

3/14/0094/OP – Outline planning application for a development of up to 10 dwellings with all matters reserved except highway access onto Green End (B1368) on Land East of Green End Farm, Green End, Braughing, SG11 2PG for The Fairfield Partnership

Date of Receipt: 03.02.2014

Type: Full - Major

Parish: BRAUGHING

Ward: BRAUGHING

RECOMMENDATION

That planning permission be **REFUSED** for the following reason:-

1. The proposed development, by reason of the elevated position of the site above Green End and the physical alterations necessary to the frontage of the site, would appear unduly prominent in the street scene and wider landscape, and would fail to preserve or enhance the character and appearance of the Braughing Conservation Area contrary to policies ENV1, BH6 and GBC14 of the East Herts Local Plan Second Review April 2007, and Sections 7 and 12 of the National Planning Policy Framework.

Summary of Reasons for Decision

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). East Herts Council has considered, in a positive and proactive manner, whether the planning objections to this proposal could be satisfactorily resolved within the statutory period for determining the application. However, for the reasons set out in this decision notice, the proposal is not considered to achieve an acceptable and sustainable development in accordance with the Development Plan and the National Planning Policy Framework.

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1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises 0.72 hectares of vacant land located to the north of Green End and outside the village boundary. To the north of the site is an access track with open fields beyond, to the east is the B1368 road with the Pound Close development opposite, to the south is neighbouring residential land, and to the west is Green End Farm. There is a public footpath (Footpath 1) that runs along the southern boundary of the site with steps connecting to the B1368. The site rises steeply from east to west with a

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maximum height difference of 8m, and includes a raised bank adjacent to the road (approximately 1m higher) with a hawthorn hedge on top. The site comprises of mostly unmanaged grassland, scrub vegetation and tree/hedge screening along its boundaries.

- 1.2 The site was apparently formerly used for agricultural purposes and the applicant has made reference to the remains of a previous structure and hard-standing on site, but this has blended into the landscape. Officers therefore consider the site to be greenfield. The application is in outline form with all matters reserved, except for access, for up to 10 dwellings with a new access to the B1368. Although layout is a reserved matter, two indicative layout options have been submitted to indicate how the proposed development could be achieved. A parameters plan has also been submitted to inform the design of any subsequent reserved matters application. The application is accompanied by a Planning, Design and Access Statement, a Landscape Appraisal, Tree Survey, Transport Assessment, Surface Water Drainage Assessment, Utility Report, and Habitat Survey.

2.0 Site History

- 2.1 There is no planning history in relation to this site. Reference is made in this report to a number of other recent developments in Braughing, including Pound Close – a development of 17 dwellings on land south of Gravelly Lane opposite the site (3/09/01730/FP), 27 new dwellings at Pentlows Farm (3/11/2209/FP), and 2 new dwellings currently under construction at no. 50 Green End.

3.0 Consultation Responses

- 3.1 The Highway Authority does not wish to restrict the grant of permission subject to conditions. They comment that the application is acceptable in principle from a highways context. The B1368 is a secondary distributor road and the proposed access is near to the point where the speed limit changes from 30mph to 40mph. Traffic impact will not be significant for the size of the development proposed. The access arrangements are acceptable apart from the proposed footway not extending far enough to link up with the right of way network, and a condition is recommended to cover this point. A gateway feature is also required to the north of the new entrance on the B1368 which could include the relocated 30/40mph speed limit signs but this will need to be reviewed in accordance with the highways speed management strategy. They also recommend a condition to require a suitable on-site turning facility.
- 3.2 The Public Rights of Way Service request that the width of footpath 1 be

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widened to 4m as the outline plans show part of the route to be fenced off as back gardens. This would leave the current footpath as a very narrow and dark fenced corridor which would feel uninviting and intimidating to footpath users especially on dark days and in the evening. The proposed hedging/vegetation screen will need to be planted a minimum of 1m away from the 4m clear footpath width to allow for future growth and landowner access for maintenance.

