

5a a) 3/11/2209/FP – Demolition of existing farm buildings, conversion and extension of listed barn to form 1no. dwelling, erection 27no. dwellings and associated development at Pentlows Farm, Braughing, SG11 2QR for Linden Homes; and

b) 3/11/2210/LB – Demolition of existing farm buildings, conversion of listed barn to part dwelling at Pentlows Farm, Braughing, SG11 2QR for Linden Homes

Date of Receipt: (a)30.12.2011
(b)30.12.2011

Type: (a) Full – Major
(b) Listed Building
Consent

Parish: BRAUGHING

Ward: BRAUGHING

RECOMMENDATION:

That, subject to the applicant entering into a S106 agreement requiring the following matters:

- The provision of 10 affordable dwellings comprising of 4no. 3 bed houses, 4no. 2 bed flats and 2no. 1 bed flats; (mix of 70% affordable rented and 30% intermediate)
- A financial contribution of £49,475 towards middle education, £52,770 towards secondary education, £4,272 towards childcare, £1,481 towards youth and £4,771 towards libraries;
- A financial contribution of £31,625 to promote sustainable transport measures;
- A financial contribution of £8000 towards securing a Traffic Regulation Order;
- A financial contribution of £7000 towards Children and Young People and £7500 towards Community centres and village halls;
- 15% of the dwellings shall be constructed to ‘Lifetime Homes’ standard;
- Details of land transfer to the Parish Council of land to the west of the development;
- The provision of fire hydrants;
- The future maintenance arrangements for private access roads, landscaped areas and the sustainable drainage system on the site.

(a) planning permission be **GRANTED** in respect of 3/11/2209/FP subject to the following conditions:

1. Three Year Time Limit (1T121)

3/11/2209/FP and 3/11/2210/LB

2. Levels (2E051)
3. Samples of materials (2E123)
4. Programme of archeological work (2E02)
5. Refuse disposal facilities (2E243)
6. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - Methods for accessing the site;
 - The parking of vehicles of site operatives and visitors;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To ensure that the construction works and associated activity are acceptable in terms of amenity of the area and highway safety.

7. Construction hours of working - plant and machinery (6N053)
8. No development shall take place until a scheme for the implementation of energy efficiency measures within the development to secure at least 10% of the energy supply of the development from decentralised and renewable or low-carbon sources, shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme, unless otherwise agreed in writing by the

3/11/2209/FP and 3/11/2210/LB

Local Planning Authority.

Reason: To ensure the development assists in reducing climate change emissions in accordance with policy ENG1 of the East of England Plan May 2008 and policy SD1 of the East Herts Local Plan Second Review April 2007.

9. The development shall be carried out in accordance with the Flood Risk Assessment (URS Scott Wilson), the Surface Water Attenuation Plan and drawing D137599/SK112 P1 and D137599/SK113 P1 and the mitigation measures detailed within those documents unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of flood risk in accordance with policies ENV19 and ENV21 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 25: Development and Flood Risk.

10. No development shall take place until the following components to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the Local Planning Authority:
- A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
 - A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

3/11/2209/FP and 3/11/2210/LB

- 11) The development shall then be carried out in accordance with the approved details.

Reason: In the interests of groundwater protection, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

11. Prior to first occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure the site no longer poses a potential risk to groundwater in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

12. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. If piling is found to be necessary the development shall be carried out in accordance with the approved details.

Reason: In the interests of groundwater protection, in accordance with policy ENV20 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 23: Planning and Pollution Control.

13. All existing trees, hedges and hedgerows shall be retained, unless shown on the approved drawings as being removed. All trees, hedges and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on the site, to the satisfaction of the Local Planning Authority in accordance with relevant British Standards, for the duration of the works on site and until at least five years following contractual practical completion of the approved development. In the

3/11/2209/FP and 3/11/2210/LB

event that trees, hedges or hedgerows become damaged or otherwise defective during such period, the Local Planning Authority shall be notified as soon as reasonably practicable and remedial action agreed and implemented. In the event that any tree, hedge or hedgerow dies or is removed without the prior consent of the Local Planning Authority, it shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with trees of such size, species and in such number and positions as may be agreed with the Authority.

Reason: To ensure the continuity of amenity afforded by existing trees, in accordance with policies ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007.

14. Notwithstanding the details shown on the approved drawings, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include a) means of enclosure; b) hard surfacing materials; c) planting plans; d) schedules of plants noting species, planting sizes and proposed numbers/densities and e) a timetable for implementation.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

15. All hard and soft landscape works shall be carried out in accordance with the details approved pursuant to Condition 14. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants that, within a period of 5 years after planting are removed, die or become damaged or defective shall be replaced with others of the same species, size and number as originally approved unless the local planning authority has given written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs, in accordance with policy ENV2 of the East Herts Local Plan Second Review April 2007.

16. Prior to the commencement of the development, detailed plans showing the provision of a footway to form a continuous link between the site and

3/11/2209/FP and 3/11/2210/LB

the existing footway along The Street shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be implemented in accordance with the approved details prior to the first occupation of any part of the development.

Reason: To ensure that the site is accessible to pedestrians to promote alternative modes of transport to the development.

17. Prior to the commencement of development, a mitigation scheme for the capture and translocation of grass snakes shall be submitted to and approved in writing by the Local Planning Authority. The mitigation strategy shall then be undertaken in accordance with the approved details prior to any works commencing on site.

Reason

To ensure the protection of protected species in accordance with policy ENV16 of the East Herts Local Plan Second Review April 2007.

