

# **PLANNING COMMITTEE AGENDA**

**Tuesday, 10 April 2018 at 07:15 PM**

**Council Chamber, Braintree District Council, Causeway House, Bocking  
End, Braintree, CM7 9HB**

**THIS MEETING IS OPEN TO THE PUBLIC**  
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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

**Membership:-**

Councillor K Bowers	Councillor Mrs I Parker
Councillor Mrs L Bowers-Flint	Councillor R Ramage
Councillor T Cunningham	Councillor F Ricci
Councillor P Horner	Councillor Mrs W Scattergood (Chairman)
Councillor H Johnson	Councillor P Schwier
Councillor D Mann	Councillor Mrs G Spray
Councillor Lady Newton	

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) by 3pm on the day of the meeting.

A WRIGHT  
Chief Executive

## **INFORMATION FOR MEMBERS - DECLARATIONS OF INTERESTS**

### **Declarations of Disclosable Pecuniary Interest (DPI), Other Pecuniary Interest (OPI) or Non- Pecuniary Interest (NPI)**

Any member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

### **Public Question Time – Registration and Speaking on a Planning Application/Agenda Item**

Anyone wishing to speak are requested to register by contacting the Governance and Members Team on 01376 552525 or email [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk) no later than 2 working days prior to the meeting. The Council reserves the right to decline any requests to register to speak if they are received after this time.

Registered speakers will be invited to speak immediately prior to the relevant application/item. Registered speakers wishing to address the Committee on non-Agenda items will be invited to speak at Public Question Time. All registered speakers will have 3 minutes each to make a statement.

The order in which registered speakers will be invited to speak is: members of the public, Parish Councils/County Councillors/District Councillors, Applicant/Agent.

The Chairman of the Planning Committee has discretion to extend the time allocated to registered speakers and the order in which they may speak.

**Documents:** There is limited availability of printed Agendas at the meeting. Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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**Mobile Phones:** Please ensure that your mobile phone is switched to silent during the meeting in order to prevent disturbances.

**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You can view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>

We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

**1 Apologies for Absence****2 Declarations of Interest**

To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.

**3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meeting of the Planning Committee held on 13th March 2018 (copy previously circulated).

**4 Public Question Time**

(See paragraph above)

**5 Planning Applications**

To consider the following planning applications and to agree whether any of the more minor applications listed under Part B should be determined “en bloc” without debate.

Where it has been agreed that applications listed under Part B will be taken “en bloc” without debate, these applications may be dealt with before those applications listed under Part A.

**PART A**

Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5a</b> | <b>Application No. 17 01575 FUL - Gosfield Airfield, Hedingham Road, GOSFIELD</b>   | <b>5 - 23</b>  |
| <b>5b</b> | <b>Application No. 17 01576 FUL - Gosfield Airfield, Hedingham Road, GOSFIELD</b>   | <b>24 - 42</b> |
| <b>5c</b> | <b>Application No. 17 01960 OUT - Woodpecker Court, Poole Street, GREAT YELDHAM</b> | <b>43 - 63</b> |

**PART B**

Minor Planning Applications:-

- |           |   |                |
|-----------|---|----------------|
| <b>5d</b> | <b>Application No. 17 01469 FUL - 11 Barnfield, FEERING</b> | <b>64 - 71</b> |
|-----------|---|----------------|

<b>5e</b>	<b>Application No. 18 00039 LBC - Lower Hyde Cottage, Hyde Lane, GREAT SALING</b>	<b>72 - 77</b>
<b>5f</b>	<b>Application No. 18 00053 FUL - Inver, 31 New Road, RAYNE</b>	<b>78 - 83</b>

**6 Urgent Business - Public Session**

To consider any matter which, in the opinion of the Chairman, should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.

**7 Exclusion of the Public and Press**

To agree the exclusion of the public and press for the consideration of any Items for the reasons set out in Part 1 of Schedule 12(A) of the Local Government Act 1972.

*At the time of compiling this Agenda there were none.*

**PRIVATE SESSION**

**Page**

**8 Urgent Business - Private Session**

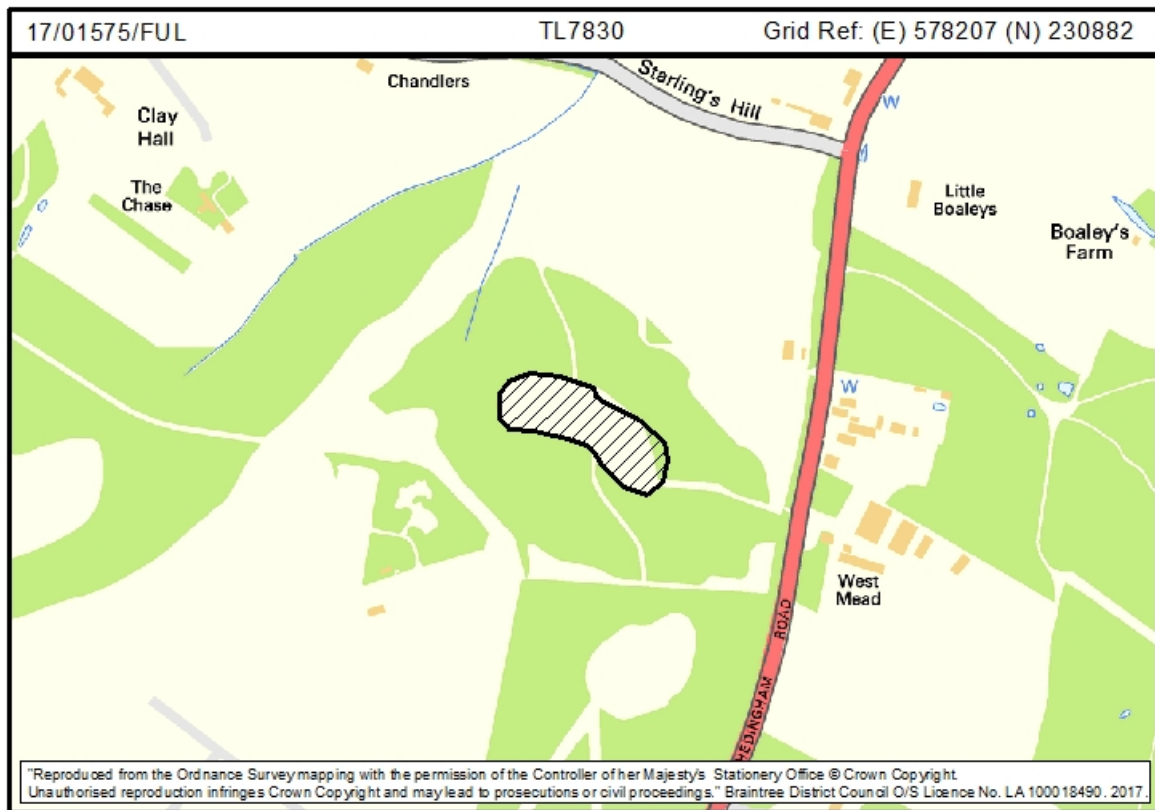
To consider any matter which, in the opinion of the Chairman, should be considered in private by reason of special circumstances (to be specified) as a matter of urgency.

