

3/14/1448/FP – Outline application for approximately 60 houses. All matters reserved except for access at Land off Green End, Braughing for Gladman Developments

Date of Receipt: 23.04.2011

Type: Outline – Major

Parish: BRAUGHING

Ward: BRAUGHING

RECOMMENDATION:

That outline planning permission be **REFUSED** for the reasons:

1. The proposed development, by reason of its scale and location in relation to the existing village, its poor public transport connections and lack of local employment opportunities, would represent an unsustainable form of development contrary to the requirements of the National Planning Policy Framework. The proposal thereby represents inappropriate development in the Rural Area beyond the Green Belt contrary to policies GBC2 and GBC3 of the East Herts Local Plan Second Review April 2007.
2. The proposed development would represent a major extension of the village and an intrusion into the open countryside, resulting in a significant reduction in the open space between the settlements of Braughing and Hay Street, and significant adverse impacts on the local landscape and the amenity of sensitive receptors. The proposed development would thereby have a detrimental impact on the wider landscape, and the significance of the Braughing Conservation Area, and the loss of roadside hedgerows would exacerbate this harm, contrary to policy GBC14 of the East Herts Local Plan Second Review April 2007 and Sections 11 and 12 of the National Planning Policy Framework.

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.

1.0 Background

- 1.1 The application site is shown on the attached OS extract and comprises approximately 5.25 hectares of open fields. The site lies to the north of Green End, Braughing and outside the boundary of the Category 1 Village. The west of the site is bordered partly by the B1368 with hedgerow and tree screening, and partly by existing dwellings Nos. 58-76 (evens) Green End which front onto the road in linear form with their rear gardens backing onto the development site. The north of the site borders further agricultural land and is divided by a field hedgerow, and to the east of the site lies the River Quin. To the south lies a separate parcel of open land that is used for equestrian purposes, along with the residential gardens of Heatherbank and dwellings at nos. 52, 54 and 56 Green End.
- 1.2 There is a public footpath (002) that crosses the site from the southwest corner to the northeast corner, and another footpath that closely follows the eastern boundary of the site (025). A further public footpath (002A) heads southeast from the southwest corner of the site, across the garden of Heatherbank. The land levels fall generally from approximately 87.5 AOD on the western boundary to 72.8m AOD to the east of the site. There is an existing field gate access onto the B1368 in the southwest corner of the site that is to be retained for the neighbouring landowner.
- 1.3 The application is in outline form with all matters reserved except for a new access, which is proposed to the B1368 (Green End). The application proposes approximately 60 dwellings comprising a mix of sizes and tenures with 40% affordable housing provision and associated open space.

2.0 Site History

- 2.1 Planning permission was previously refused in 1987 and 1988 for the construction of 12 no. starter homes and 28 no. 4/5 bed houses under references 3/87/1190/OP and 3/88/1313/OP. The reasons for refusal related to inappropriate development in the Rural Area, no justified need for further housing, intensifying undesirable ribbon development into attractive open countryside, harm to a Landscape Conservation Area, and harm to highway safety on the B1368.
- 2.2 An appeal was lodged against the second application and dismissed on the grounds that the development would result in "serious harm to the rural beauty of the valley. It would involve a major extension of the village, drastically reducing the broad open area between Braughing

and the village of Hay Street to the north.” The Inspector also commented that “I find it inconceivable that reasonable requirements for housing in Braughing could not be met with far less ill effects upon the character and setting of the village, than would result from this proposed gross extension into the northern countryside. I conclude that the proposed development would seriously harm the character and setting of Braughing, and undermine the approved policy objectives of preserving and enhancing the countryside and the character and layout of settlements.”

- 2.3 A more recent application for the erection of 1 dwelling and a new access onto the B1368 was refused at 50 Green End under reference 3/09/0442/FP. This was refused on the grounds that the new access would be harmful to the open, green and rural character and appearance of the site and surroundings and would constitute inappropriate development in the Rural Area, and would also result in the loss of roadside hedgerow which would be detrimental to the visual amenities of the area. No appeal was lodged against this refusal.

3.0 Consultation Responses

- 3.1 The Council’s Conservation Officer recommends refusal on the grounds that the development would have a detrimental impact on the historic and architectural character and appearance of Braughing. They comment that the settlement of Braughing is of considerable historic significance as an ‘Anglo-Saxon tribal centre, important for ecclesiastical and administrative affairs’, made up of a collection of historic hamlets flanking the River Quinn, with the village core being Braughing Village. Green End is a linear settlement along the line of Puckeridge leading to the hamlets of Hay Street and Dassels. Whilst Braughing has four main hamlets, the focus of this appraisal is on the hamlet of Hay Street, due to the location of the site. The built character of Hay Street is limited to 30 houses, some of which date back to the 17th century, and the sporadic nature of development allows open views over the Quin valley, views which include the roofscape of Braughing Village and the spire of St Mary’s Church. In context the hamlet of Hay Street is separated from the built form of Braughing Village by open green space, and open views across the rural landscape. The proposal would inevitably erode the unique sense of place associated with the hamlet of Hay Street and its wider setting, including Braughing Conservation Area.
- 3.2 The Council’s Landscape Officer recommends refusal on the grounds that the scale of development does not relate well to the local area and is an intrusion of built form into open countryside. The retention of

roadside hedgerows is questionable due to the provision of a 2m wide footway, change in levels, and the need for visibility splays. The adverse impact on the surrounding landscape will be permanent and irreversible, and the proposals will give rise to major visual effects on residential properties and users of public rights of way. The development fails to integrate into its surroundings either along the boundaries of the site or within the wider landscape setting.

- 3.3 The Council's Housing Manager comments that the site lies outside the village boundary where Rural Exceptions would apply for 100% affordable housing. However if the Council were minded to grant planning permission as a result of other material considerations, they would expect the development to provide 40% affordable housing in line with amended policy HSG3. The scheme proposes 40% affordable but indicates that they would like the option of 30% on site plus a commuted sum to be considered. This is not considered to be acceptable as the Council seeks on site provision. The tenure split of 75% affordable rent and 25% shared ownership is considered to be acceptable. The applicant seeks to secure affordable housing through condition rather than a Section 106 legal agreement; however given the complexities of affordable housing provision and the likely need, in any event, for a legal agreement, the Council would expect it to be included in any legal agreement.
- 3.4 The Highway Authority recommend consent subject to a financial contribution towards sustainable transport, and a number of conditions. They comment that the Transport Assessment (TA) provides a robust assessment of the number of vehicle trips generated by the development, and that 90% of vehicles will travel south of the site, with 10% travelling north. The TA takes into account previously committed developments and the impact of these developments on the local highway network is considered to be acceptable. The overall impact on local junctions is also considered to be minimal. In terms of accidents there have been 4 accidents in the area between December 2009 and January 2013 but these were not in the vicinity of the site and were due to driver error. The traffic generated by the site is unlikely to have a significant impact on highway safety. The design of the new access is also considered to be acceptable. The design of the new bus stops will need to comply with accessibility and disability guidelines and footway links must be provided.
- 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.