18. Bats (2E41)(insert: Bat Activity Survey, September 2011, Chapter 5)
19. Retention of parking spaces (3V204)
20. Vehicular use of garages (5U10)
21. Approved plans (2E103) - Plan 01; Plan 02; Plan 03; 0040se-01; 10040se-02; 10040se-03; D137599/SK109 P1; D137599/SK110 P1; 739/PL/01C; 739/PL/02C; 739/PL/03C; 739/PL/04A; 739/PL/05B; 739/PL/06B; 739/PL/07A; 739/PL/08B; 739/PL/09A; 739/PL/10A; 739/PL/11; 739/PL/12B; 739/PL/13A; 739/PL/14; 739/PL/15A; 739/PL/16B; 739/PL/20A; 739/PL/21B; 739/PL/22C; DFD/PENT/L1 A

Directives:

1. Other Legislation (01OL)
2. Planning Obligation (08PO)
3. Street Naming and Numbering (19SN)
4. Highways Works (05FC2)
5. Under the terms of the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the River Quin, designated a 'main river'.

3/11/2209/FP and 3/11/2210/LB

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and the 'saved' policies of the East Herts Local Plan Second Review April 2007, and in particular saved policies SD2, HSG3, HSG4, HSG6, GBC3, TR1, TR2, TR7, TR8, TR14, ENV1, ENV2, ENV3, ENV9, ENV11, ENV20, ENV21, OSV1, OSV4, IMP1) and the National Planning Policy Framework. The balance of the considerations having regard to those policies is that permission should be granted.

b) Listed building consent be **GRANTED** subject to the following conditions:

1. Listed building three year time limit (1T141)
2. Listed building (new window)(8L03)
3. Listed building (new doors)(8L04)
4. Listed building (making good)(8L10)

_____ (112209FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract.
- 1.2 The site lies within the built up area of the category one village of Braughing and is an allocated housing site (reference number 115) as identified in the East Herts Local Plan Second Review April 2007. The site is also located within the Braughing Conservation Area and shares a boundary with Pentlows Farmhouse which is Grade II listed. The farmhouse is however outside of the red outline of the planning application and does not form part of the proposals in this application. On the road frontage next to the existing entrance is a small listed barn which is in a poor state of repair and adjoining this is a three part cowshed with a blank façade of black painted brick which steps to follow the fall in the road.
- 1.3 Within the site there is an unsightly sprawl of silos and large asbestos cement sheds which form part of the collection of buildings which reflect the sites previous agricultural use. The site lies on the eastern side of the River Quinn valley which divides the village. There is in the region of a 5 metre fall between the highest and lowest parts of the land proposed for development, with land sloping westwards towards the River. There are

3/11/2209/FP and 3/11/2210/LB

important views of the site from the west of the application site. From the road, on its eastern boundary, the character of the site is defined by the farmhouse, the small barn and the existing black brick cowsheds. There are trees along both the northern and southern boundaries. It is only at its south eastern corner that the site adjoins other residential properties.

- 1.4 The application is for full planning permission for a residential development comprising 27 residential dwellings garaging and other associated development together with the conversion of the listed barn close to the entrance into a single dwelling.
- 1.5 During the process of the planning application amended plans have been submitted to the Council following the initial consultation period, discussions with the Parish Council and discussions with Officers. The Council have formally reconsulted on the amended scheme and that amended scheme is now being considered in the current planning application.
- 1.6 The proposals as they now stand are not too dissimilar to those originally proposed. They do however involve the provision of more dwellings on the site and an alternative design to some of the dwellings.
- 1.7 The proposals now before the Council involve the provision of 18 open market dwellings comprising of 4no. 3 bed dwellings, 12no. 4+ dwellings, and 2no. 2 bed dwellings. In addition, 10no. affordable dwellings are proposed which consists of 2no. 1 bed dwellings, 4no. 2 bed dwellings and 4no. 3 bed dwellings.
- 1.8 The red outline of the application site includes not only the residential development which includes the allocated housing site but also the open meadow space to the west of the allocated site. That area sweeps fairly steeply away to the west where the meadow meets the River. The area is open, albeit fairly well obscured from external views by virtue of the landscaping around its edges. During the process of the application, the applicant has, as Officers understand, been in continued dialogue with the Parish Council. The applicant has agreed to transfer the ownership and responsibility for that land to the Parish Council. The land is nevertheless proposed to be left open with the provision of a balancing pond and the provision of soft landscaping and tree planting to the western edge of the development site.

2.0 Site History:

- 2.1 The only relevant planning history relating to the site is that a resolution to grant planning permission, subject to the signing of a legal agreement,

3/11/2209/FP and 3/11/2210/LB

for the provision of 29 retirement dwellings (including 10 affordable 2 bed units) plus a managers flat, garaging and management facilities was made by Members in October 2007 under LPA reference 3/07/0822/FP.

- 2.2 However, the applicant went into administration and the legal agreement was never signed. Officers reported this to Members on 15 December 2010 and the application was refused planning permission for the following reason:-

The proposal fails to make adequate provision for affordable housing or adequate financial provision for infrastructure improvements to support the proposed development and mitigate against its impact on the area. It would thereby be contrary to the provisions of policies IMP1 and HSG3 of the East Herts Local Plan Second Review April 2007.

3.0 Consultation Responses:

- 3.1 Thames Water comments that, with regards to surface water drainage that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. With regards to surface water it is recommended that the developer should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where the developer proposes to discharge to a public sewer the prior approval of Thames Water Development services will be required.

Thames Water comment that there are public sewers crossing or close to the site. In order to protect those sewers and ensure that Thames Water have adequate access to those sewers, approval of Thames Water must be sought whether the erection of a building or extension of a building would be over the line or within 3 metres of a public sewer.