- 3.3 The Ramblers Association comment that footpath 1 lies adjacent to the site and the development should not encroach on this public right of way. Access should remain available to the footpath during the construction process.
- 3.4 Hertfordshire Ecology comment that an appropriate survey methodology, evaluation and analysis has been carried out, and they agree with the habitat assessment and conclusions that the habitats present on site are, at best, of local ecological value. Recommendations are made for ecological improvements and protection of reptiles and nesting birds.
- 3.5 Natural England advise that the proposal is unlikely to affect any statutorily protected sites or landscapes. They have not assessed the application for impacts on protected species but advise that their Standing Advice is a material consideration for determining the application. They also make recommendations to secure enhancements to biodiversity and the local landscape.
- 3.6 English Heritage make no comment on the proposal.
- 3.7 The Historic Environment Unit comment that the site is adjacent to the medieval and earlier highway linking Ware, Puckeridge and Braughing with Cambridge. Finds of earlier prehistoric date are known from the field to the north of the site and from 50 Green End (a copper-alloy flat axehead of early Bronze Age date and an early Neolithic flint tool). Further Neolithic worked flints were recovered from archaeological excavations at the adjacent Pound Close development, as well as evidence of medieval occupation and animal husbandry. They therefore consider the proposal likely to impact on heritage assets of archaeological interest and recommend a condition to secure a programme of archaeological work.
- 3.8 The Campaign to Protect Rural England (CPRE) object to the proposal. They agree that the Local Plan is now out of date but this does not mean that its saved policies are no longer relevant or inconsistent with the NPPF. The Council is currently refining its housing targets and progressing the Draft District Plan and in that context the development

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plan is clearly not absent. Proposals which conflict with the Local Plan should be refused unless other material considerations indicate otherwise. The site falls outside the defined village boundary of Braughing and is within the Rural Area Beyond the Green Belt – the proposal is therefore contrary to policies OSV1, GBC2 and GBC3, and BH6 (Conservation Areas) and HSG5 (Rural Exceptions Affordable Housing). The site is not identified, or being proposed, for development. The Draft District Plan identifies a need for 33 new homes in Braughing up to 2031 but the capacity of the village for growth needs to be assessed and sites within the village boundary will take precedence. They also raise concerns over the use of the Housing Needs Register for housing numbers, that the land is not previously developed land, and agree with the Parish Council's objections on highway grounds.

- 3.9 The Hertfordshire Constabulary Crime Prevention Design Team do not support the application. They are disappointed that the applicant has failed to demonstrate how they will address issues around crime, disorder and the fear of crime. The figures for 01 Jan 2013 to 31 Dec 2013 show 28 incidents of crime in Braughing – therefore although it is a low crime area, there is an underlying risk that should be addressed. They are also disappointed that the applicant has not yet contacted the Design Service for advice.
- 3.10 Thames Water comment that it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water drainage it is recommended that the applicant ensures storm flows are attenuated or regulated into the receiving public network through on or off site storage. They raise no objection to the proposal in respect of sewerage infrastructure capacity. Where a developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. With regard to water supply this comes within the area covered by Affinity Water Company.
- 3.11 The County Minerals and Waste Team comment that regard should be had to policies 1, 1a, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 which forms part of the development plan in determining this application.
- 3.12 The Council's Engineers comment that the proposal is not considered as sustainable construction and is likely to increase flood risk for the site and adjacent land. The site is located in floodzone 1 and is greenfield/permeable. The new development will increase the amount of impermeable area on site, and additional volumes of surface water,

would be likely to increase flood risk. They comment that it is not clear about the method of disposal of additional volumes of surface water and the development does not appear to have adopted the recommendations of the East Herts Strategic Flood Risk Assessment (SFRA). The drainage system identified in the Surface Water Design Statement is considered to be medium to poor quality Sustainable Urban Drainage Systems (SuDS) which will require an enhanced specialist maintenance programme, and provide little water quality improvements or wildlife/biodiversity provision. It is possible that a range of higher quality SuDS and green infrastructure could be added to the design, particularly if option B was chosen. Green infrastructure would help to reduce flood risk and improve water quality and enhance biodiversity.

- 3.13 Planning Policy comment that the site lies outside the settlement boundary of Braughing where residential development is considered inappropriate. East Herts Council has recently published its draft District Plan for public consultation where Braughing has been identified as a Group 1 Village. Draft Policy VILL1 proposes that the village accommodates at least a 10% increase in housing stock (based on the 2011 Census) over the 15 year period between 2016-2031 - this equates to approximately 33 dwellings. The policy approach is to encourage Parish Councils to identify suitable sites for development in the Group 1 Villages through the Neighbourhood Planning process. This application seeks to bypass the Neighbourhood Planning process encouraged in the draft District Plan, and has the potential to undermine the whole policy approach that is proposed.
- 3.14 It is noted that that there has been a Call for Sites submission on the site; however, this submission is just one of a number of submissions that lie within the Rural Area Beyond the Green Belt adjacent to the existing Category 1 Village boundary. Whilst the draft District Plan proposes that Braughing is a suitable location for future development, to date there has been no formal assessment of all the sites available for development in and around the village and therefore no conclusions can be reached regarding the suitability of this site for development in terms of the overall development strategy for the village. Draft Policy VILL1 proposes that until a Neighbourhood Plan is prepared, development is limited to the built up area defined on the Policies Map by the village boundary, and the site falls outside of the village boundary defined on the draft Policies Map.
- 3.15 In terms of housing supply, Local Planning Authorities are required to demonstrate a continuous five year supply of housing land to meet their objectively assessed housing needs. The Council has publicly acknowledged that there is a lack of a five year supply of housing land