AGENDA ITEM NUMBER 5a

PART A

APPLICATION NO: 17/01575/FUL  
DATE: 31.08.17  
VALID:  
APPLICANT: Ripper Farms Ltd  
Mr Will Ketley, Unit 4-7 The Old Airfield, Gosfield, Essex,  
CO9 1SA  
AGENT: Plandescil Ltd  
Mr Oliver Jones, 42-44 Connaught Road, Attleborough,  
NR17 2BW,  
DESCRIPTION: Proposed lagoon to contain digestate (lagoon 3)  
LOCATION: Gosfield Airfield, Hedingham Road, Gosfield, Essex

For more information about this Application please contact:  
Mr Sam Trafford on:- 01376 551414 Ext. 2520  
or by e-mail to: [sam.trafford@braintree.gov.uk](mailto:sam.trafford@braintree.gov.uk)



## SITE HISTORY

89/00207/P	Proposed Alterations To Access	Granted	08.03.89
91/00543/PFHN	Variation Of Condition 2 Of Bte/207/89 For Additional Use Of Access	Granted	25.06.91
91/00638/E	Inclusion In The Local Mineral Plan And In Market-Type Use		
91/01025/PFHN	Installation Of Septic Tank	Refused	18.11.91
91/01197/PFHN	Variation Of Planning Permission Ref No. Bte/543/91 To Allow Additional Use Of Access	Granted	18.11.91
98/00899/FUL	Formation of screening embankments	Withdrawn	24.08.98
14/01554/FUL	Proposed demolition of existing units 1, 2, and 3 and erection of new building	Granted	28.01.15
14/01555/FUL	The erection and refurbishment of a relocated Nissen hut (from Air Blast (East Anglia)Ltd) together with associated car parking provision	Granted	28.01.15
16/01412/FUL	Proposed additional parking	Granted	26.09.16
17/01153/AGR	2 new lagoons to contain digestate from existing plants on the site and elsewhere	Planning Permission Required	19.07.17
17/01172/AGR	1 no. new lagoon to contain digestate from existing plants on the site and elsewhere	Planning Permission Required	19.07.17
17/01576/FUL	Proposed lagoon to contain digestate (lagoon 2)	Pending Decision	
17/01577/FUL	Proposed lagoon to contain digestate (lagoon 4)	Withdrawn	14.03.18
17/01607/FUL	Proposed development of 40 no. new residential dwellings	Refused	11.12.17

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was

the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017. The Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. The Part 2 Draft Local Plan examination will take place later this year.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and;*

*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)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### Braintree District Local Plan Review 2005

RLP11	Changes of Use Affecting Residential Areas
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards

RLP40	Minor Industrial and Commercial Development in the Countryside
RLP53	Generators of Travel Demand
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### Other Material Considerations

None.

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being considered at Planning Committee as Gosfield Parish Council and Sible Hedingham Parish Council have objected to the application, which is contrary to officer recommendation.

#### SITE DESCRIPTION

The application site consists of an area of land adjacent to the former Gosfield Airfield. The site is located outside of any village envelope or development boundary. To the east of the site there are a collection of residential



dwellinghouses, which front the A131. To the north is the hamlet of Southey Green.

The site is located approximately 0.8 miles north of Gosfield, and approximately 1.5 miles south of Sible Hedingham. The site would be accessed through the existing entrance onto the Gosfield Airfield site, from the A1018.

The lagoon that is the subject of this application, and a second lagoon that is subject of a separate application, would be located in existing clearings within woodland that is subject of a Group Tree Preservation Order (TPO).

Other parts of the Gosfield Airfield site are used for commercial/industrial purposes. It has been allocated in the Braintree District Publication Draft Local Plan as being an 'Employment Policy Area'.

There is an existing Anaerobic Digester plant located to the west of Gosfield Airfield.

## PROPOSAL

This planning application is one of two which the applicant proposed would be constructed to create two separate lagoons, to contain 'digestate' produced from anaerobic digestion plants. The proposals were subject of two applications for agricultural prior notification in 2017. It was found that the proposed development did not constitute agriculture, and the development was too close to 'protected buildings' (i.e. residential dwellinghouses) to constitute permitted development, and therefore planning permission was determined to be required.

Although the applicant made three separate applications for three separate lagoons they have subsequently withdrawn application 17/01577/FUL so the Council only need to determine the two remaining applications.