- 3.2 Natural England comments that the proposal does not appear to affect any statutory protected sites or landscapes or have significant impacts on the conservation of soils nor is the proposal EIA development.

The protected species survey has identified that bats may be affected by the development proposal and Natural England's standing advice is therefore applicable.

- 3.3 Hertfordshire Constabulary comment that although Braughing is located in a low crime area it is noted that the design and access statement did not mention crime or how the development would address the issue of crime and the fear of crime.

3/11/2209/FP and 3/11/2210/LB

The affordable units are grouped together in the northern portion of the site which is contrary to the Affordable Housing SPD. The parking provision for the flats and plot 10 has poor natural surveillance due to lack of views from active rooms.

- 3.4 The County Historic Environment Unit comment that the site is located within Area of Archaeological Significance No.60. The settlement which lies to the north of the nationally important Iron Age and Roman towns at Braughing has Anglo-Saxon origins and as the centre of the Anglo-Saxon Hundred, and the site of a probable 'minster' church, it was a settlement of importance.

The existing buildings on the site are predominantly modern and only one C18 building survives, which is the grade II Listed barn. The site which lies to the north of the parish Church has medieval or even earlier origins. The name 'Pentlow' is documented in the late C13, C14 and C16 and it may have Saxon origins.

To the west of the farmyard lies pasture which is crossed by the line of a former field boundary recorded on the 1820 enclosure map. This boundary is on the probable line of the Roman Road from Braughing to Great Chesterford – recent aerial photographs show that it may be a double-ditched feature and possible is the road itself. A flat level area is also visible which may be the site of a form building platform. Finds of Roman pottery are known from the Old Vicarage to the north and The Elms to the east. Landscaping and drainage plans indicate that associated works such as sewers, re-grading works and the balancing pond will have a considerable impact within the area.

The Archaeologist considers that the proposal development is likely to have an impact on heritage assets with archaeological interest; The Archaeologist recommends that provision is made for further archaeological work, monitoring and mitigation. The Archaeologist considers that such recommendations are necessary and reasonable to properly provide for the likely archaeological implications of the development proposal. A planning condition is thus recommended requiring the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

- 3.5 The Housing Development Manager comments that the scheme involves the provision of 10no. Affordable units which is in line with the Affordable Homes Commissioning Brief. The split of affordable units should be 75% rental and 25% shared ownership. The internal layouts appear to show that the properties will be built to lifetime homes standard and there may be wheelchair accessible properties.

3/11/2209/FP and 3/11/2210/LB

3.6 The County Council's Development Services team comment that as the application is for 27 residential dwellings it falls above the current threshold where financial contributions are sought to minimise the impact on Hertfordshire County Council Services for the local community. The following contributions are sought:

- Middle Education - £49,475.
- Upper Education - £52,770.
- Childcare - £4,272.
- Youth - £1,481.
- Libraries - £4,771.

3.7 Environmental Health advises that any permission granted by the Local Planning Authority should include the planning conditions relating to the following – noise, dust, asbestos, bonfires, contaminated land and refuse disposal facilities.

3.8 The Council's Engineers comment that, the site is located outside of the flood zones 2 and 3, although some of the landscaping is within flood zone 3. The site is located away from the overland flow paths as shown on the Environment Agency's surface water flooding maps, although part of the landscaping on the western side of the development is within an inundation zone.

The development seems to consist of a partial increase to the impermeable area with subsequent reduction to the site's permeable area. However the proposals indicate that a substantial above ground SUDs solution as well as rainwater re-use systems will be incorporated into the design which will greatly assist flood risk potential.

The Council's Engineers can adopt SUDs such as the balancing pond through a S106 agreement which involves contributions relating to maintenance.

3.9 Hertfordshire County Highways comment that they do not wish to restrict the grant of planning permission. The principle of residential development has previously been considered to be acceptable in the 2007 permission.

During pre-application discussions it was confirmed that there is a need to secure a footway link between the existing footway along the street and the application site. This is not shown on the proposed plans, but the Highways Officer has requested a Grampian planning condition requiring this, which will then be implemented through a S278 agreement with the

3/11/2209/FP and 3/11/2210/LB

County Council.

The development is not significant enough to fund service improvements but it is considered to be reasonable to seek second strand financial contributions towards bus stop improvements or other appropriate infrastructure measures to encourage use of the limited rural bus service that serves the village and future residents of the development.

Pre-application consultations with the applicant involved discussions where it was advised that contributions would be based upon the HCC toolkit. Given the types of dwelling proposed the contributions amounts to £31,625.

The layout of the development has largely been prepared in accordance with the HCC design guide and Manual for Street. The layout of the development allows for appropriate penetration by refuse collection, service and emergency vehicles. Sufficient parking and vehicle turning are allowed for. It is unlikely that internal roads will be considered for adoption as a public highway and it will be necessary for the developer to operate a management company to administer and maintain common areas not taken over by the local authority.

- 3.10 The Herts and Middlesex Wildlife Trust comment that, the bat activity survey indicates that bats are active on the site but that there is no evidence of bats roosting in any of the buildings affected by the development. As such a bat license will not be required to make the development legally compliant.

However, it is recommended that measures be undertaken to replace the loss or damage of the bats habitat and foraging potential through the provision of planning conditions requiring bats boxes.

The reptile survey finds that a small population of grass snakes are present on the site, focussed in the southern and western sections of the site. Reptiles are protected from killing and injury under the Wildlife and Countryside Act 1981 and the proposed development does have the potential to kill or injury to reptiles. Accordingly, a programme of capture and translocation of reptiles to an appropriate site is required through the provision of a planning condition.

- 3.11 Herts Biological Records Centre comment that no evidence of roosting bats was found in any of the buildings and there is therefore no ecological constraint to the development in terms of bats.