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within the Council's Annual Monitoring Report 2012-13 reporting housing land supply equivalent to 3.4 years. Whilst it is acknowledged that this application would make a contribution to the housing land supply in the District, it is considered that the small scale of the development means that this contribution would be limited and should not override the in-principle policy objection.

- 3.16 The Landscape Team recommend refusal on the grounds that the development will be seen as a prominent change of use from agriculture to housing and as an extension of the village into open countryside because of its elevated position at the edge of the settlement. They comment that the site has high sensitivity and low landscape capacity for the type of development proposed if the local distinctiveness of the area is to be maintained. The proposals also do not relate well to the recent development on the opposite side of the B1368 at Pound Close. They state that the proposal diverges from the character of the local area, being on the rising valley slope, and will appear overbearing to the residential development directly across the road and to the east. It will have an adverse landscape impact on the immediate surroundings, changing the character of the village from countryside/rural at the point where the village meets the surrounding countryside to that of housing development. The site is enclosed by planting around its boundaries, however the submitted Landscape Appraisal describes the hedgerow along the eastern boundary as not of a high quality, in order to justify its removal and accommodate highway sight line requirements. The proposal to plant a new hedgerow further back from the road does not compensate properly for the loss of such a suitable existing boundary within the Conservation Area. There will be clear views in from the surrounding countryside on the opposite valley, and the development fails to assimilate well into its surroundings due to the site layout and topography of the site with the rise in level across the site being approximately 8m.
- 3.17 Environmental Health recommend consent subject to conditions on construction hours of working, contamination, and piling works. In respect of land contamination they comment that given the circumstances of the previous land use as farmland, they consider as a minimum that a desk-top survey should be undertaken.
- 3.18 The Council's Environment Manager comments that East Herts Council do not manage any open space in Braughing but there is a playing field managed by the Parish Council which has a play area off Longmans. This is only 700 metres from the application site and there seems to be plenty of space there for new equipment and the last annual inspection would suggest that the existing equipment might benefit from

replacement. It would therefore be appropriate for an off-site contribution to be made to Braughing Parish Council to compensate for any failure to provide play facilities in the proposed development.

- 3.19 The Conservation Officer recommends refusal on the grounds that more information should be provided through a section plan, demonstrating the treatment of land levels, intended mass and scale of the dwellings and relationship of the proposal with the identified character of the immediate and wider area. They comment that the character and appearance of Braughing is associated with the topography of the land, resulting in two historic parts, each flanking the River Quin. Green End to the west of the River is a linear settlement along the line of Puckeridge to Hare Street (B1368). Beyond the settlements of Green End, Church End, The Street, The Square and Church End the character is mostly open, offering views towards the village, open countryside and agricultural landscape - views which are considered important to the character and appearance of the Conservation Area. More immediately the east side of Green End is addressed by continuous development resulting in a tighter grain of development, in contrast to the loose detached dwellings found on the west side of Green End, which are set back from the highway and separated by larger open spaces. In considering the village edge defined by the built form, Green End Farm terminates the west side of Green End.
- 3.20 Conservation Officers comment that the location of the site, in terms of its impact on the interpretation of the village plan form associated with Green End, is considered acceptable in principle, as the location of Green End Farm and associated access route indicates a natural termination of the built plan form on the west side of Green End. Due to the topography of the land the west side of Green End, which is where the site is located, is elevated above the street. It is therefore difficult, without a sectional drawing, to provide an informed comment on the overall impact of the mass and scale the proposal would have on the surrounding area. Furthermore, a sectional drawing would provide more information on the anticipated land levels and as such the relationship between the proposed development, immediate and wider area. Currently the site contains mature vegetation enclosed by a mature hedgerow boundary, a key characteristic of this part of the area and the wider landscape and whilst it is acknowledged some trees will be retained within the site, the suggested removal of the boundary hedgerow would have a detrimental impact on the surrounding area. The removed hedgerow would expose the full extent of the development within Green End, a concern when considered against the natural topography of the land and unknown mass and scale of the proposal.