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- 3.6 Hertfordshire Ecology comment that an appropriate survey methodology, evaluation and analysis have been carried out, they agree with the consultant's conclusion that the site is of low ecological value, and that adequate information has been provided to consider that protected species will not be a constraint for the development. A precautionary approach is recommended to avoid harm to birds and their young through the removal of vegetation.
- 3.7 Herts and Middlesex Wildlife Trust raise no objection. They comment that the current habitat is of limited ecological diversity and the habitats and features provide limited potential to support protected species. However the applicant should aim to enhance the biodiversity of the site through appropriate layout, design and landscaping proposals. An adequate semi-natural buffer should also be provided along the River Quin to protect the river from any adverse impacts during construction and the life of the development.
- 3.8 Herts County Council Planning Obligations Unit seek financial contributions towards first, middle and upper education, youth and library services in accordance with Planning Obligations Guidance – Toolkit for Hertfordshire 2008. Fire hydrant provision is also sought to ensure adequate water supplies for fire fighting. Following further discussions on the capacity of Jenyns Primary School they comment that the school is not full so there is some existing capacity. To enable the school to expand from its current planned admission number (PAN) of 21 to a 1 form of entry first school (with a PAN of 30), two additional classrooms would need to be provided. From their site visit they comment that this should be possible; however no detailed feasibility work has been undertaken to support this view.
- 3.9 Herts County Council Minerals and Waste Team advise that policies 1, 1a, 2 and 12 of the Hertfordshire County Council Waste Core Strategy and Development Management Policies Development Plan Document 2012 relate to the proposed development and recommend a condition relating to the reduction and re-use of construction waste.
- 3.10 The County Archaeologist comments that the proposed development is likely to have an impact on heritage assets of archaeological interest and a condition is therefore recommended. The submitted Archaeological Desk Based Assessment concludes that the site has moderate potential to contain undesignated heritage assets of Roman, Anglo-Saxon and Medieval date, and a low to moderate potential to contain assets of prehistoric date. The archaeological potential of the site should be considered in the context of its location adjacent to the ancient (medieval or earlier) route running from Ermine Street (A10)

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ultimately to Cambridge, its topography, and the density of evidence for multi-period settlement in the areas.

- 3.11 Hertfordshire Constabulary have no major concerns with the proposal; however they would encourage the applicant to engage with the Police Crime Prevention Design Service at the earliest stage to assist in satisfying local and national planning policy.
- 3.12 The Campaign to Protect Rural England (CPRE) object on the grounds that there have been previous refusals for development of the site, and the proposal represents inappropriate development in the Rural Area contrary to policies GBC2 and GBC3 and would result in urban sprawl into the countryside. They note that, based on recent Committee reports, the Council's position is that there has not been persistent under delivery of housing and when further housing provision is factored in, the Council can demonstrate a 5 year supply. 67 new homes have been approved by the Council in Braughing since 2007 and there is no clear demonstration of the need for further housing. Economic benefits of 65 jobs during construction should not be afforded much weight, and it cannot be guaranteed that the workers will be drawn from the local workforce. They also comment that the substantial increase in traffic movement through the village as a result of the development must be taken into consideration, and there is no clear demonstration of impact on primary or secondary education or health service provision, all of which are under considerable local pressure. The site is Grade 3 agricultural land and should be protected from development.
- 3.13 NHS England comment that the proposed development would result in approximately 144 new registrations for primary care and, given the location of the site, it is likely that the majority of new registrations would be the responsibility of the Puckeridge and Standon surgery. This surgery is already constrained and Section 106 contributions are therefore requested to support this practice and mitigate the impact of the development. A total of £37,252.80 is requested (approximately £621 per dwelling).
- 3.14 NHS East and North Hertfordshire Clinical Commissioning Group (CCG) comment that the growth could be around 240 people and they would be concerned over the impact on already overstretched community services. The CCG is in the process of developing its overarching 5 year strategic plan, including the establishment of a primary care strategy. This will guide the transformational change which is needed to deliver higher quality and more accessible care for local people. Part of the change will be greater integration of services, for

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example community and primary care services, and the availability of fit-for-purpose and easily accessible premises will of course be required for new service models. The CCG would like to engage further with the Council and NHS England to assist with mapping the additional health infrastructure required as a consequence of these plans, and the requirements for a Section 106 contribution.

- 3.15 The Environment Agency raise no objection subject to conditions on a detailed surface water drainage scheme, and contamination.
- 3.16 Council Engineers comment that the application site is partly in floodzone 1, and partly in floodzones 2 and 3. The site is also shown as partially within overland surface water flows – an area of surface water inundation runs through part of the east of the site and along to the rear of Nos. 68 and 70 Green End. Initial review of the submitted reports indicate that the development is suitable for above ground type sustainable drainage systems (SuDS) and this ‘green infrastructure’ has been identified by the developer as being integral to the outline design for the site. Such above ground ‘green infrastructure’ would be valuable assets for the new residential area and will assist flood risk reduction in Braughing as well as providing additional biodiversity and shared amenity spaces. It is possible that additional SuDS features could be considered within the development such as green roofs, swales, bio-retention areas, rainwater harvesting water butts, and permeable paving.
- 3.17 Affinity Water advise that the site is located within the groundwater Source Protection Zone of Standon Pumping Station. The construction works should be carried out in accordance with the relevant British Standards and Best Management Practices.
- 3.18 Thames Water do not have any objection in relation to sewerage infrastructure capacity. With regard to surface water drainage it is the developer’s responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant ensures that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Connections are not permitted for the removal of groundwater and where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required. Approval should also be sought from Thames Water for development within 3 meters of any public sewer.
- 3.19 Environmental Health raise no objection subject to conditions on noise control measures, construction hours of working, contamination and

piling.

- 3.20 The Ramblers Association comment that footpaths 2, 2A and 25 either cross or lie adjacent to the development site. The proposed development should not encroach on these public rights of way and they expect access to be available at all times during and after construction.