However, a small number of grass snakes were recorded on the site and

3/11/2209/FP and 3/11/2210/LB

a mitigation strategy will need to be produced to safe-guard this species.

- 3.12 Within the plans initially submitted with the planning application the Environment Agency objected to the application. However, that objection has now been removed and the Environment Agency recommend the provision of planning conditions.

Those conditions relate to the development being carried out in accordance with the Flood Risk Assessment, the surface water attenuation plan and diction drawings, a restriction on the storage of materials within the flood plain, a scheme to deal with decontamination on the site and a verification report setting out such matters of decontamination have been dealt with. The Environment Agency also recommends planning conditions requiring no infiltration of surface water drainage and a restriction on foundation designs.

- 3.13 The Conservation Officer recommends that planning permission be granted. The Conservation Officer makes general comments with individual buildings within the site.

With regards to plot 10, the Conservation Officer recommends the provision of an external gable and end chimney stack to the elevation which fronts the road. Such a feature will, in the Conservation Officers opinion improve relationship of this building with the street scene.

With regards to plots 22 and 28, the Conservation Officer raises some concern with the land levels to these plots which create a building with a ground floor which is not flush with the ground but is accessed via steps up and a hand rail, which results in a more urban townscape, rather than the overall design influence of the site.

Turning to plot 27, the proposed proportions, roofscape and front elevation of this building are considered to be in keeping with the traditional design proportion of the site.

Concerns have previously been raised with the applicant with regards to plots 10, 22 and 28 which have not been taken into account within the amendments to the scheme during the process of the application. However, on balance, the design concerns would not have an adverse impact on the scheme as a whole.

4.0 Parish Council Representations:

- 4.1 Braughing Parish Council comments that, following the submission of amended plans, no objections are raised.

3/11/2209/FP and 3/11/2210/LB

The Parish Council do however raise concerns over the size and situation of the balancing pond, which is considered to be located in a more dominant area of the green field. This will significantly alter views afforded from Church End and other areas of the village. The balancing pond is located in an area outside of the agreed area of the development and the Parish would prefer that alternative methods of ensuring adequate surface drainage be pursued.

The Parish Council make observations on the planting and landscape scheme associated with the development proposals and comment that the some of the planting is inappropriate to the context of the site and surroundings.

The Parish Council also refer to the Braughing Design Statement, particularly the Environment section which refers to the preservation of trees, hedgerows, flora and fauna.

5.0 Other Representations:

5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.

5.2 Within the initial consultation process of the plans originally submitted with the planning application, twenty three letters of objection were received which can be summarised as follows:-

- Overdevelopment of the site;
- Impact on pedestrian/highway safety with access;
- Impact of construction vehicles on amenity of village;
- Insufficient levels of parking provision;
- Detrimental impact on character and appearance of Conservation Area;
- No sustainable energy measures;
- Village infrastructure is insufficient for development;
- The housing mix does not properly reflect village housing needs;
- The site is contaminated which has not been properly considered;
- Loss of landscape features, trees, etc;
- Building design is out of keeping with local vernacular;
- Flood protection measures are inadequate;
- Insufficient public consultation pre-application.

5.3 As set out above, amended plans have been received during the process of the application and previous objectors to the scheme and neighbouring properties have been re-consulted. A further 8 letters of

3/11/2209/FP and 3/11/2210/LB

objection have been received. The comments received are the same as set out above.

6.0 Policy:

6.1 The relevant 'saved' Local Plan policies in this application include the following:

- SD2 – Settlement Hierarchy
- GBC3 – Appropriate Development in the Rural Area Beyond the Green Belt
- HSG2 – Phased Release of Housing Land
- HSG3 – Affordable Housing
- HSG4 – Affordable Housing Criteria
- HSG6 – Lifetime Homes
- TR2 – Access to New Developments
- TR7 – Car Parking – Standards
- TR8 – Car Parking – Accessibility Contributions
- ENV1 – Design and Environmental Quality
- ENV2 – Landscaping
- ENV3 – Planning Out Crime – New Development
- ENV9 – Withdrawal of Domestic Permitted Development Rights
- ENV11 – Protection of Existing Hedgerows and Trees
- ENV16 – Protected Species;
- ENV17 – Wildlife Habitats;
- ENV20 – Groundwater Protection
- ENV21 – Surface Water Drainage;
- BH1 – Archaeology and New Development;
- BH3 – Archaeological Conditions and Agreements
- OSV1 – Category 1 Villages
- OSV4 – Housing Allocations – Category 1 Villages
- IMP1 – Planning Conditions and Obligations

6.2 The National Planning Policy Framework is also a material planning consideration in the determination of planning applications.

6.3 It is also relevant that the Council have formally adopted Chapter 12 of the Braughing Design Statement and it forms a Supplementary Planning Document.

7.0 Considerations:

7.1 The main planning considerations in respect of this development

3/11/2209/FP and 3/11/2210/LB

proposal relate to the following matters:

- The principle of development;
- Heritage issues, impact on character and appearance;
- Transport, Access and Parking matters;
- Drainage and flood risk;
- Ecological matters;
- Landscaping
- Financial and legal agreements.