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3.21 In considering the layout, Conservation Officers comment that the buildings address the access route into the site - an arrangement which is more reflective and characteristic of Gravelly Lane located opposite on the east side of Green End and more modern development beyond the historic linear settlement. The introduction of this arrangement to the west side of Green End is out of keeping with the existing plan form of the village – a salient point when considering the topography of the land, loss of mature hedgerows and unknown mass and scale. Turning to the two options, the siting of units on the frontage through Options A and B reflects the pattern of development along the west side of Green End and as such either option would be acceptable subject to more information being provided on landscaping treatment, mass, scale and design.

4.0 Town/Parish Council Representations

4.1 Braughing Parish Council objects on the following grounds:

- Permission has been granted for 54 new homes in Braughing since April 2007 and most of these are either completed or currently in progress - there has been a constant presence of building contractors in the village which has had an impact on rural life;
- The site lies outside the village boundary, and the draft District Plan boundary – contrary to policy OSV1 (draft policy VILL1);
- The site lies in the Rural Area and the proposal does not meet the specified criteria – contrary to policy GBC3 (draft policy GBR2);
- The proposal will cause degradation to the Conservation Area and Green End street scene with the proposed development becoming a prominent and dominant feature of the area – contrary to policy BH6 (draft policy HA4);
- The field has a steep bank from the road with the resulting impact of increased height of any buildings from the street level causing overbearing and overshadowing. The developers at Pound Close were required to build below street level to prevent an overbearing effect on the street scene in the Conservation Area – contrary to policies ENV1 and HSG7 (draft policy DES1);
- No mention of how the public footpath will be designed/maintained – contrary to policy LRC9;
- The site is not previously developed land – contrary to policy HSG1;
- The new access will create a significant hazard to road users and pedestrians, and the Transport Statement calculations appear very optimistic. Recent traffic surveys showed 20,578 vehicles travelling along this stretch of road in 7 days with the average speed as 47mph and further analysis of the data showed 3,196 vehicles a day with 31% travelling at or above 46mph and 60% exceeding the 40mph speed limit – contrary to policy TR2 (draft policy TRA2);

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- There is insufficient access to jobs, shops and services by modes other than by car and few local employment opportunities. It is inconceivable to believe that residents could be expected to cycle to work or to shop. The public transport system is restrictive and does not support the needs of local residents – contrary to policy TR1 (draft policy TRA1);
- The site is on a steep gradient and this area of Green End is already known to flood following heavy rain. The introduction of further non permeable road surfaces will reduce the absorption capacity and increase flooding on and off site – contrary to policy ENV21 (draft policy WAT4).

4.2 In response to a re-consultation on amended plans/documents, the Parish Council continue to object but raise further concerns over drainage, and limited provision for planting.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 44 no. letters of representation have been received, including 8 standard letters, which can be summarised as follows:-

- The site lies outside the village boundary and does not meet the requirements for development in the Rural Area;
- The plans do not show how the proposal will enhance or preserve the Conservation Area;
- 54 new homes have been granted consent since 2007 – an increase of 16% over the 2001 census;
- There has been constant disruption in recent years with new developments – enough is enough;
- The site has a steep bank from the road and buildings will appear prominent;
- Public transport does not support residents and limited local employment opportunities;
- The introduction of further non permeable surfaces, and higher land levels, will increase flooding which already occurs along this part of Green End;
- Development would cause major disruption;
- The access is dangerous due to high vehicle speeds, proximity to other junctions, and restricted visibility;
- Increased traffic would harm the village;
- Recent new developments are being socially separated from the village;
- Height of buildings would cause overlooking, overbearing and

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- overshadowing effects due to land levels;
- Cumulative effect of development has a significant detrimental impact on the character of the village;
- Housing need in Braughing has already been met;
- Loss of green field, trees, and wildlife;
- The roadside hedgerow is likely to be an ancient hedgerow and strict controls should be put in place to prevent loss, like at Pound Close;
- Braughing was awarded East Herts 'Village of the Year' in 2012 and this rural quality should be protected;
- Concerns over local school capacity;
- Proposal will consolidate the ribbon of development between Braughing and Hay Street;
- Existing footpaths must be protected;
- A noise survey should be required to assess how the development will reflect increased road noise into houses in Braughing;
- Houses do not target residents who want to remain in the village – they will attract people from outside the village;
- Limited information on the number and design of units.

5.3 A letter has also been received from the Braughing Society raising similar objections.

6.0 Policy

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

SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG5	Rural Exceptions Affordable Housing
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC14	Landscape Character
TR2	Access to New Developments
TR7	Car Parking – Standards
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV11	Protection of Existing Hedgerows and Trees
ENV16	Protected Species
ENV21	Surface Water Drainage
BH6	New Developments in Conservation Areas
IMP1	Planning Conditions and Obligations

6.2 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are also material considerations in

determining this application.