The anaerobic digestion plant processes the remains of energy crops once they have been used for their primary purpose as biofuel. This process sees organic matter put through a series of biological processes in which microorganisms break down the biodegradable material in the absence of oxygen to produce biogas. The material that remains after that process is known as Digestate which can eventually be spread on fields and used as a bio fertiliser. However it is not ready to be used as soon as it leaves the anaerobic digestion plant; it needs time to ferment. This is the reason the lagoons are proposed.

The two lagoons are numbered no's 3 and 4. This planning application is for lagoon no. 3. It would measure 0.84 hectares and be located within an existing clearing.

The digestate would be delivered to the site by road, in tankers, where it will be deposited into one of the proposed lagoons. It is understood that a total of

between 8-10 tankers would access the two lagoons in a single day, Monday to Friday, and that access to the site would be via an existing access to the Old Gosfield Airfield. These vehicle movements would involve the delivery of material for 6 months of the year and the removal of fermented material.

When the lagoons are full, the digestate would be stored for periods between October and March.

At all times, the lagoons would be sealed underneath, and covered by a sealed cover. The digestate would be pumped using a vacuum system from the tanker straight into the sealed lagoons. Once the digestate is ready, it is extracted via the same method and spread on fields as a fertiliser.

## CONSULTATIONS

**BDC Environmental Health Officer** – No Objection following receipt of revised and additional information.

**Environment Agency** – No Objection. Initially the EA advised that the applicant has not supplied adequate information to demonstrate that the risks of odour and pollution posed to surface and/or groundwater quality can be safely managed. Following receipt of revised and additional information the EA confirmed that they did not object to the application.

**Historic Buildings Advisor** – Objects to application based on a lack of a heritage statement to allow impacts on designated heritage asset to be assessed, as Historic England's *Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (2015) states that the potential for odours must be assessed when considering how development might impact on heritage assets.

**National Grid (Cadent)** – No Objection.

**Natural England** – No Objection.

**Highway Authority** – No Objection.

**Public Rights of Way** – Object to application based on amenity impacts on the Public Right of Way (Gosfield No. 13). They also comment that they would not allow the PROW to be obstructed or damaged.

**Ramblers Association** – Object to application. They highlight that the submitted plans do not show the Public Right of Way (PROW); there is insufficient information on odour and noise to be able to assess the potential impact on users of the PROW network; insufficient information on the source of the material and the route of road tankers; insufficient information to show how road tankers will reach the proposed lagoons; the increase in vehicular traffic within the site would negatively affect users of the PROW network and would damage the surface of the PROW.

**BDC Landscape Services** – No Objection, subject to details being approved to show how the trees in the surrounding woodland will be protected during the construction process.

**Gosfield Parish Council** – Object to application as the proposed lagoons are close to residential properties and would impact on the residents' lifestyles due to the smell and odours when the lagoons.

**Greenstead Green and Halstead Rural Parish Council** – No Objection.

**Sible Hedingham Parish Council** – Object to application as it will have a detrimental impact on the landscape and there is a large risk of odours being released.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbouring properties were notified by letter. At the time of writing the report, representations had been received from a total of 17 addresses.

The main issues raised by objectors are as follows:

- impact on neighbouring residential amenities;
- odour issues;
- impact on protected species;
- impact on TPO woodland;
- odour issues caused when pumping digestate from vehicle to lagoons;
- noise impacts caused by machinery;
- gases emitted;
- health concerns caused by proposed digestate;
- and impact on the significance of the Grade I listed 'Gosfield Hall' and its parklands.

These are all material planning considerations, and have been taken into account when the applications were determined.

## REPORT

### 1. Principle of Development

The application site is located outside of the village envelopes of Gosfield and Sible Hedingham. Policy RLP2 of the adopted Local Plan Review (2005), where a proposal would involve a site located outside of a designated town development boundary or village envelope, countryside policies apply. Policy CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The site is located within woodland adjacent to Gosfield Airfield, a former World War II base. Parts of the airfield site are now used for a number of commercial and industrial activities. Officers consider the construction of the

lagoons and their use to store digestate are appropriate countryside uses given that they will produce fertiliser that can be spread on agricultural land and given the space and locational requirements for this type of operation.

### Proposed Material to be Stored in Lagoon

When the applications were initially submitted consultees highlighted some uncertainties over precisely what material would be deposited into the proposed lagoons. It was important that the source and content of the material was understood to be able to determine the potential impact of the development.

No information had been submitted to indicate where the proposed digestate will be sourced from. The additional documentation now provided suggests the digestate would come from a local anaerobic digester plant and other locations, although these are not specified. The applicant has confirmed that they will not be storing slurries, sludge or effluent water from waste water treatment plants, and the Environment Agency have advised they are now satisfied that the proposed digestate would not be a waste material and therefore the application should be considered as a non-waste application. A condition is recommended to restrict the material that can be stored within the lagoon(s) to digestate from Anaerobic digestion plants and for certification of the source material to be provided prior to first use.

Whilst the delivery / storage / removal of the digestate / fertiliser will intensify the use of the site, including vehicular movements, the fact that the site is already used for industrial businesses and processes and is sited away from significant residential areas means that Officers consider that the principle of this development is acceptable in this location, subject to detailed consideration of issues such as highway safety and capacity; landscape and ecology; heritage and residential amenity.

## 2. Design and Appearance

Policy CS5 of the Braintree District Core Strategy states development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The lagoon is shown to be excavated to a depth of 6.25m. The excavated area would be kidney shaped and approximately 130m in length and 37.5m wide. The depth of the retained material is shown to be 3.75m when full. The lagoon would be surrounded by a 1.2m high fence.

The site is located in existing clearings surrounded by woodland. The lagoons themselves, although they would likely be visible in some views from the Public Right of Way, these views would be limited and therefore it is considered they would not have any unacceptable impacts on the character and amenity of the countryside.

### 3. Impact on Heritage Assets

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF states in paragraph 134 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP100 of the Braintree District Local Plan Review and Policy LPP 60 of the Braintree District Publication Draft Local Plan state development which could impact upon the setting of a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not cause harm to the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, and use appropriate materials and finishes.