The principle of development

- 7.2 The proposal comprises a Local Plan Housing Land allocation site (policy OSV4 of the Local Plan) and the principle of residential development is therefore acceptable. This is a Phase one development site which, as identified in policy HSG2, means that there is no restriction on the release of the land for development.
- 7.3 Some commentators on the planning application have raised concern with the mix of housing. Letters of representation have commented that there is a disproportionate number of large 4+ bedroom dwellings. As set out above, the principle of residential development is acceptable and policy OSV4 has identified that the site is reasonably capable of accommodating 30 dwellings. The site is well located, sustainable and supports the supply of dwellings across the District. Little weight can, in Officers opinion, be given to the concern therefore, that the housing is in the form of large dwellings. It is the physical manifestation of that which must be considered and matters of scale and appearance of the development are dealt with below. In any event, it is important to note that, during the process of the application, the applicant has sought to address such concerns and, one of the larger units on the site has been altered to provide 1no. 2bed dwelling and 1no. 3bed dwelling. Furthermore, an additional 2 bed dwelling has been provided within the site.

Character and appearance of built and historic environment

- 7.4 Policies relating to environment and design issues and built heritage are set out in chapters 8 and 9 of the Local Plan. A high standard of design is expected from all development proposals (policy ENV1). They should be compatible with the structure and layout of the surrounding area, complement the existing pattern of street blocks, relate well to the massing and height of adjacent buildings and the surrounding townscape, incorporate sustainability initiatives, consider the impact of any loss of open land and minimise loss of and damage to important

3/11/2209/FP and 3/11/2210/LB

landscape features. Policy ENV2 calls for existing landscape features to be retained and enhanced, also referred to in policy ENV11.

- 7.5 In a Conservation Area, policy BH6 requires that new developments are sympathetic in terms of scale, height, proportion and form. Open spaces and other landscape features materially contributing to the character or appearance of the area should not be affected to the significant detriment of the area. Historically significant features should be retained wherever possible and important views should be respected.
- 7.6 The relevant chapter of the Braughing Parish Plan seeks to encourage development which respects and enhances local character, in proportion with the surroundings and of a density appropriate to the surroundings and location and nature of built form. The Parish Plan seeks to encourage traditional high quality materials and there is an emphasis on ensuring the character of the village is maintained, landscape features are preserved and that buildings are built with sustainable measures.
- 7.7 The Braughing Conservation Area has a diverse but rich built environment which is characterised by the mixture, form and style of buildings. From the more historic parts of the settlement, such as the area around the parish Church and Church End, to the more modern parts of the settlement to the south east around Uplands and Green Lane. The key characteristic is considered to be the organic and historic evolution of the built form which is indicated by the differing form and design of buildings which reflect their era of construction. There is not considered to be one distinct style which reflects the built environment – rather it is a collection of traditional styles and forms which together create a sense of place and distinctiveness. The Conservation Area incorporates not only the built form but the Quinn River valley and the open areas and soft boundary verges and small pockets of amenity land.
- 7.8 The development involves the demolition of the unsightly sprawl of silos and large asbestos cement sheds which form part of the collection of buildings which represent the site's previous agricultural use. The demolition of those buildings is a positive aspect of the development proposal and weight should, in Officers opinion, be attached to the enhancement that the removal of those buildings will have on the character and appearance of this part of the Conservation Area.
- 7.9 Furthermore, it should also be noted that the development involves the reuse of an existing agricultural building which is listed. This building is timber framed with external cladding. The NPPF and policy GBC9 of the Local Plan encourage the retention of rural buildings for reuse. The use of this building for residential purposes will enable a sympathetic reuse of the building which will preserve its historical significance and enable it to

3/11/2209/FP and 3/11/2210/LB

be integrated into the broader residential development of the site. The retention of this listed building and its integration into the residential development also weighs in favour of the development proposal, in Officers opinion.

- 7.10 The proposed layout of the site has been determined by the current dimensions and shape of the site, the levels within and adjoining the site and the vehicle access arrangements. Two accesses are proposed off The Street. The southern access is sited to the front of the listed dwelling, Pentlows Farm and the Listed barn, ensuring that those buildings remain prominent and the key feature within the site. Further within, the southern site access road leads directly west to the meadow space. Views of that open amenity space are created through this access. Within and to the south of the site, dwellings front the access road and create a cul-de-sac type arrangement and a 'mews' type relationship. Dwellings would generally appear to be reasonably well spaced with opportunities for small pockets of front garden amenity space to help break up the built form.
- 7.11 To the north of the application site is a further access road which leads to the affordable units. It is unfortunate that the access road from the north does not lead to the market houses – although it is considered that no significant harm is caused by this.
- 7.12 Policy OSV4 does indicate that the site is capable of providing in the region of 30 dwellings. There is some slight under provision with this development proposal. However, the layout of the site is considered to be appropriate and the relationship between buildings, the street scene and the general spacing between dwellings is considered to be appropriate and in keeping with the grain and layout of development within the locality. Officers acknowledge the concerns from some parties with regard to the amount of development proposed on the site. However, for the reasons set out above, the development proposal is not considered to be overdevelopment of the site, nor cramped or congested in appearance.
- 7.13 The proposed scale and design of the buildings varies across the site with the provision of detached, semi-detached, terraced dwellinghouses and a small collection of flats to the north of the site. As set out above, the design of buildings within the village varies, from the more contemporary buildings around Uplands and Green Lane to the south east of the village, to the varied and historic core of the village where the evolution and growth of the built form is evident through the differing forms, design and articulation of buildings. The proposed development includes various elements and design features from the surroundings

3/11/2209/FP and 3/11/2210/LB

with the provision of a row of traditional terrace dwellings, gable and hip roofs. The overall form, massing and arrangement of dwellings together with the mixed palette of materials including brick, boarding and render are considered to create a collective design of buildings that would appear in keeping with the character and appearance of the surroundings and respect the local distinctiveness of the village and the Conservation Area.