7.0 Considerations

Principle of Development

- 7.1 The site lies outside the defined village boundary of Braughing and therefore within the Rural Area Beyond the Green Belt wherein policy GBC3 only allows for specific forms of development, not including new residential developments. The proposal therefore represents inappropriate development in principle, and regard must be had to any other material considerations, including policies contained in the NPPF.
- 7.2 The NPPF sets out a presumption in favour of sustainable development and also states that ‘where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.’
- 7.3 The Council has acknowledged its current lack of a 5 year housing supply and the need for housing in the district. It is therefore acknowledged that in respect of the wording of the NPPF, the Council’s settlement boundaries and housing allocations are based on the 2007 Local Plan and are now be considered to be out of date. Whilst work is on-going on the District Plan to provide a full 5 year housing supply, the Plan is still in draft form and can only be given limited weight in the balance of considerations. The applicant suggests that a 20% buffer should be applied to the 5 years rather than a 5% buffer given the Council’s past record on housing delivery. However, given that the Council has already acknowledged its shortfall, the percentage buffer over and above the 5 years is not relevant. Officers therefore acknowledge that the proposed development would make a contribution towards this deficit in housing supply, but this must be balanced against any harm arising from the development.
- 7.4 In terms of sustainability, Officers acknowledge that although the site lies outside the village boundary, the site is well located in relation to village services and infrastructure, and there is a bus stop approximately 200m south of the site providing regular services to Hertford and Royston (route 331), and a Friday service to Cambridge (route 334). A previous Thursday service to Bishop’s Stortford has recently been withdrawn (route 386) and is awaiting replacement. The development will also provide some economic benefit during construction, and the provision of

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new housing would perform a social role. The development will have some environmental impact given the loss of a greenfield site and the lack of local employment opportunities resulting in a reliance on the private car; however overall, and subject to detailed design criteria, Officers consider the proposal to amount to a sustainable form of development.

- 7.5 The capacity of Braughing to accommodate new development is also a material consideration, and Officers acknowledge that the village has experienced a number of new developments recently, including the Gravelly Lane site (Pound Close), Pentlows Farm. Whilst Officers sympathise with the disruption caused by construction in the village in recent years, any disruption caused by the construction process would be temporary and is not a reason, in planning terms, to refuse permission. Both of these developed sites are located within the village boundary, and Pentlows Farm was allocated for housing development in the 2007 Local Plan. The draft District Plan proposes that Braughing be classified as a Group 1 Village wherein a 10% growth could be accommodated within the 2016-2031 period subject to a Neighbourhood Plan. This amounts to a minimum of 33 new dwellings.
- 7.6 The Planning Policy team have commented that this application seeks to bypass the Neighbourhood Planning process, and therefore has the potential to undermine the whole policy approach that is proposed. They comment that no formal assessment of all the sites available for development in and around the village has been made and that no conclusions can be reached regarding the suitability of this site for development in terms of the overall development strategy for the village. Whilst Officers understand these concerns, the Council has an acknowledged housing shortfall and in determining current planning applications it is only relevant to consider the merits of the proposal, and not to apply a comparison to other potential sites – that is the role of the District Plan.
- 7.7 Whilst little weight can be afforded to the Draft District Plan given its current status, Officers note that the background work to the District Plan has identified the potential for each settlement to expand and accommodate new development. On the basis of this background work and the figures set out in the Draft Plan, Officers do not consider that the construction of 10 new dwellings would cause significant harm to the infrastructure and service capacity of the village. Whilst concerns have been raised over primary school capacity, the County Council has not provided any evidence to support the claims that the school has no further capacity. Financial contributions towards improving existing services would be required for a development of 10 dwellings, and this

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would be proportionate and necessary in order to mitigate the impact of the development. Fewer than 10 dwellings would not trigger this requirement and no financial contributions would be justified in that case.

- 7.8 Overall Officers consider that development of this site can be considered to represent a sustainable form of development in terms of economic, social and environmental issues, and the size of the proposed development is not considered harmful to the capacity of the existing infrastructure and services in the village. However, there are a number of other issues considered in more detail below.