4.0 Town/Parish Council Representations

4.1 Braughing Parish Council object for the following reasons:

- The Parish is committed to producing a Neighbourhood Plan that will identify opportunities for limited residential development outside the village envelope, but at this stage it would be premature to suppose where those sites might be;
- The emerging District Plan proposes a 10% increase in housing stock in Braughing between 2016 and 2031 – this equates to 33 new homes;
- The applicant's submissions are incorrect as they quote the number of households living in Braughing to be 750, whereas the 2011 Census data identifies 357 households – the development would therefore result in 17% growth, rather than 8% as stated by the developer;
- The applicant states that there have been 26 completions over the last 12 years – this is incorrect as permission has been granted for 67 new homes since 2007, 46 of which are completed. Since 2011 there has been a constant presence of building contractors in the village;
- Detrimental impact on health care services which are already under pressure;
- Jenyns First School only has capacity for 120 children and the development will have a significant impact on access to local education, bearing in mind the lack of public transport available;
- The applicant is incorrect with regards to the planning history of the site – there have been three previous refusals;
- The development lies outside the village boundary and represents inappropriate development in the Rural Area, contrary to the Local Plan;
- The development will alter the street scene significantly and is unlikely to preserve or enhance the character of the Conservation Area;
- The area was previously designated as a Landscape Conservation Area – the landscape is currently an open green field and the

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development will result in the permanent loss of this landscape feature;

- The proposal will adversely impact on three existing rights of way;
- There are limited employment opportunities and the majority of residents have to commute to work due to limited public transport services;
- Concern that the number of cars arising from the new development has been underestimated. In 2007 the Parish undertook a householder survey which revealed the number of vehicles in the Parish to be equivalent to the number of adults, a minimum of 120 vehicles;
- A traffic survey carried out by Hertfordshire Constabulary in 2006 identified that a total of 20,578 vehicles travelled along this stretch of road in 7 days with an average speed of 47mph, and this did not even include the top 15% of speeds – this raises concern over pedestrian safety with a narrow pavement;
- The site is liable to flood – it is therefore essential that appropriate greenfield run-off rates can be achieved post-development and any increase in non-permeable areas mitigated through SuDS;
- The applicant has not explored whether there are more suitable sites in the village for residential development;
- A nationwide concern for the NPPF favouring developers with too much emphasis on a lack of 5 year housing supply has been expressed and potential changes to the NPPF are proposed for February 2015.

4.2 An additional response has been received from the Parish Council to highlight that more than 130 residents attended a recent public meeting regarding this application.

4.3 Standon Parish Council object on the grounds that the development will not represent sustainable development as it will significantly impact on the service provision of the Standon and Puckeridge Health Centre, as well as local schools of Roger de Clare and Ralph Sadlier in Puckeridge, and Edwinstree and Freman College in Buntingford, and the development will be reliant on private cars. They also comment that the site lies in the Rural Area and would result in the loss of agricultural land. This application is but one of many that are considered to be premature, contrary to the NPPF, and contrary to the Local Plan and emerging District Plan.

5.0 Other Representations

5.1 The application has been advertised by way of press notice, site notice

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and neighbour notification.

5.2 485 no. letters of representation have been received (with the majority from Braughing addresses), along with a petition of 122 signatures, which can be summarised as follows:

- The site lies outside the village boundary and within the Rural Area wherein new housing developments will not be permitted – the proposal is contrary to policy GBC3;
- The application is premature as the District Plan is in an emerging state and the Neighbourhood Plan is under construction;
- Irrevocable loss of landscape and agricultural land;
- Harm to unique historic character and social cohesion of the village;
- Harm to the enjoyment of public rights of way and loss of amenity for the village and visitors – the land is regularly used for walking;
- Lack of employment in the area;
- Health and education services are already stretched;
- Limited local services, including one small shop;
- Small community cannot accommodate a 12% increase in housing;
- Limited public transport and the County Council is consulting on reduced rural bus service provision;
- Increased traffic flows on the B1368 which is already busy with large lorries in connection with Anstey quarry – lead to increased danger to children and noise nuisance to residents;
- There has already been significant house building in the village;
- Joining up of settlements - Braughing and Hay Street;
- The land is subject to flooding and new development will increase the risk of flooding further down the River Quin;
- Harm to wildlife and flora – the site was cleared several years ago, no doubt in preparation for the Ecology Survey to be carried out;
- Inconceivable that an Environmental Impact Assessment was not required by the Council;
- Braughing won the last Village of the Year for East Herts – major development will not preserve that identity;
- Recent developments seem to be enclosed communities with little interaction with the village – the proposed development is on the outskirts and will not integrate with the village;
- Recent Police traffic surveys showed 60% travelling in excess of the 40mph speed limit;
- The applicant makes a number of incorrect statements and assertions in the submitted documents;
- Local sewage treatment plant at Dassels is already overloaded;

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- The development will impact on local historic sites;
- The site should be treated with care as to its archaeological interest;
- Parking along the B1368 in relation to recent developments has caused safety problems;
- The application is aggressive and speculative, and the developer plans to sell it on – so no weight can be given to their promises;
- Concern about light pollution in the area and impact on wildlife;
- Planning permission has been refused for residential development on this site in the past;
- There is plenty of housing on the market in the village and no need for any more;
- Impact on the setting of the Braughing Conservation Area and listed buildings;
- Village broadband service is inadequate and mobile phone reception is poor;
- Pollution run-off will harm the River Quin which is a rare chalk river;
- Concern that neighbouring settlements will eventually become joined;
- The Council has no obligation to approve – a lack of housing supply should not override the harm;
- Loss of existing views of the river valley;
- Additional traffic movements would be hazardous to horse riders;
- Development is out of scale with the village.

5.3 A letter of objection has also been received from the Braughing Society making the following points:

- The proposal represents inappropriate development in the Rural Area;
- Loss of Grade 3 agricultural land;
- Unsustainable development due to lack of infrastructure and services, poor transport connections, and few local employment opportunities;
- Planning permission has been refused previously;
- The site is an important asset as open space and forms part of the important Parish Paths footpath network;
- The development would cause serious harm to the wider landscape;
- Flooding is caused on site by water percolating up through the ground, not from river flooding. Local roads and lanes are regularly affected;
- The River Quin is a chalk river and a special habitat for wildlife –

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there are only 200 chalk rivers in the world and a charter has been drawn up by conservationists in 2012 calling for them to be designated as 'Special Areas of Conservation'. An EU Directive recognises their importance and it is extraordinary that the Council did not request that an Environmental Impact Assessment be carried out;

- The proposal is premature and does not represent sustainable development.