- 7.14 The Conservation Officer's comments in respect of plots numbers 10, 22 and 28 are noted. With regards to plots 22 and 28, whilst it is unfortunate that the ground floor will be accessed by steps, the overall height, scale and mass of this building is considered to be in keeping with the overall architectural theme and design of buildings within the development site. Officers consider that it is unfortunate that a chimney has not been added to the flank elevation of plot 10. However, this is an affordable unit and Officers acknowledge the difficulties with providing chimneys to such dwellings. In light of those considerations, Officers consider that the above mentioned plots are acceptable and in keeping with the development proposal as a whole. It is noted that the Conservation Officer recommends approval of planning permission and considers that the deficiencies in the design of the above mentioned plots does not result in an adverse impact on the scheme as a whole.
- 7.15 Having regard to the above considerations the development proposal is considered to accord with the relevant policies of the Local Plan, the NPPF and Chapter 12 of the Braughing Parish Plan.

Landscaping

- 7.16 The levels on the site rise up from the river valley up to the proposed development site. The site is therefore quite visible within the landscape from the west and from Church End. The boundaries of the site, particularly the southern and northern boundary do benefit from a fairly good range of landscape features including some mature trees. The development proposal will result in the loss of a group of sycamore trees which are located to the south west of the existing farm buildings and the loss of those trees is unfortunate as they do provide some screening from Church Lane.
- 7.17 However, the proposed development does include the provision of additional trees and landscape features to the western boundary of the application site. The Parish Council have been critical of some of the species proposed within this landscaping. Nevertheless, Officers are of the opinion that the provision of landscaping to the western boundary of the site will assist in assimilating the development proposal within the site

3/11/2209/FP and 3/11/2210/LB

and surroundings. A good quality landscape scheme and maintenance of that landscaping are important in ensuring this, which can be controlled through the provision of a planting condition.

- 7.18 Also within the site is the balancing pond, which is located to the south west of the red outline of the application. This is required for flood risk reasons (which are discussed below) and Officers note that some letters of representation raise concern with such a feature in terms of the impact on the landscape.
- 7.19 Whilst Officers are mindful of such concerns, it is considered that the benefits of the proposed balancing pond, in addressing flood risk concerns and the provision of a sustainable drainage system, and the ecological benefits outweigh any considered impact on the landscape. In Officers opinion, the proposed balancing pond will add to and enhance this part of the Conservation Area and will not result in significant harm to the landscape character of the site or setting.

Highways matters and parking provision

- 7.20 Turning to the level of parking proposed, the Councils adopted standards relate to a 'maximum' provision. Having regard to the number of dwellings and associated number of bedrooms serving those dwellings, there is a maximum requirement for 63.25 parking spaces. The application proposes 71 spaces. Officers are of the opinion that appropriate levels of parking provision are therefore provided for, in accordance with policy TR7.
- 7.21 With regards to access matters, the comments from the Highways Officer are noted. The principle of a residential access into the site has previously been considered to be acceptable within the 2007 planning application – LPA reference 3/07/0822/FP.
- 7.22 The Highways Officer confirms that there is a need to provide a pedestrian link between the site entrance and the existing footway along The Street. The Highways Officer considers that this can be achieved through the provision of a planning condition. In the interests of pedestrian safety and accessibility to the village, such a condition is considered to be necessary and reasonable, in this case.
- 7.23 In accordance with the above considerations and, subject to financial contributions relating to sustainable transport measures and a contribution towards the formation of a Traffic Regulation Order (which are discussed below), Officers are of the opinion that the development is acceptable in terms of access and parking matters.

3/11/2209/FP and 3/11/2210/LB

Neighbour amenity

- 7.24 The main planning considerations in respect of the impact on neighbour amenity relate to Pentlows Farm, The Elms and 15 The Street. Those dwellings are either adjacent to or front onto the site.
- 7.25 Turning to The Elms – the western garden boundary of that property fronts onto The Street and is a distance of 10metres or so from the proposed development. However, the property itself is set further away from the development site at a distance of some 40metres. Having regard to that distance and the orientation of the proposed dwellings officers do not consider that the proposal will result in significant harm to neighbour amenity.
- 7.26 With regards to the impact on Pentlows Farm building, plots 25 and 26 front onto this property whilst plot 24 is side on and plot 28 and 22 rear gardens back onto the garden of that property. However, in all cases, having regard to the relationship, orientation and distances between Pentlows Farm and the proposed dwellings officers do not consider that significant harm to the amenity of that existing dwelling will be caused in terms of overlooking, overbearing or loss of privacy.
- 7.27 In terms of the impact on No.15 The Street, this property appears to benefit from a sizable outbuilding in the rear garden which, in terms of its siting and relationship with the development site, would seem to act as a screen to the development site. Having regard to that consideration and the distance between the edge of the boundary and the proposed dwellings, officers do not consider that significant harm to the amenity of No.15 The Street will be caused in terms of overlooking, overbearing or loss of privacy.

Flood risk/contaminated land

- 7.28 The Environment Agency have recommended a number of planning conditions relating to decontamination of the site. There is a watercourse to the south of the site and, given the previous uses of the site for agricultural activities, the Council must ensure that the proposed development protects against possible impact on those environments, in accordance with policy SD5 and ENV20. Having regard to the requirements of those policies and, taking into account the comments from the Environment Agency, it is considered reasonable and necessary for planning conditions to be attached to any grant of planning permission in respect of contaminated land. Officers note the concerns with the development in terms of the impact of contaminated land, however they are nevertheless satisfied that the provision of the

3/11/2209/FP and 3/11/2210/LB

conditions as recommended by the Environment Agency will address any such concerns.