Landscape and Visual Impact

- 7.9 The site lies in Landscape Character Area (LCA) 91 'Upper Rib Valley' which is described in the Landscape Character Supplementary Planning Document (SPD) as an undulating arable valley, generally quite open but narrowing towards Standon. It has been identified with a strong sense of character and a moderate condition, resulting in a strategy to 'conserve and restore'. Although the site itself is relatively contained by mature vegetation, the development will have some impact on the local landscape, and the character of the village by extending the built form of development to the north of the settlement. However the comments from the Conservation Officer in respect of the site a natural termination of the built plan form of the village are noted.
- 7.10 The site currently comprises of a vacant field with grassland, scrub and boundary hedging/trees. A full tree survey has been submitted which identifies 3 no. Category A trees on site, including an ash tree within the centre of the site that is to be retained and protected. The location of this tree has dictated the position of the access as it is necessary to address the 1m level change to the highway in order to provide a safe and convenient access, and this would need to respect the root protection area (RPA) of the tree. There are a number of other trees along the boundaries of the site that have been identified as worthy of retention and will be retained with an enhanced planting buffer along the northern and western boundaries. A landscape strategy has been submitted which sets out the proposed landscape works and specifies a 5m wide native tree belt to the north and west boundaries with any existing gaps filled. This will largely obscure views of the development from the north and west of the site.
- 7.11 There is an existing hawthorn hedge along the roadside boundary of the site, positioned on top of a raised bank. It is proposed to remove this hedge, re-grade the bank, and then re-plant a new hawthorn hedge further back from the highway with sections provided at 1.5m high to

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achieve early visual screening. The submitted Landscape Appraisal has not identified this hedge as high quality, but concerns have been raised by both the Council's Landscape and Conservation Officers over the loss of this hedge which would have a detrimental impact on the surrounding area.

- 7.12 Further, given the difference in land levels, it is proposed to re-grade the roadside banks and provide graded banks adjacent to the access into the site, although a retaining wall may be required to protect the RPA of the ash tree. Overall Officers consider that the removal of the existing hedge, re-grading of the bank, and provision of a new vehicular access with graded banks would result in harm to the rural character of this part of the village where it forms a transition to the open countryside beyond.
- 7.13 The submitted Landscape Appraisal sets out that the site is visually well enclosed and therefore lies mainly out of sight except in close range views. The applicant also submits that the site makes no positive contribution towards the character of the LCA, or the village, and that it is physically and visually separated from the open countryside by established tree belts. However, the Landscape Officer comments that there will be clear views into the site from the surrounding countryside on the opposite valley, and this is in fact demonstrated by Photos 1, 2 and 3 of the submitted Landscape Appraisal where the rise in land levels can be seen as significant, and the development would appear prominent above the height of the new Pound Close development. Officers therefore consider that the proposed development would be harmful to the character and appearance of the local and wider landscape contrary to policy GBC14.

Access and Parking

- 7.14 Full details of the access arrangements have been submitted as this matter is to be determined in full. The application proposes a new vehicular access to the B1368 to the west of the site, in the form of a simple priority junction. This will require re-grading the land which currently sits at least 1m above road level, and graded banks are proposed adjacent to the access. There is an existing hawthorn hedge situated on top of the existing bank, and this is to be removed and replaced further back into the site to allow for adequate visibility. A new footway is also proposed along the frontage of the site to connect south to the existing public footpath 1, with a crossing point proposed to connect with the existing footpath on the eastern side of the road.
- 7.15 The B1368 is a classified secondary distributor road connecting a number of villages with the A10 at Puckeridge. The proposed access is

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located approximately 15m north of the point where the speed limit changes from 30mph to 40mph, and in close proximity to both Gravelly Lane and Pound Close on the eastern side of the road. The Highway Authority have therefore requested a new village gateway feature to be provided to alert drivers to the change in speed limit and identify the entrance to the village. Full details of such a gateway feature would be required by condition. The speed limit signs could also be relocated but this would need to be reviewed in accordance with the highways speed management strategy.

- 7.16 The Highway Authority have raised no objection to the proposal on the grounds that the traffic impact will not be significant for the size of development proposed, and that adequate visibility is provided. The development will result in approximately 7 two way movements in both the AM and PM peak periods, of which 6 are estimated to be by car. Officers have no reason to disagree with these estimates and consider the proposal to be acceptable on highway grounds. However, Highways have commented that the proposed footway does not extend far enough to link up with the public footpath, and they recommend a condition therefore to cover this point. A suitable turning facility will also be required within the site which could be controlled through a reserved matters application for layout.
- 7.17 In terms of parking, there is adequate space proposed in the indicative layouts to provide for sufficient off-street car and cycle parking in accordance with the Council's adopted standards.
- 7.18 As previously stated there is a public footpath that runs along the southern staggered boundary of the site with a stepped access to the B1368. The footpath runs adjacent to the fenced boundary of No. 21 Green End but there is currently no boundary treatment between the footpath and the application site. Concerns have been raised that the proposed development would create a poor amenity for footpath users with rear garden boundary treatments proposed too close to the footpath. A footpath width of 4m has been requested by the Highway Authority, Public Rights of Way Service, and the Ramblers Association, with a further 1m vegetated buffer adjacent to the rear boundary fences. Officers are satisfied from the indicative plans submitted that an appropriate footpath width can be achieved, and this could be controlled by condition or through a reserved matters application.