5.4 Sir Oliver Heald MP has also written in support of the Parish Council's objections.

6.0 Policy

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

SD1	Making Development More Sustainable
SD2	Settlement Hierarchy
HSG1	Assessment of Sites not Allocated in this Plan
HSG3	Affordable Housing
HSG4	Affordable Housing Criteria
HSG6	Lifetime Homes
GBC3	Appropriate Development in the Rural Area Beyond the GreenBelt
GBC14	Landscape Character
TR1	Traffic Reduction in New Developments
TR2	Access to New Developments
TR3	Transport Assessments
TR4	Travel Plans
TR7	Car Parking – Standards
TR14	Cycling – Facilities Provision (Residential)
TR20	Development Generating Traffic on Rural Roads
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV3	Planning Out Crime – New Development
ENV11	Protection of Existing Hedgerows and Trees
ENV14	Wildlife Sites
ENV16	Protected Species
ENV18	Water Environment
ENV19	Development in Areas Liable to Flood
ENV20	Groundwater Protection
ENV21	Surface Water Drainage
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments

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BH3	Archaeological Conditions and Agreements
LRC1	Sport and Recreation Facilities
LRC3	Recreational Requirements in New Residential Developments
LRC9	Public Rights of Way
IMP1	Planning Conditions and Obligations

6.2 In addition to the above the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are also a consideration in determining this application. Members will be aware that, due to the draft nature of the District Plan, limited weight can currently be applied to its policies.

7.0 Considerations

Principle of Development

7.1 The site lies outside the settlement boundary of Braughing and within the Rural Area beyond the Green Belt wherein policy GBC3 states that permission will not normally be granted for residential developments. Therefore in respect of the 2007 Local Plan, the proposal represents inappropriate development in principle. However, Members will now be familiar with the issues surrounding developments in the Rural Area in the context of current planning policies. The Council's housing policies as set out in the saved Local Plan are now deemed to be out of date, and this was confirmed by the Inspector at the appeal related to land north and south of Hare Street Road, Buntingford.

7.2 The most recent Annual Monitoring Report (AMR, released in Feb 2014) predicts land supply for the 2014/15 to 2018/19 five year period, and with an annual requirement of 660 new homes (the figure remaining in use prior to the introduction of updated District Plan figures), 3.4 years of supply are identified. This takes into account the requirement for a 5% buffer, brought forward from later in the forthcoming plan period.

7.3 The NPPF sets out the requirement for the Council to identify the supply of land for five years' worth of housing against its identified needs. As indicated, the AMR is based on the requirement figures that remain in place from the previous East of England Regional Plan. That Plan is now revoked and the Council has consulted on a draft District Plan with an annual requirement of 750 dwellings. Little weight should be assigned to this higher figure at this stage given the current status of the District Plan.

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- 7.4 Members may recall that more detailed figures in relation to housing supply scenarios were set out in a previous report related to Areas 2 and 3 South of Hare Street Road, Buntingford (references 3/14/0528/OP and 3/14/0531/OP). These will not be repeated here but the position remains that the Council is unable to demonstrate a 5 year supply position, and this carries significant weight in the determination of this application.
- 7.5 Nonetheless, in relation to the Buntingford appeal, the Inspector indicated that the thrust of Local Plan policies GBC2 and GBC3 is to protect the countryside from unnecessary development, which is also an aspiration of the Framework, and this aspect of the policies is still capable of attracting significant weight (para 21).
- 7.6 The NPPF sets out a presumption in favour of sustainable development 'which should be seen as a golden thread running through plan-making and decision-taking'. The issue of sustainability is discussed in more detail below, but for decision-taking this means that "where the development plan is absent, silent, or relevant policies are out of date", planning 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."
- 7.7 The ability to afford weight to the emerging District Plan is also addressed in the NPPF at paragraph 216, which states that:
- "From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."
- 7.8 Whilst a draft version of the Council's District Plan has now been published and subject to consultation, is not at an advanced stage of preparation. The feedback to that consultation has not been

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considered formally, but the level of housing development overall and the allocation of land for development in the plan have been the subject of considerable response. At this stage then, little weight can be given to policies that relate to these matters in the emerging District Plan.

- 7.9 Further guidance in respect of prematurity is provided in paragraph 014 of the Planning Practice Guidance. This states that:

“in the context of the NPPF and in particular the presumption in favour of sustainable development, arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits... Such circumstances are likely, but not exclusively, to be limited to situations where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.”

- 7.10 Officers have considered this advice carefully. The DPD (Development Plan Document) against which this advice must be considered is the District Plan – which relates to the whole of East Herts of course. This Plan is not yet sufficiently advanced to justify a refusal on the grounds of prematurity, and the development is not considered prejudicial in relation to the scale, extent and location of development overall in the District Plan.

Sustainability

- 7.11 The site lies just to the north of the built-up area of Braughing village and within walking distance of village facilities. Those facilities include a primary school (Jenyns First School and Nursery), 3 public houses (the

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Axe and Compasses, Golden Fleece and Brown Bear), a shop and post office, butchers, churches and halls. The village is therefore deemed to be one of the more sustainable villages in the district, hence its current designation as a Category 1 Village. An increase in the number of houses would continue to support these services and local businesses.

- 7.12 However, a number of concerns have been raised over the extent of recent developments in Braughing, and the cumulative effect of these developments on the capacity of the village, and the disruption caused through construction. Officers can confirm from the latest housing figures that there have been 48 residential completions in the village since 2007, with a further 5 nearing completion. This includes 28 at Pentlows Farm and 17 at Gravelly Lane. The Parish Council suggest a figure of 67 but this includes Hamels Mansion and Quinbury Farm which, although falling within Braughing Parish, are detached from the village. This historic scale of development is not considered to be excessive – resulting in an average of 7 new dwellings per year for the last 7 years. However, concerns over the provision of a further 60 dwellings in a single development proposal are understandable.
- 7.13 A question has also arisen over the number of households in the village as the applicant suggests that the development will result in a growth of 8% (quoting the number of households in the village as 750). The Parish Council suggest that according to 2011 Census data, the number of households is 357 and therefore growth would be 17%. Officers have checked the 2011 Census data and this identifies 497 households in the Parish therefore growth as a result of this application would be in the region of 12% - the Parish of course represents a wider area than the village, but the Council have not been able to identify household numbers for just the village. Actual growth in the village would therefore be greater than 12% and this is significant when considering that the draft District Plan proposes 10% growth (representing 33 dwellings) between 2016 and 2031, which was based on 2001 Census figure of 328 households. The proposal for 60 dwellings is therefore considered to be excessive in relation to the capacity of the village.
- 7.14 There are few local employment opportunities in the village, and future residents would be largely car dependent in order to commute for work. This weighs against the proposal. The site is also poorly served by public transport. There is no railway station nearby – the closest being Bishop's Stortford approximately 8 miles away, Royston and Watton-at-Stone at 12 miles, and Stevenage at 14 miles. There is one bus service that serves the village – the 331 which covers Royston to Hertford. This stops in the village approximately every 1 to 2 hours Mondays –

Saturdays and runs until about 7pm. There is currently no Sunday service. Richmond Coaches also offer a single Friday service to Cambridge (route 334), and a single Thursday service to Bishop's Stortford (route 386). The bus stops are currently located approximately 450m south of the site; however the developer is proposing two new bus stops (which would be required to be Disability Discrimination Act compliant) near the entrance to the site which would be secured through any planning consent.