- 7.29 Turning to matters of flood risk, the site is located to the west of the River Quin, although the meadow space immediately adjacent to the River is located within the flood zone. The applicant sets out in the application that the site is not currently connected to the adopted surface water drainage sewer network but seems to rely on drainage to the adjacent fields or a soakaway.
- 7.30 The proposed development provides for off site attenuation in the form of a pond structure located to the west of the site. The applicant comments that this method has been brought forward with the development proposal as it offers a greater sustainability and amenity benefit and will involve lower construction implications.
- 7.31 The siting of the balancing pond has altered during the process of the application, it is now proposed to be located to the south west of the site. Some commentators on the application site have queried the siting of the balancing pond and the impact of the development in terms of flood risk.
- 7.32 Having regard to the advice from the Environment Agency, Officers are nevertheless of the opinion that the proposed balancing pond and the submissions made in the flood risk assessment and associated documents are such that the proposed development will not result in significant harm to flood risk, in accordance with policy ENV19 of the Local Plan and the NPPF. The development provides for a sustainable surface water drainage water strategy, in accordance with policy ENV21 of the Local Plan and the NPPF.

Affordable Housing and Lifetime Homes

- 7.33 Policy HSG4 requires the provision of up to 40% affordable houses for development sites of this scale and nature. Policy HSG4 sets out that the size, type and tenure of affordable housing will be determined by, amongst other things, the availability of public subsidy.
- 7.34 Initially, the proposed development involved the provision of 26 dwellings on the site. However, during the process of the application amended plans have been received which proposes the provision of a greater number of dwellings on the site – now 28. Those amended plans have been submitted in response to concerns raised by the Parish Council that the development proposal provided a disproportionate number of larger dwellings. The scheme now involves the provision of a total of 28 residential units, however the applicant still proposes the provision of 10

3/11/2209/FP and 3/11/2210/LB

affordable units which represents the provision of 36% affordable units. This is below the maximum required in policy HSG3.

- 7.35 However, the applicant has demonstrated a willingness to respond to concerns raised by the Parish Council with regards to the size of some of the units on the site. The Councils Housing Team have advised that the provision of 10 affordable units with a tenure mix of 7 social rented and 3 intermediate is acceptable, in this case.
- 7.36 In accordance with the above considerations, the provision of 10 affordable units with a tenure mix of 70% social rented and 30% intermediate is acceptable.

Financial contributions

- 7.37 As the application is for 28 residential units, the need for financial contributions is required under the Council's Planning Obligations SPD and the Herts County Council (HCC) Planning Obligations Toolkit. HCC have confirmed that they will require contributions towards primary and secondary education, childcare, youth and library facilities. Those figures are set out at the head of this report. The contributions sought are based on the number of units and bedrooms proposed, and the figures are considered necessary and reasonable based on pressures that the development will place on existing infrastructure. The obligations are therefore considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.38 The Highways Officer has advised that, during pre-application discussions the applicant was advised of the need for this scale of development to make a sustainable transport contribution. The Highways Officer uses the HCC toolkit to determine that a contribution of £31,625 is required.
- 7.39 However, within the amended plans received during the process of the application, an additional 3 parking spaces are now proposed and the total number of parking spaces proposed by the amended scheme is 71 spaces. The applicant has sought to provide further parking in response to the concerns raised by the Parish Council that insufficient parking is provided for.
- 7.40 In Officers opinion the provision of 68 parking spaces is acceptable and the provision of 71 spaces is also acceptable and in accordance with policy. However, Officers do not consider that it is reasonable to require the applicant to pay additional contributions above that required for 68 parking spaces when that level is acceptable. Officers therefore

3/11/2209/FP and 3/11/2210/LB

recommend a contribution of £31,625 towards sustainable transport measures which is considered to meet the tests as set out in S122 of the Community Infrastructure Levy Regulations (CIL) 2010.

- 7.41 The Highways Officer also recommends a financial contribution of £8,000 towards a TRO (Traffic Regulation Order) to secure changes to the speed limit on the public highway. The Highways Officer sets out that, the money is required to fund the extension of the 30mph speed limit which would have to be done by Traffic Regulation Order. The contribution would cover all fees, consultation and advertising costs as well as implementation. The moving of the speed limit was suggested by the applicant's highway consultant and would bring the northernmost access to within the speed limit and hence ensure that the achievable visibility splays accord with the speed limit requirements. In accordance with the advice from County Highways this contribution is considered to meet the tests as set out in S122 of the Community Infrastructure Levy Regulations (CIL) 2010.
- 7.42 The East Herts Council SPD also requires contributions towards open space provision, children and young people, recycling facilities, community centres and village halls. The Council's PPG17 audit identifies that there are deficiencies in the provision of parks and public gardens and facilities for children and young people. It should however be noted that the PPG17 audit is not precise in how it assesses deficiencies in particular locations, such as outlying villages. What must therefore be considered is whether there is a need for such contributions arising from the development now being considered and where such contribution would be focused in order to mitigate against the impact of the development.
- 7.43 The Planning Obligations SPD identifies that, for a development of this scale, that a contribution of £7,841 is applicable in respect of children and young people. Officers have consulted with the Parish Council to establish whether such monies can be used by the Parish. The Parish Council have helpfully responded setting out that the Parish lease land from Upp Hall Estate to provide playground facilities for children and young people. The Committee who help manage that play equipment have advised that there is a need for a 'Birds Nest swing' for older children and children with disabilities and a baby swing. Those structures are indicated to cost £7000.
- 7.44 Having regards to the comments from the Parish Council and, taking into account the requirements of the Planning Obligations SPD and deficiencies in outdoor provision for children and young people, the contribution of £7,000 is considered to meet the tests set out in S122 of

3/11/2209/FP and 3/11/2210/LB

The Community Infrastructure Levy Regulations (CIL) 2010.