Scale and Design

- 7.19 Although the application is in outline form, indicative layout plans and parameters drawings have been submitted to indicate how the

development could be achieved on site. The proposed access is located towards the centre of the site on the eastern boundary, and therefore the access road will be situated centrally within the site with the dwellings positioned around the access road to create a cul-de-sac form of development. The Conservation Officer has identified that this form of layout is more appropriate to the eastern side of Green End and the B1368, such as the new development at Pound Close opposite. The existing pattern of development on the western side of the road is characterised by loose detached dwellings that are either set back from the highway or positioned adjacent to the highway on level ground, and the difference in land levels on the western side of the B1368 further south in Green End are not as significant as at the application site. The proposal to provide a cluster of dwellings in the form of a cul-de-sac is therefore not considered to be in-keeping with the character and pattern of development in the surrounding area.

- 7.20 A number of concerns have been raised in relation to the levels difference on site, which rises up to 8m above road level. The Conservation Officer comments that insufficient information has been submitted to demonstrate the treatment of these levels in the form of a section plan. Officers note that the contours have been clearly marked on the submitted plans, but these do not indicate how the land will be levelled to accommodate the development, and Officers do not consider that this can be controlled through a condition or reserved matters application as it is fundamental to assessing the impact of the proposal on the character of the area and Conservation Area. Nonetheless, the submission of section drawings would not address the concerns raised regarding the pattern of development in the area, nor would they address the concerns raised by the Landscape Officer.
- 7.21 The development is proposed up to a maximum of 2½ storeys high which Officers consider would appear unduly prominent on this raised site. It is acknowledged that the proposal is in outline form, and the scale could therefore be restricted. It is also acknowledged that the proposal is for up to 10 dwellings and therefore a reduced number of dwellings could be considered. However given the difference in land levels, Officers consider that even a reduced scale of development on this site would appear prominent in the landscape, and that the physical alterations to the frontage of the site, and the opening up of views into the site, would be harmful to the character and appearance of the area contrary to policies ENV1, ENV2 and BH6.

Impact on Heritage Assets

- 7.22 The frontage of the site, approximately 15m, lies within the Braughing

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Conservation Area wherein Local Plan policy BH6 requires new developments to be sympathetic in scale and siting in relation to the character of the area, and to respect landscape features and important views that contribute to the character of the area. A number of concerns have already been raised in respect of the impact of the development on the character of the area, and the Conservation Officer has recommended refusal of the application due to the land levels difference. Overall Officers consider that the proposed development will result in harm to the character and appearance of the Conservation Area as a heritage asset given the prominence of the development on raised land levels, the removal of the boundary hedge, and the pattern of development being uncharacteristic to its surroundings. The proposal is therefore considered to be in conflict with Section 12 of the NPPF.

- 7.23 There are no listed buildings within the immediate vicinity of the site – the nearest are located approximately 60m south of the site. The development will therefore have no impact on their setting.
- 7.24 In terms of archaeology, the Historic Environment Unit have commented that development of the site would be likely to impact on heritage assets of archaeological importance given the location of the site and findings on other nearby development sites. A condition to require a programme of archaeological work would therefore be considered reasonable and necessary.

Residential Amenity

- 7.25 The nearest neighbour to the site is Ravenscroft, located approximately 8m from the southern boundary. This dwelling has first floor windows that face out across the site, and therefore any development would need to retain an adequate distance to prevent harmful overlooking. Officers are satisfied that this could be achieved based on the indicative layout drawings submitted. There are a number of dwellings on the opposite side of the road at the Pound Close development which will face the site, and a number of concerns have been raised over potential overshadowing and overbearing from the new development. Whilst Officers acknowledge the difference in land levels, these neighbours are considered to be located at an adequate distance so as not to be harmed by the proposal. Finally, No. 21 Green End is located approximately 28m south of the site, and although its garage is located adjacent to the site, Officers are satisfied that no harm would arise to this dwelling.
- 7.26 In terms of the amenity of future occupiers Officers are satisfied that a layout could be achieved that would provide for an acceptable

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relationship between dwellings, with an appropriate level of external amenity space.