- 7.15 In relation to the services currently on offer in the village, and the level of public transport service, Officers consider that future residents would be largely car dependent and the proposal therefore represents unsustainable development in this respect. The applicant has submitted An Assessment of Current and Future Sustainability which suggests that the development will make a positive contribution towards the future vitality and sustainability of the community. Paragraph 55 of the NPPF states that "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby." The developer suggests that the sustainability of Braughing remains vulnerable to the consequences of an ageing population, and a lack of new housing will result in the existing housing stock becoming more unaffordable for younger working families. The developer therefore proposes that 60 new dwellings will refresh the housing stock and provide a greater contribution to the vitality of the rural area and support economic activity and growth. Whilst Officers agree that a modest amount of development can support rural communities and their facilities, it is considered that the scale of development proposed in this case is excessive in relation to the capacity of the existing settlement and is unsustainable in this respect.

Education

- 7.16 There is an existing First School and Nursery in the village (Jenyns) and a number of concerns have been raised over its existing capacity. Herts County Council have visited the school recently and confirm that there is some current capacity and sufficient space available on site to expand to 1 form of entry. No detailed assessment has been carried out; however Officers have considered the expansion potential of the site and agree that some additional classroom provision could realistically be provided without causing undue harm. Financial contributions have therefore been requested by Herts County Council in order to mitigate the impact of the development on primary school services, and are deemed reasonable and necessary.

7.17 In terms of Middle and Upper school provision, future residents would be dependent on existing schools in Puckeridge (Ralph Sadler) and Buntingford (Edwinstree and Freman College) and again no evidence of capacity issues has been submitted by HCC. They consider that financial contributions are sufficient to mitigate the future impacts of the development. As the application is in outline form, exact figures cannot currently be calculated, but would be in line with the HCC Planning Obligations Toolkit. Having regard to the Community Infrastructure Legislation (CIL) Regulations, Officers consider such financial contributions to be reasonable and justified. No contributions have been requested from HCC towards nursery or childcare service provision.

Employment

- 7.18 As set out above there are limited employment opportunities within the village, and of course no employment provision within the proposed development. However, the development would result in some temporary construction employment, which the developer estimates to be in the region of 65 full-time equivalent jobs over a 2 year build-out period, and an additional 71 full-time equivalent jobs in associated industries.
- 7.19 The applicant has submitted a Socio-Economic Sustainability Statement which sets out a number of benefits in delivering the site, including local employment opportunities, a £7 million construction spend to benefit the economy, with an additional £2.2 million gross value added, and an estimated provision of 102 new economically active residents, potentially generating a total gross expenditure of £2.1 million a year. The development would also result in New Homes Bonus payments and additional Council Tax payments.
- 7.20 The NPPF places significant weight on economic growth. Paragraph 19 states that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.” Whilst it is acknowledged that the development would generate some employment through construction and delivery, this is only temporary in nature and is not considered to weigh heavily in the overall balance of considerations. There is no employment proposed in the application and limited employment opportunities in the vicinity of the site. The proposal therefore does little to contribute to economic growth as required in the NPPF.

Summary on Sustainability

- 7.21 Overall in respect of sustainability as set out in the NPPF, Officers consider that the development will make some contribution towards economic sustainability, albeit only in the short term. In terms of social sustainability, the development offers a mix of housing and a 40% provision of affordable housing. However, given the scale of the development in relation to the existing village (discussed above), and the location of the site detached from the main village with residents largely car dependent, Officers consider that there will be limited interaction between existing and new residents. The social benefits in delivering the site are therefore also considered to be limited. Finally, in terms of environmental sustainability, the development will result in the loss of agricultural land, and residents would be dependent on the use of private vehicles. This weighs against the proposal.
- 7.22 Regard is also had to the history of the site where there have been two previous refusals for large scale residential developments of the site. Although these were determined in the 1980s under a different policy context, Officers consider the Inspector's decision to carry some weight as the open rural characteristics of the site, and the setting of the village, have not changed significantly. In dismissing this appeal the Inspector stated that "I find it inconceivable that reasonable requirements for housing in Braughing could not be met with far less ill effects upon the character and setting of the village, than would result from this proposed gross extension into the northern countryside. I conclude that the proposed development would seriously harm the character and setting of Braughing, and undermine the approved policy objectives of preserving and enhancing the countryside and the character and layout of settlements."
- 7.23 In respect of the 2009 refusal for the new access to No. 50 Green End, this access road was lengthy and unjustified in relation to the proposed scale of development (one new dwelling). It would have been seen in the context of open rural fields and was therefore deemed to be harmful. The proposed access is discussed in more detail below.

Health Services

- 7.24 NHS England have identified that the nearest surgery in Standon and Puckeridge is already constrained and that financial contributions would be necessary to mitigate the impact of the development. Officers consider that expansion and/or improvements to the current practice can be achieved and that funding to secure such improvements is reasonable and necessary in accordance with the CIL Regulations and

the Council's Planning Obligations Supplementary Document (SPD). A financial contribution of £621 per dwelling would therefore be required in connection with any planning approval.

Highway Impacts

- 7.25 A new access is proposed onto Green End (the B1368) and will result in some highway impact in terms of increased traffic movements. A full Transport Assessment (TA) has therefore been carried out and submitted to identify the impacts of the development on the local highway network. The TA uses the TRICS database and 2011 Census data to estimate the likely vehicular trips generated by the site – this equates to 45 movements in the morning peak and 42 movements in the evening peak. The TA takes into account completed developments at Pentlows Farm and Gravelly Lane and concludes that the additional traffic generated by the proposed development would be minimal, and there would be minimal impact on local junctions.
- 7.26 The Highway Authority agree with this assessment and recommend that there would be no harm to highway capacity or highway safety as a result of this development, subject to a number of conditions. The B1368 is in good condition and adequate visibility would be provided. Regard is also had to the previous Inspector's decision in 1990 which concluded that objections on highway grounds were of insufficient weight to affect his decision. Officers are therefore satisfied that the proposal is in accordance with policy TR20 of the Local Plan.
- 7.27 Details of car parking provision would be required in a reserved matters application and should comply with the Council's adopted maximum standards and Local Plan policy TR7. Officers are satisfied that adequate parking provision would be achievable on site. Cycle parking provision would also be required to comply with Local Plan policy TR14.
- 7.28 The applicants have submitted an Interim Travel Plan which sets out a framework for improving the sustainability of the site. The Highway Authority consider the contents of this initial report to be satisfactory – full details will need to be secured through a planning condition. The Travel Plan and Sustainable Transport contribution required by the Highway Authority will go some way to improving the environmental sustainability of the site through potentially improving pedestrian and cycle connections, and the frequency of the local bus service. However, no detailed proposals have been put forward and Officers consider that despite these potential improvements the site remains inherently detached from any significant employment opportunities, with only limited local services, and that future residents would therefore remain

highly dependent on private vehicles.

