short notice, which require a rapid response from the Council.

5.0 Implications/Consultations

- 5.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

Planning application – 3/14/1448/OP.

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