Affordable Housing

7.27 The site lies outside the village boundary where rural exceptions affordable housing schemes would require 100% affordable housing provision. However, this scheme is not proposed as a rural exceptions scheme and 40% affordable housing has been proposed. Officers consider that although the site lies outside the defined village boundary, the application of policy HSG3 is appropriate and that 40% affordable housing would be acceptable and weighs in favour of the application. The scale and layout of the affordable units has not been identified but could be reasonably controlled through a reserved matters application.

Ecology

7.28 An Extended Phase 1 Habitat Survey has been carried out and concludes that the site is of limited ecological value, and there are no statutorily protected wildlife sites within close proximity of the site. A badger survey has been conducted and found no sign of badger setts on site. The site is likely to be used for badger commuting and foraging, but due to the abundance of suitable habitat in the surrounding area, the proposal will not have a negative impact on badger population. In terms of bats, the trees have been surveyed but none of the existing trees exhibit any characteristics associated with roosting bats. Although bats are known to use linear landscapes for commuting and foraging, the treelines and scrub are connected to the wider landscape and the development will not have a significant impact on bat activity. Finally, a reptile survey has been carried out which indicates that the presence of reptiles is unlikely. No objection has been raised by Hertfordshire Ecology or Natural England in respect of protected species, subject to conditions.

Drainage

7.29 The site lies in floodzone 1 and therefore in an area of low flood risk; however it is necessary to consider the impact of surface water drainage in accordance with policy ENV21. A Surface Water Drainage Statement has been submitted which demonstrates that surface water runoff will be attenuated on-site up to a 1 in 100 year storm rainfall, with a 30% allowance for climate change, and released off-site via infiltration. The developer proposes an element of Sustainable Urban Drainage Systems (SuDS) including permeable paving, geocell storage and infiltration.

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7.30 However, the Council's Engineers comment that the development will increase the amount of impermeable area on site, and that the proposed drainage system would be medium to poor quality and requiring a specialist maintenance programme. The drainage proposals also offer little water quality improvements or wildlife/biodiversity provision. Whilst the levels of the site present a challenge for surface water retention, Officers are satisfied that an acceptable drainage scheme could be achieved on site, and that this could be reasonably controlled by condition. The application is therefore not recommended for refusal for this reason.

Planning Obligations

7.31 Given that the proposal is for up to 10 dwellings, a number of planning obligation requirements would be triggered for a development of 10 dwellings should the development be approved. This includes Herts County Council contributions towards service sectors, along with a sustainable transport contribution in accordance with the HCC Planning Obligations Toolkit. Further contributions would also be expected for East Herts Council in respect of outdoor sports facilities and children's play facilities in accordance with the Council's adopted Open Space, Sport and Recreation SPD. Such contributions are considered reasonable and necessary in order to mitigate the impact of the development on local services and infrastructure and would be subject to a S106 legal agreement in the event of an approval.

Other Matters

7.32 Environmental Health have requested that a land contamination report be submitted and approved through a planning condition. This is considered to be reasonable and necessary given the former arable use of the land and potential for agricultural contaminants.

7.33 A concern has been raised over potential noise disturbance from the new homes reflecting noise across the village. Officers do not consider the proposal to result in any significant noise disturbance, and any reflection of noise would be minimal. No concerns have been raised by Environmental Health in respect of this issue.

7.34 The proposal will not result in the loss of any high quality agricultural land.

8.0 Conclusion

8.1 In summary Officers acknowledge that the site lies outside the defined

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settlement boundary and within the Rural Area beyond the Green Belt wherein the proposed development would be contrary to policy GBC3. However, given the Council's lack of a 5 year housing supply, the presumption in favour of sustainable development, as set out in the NPPF, applies. Officers consider that the proposal amounts to a sustainable form of development and therefore permission should be forthcoming unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or if specific policies in the NPPF indicate that development should be restricted.

- 8.2 Objections have been received from both the Landscape and Conservation Officers in respect of the impact of the development on the local landscape, and the character and appearance of the Conservation Area. Officers agree with these concerns and consider that given the difference in land levels, the works proposed to the frontage of the site, and the pattern of existing developments on the west side of Green End, the proposal would appear out of keeping with and harmful to the character and appearance of the street scene, landscape, and Braughing Conservation Area contrary to policies ENV1, BH6 and GBC14 of the East Herts Local Plan Second Review April 2007, and Sections 7, 11 and 12 of the NPPF.
- 8.3 Whilst Officers acknowledge that the proposal will make a contribution towards the Council's housing supply shortfall, and provide affordable housing for local needs, this contribution is considered to be limited, and does not outweigh the harm identified above.
- 8.4 The application is therefore recommended for refusal for the reason set out above.