- 7.29 There is an existing public footpath (002) that crosses the site from the southwest corner to the northeast. The indicative layout in the Design and Access Statement indicates that the existing route of this footpath will be maintained, with a well landscaped buffer to prevent it appearing unduly urban. The new access will cross this footpath and measures will therefore need to be put in place to protect users during construction.

Layout and Design

- 7.30 The application is in outline form with all matters reserved except for access; however the Design and Access Statement includes a framework plan and indicative layout. The plans indicate that 3.1 hectares of the 5.25 hectare site would be developed for housing, representing a low density development of approximately 20 dwellings per hectare. The housing would comprise a mix of 2-5 bed properties, including 40% affordable housing. Areas of public open space are proposed throughout the site with well landscaped strips to accommodate existing rights of way. An Equipped Area of Play is proposed near the entrance to the site, along with informal amenity space towards the eastern boundary with the River Quin.
- 7.31 A main street is proposed through the site from the B1368 which will provide the principal route into the development for all users. Second tier 'home zones' are then proposed throughout the development with shared surfaces and slower vehicle speeds. The layout would need to ensure that all public spaces and play areas are overlooked and provide for a safe environment.
- 7.32 Overall, although the layout is only indicative at this stage, Officers consider the proposals to be acceptable and creating a low density and informal development which in itself is considered to be acceptable. The impact of the development on the wider landscape is discussed in more detail below.
- 7.33 In terms of scale, the buildings are proposed to be predominantly two storeys, but up to 9.5m in height. Officers consider this height to be excessive and only appropriate for a small number of units within the site. Lower two storey ridge heights would be required across the rest of the development and in particular in areas of prominent views. The Design and Access Statement makes reference to existing architectural styles in the area and proposes that the new dwellings respect local distinctiveness including the provision of chimneys and varying ridge

heights. Detailed scale, design and appearance of the dwellings would of course need to be considered through any reserved matters application.

Landscape and Visual Impact

- 7.34 The Council's adopted Landscape Character Assessment Supplementary Planning Document (SPD) identifies the site as being within Landscape Character Area 91 'Upper Rib Valley', which is described as an undulating arable valley, generally quite open but narrowing towards Standon. The SPD identifies Braughing as a significant ancient settlement within the valley which was an important Belgic and Roman settlement, and there is a cluster of Scheduled Ancient Monuments representing the remains of the Roman town near the former railway station southwest of the present village.
- 7.35 The SPD goes on to state that the historic continuity of the area is masked by 20th century development, but it retains its integrity, although the historic importance of the area is retained in the settlements rather than readily perceived in the wider landscape. It is generally quite open and is very tranquil away from the A120. It has therefore been identified with a strong strength of character and moderate condition, resulting in a strategy for change being 'conserve and restore'.
- 7.36 A Landscape and Visual Appraisal has been submitted with the application to assess the impact of the proposal on the surrounding landscape, along with a number of photo viewpoints. This concludes that the development would give rise to moderate landscape effects at the outset, but this would not give rise to any unacceptable adverse landscape effects, and would reduce with the passage of time. Moderate-major visual effects would also occur to existing residential properties, and to users of the existing rights of way network. However, the report concludes that the proposals would positively address landscape and visual related policies and provide improvements to the green infrastructure and habitats on site. They therefore contend that "there would be no overriding or significantly adverse effects that should preclude the proposed development on landscape and visual grounds."
- 7.37 The Council's Landscape Officer does not agree with the conclusions in the submitted reports and recommends refusal on the grounds of landscape and visual impacts. He comments that the site is sensitive to the type and scale of development proposed and is not able to accommodate the level of change arising without unacceptable adverse impacts on the surrounding landscape. The development represents a major extension to the existing built form which is not in keeping with

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the surrounding pattern of settlement that is characterised by smaller and segregated communities. The scale of development will result in the loss of coherent views from the surrounding countryside, in particular from the rights of way network and existing properties, and the sensitivity of these receptors is considered to be high.

- 7.38 He concludes that the scale of development does not relate well to the local area and represents an intrusion of built form into open countryside. The adverse impact on the surrounding landscape from pasture to housing development will be permanent and irreversible, and the development will fail to integrate into its surroundings either along the boundaries of the site or within the wider landscape setting. The extent of local opposition to this scheme is also indicative of the value of this landscape and the extensive use of the local rights of way network. Having regard to these objections and the comments from the Landscape Officer it is therefore recommended that the proposal fails to comply with Local Plan policy GBC14 and Section 11 of the NPPF.
- 7.39 With regard to trees, there are a number of existing trees within the hedgerow field boundaries to the north and west which are to be retained and enhanced. However, a section of hedgerow boundary along the B1368 will need to be removed to make way for the new access. The Council's Landscape Officer advises that the extent of hedgerow loss may be greater than anticipated by the submitted Arboricultural Report. He comments that the proposed 2m wide footway along the roadside will encroach into an existing hedgerow bank, and the change in levels means that more of the hedge may be under threat in order to satisfy highway visibility splays. The loss of this hedgerow would have the effect of opening up views of the development to the B1368 resulting in a more significant adverse change to the landscape character on this approach to Braughing village. Officers note that the loss of roadside hedging also formed part of the reason for refusing permission for a new access to 50 Green End. Whilst the circumstances of the two applications are very different (one for 1 house, one for 60), Officers consider that the harm arising from the development is comparable.
- 7.40 Within the site extensive new tree planting is proposed, along with reinforcement of the existing field boundaries, and this could be secured through condition on any planning permission in accordance with policies ENV2 and ENV11 of the Local Plan.

Heritage Assets

- 7.41 The site is located approximately 40m north of the Braughing

Conservation Area at its closest point (to the rear of Heatherbank). There are no Scheduled Ancient Monuments within the vicinity of the site – the closest are at the old Roman Town near the former railway station south of the village, but there are a number of listed buildings to the south of the site. A Heritage Statement has been submitted which assesses the impact of the development on designated and non-designated heritage assets and concludes that there would be some harm to heritage assets as a result of the development.