Paragraph 128 of the NPPF states heritage statements are required *“to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

The NPPF acknowledges that the significance of a heritage asset can be harmed through development within its setting. The Council's Historic Buildings Consultant has highlighted that Historic England's *Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (2015) list odours as potentially having an impact which must be assessed. A heritage statement which describes the significance of any heritage asset affected including any contribution made by their setting would be required in order to ascertain these impacts.

Consideration must be given to the potential impact the proposed development could have by way of odours upon how people experience designated heritage assets. The most significant designated heritage assets within the surrounding areas are the Grade I listed Gosfield Hall, and the Grade II listed Gosfield Registered Park and Garden. The owners of Gosfield Hall have expressed concerns about the potential for strong, unpleasant odours to affect the wedding venue that they operate. They also refer to the Registered Parks and Gardens.

Gosfield Hall is approximately 1.5km to the south of the proposed lagoon(s). The Hall stands within the Registered Park and Garden whose northern boundary is approximately 1km from the lagoon at its closest point. The Council are required to consult Historic England on applications where 'Development likely to affect any battlefield, garden or park of special historic interest ...' Given the distance separating the site of the lagoons to these heritage assets the Council did not consider that English Heritage needed to be consulted. The Council's Historic Buildings Consultant agreed with Officers that there was no requirement for the Council to consult Historic England.

The Council's own Historic Buildings Consultant was consulted as there are other listed buildings, such as Shardlowes Farm approx.500m east, closer to the lagoons than Gosfield Hall and the Registered Parks and Gardens. When the Council's Historic Buildings Consultant (HBC) was consulted in November they stated they were unable to determine impacts without a heritage statement. However they go on to state that *'based upon the odour report submitted it appears unlikely that there will be an adverse impact, however, this cannot be guaranteed without further analysis by the applicant'*.

After the HBC produced their response the applicant produced further information to address the concerns of the Council's Environmental Services Officer (ESO). Given that the Council's ESO does not object to the proposed development on the grounds that any odour omitted would not warrant refusal and given the significant distance between the aforementioned listed buildings and the application site, Officers consider that the odour impacts will be relatively localised and not severe and as such it is considered that it would not be reasonable to refuse the application on the grounds of the impact of odours on the setting of the listed buildings and Registered Parks and Gardens.

The Council's Historic Environment Officer screens all applications that are submitted to the Council for developments that would potentially impact upon archaeological deposits. Where they consider that there is a risk that archaeological deposits may be affected they will recommend conditions that require archaeological investigation of sites before development commences. In this instance they have not recommended that archaeological investigation is necessary.

#### 4. Impact on Neighbouring Residential Amenities

The application site is located adjacent to the Gosfield Airfield site which is located within the countryside, between the villages of Gosfield and Sible Hedingham. The area contains a scattering of residential dwellings, some of which would be in relatively close proximity to residential dwellinghouses. The closest dwellinghouse to the lagoons is known as The Chase at Southey Green, and is approximately 250m from the closest lagoon.

Policy RLP36 of the Braintree District Local Plan Review states planning permission will not be granted for new development and changes of use which would have an unacceptable impact on the surrounding area, as a result of

noise, smells, dust, grit or other pollution, health and safety, visual impact and traffic generation, contamination to air, land or water, impact on nature conservation interest, or unacceptable light pollution. Policy RLP62 states planning permission will not be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless adequate preventative measures have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment; and adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment.

Policy RLP63 states where the Council considers that air quality objectives are likely to be prejudiced, as a result of development proposals and/or resultant traffic movements, applicants will be required to submit a specialist assessment. Planning permission will be refused for developments where air quality objectives cannot be met.

The provision of a lagoon to store digestate could be a development which could have a significant impact upon neighbouring residential amenities by virtue of odour emissions. The information contained initially within the application was insufficient for Planning Officers and the Council's Environmental Services Officer and Environment Agency to assess whether the proposal would have an unacceptable impact on the surrounding area, including residential properties in the locality. The applicant submitted further information including a new odour report.

Following assessment of the additional information the Environment Agency confirmed that they would not have regulatory control of the lagoon(s). This means that it would be the District Council's responsibility to investigate any nuisance complaints from local residents in relation to odours. Once such a development is present, if a statutory nuisance was identified and the site operator could demonstrate that the defence of best practicable means exists then action by this Authority to address any such odour issues may not be possible. In the worst case this could leave local residents experiencing odour issues with no regulatory action available to them by an Authority, other than to pursue private actions themselves.

With the above in mind this is why it is so important to try and get any such development adequately considered and controlled, through the planning process, before it is created. If it cannot be adequately controlled or concerns allayed, then permission should be refused.

The application initially indicated that the lagoons would be used to hold liquid digestate and "dirty water" (from the anaerobic digester), as well as slurry and storm water. Subsequent correspondence from the agent (letter dated 29<sup>th</sup>

November 2017) has confirmed that the material to be stored at the lagoons is not slurries or waste water treatment.

An assessment has now been submitted which indicates the odour levels indicated are modelled without a cover being in place; in this regard the odour from the proposed lagoons is noted as being “low impact” without a cover. The applicant proposes that the lagoons will have floating covers and their submission indicates that the use of covers will lead to a 90% reduction in odour levels.

The Council's Environmental Health Officer has commented that given that the odour report identifies modelled low odour impact levels (without the proposed lagoon cover) then the addition of the lagoon cover will seemingly lead to a still further reduced odour impact. Even if the odour characteristics of materials placed in the lagoons were to be more significant than modelled, with the cover in place the impact likely appears to be limited with the odour impact concentrated to a small area immediately around the lagoons.

Further information has also been supplied by the applicant concerning the delivery and collection of materials to the lagoon(s) and having assessed all this information the Council's Environmental Health Officer has concluded that they do not consider the application to be refusable. On this basis, and without any evidence to demonstrate odour would cause an unacceptable impact on residential amenities, it is considered that the application is acceptable in this regard.