- 7.45 The Councils Planning Obligations SPD also identifies that a contribution of £7,387 is required for community centres and village halls. Again, the Parish Council have advised that there is a need to refurbish the Green Lane Community Centre at a cost of £2500, repairs are needed to the roof serving the Church End Church Hall, totalling £2500 and various works are required to the Chapel Hall in Green End totalling £2500.
- 7.46 Having regards to the comments from the Parish Council and, taking into account the requirements of the Planning Obligations SPD the contribution of £7,500 towards community centres and village halls is considered to meet the tests set out in S122 of The Community Infrastructure Levy Regulations (CIL) 2010.
- 7.47 The PPG17 audit does identify that there is a deficiency in parks and gardens. However, as noted above, the applicant has agreed to transfer ownership of the meadow space to the Parish Council. That area of land is a significant size and will as Officers understand, be made available for use by the occupiers of the development site and the village community as a whole. In that respect, Officers do not consider that it is reasonable to require additional contributions from the applicant in respect of contributions for parks and gardens.
- 7.48 In addition, it should be noted that the Planning Obligations SPD sets out contributions towards amenity green space and outdoor sports facilities. The PPG17 audit does not however find there to be deficiencies in those areas and, taking into account the above considerations relating to the exchange of the meadow land to the west of the site it is not considered to be reasonable to require the applicant to make financial contributions in respect of these areas.
- 7.49 With regards to all of the financial contributions set out above, the applicant has confirmed a willingness to meet those costs. However, before fully committing, the applicant has sought further clarification from the County Council with regards to how the above County contributions have been calculated. Accordingly, Officers will update Members at the Committee meeting as to any material changes to the financial contributions put forward as part of this development proposal.

Other matters

- 7.50 The application site is located within an area of archaeological significance. Policies BH1, 2 and 3 of the Local Plan set out the approach in relation to archaeological matters. These set out that

3/11/2209/FP and 3/11/2210/LB

appropriate investigation and assessment is required before decisions on proposals that affect areas of archaeological interest can be made.

- 7.51 The County Archaeologist reviews the historical context of the site and surroundings and refers the Council to archaeological finds at nearby sites. In accordance with those considerations the archaeologist considers that further work in respect of archaeological matters is necessary and reasonable. In light of that advice and, having regard to the requirements of policies BH1 and BH3 and the NPPF, Officers consider that it is necessary and reasonable to require further archaeological work which can be agreed through the provision of a planning condition.
- 7.52 With regards to the impact on protected species, the applicant has provided an ecological report which includes information on ecological surveys. That information sets out that there is no evidence of roosting bats in the buildings which are the subject of this planning application. The proposed development will not therefore result in significant impact to those protected species in accordance with Policy ENV16 of the Local Plan.
- 7.53 However, as recognised by the Herts and Middlesex Wildlife Trust and as contained within Natural England's standing advice, it is considered to be appropriate to require measures to enhance the site for bats, which is suggested in the ecological report submitted by the applicant. In this respect, Officers recommend the provision of a planning condition requiring such measures.
- 7.54 In addition, the ecological report did find the presence of grass snakes. These species are not afforded the same level of protection as bats which are a European protected species. However, they are protected under the Wildlife and Countryside Act 1981. In this respect, Officers recommend the provision of a planning condition requiring a programme of reptile capture and translocation to appropriate receptor sites. In the interest of the protected species and in accordance with policy ENV16, such a planning condition is both necessary and reasonable.
- 7.55 Policy ENG1 of the East of England Regional Plan requires that development proposals should encourage the supply of energy from decentralised, renewable and low carbon energy sources that new development of more than 10 dwellings should secure at least 10% of their energy from decentralised and renewable or low-carbon sources. The applicant has not provided any details in respect of the potential to use sustainable energy resources. However, given the requirements of policy ENG1 of the Regional Plan it is considered to be necessary and

3/11/2209/FP and 3/11/2210/LB

reasonable to require this through the provision of a planning condition.

- 7.56 The Parish Council and letters of representation raise concern with the impact of the development during the construction phase and the impact on the local road infrastructure. The site is allocated for housing within the Local Plan and it is inevitable that such an allocation will lead to traffic associated with the development of the site. However, to address the concerns from third parties and, in the interests of amenity and road safety, Officers consider that it is necessary and reasonable to impose a planning condition requiring a construction method statement covering all aspects of the development, and a condition restricting the hours of operation of plant and machinery.
- 7.57 To ensure that the proposed development incorporates appropriate high quality materials and is appropriately sited within the site in relation to surrounding levels it is considered necessary and reasonable for planning conditions to be attached requiring information in respect of levels and the provision of samples of materials. Similarly, with respect to hard/soft landscaping matters, it is considered appropriate to require more detailed information in respect of landscape matters which, in the interests of visual amenity is both reasonable and necessary.

8.0 Conclusion:

- 8.1 The application site is located within an allocated housing site. In principle the residential development of this site is acceptable. The development is not considered to result in a cramped development or overdevelopment of the site. The proposal takes into account the layout and grain of development within the immediate and wider locality and adopts those characteristics in creating a well thought out, proportioned and balanced scheme which respects local distinctiveness and enhances the character of the Conservation Area. The proposed development is considered to be acceptable in access and parking terms and will not result in a significant impact on highway safety.
- 8.2 Planning Obligations are identified in this report as being necessary to mitigate the impact of the development on local infrastructure and, the provision of affordable housing will meet the local needs and the strategic targets of the Council in providing such levels of accommodation. These are matters which Officers advise are resolved through a S106 agreement in the normal way.
- 8.3 Subject to the signing of that S106 agreement and the provision of the suggested planning conditions, Officers therefore recommend that planning permission is granted.