- 7.42 The submitted Heritage Statement considers that the historic origins of Braughing as an Anglo-Saxon settlement has no designation to highlight its importance and therefore should only be given limited weight. They conclude that whilst there will be harm to the Conservation Area this is less than substantial due to the inward looking nature of the Conservation Area. They conclude that built development on the site is likely to have a neutral-minor negative impact, and they suggest that any impact could be mitigated through sensitive landscaping, open space and access arrangements.
- 7.43 The Conservation Officer has recommended refusal of the application and considers that the proposal would have a detrimental impact on the historic and architectural character and appearance of Braughing. She comments that Braughing is of considerable historic significance as an ‘Anglo-Saxon tribal centre, important for ecclesiastical and administrative affairs’, made up of a collection of historic hamlets flanking the River Quin, with the village core being Braughing village. One of the small hamlets is Hay Street, located to the north of the site, which includes Quinbury Farm and a cluster of some 30 houses. The hamlet is separated from the built form of Braughing village by open green space and it is this separation that is important in the area’s sense of place. The proposed development will erode this sense of space and separation to the detriment of the character of these settlements, including the wider setting of the Braughing Conservation Area.
- 7.44 Officers agree with this assessment and consider that, given the location of the site, and the scale of development proposed, the proposal would result in a harmful extension of development along the B1368 and would erode the important space between Braughing and Hay Street. Whilst the applicant has indicated that the Conservation Area is ‘inward looking’ and that mitigation measures could overcome harm to its character, Officers consider that, given the scale and siting of the development, the proposal would result in material harm to the significance of the Braughing Conservation Area, particularly when approached from the north. The proposal is thereby contrary to Section

12 of the NPPF and this weighs against the proposal.

- 7.45 The submitted Heritage Statement also identifies a neutral to minor impact on a number of listed buildings – Braughing Bury, Pentlows Farmhouse and outbuilding, and St. Mary the Virgin Church. This impact is mainly due to a possible agricultural functional association. No harm will arise to the setting of any listed buildings, and no objection has been raised by the Conservation Officer in respect of this issue.
- 7.46 In terms of archaeological remains, the site does not lie in an Area of Archaeological Significance but an Archaeological Desk Based Assessment has been submitted which identifies that the site has a moderate potential for evidence of Roman, Anglo-Saxon and Medieval activity, and a low-moderate potential for prehistoric evidence. The County Archaeologist raises no objection with the content of the report and concludes that, given the location of the site adjacent to an ancient route running from Ermine Street to Cambridge, its topography, and the density of evidence for multi-period settlement in the areas, the proposed development is deemed likely to impact on remains of archaeological significance. However the findings are not of such historic importance as to justify a refusal of planning permission. A condition to secure a programme of further archaeological work is therefore recommended by the County Council's Historic Environment Unit in the event of an approval. The proposal is therefore in accordance with the NPPF, and policies BH1, BH2 and BH3 of the Local Plan.

Impact on Residential Amenity

- 7.47 The development is proposed to the rear of existing dwellings on Green End, and any reserved matters application would need to ensure that there is an acceptable relationship between these dwellings, and appropriate boundary treatments. An adequate distance would be retained between existing dwellings to the south, including Heatherbank in the southeast corner. Therefore, subject to acceptable details being agreed through a reserved matters application, Officers do not consider that the proposed development would harm neighbour amenity in accordance with policy ENV1.
- 7.48 The increase in local traffic will have some impact in terms of noise and disturbance; however this is not considered to be unacceptably harmful. A Noise Screening Report has been submitted by the applicant which identifies that the most dominant source of existing noise would be traffic on the local road network, and the occasional noise from activities at Quinbury Farm to the north. Road traffic is also likely to be

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the main contributing source of noise affecting the proposed development, but this is unlikely to be significant. Standard garden fencing and double glazed windows would be deemed sufficient to prevent harm.

- 7.49 The detailed design of the new dwellings will also need to be considered through a reserved matters application to ensure that no significant harm would arise within the development to future residents.

Affordable Housing

- 7.50 Although only in outline form, the application proposes the provision of 40% affordable housing comprising of 2 and 3 bed mews units. The Council's Housing Manager has raised no objection to the proposals but indicates that the housing and tenure mix will need to be agreed through a reserved matters application. The tenure mix should be provided as 75% social rented, and 25% shared ownership, and the layout should incorporate affordable housing in groups of no more than 15% of the total number of units or 25 units, whichever is the lesser. The proposal is therefore considered to comply with policies HSG3 and HSG4 of the Local Plan.
- 7.51 The developer has proposed an alternative option that the number of affordable units delivered on site could be reduced if the Council were to consider part provision as a commuted sum for off-site provision. However, the Council's Housing Team are satisfied that there is sufficient demand for 40% affordable housing provision on site, and no overriding justification has been submitted for part off-site provision.
- 7.52 The developer proposes securing affordable housing through condition rather than Section 106 Agreement. However, given the complexities in dealing with the delivery of affordable housing, and the likely need for a legal agreement in any event, it is considered appropriate that the provision of affordable housing be secured through legal agreement rather than condition in the event of an approval.
- 7.53 Policy HSG6 requires that 15% of new dwellings are constructed to Lifetime Homes Standards – this can be secured through a planning obligation.

Open Space Provision

- 7.54 Given the scale of development proposed, the Council's adopted Open Space, Sport and Recreation Supplementary Planning Document (SPD) requires that parks, gardens, amenity green space, Local Areas

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of Play (LAPs) and a Local Equipped Area of Play (LEAP) be provided on site. The indicative layout indicates the provision of extensive green amenity areas including a LEAP. Officers are satisfied that adequate provision could be provided on site in accordance with the requirements of the SPD with full details, including delivery and future maintenance, to be required through a planning obligation.

- 7.55 However, outdoor sports provision is not provided on site and would need to be secured through a Section 106 legal agreement. According to the SPD, Braughing comes under the Buntingford area in terms of outdoor sports provision. Whilst the SPD highlights a surplus of provision in Buntingford, the Council commissioned a Playing Pitch Strategy and Outdoor Sports Audit in 2010 which identified issues around the quality of provision and access to these facilities. A financial contribution towards off-site outdoor sports facilities would therefore be considered reasonable and necessary for a development of this scale in accordance with policy LRC1 of the Local Plan, and the SPD.

Flood Risk and Drainage

- 7.56 The majority of the site lies in Floodzone 1; the lowest level of potential flood risk. Land to the east of the development site, and adjacent to the River Quin falls within floodzones 2 and 3. A number of concerns have been raised over local flooding issues; however no objection has been raised by the Council's Engineers or the Environment Agency (EA) subject to a number of conditions.
- 7.57 A Flood Risk Assessment and Surface Water Drainage Strategy document has been submitted which identifies that the site is at a low risk of flooding, and there would be no residual flood risk from the development to the surrounding area due to the mimicking of greenfield storm water flow rates to the local watercourse. The application proposes to make provision for an on-site surface water retention pond towards the northeast of the site that will serve the drainage needs of the development and prevent increased discharge to the downstream watercourse for extreme events. Full details of the drainage scheme would be required by condition. Overall Officers are satisfied that the developable part of the site has been sited away from the river and floodzones 2 and 3, and subject to the incorporation of appropriate drainage is not considered to result in any harm to people or property in accordance with policy ENV19 of the Local Plan.
- 7.58 In terms of groundwater, the EA recommend no restrictions or control on groundwater protection. However, further work will be required on contamination to ensure a low risk to future residents. A Ground

Conditions Desk Study report has been submitted which identifies that based on historic land uses and its current operational use, the overall risk from contamination is low, but this would need to be confirmed by appropriate intrusive investigation and testing. A condition to secure further work in respect of contamination, as recommended by Environmental Health, would therefore be deemed reasonable and necessary.