In reaching this conclusion the Council's Environmental Health Officer has based their assessment on the information that the applicant has submitted specifying the type of material that will be deposited in the lagoons; how this will be transported to / from the site; and how it will be stored. Conditions are recommended to ensure that the lagoon is operated in accordance with the information that the applicant has supplied.

## 5. Highway Considerations

Initially, inadequate information had been submitted to allow officers to determine impacts on the public highway. The applicant has subsequently advised that the existing access to Gosfield Airfield off of the A1017 would be utilised to serve the application site with between 8 and 10 HGV vacuum tankers accessing the site each day, between Monday and Friday.

The Highway Authority raises no objection to the application, as they consider that there would be no highway safety issue given the existing site access arrangements and the road network can comfortably absorb this level of vehicular movements.

Officers recommend a condition in relation to vehicular movements on the site, specifically restricting them to Monday to Friday, 08:00 – 19:00. This is to limit the times the lagoons would be accessed, to protect the amenities of nearby residential dwellings.



## 6. Impact on Public Right of Way (Gosfield No. 13)

There are a number of public rights of way crossing parts of the former Airfield, including Gosfield No. 13 whose route passes close to the proposed lagoon.

This PROW enters the site from the A1017, and then heads north towards the proposed lagoon and then east back towards the A1017. The applicant has provided plans which show the proposed route of tankers delivering / collecting material and a significant part of that route will be along the PROW route. The County Council Public Rights of Way team and Ramblers Association have objected to the application because of the impacts the development would have on the public right of way network.

Upon leaving the main airfield road the proposed tanker routing would see HGV's travel approximately 345m along the route of Gosfield 13. This section consists of a concrete hardstanding which is assumed to relate to the historic airfield use. To access the lagoon vehicles will then turn east continuing along the PROW, along an unmade track, for approximately 125m before turning north off the PROW into the woodland heading approximately 135m north to the site of the proposed lagoon.

There will clearly need to be engineering operations to construct a suitable surface to allow tankers to access the proposed lagoon and a condition is recommended requiring details of proposed hardstanding within the site to facilitate the vehicular movements. When coming to consider the details, the case officer will be liaising with the highway authority and the public rights of way team to ensure the footpath is not prejudiced by the proposals.

The objection from the Public Right of Way team includes a concern that the enjoyment of users of the footpath will be diminished by the operation of the storage lagoons. It is acknowledged that members of the public using the footpath would be the closest receptors to the lagoons and exposed to any odours emanating from them. Notwithstanding this, there is no policy basis from a planning perspective to consider impacts specifically on users of the public right of way. It is not unusual for traditional countryside activities to produce odours and within a working countryside this could be considered part of the countryside experience. Whilst Officers accept the need to protect the amenities of the occupants of nearby dwellings it is not considered that the same protection can be afforded to the amenity of rights of way users. Whilst there would be an odour impact at some times on users of the Public Right of Way network it would not be reasonable to refuse the application on this basis.

The highway authority has noted that the Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath

no 13 Gosfield shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The granting of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route (whilst relevant access provision works take place) using powers included in the aforementioned Act. As such there is recourse beyond planning to ensure the continued protection of the Public Right of Way. Overall, whilst the public right of way will experience vehicle movements that it will not previously have experienced, the frequency of its use and the nature of the straight length of public right of way mean that this impact is not considered to result in an unacceptable impact upon the safety and convenience of the public right of way.

## 7. Landscape / Impact on TPO Woodland

The site is located in an area designated as TPO Woodland (03/2014 - W1). Policy RLP80 of the Braintree District Local Plan Review states that proposals will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of impacts upon wildlife and for the creation and management of appropriate new habitats. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

The proposed lagoon would be located in an existing clearing within part of the TPO woodland. The development would require laying additional hard surfacing to facilitate access to the lagoon(s), and the lagoon(s) themselves would require excavation.

Tree Protection measures were included in the application concerning the excavation of the lagoons and a condition is recommended to ensure these measures are employed. The Council's Landscape Officer has recommended that details are agreed specifying how the tracks will be constructed / reinforced to ensure that the existing trees are not damaged or removed to facilitate the development. It is recommended that these details are required by condition.

Once excavated the lagoons will be covered to help control the odour that would emanate from the stored material. These large covers will be visible in close proximity to the lagoons but Officers do not consider that the lagoons and the cover would have an unacceptable impact on the wider landscape being contained within established woodland and as no part of the development would be elevated above ground level.

## 8. Conclusion

The proposed lagoon(s) would be located in the countryside but are considered to constitute an appropriate countryside use. The lagoon will be located within a TPO woodland and close to the PROW network. Whilst the lagoon(s) will be located relatively close to residential dwellinghouses sufficient details have been submitted which show that the lagoon(s) have been designed with these constraints in mind, and that unacceptable impacts would not take place. Therefore, it is recommended that the application is approved planning permission subject to conditions.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Location Plan	Plan Ref: 21785/104 REV B
Site Plan	Plan Ref: 21785/151 REV A
Proposed Plans	Plan Ref: 21785/500 REV B
Proposed Plans	Plan Ref: 21785/502
Proposed Plans	Plan Ref: 21785/505 REV. B
Supporting Documents	Plan Ref: 1812 C1
Supporting Documents	Plan Ref: 29/11/2017 Letter
Supporting Documents	Plan Ref: Tree Protection Measures
Tree Plan	Plan Ref: 21785/851 Rev. O

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

### Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The lagoon hereby approved shall only be used for the storage of digestate produced by an Anerobic Digestion plant.

Prior to the first use of the lagoons, details of the proposed sources of digestate, including a certification of digestate, shall be submitted to and approved in writing by the Local Planning Authority. When a new source of digestate is proposed, details of this source, including a certification of digestate shall be submitted to and approved in writing by the Local

Planning Authority. Material which is proposed to be stored in the lagoons which falls under the definition of 'waste' according to the Environment Agency's Guidance 'Anaerobic digestate: End of waste criteria for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste' or any guidance which supersedes it is not material that can be stored in this lagoon.

Reason

To ensure the lagoons are not filled with material which would have an unacceptable impact on the amenities of neighbouring residential properties.

- 4 The development shall be carried out in accordance with all the recommendations specified within the Odour Assessment Report produced by Redmore Environmental (Odour Assessment, ref 1812) and the letter from Plandescil (ref OJ/21785 dated 29.11.17), including keeping the lagoon hereby approved covered by a floating cover as specified.

Reason

In the interests of the amenity of users of the Public Right of Way and residents of the locality.

- 5 Prior to construction of any part of the development, details of the hardstanding to be installed to facilitate access to the lagoon (including the relationship with Footpath 13 Gosfield and any associated segregation of footpath users, layout, levels, gradients, surfacing and means of surface water drainage and tree protection measures) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the lagoons shall not be begun until the hardstanding has been constructed in accordance with the approved details, and shall thereafter be retained in the approved form.

Reason

To ensure the development prejudices neither the public right of way nor the TPO woodland.

- 6 Development shall not be commenced until details of the means of protecting all of the existing trees to be retained from damage during the construction and use of the hardstanding to the lagoon have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees.

Reason

To ensure the protection and retention of existing trees which are the subject of Tree Preservation Orders.

- 7 There shall be no vehicular movements to, from or within the application site outside the following times:-

Monday to Friday 0800 hours - 1900 hours

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 8 Details of tree protection measures to be put in place prior to the provision of the hardstanding referred to in Condition No. 5 shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The tree protection measures, as approved, shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

Reason

To ensure the protection and retention of existing trees which are the subject of Tree Preservation Orders.

- 9 The development shall be carried out in accordance with the approved Tree Protection measures contained within Proposed Protection Fencing Plan - Drawing 21785/851 Rev 0 - and Tree Protection measures document - undated. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

- 10 The only vehicles permitted for delivering material to the lagoon, or taking material from the lagoon, are HGV vacuum tankers, details of which shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the first delivery to the lagoon.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 3 The applicants attention is drawn to the letter from Cadent (formerly National Grid) dated 22/09/2017 and from the Highway Authority in respect of the Public Right of Way network dated 08/02/2018 and the advice contained within. Copies of the letters are viewable on the Council's website - [www.braintree.gov.uk](http://www.braintree.gov.uk)
- 4 In seeking to discharge Condition No. 5, the Local Planning Authority will be looking to ensure the proposed hardstanding will prejudice neither the

public right of way nor the trees in the TPO woodland area. The use of a porous material should aid in the latter.

- 5 You are advised that trees on the site are the subject of a Tree Preservation Order. No tree, the subject of a Tree Preservation Order may be lopped, topped, felled or uprooted without permission under the Order. It is an offence to carry out any works to a preserved tree without such consent having previously been obtained from the local planning authority.

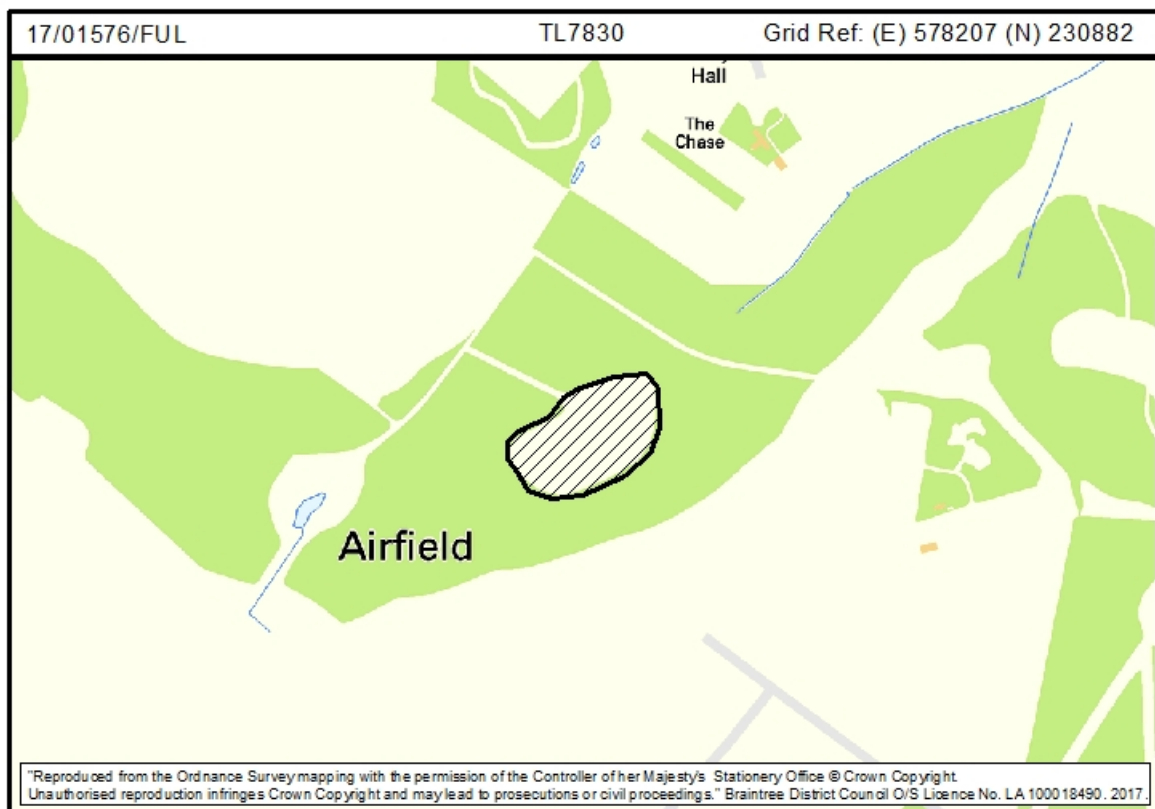
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5b