- 7.59 In terms of foul drainage a Foul Drainage Analysis report has been submitted and identifies that all foul flows will be connected to the existing public sewerage network which is owned and operated by Thames Water. There is an existing sewer in the western part of the site that will most likely require diversion, but this will be carried out in association with Thames Water. An on-site pumping station will also most likely be required as the development site slopes naturally from west to east. The report concludes that the development will have minimal impact on the existing public sewerage network and sewerage treatment works, and sufficient time would be available for the developer to carry out any necessary improvement works. No objection has been raised by Thames Water and no conditions would be necessary or relevant as the works are controlled under other statutory legislation.

Ecology

- 7.60 The site is not located within, or adjacent to, any Wildlife Site and currently comprises of arable land. An Ecological Appraisal report has been submitted which identifies that the site comprises of heavily grazed semi-improved grassland which is of low nature conservation value. The field boundaries comprise of hedgerows and trees, and represent the habitat of principal importance on site.
- 7.61 No evidence of badgers, reptiles, amphibians or dormice have been found. The field boundaries may provide a suitable habitat for nesting birds and bat commuting, but there are no mature trees in the area to provide a habitat for roosting bats. The river area may provide a suitable habitat for grass snakes and water vole; however this lies outside the development site and no evidence has been identified. The development proposes enhanced planting across the site and surface water attenuation ponds which will in fact enhance the biodiversity interest of the site. Statutory consultees agree with the conclusions in the Ecological Appraisal and raise no objection to the proposal subject to conditions. The proposal is therefore considered to be in accordance with the NPPF and policy ENV16 of the Local Plan.

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- 7.62 The nearest Wildlife Sites are The Old Vicarage (approximately 120m southeast from the southeast corner of the site) and Braughing Meads South of Bingles Wood (approximately 900m southwest of the site). These locally protected sites are considered to be at a sufficient distance so as not to be harmed by the development. The proposal therefore complies with Local Plan policy ENV14.
- 7.63 There are no other statutorily designated sites within 1km of the site.
- 7.64 Concerns have been raised over the impact of lighting on wildlife in the area. Full details of any lighting could be controlled through a reserved matters application to prevent harmful overspill into the rural area or harm to wildlife (especially bats). Officers are therefore satisfied that no harm would arise as a result of lighting.

Financial Contributions

- 7.65 Given the scale of development proposed, the proposal triggers the requirement for a range of contributions and Section 106 requirements. This includes contributions towards first, middle and upper education, youth and library services. A sustainable transport contribution has also been requested by the Highway Authority which is necessary to mitigate the impact of the development on the transport network, in accordance with the Council's adopted Planning Obligations SPD.
- 7.66 Further contributions would also be requested from East Herts Council with respect to outdoor sports facilities as discussed above. In all cases these financial contributions are considered to be reasonable and necessary in connection with the proposed development in accordance with the Community Infrastructure Levy (CIL) Regulations 2010.

8.0 Conclusion

- 8.1 In summary, Members will now be familiar with the complex balance of considerations in relation to residential proposals on land within the Rural Area beyond the Green Belt. Although the proposal is in conflict with Local Plan policies GBC2 and GBC3, the Council continues to lack a 5 year housing supply as required in the NPPF, and the provision of new housing in the district must weigh heavily in the determination of such proposals. This application proposes 60 houses, including 40% affordable housing provision which will make a material contribution towards the district's housing supply. The proposal also offers some benefit to the local and national economy in terms of construction.
- 8.2 However, there are a number of factors that weigh against this

proposal. Objections have been received from both the Council's Landscape and Conservation Officers. It is considered that the scale and location of the proposed development will result in a harmful intrusion into the countryside and erode the separation between existing settlements to the detriment of the character and appearance of the Braughing Conservation Area. The development will also result in adverse landscape and visual impacts for a number of sensitive receptors including users of the public rights of way that cross the site, and local residents. Officers consider that the proposed development is thereby contrary to Local Plan policy GBC14 and Sections 11 and 12 of the NPPF. This is in line with the previous appeal dismissed for development of the site in which the Inspector concluded that the development would result in "serious harm to the rural beauty of the valley. It would involve a major extension of the village, drastically reducing the broad open area between Braughing and the village of Hay Street to the north."

- 8.3 A question also arises over the sustainability of the site. The NPPF sets out a presumption in favour of sustainable development and states that "where the development plan is absent, silent, or relevant policies are out of date", planning permission should be granted unless any adverse impacts of doing so "would significantly and demonstrably outweigh the benefits". In this case Officers consider that, given the scale of development proposed in relation to the village, and its location in an area highly dependent on the private car with limited public transport, the proposal represents an unsustainable form of development in conflict with the NPPF. Although a Sustainable Transport contribution and Travel Plan would go some way to improving the sustainable credentials of the development, Officers consider that this would not be sufficient to override the inherently unsustainable location of the site and that future residents would remain highly dependent on private vehicles contrary to the aspirations of the NPPF.
- 8.4 The economic sustainability of the proposal is also limited due to insufficient local employment opportunities, and the provision of no employment opportunities on site (other than temporary construction jobs). The social sustainability of the site is also considered to be limited as, although an element of affordable housing is proposed, the location of the site is likely to result in a detached form of development that may not integrate well with the local community. Finally, in terms of environmental sustainability, the development will result in the loss of agricultural land and natural grassland habitats. Whilst it is acknowledged that some habitat enhancements will arise from the development, the development will have some environmental impact. Future residents will also be highly dependent on private cars for a

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number of daily service needs which weighs against the proposal.

- 8.5 In terms of local infrastructure, no objection has been raised by Herts County Council in relation to education provision subject to financial contributions. The NHS have requested contributions towards improving local healthcare facilities, which is considered to be a reasonable approach. And no objection has been received from the Highway Authority in respect of the capacity of the highway network, although a contribution would be required in relation to Sustainable Transport.
- 8.6 However, in summary, Officers do not consider that the proposal amounts to a sustainable form of development and that the adverse impacts of the development significantly and demonstrably outweigh the benefits. Weight is also attached to the appeal previously dismissed for residential development of the site. The application is therefore recommended for refusal for the reasons set out above.