PART A

APPLICATION NO: 17/01576/FUL DATE: 31.08.17  
VALID:  
APPLICANT: Ripper Farms Ltd  
Mr William Ketley, Unit 4-7 The Old Airfield, Gosfield,  
Essex, CO9 1SA  
AGENT: Plandescil Ltd  
Mr Oliver Jones, 42-44 Connaught Road, Attleborough,  
NR17 2BW  
DESCRIPTION: Proposed lagoon to contain digestate (lagoon 2)  
LOCATION: Gosfield Airfield, Hedingham Road, Gosfield, Essex

For more information about this Application please contact:  
Mr Sam Trafford on:- 01376 551414 Ext. 2520  
or by e-mail to: [sam.trafford@braintree.gov.uk](mailto:sam.trafford@braintree.gov.uk)





## SITE HISTORY

89/00207/P	Proposed Alterations To Access	Granted	08.03.89
91/00543/PFHN	Variation Of Condition 2 Of Bte/207/89 For Additional Use Of Access	Granted	25.06.91
91/00638/E	Inclusion In The Local Mineral Plan And In Market-Type Use		
91/01025/PFHN	Installation Of Septic Tank	Refused	18.11.91
91/01197/PFHN	Variation Of Planning Permission Ref No. Bte/543/91 To Allow Additional Use Of Access	Granted	18.11.91
98/00899/FUL	Formation of screening embankments	Withdrawn	24.08.98
14/01554/FUL	Proposed demolition of existing units 1, 2, and 3 and erection of new building	Granted	28.01.15
14/01555/FUL	The erection and refurbishment of a relocated Nissen hut (from Air Blast (East Anglia)Ltd) together with associated car parking provision	Granted	28.01.15
16/01412/FUL	Proposed additional parking	Granted	26.09.16
17/01153/AGR	2 new lagoons to contain digestate from existing plants on the site and elsewhere	Planning Permission Required	19.07.17
17/01172/AGR	1 no. new lagoon to contain digestate from existing plants on the site and elsewhere	Planning Permission Required	19.07.17
17/01575/FUL	Proposed lagoon to contain digestate (lagoon 3)	Pending Decision	
17/01577/FUL	Proposed lagoon to contain digestate (lagoon 4)	Withdrawn	14.03.18
17/01607/FUL	Proposed development of 40 no. new residential dwellings	Refused	11.12.17

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017. The Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. The Part 2 Draft Local Plan examination will take place later this year.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and;*

*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)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### Braintree District Local Plan Review 2005

RLP11	Changes of Use Affecting Residential Areas
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP36	Industrial and Environmental Standards
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP53	Generators of Travel Demand
RLP62	Development Likely to Give Rise to Pollution or the Risk of Pollution
RLP63	Air Quality
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings

#### Braintree District Local Development Framework Core Strategy 2011

CS5	The Countryside
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS11	Infrastructure Services and Facilities

#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP8	Rural Enterprise
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP67	Natural Environment and Green Infrastructure
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP73	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

#### Other Material Considerations

None.

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being considered at Planning Committee as Gosfield Parish Council and Sible Hedingham Parish Council have objected to the application, which is contrary to officer recommendation.

## SITE DESCRIPTION

The application site consists of an area of land adjacent to the former Gosfield Airfield. The site is located outside of any village envelope or development boundary. To the east of the site there are a collection of residential dwellinghouses, which front the A131. To the north is the hamlet of Southey Green.

The site is located approximately 0.8 miles north of Gosfield, and approximately 1.5 miles south of Sible Hedingham. The site would be accessed through the existing entrance onto the Gosfield Airfield site, from the A1018.

The lagoon that is the subject of this application, and a second lagoon that is subject of a separate application, would be located in existing clearings within woodland that is subject of a Group Tree Preservation Order (TPO).

Other parts of the Gosfield Airfield site are used for commercial/industrial purposes. It has been allocated in the Braintree District Publication Draft Local Plan as being an 'Employment Policy Area'.

There is an existing Anaerobic Digester plant located to the west of Gosfield Airfield.

## PROPOSAL

This planning application is one of two which the applicant proposed would be constructed to create two separate lagoons, to contain 'digestate' produced from anaerobic digestion plants. The proposals were subject of two applications for agricultural prior notification in 2017. It was found that the proposed development did not constitute agriculture, and the development was too close to 'protected buildings' (i.e. residential dwellinghouses) to constitute permitted development, and therefore planning permission was determined to be required.

Although the applicant made three separate applications for three separate lagoons they have subsequently withdrawn application 17/01577/FUL so the Council only need to determine the two remaining applications.

The anaerobic digestion plant processes the remains of energy crops once they have been used for their primary purpose as biofuel. This process sees organic matter put through a series of biological processes in which microorganisms break down the biodegradable material in the absence of oxygen to produce biogas. The material that remains after that process is known as Digestate which can eventually be spread on fields and used as a bio fertiliser. However it is not ready to be used as soon as it leaves the anaerobic digestion plant; it needs time to ferment. This is the reason the lagoons are proposed.

The three lagoons are numbered no's 3 and 4. This planning application is for lagoon no. 4. It would measure 0.81 hectares and be located within an existing clearing.

The digestate would be delivered to the site by road, in tankers, where it will be deposited into one of the proposed lagoons. It is understood that a total of between 8-10 tankers would access the two lagoons in a single day, Monday to Friday, and that access to the site would be via an existing access to the Old Gosfield Airfield. These vehicle movements would involve the delivery of material for 6 months of the year and the removal of fermented material.

When the lagoons are full, the digestate would be stored for periods between October and March.

At all times, the lagoons would be sealed underneath, and covered by a sealed cover. The digestate would be pumped using a vacuum system from the tanker straight into the sealed lagoons. Once the digestate is ready, it is extracted via the same method and spread on fields as a fertiliser.

## CONSULTATIONS

**BDC Environmental Health Officer** – No Objection following receipt of revised and additional information.

**Environment Agency** – No Objection. Initially the EA advised that the applicant has not supplied adequate information to demonstrate that the risks of odour and pollution posed to surface and/or groundwater quality can be safely managed. Following receipt of revised and additional information the EA confirmed that they did not object to the application.

**Historic Buildings Advisor** – Objects to application based on a lack of a heritage statement to allow impacts on designated heritage asset to be assessed, as Historic England's *Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (2015) states that the potential for odours must be assessed when considering how development might impact on heritage assets.

**National Grid (Cadent)** – No Objection.

**Natural England** – No Objection.

**Highway Authority** – No Objection.

**Public Rights of Way** – Object to application based on amenity impacts on the Public Right of Way (Gosfield No. 13). They also comment that they would not allow the PROW to be obstructed or damaged.

**Ramblers Association** – Object to application. They highlight that the submitted plans do not show the Public Right of Way (PROW); there is

insufficient information on odour and noise to be able to assess the potential impact on users of the PROW network; insufficient information on the source of the material and the route of road tankers; insufficient information to show how road tankers will reach the proposed lagoons; the increase in vehicular traffic within the site would negatively affect users of the PROW network and would damage the surface of the PROW.

**BDC Landscape Services** – No Objection, subject to details being approved to show how the trees in the surrounding woodland will be protected during the construction process.

**Gosfield Parish Council** – Object to application as the proposed lagoons are close to residential properties and would impact on the residents' lifestyles due to the smell and odours when the lagoons.

**Greenstead Green and Halstead Rural Parish Council** – No Objection.

**Sible Hedingham Parish Council** – Object to application as it will have a detrimental impact on the landscape and there is a large risk of odours being released.

## REPRESENTATIONS

A site notice was displayed at the front of the site and neighbouring properties were notified by letter. At the time of writing the report, representations had been received from a total of 17 addresses.

The main issues raised by objectors are as follows:

- impact on neighbouring residential amenities;
- odour issues;
- impact on protected species;
- impact on TPO woodland;
- odour issues caused when pumping digestate from vehicle to lagoons;
- noise impacts caused by machinery;
- gases emitted;
- health concerns caused by proposed digestate;
- and impact on the significance of the Grade I listed 'Gosfield Hall' and its parklands.

These are all material planning considerations, and have been taken into account when the applications were determined.

## REPORT

### 1. Principle of Development

The application site is located outside of the village envelopes of Gosfield and Sible Hedingham. Policy RLP2 of the adopted Local Plan Review (2005), where a proposal would involve a site located outside of a designated town development boundary or village envelope, countryside policies apply. Policy

CS5 of the Core Strategy states that development, outside town development boundaries, village envelopes and industrial development limits, will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The site is located within woodland adjacent to Gosfield Airfield, a former World War II base. Parts of the airfield site are now used for a number of commercial and industrial activities. Officers consider the construction of the lagoons and their use to store digestate are appropriate countryside uses given that they will produce fertiliser that can be spread on agricultural land and given the space and locational requirements for this type of operation.

#### Proposed Material to be Stored in Lagoon

When the applications were initially submitted consultees highlighted some uncertainties over precisely what material would be deposited into the proposed lagoons. It was important that the source and content of the material was understood to be able to determine the potential impact of the development.

No information had been submitted to indicate where the proposed digestate will be sourced from. The additional documentation now provided suggests the digestate would come from a local anaerobic digester plant and other locations, although these are not specified. The applicant has confirmed that they will not be storing slurries, sludge or effluent water from waste water treatment plants, and the Environment Agency have advised they are now satisfied that the proposed digestate would not be a waste material and therefore the application should be considered as a non-waste application. A condition is recommended to restrict the material that can be stored within the lagoon(s) to digestate from Anaerobic digestion plants and for certification of the source material to be provided prior to first use.

Whilst the delivery / storage / removal of the digestate / fertiliser will intensify the use of the site, including vehicular movements, the fact that the site is already used for industrial businesses and processes and is sited away from significant residential areas means that Officers consider that the principle of this development is acceptable in this location, subject to detailed consideration of issues such as highway safety and capacity; landscape and ecology; heritage and residential amenity.

## 2. Design and Appearance

Policy CS5 of the Braintree District Core Strategy states development outside town development boundaries, village envelopes and industrial development limits will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The lagoon is shown to be excavated to a depth of 6.25m. The excavated area would be kidney shaped and approximately 130m in length and 37.5m wide. The depth of the retained material is shown to be 3.75m when full. The lagoon would be surrounded by a 1.2m high fence.

The site is located in existing clearings surrounded by woodland. The lagoons themselves, although they would likely be visible in some views from the Public Right of Way, these views would be limited and therefore it is considered they would not have any unacceptable impacts on the character and amenity of the countryside.

### 3. Impact on Heritage Assets

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. The NPPF states in paragraph 134 that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy RLP100 of the Braintree District Local Plan Review and Policy LPP 60 of the Braintree District Publication Draft Local Plan state development which could impact upon the setting of a listed building, a locally listed heritage asset, or an otherwise designated heritage asset will only be permitted if the proposed works or uses do not cause harm to the setting, character, structural stability and fabric of the building, and do not result in the loss of or significant damage to the building's historic and architectural elements of special importance, and use appropriate materials and finishes.

Paragraph 128 of the NPPF states heritage statements are required *“to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

The NPPF acknowledges that the significance of a heritage asset can be harmed through development within its setting. The Council's Historic Buildings Consultant has highlighted that Historic England's *Good Practice Advice in Planning Note 3: The Setting of Heritage Assets* (2015) lists odours as potentially having an impact which must be assessed. A heritage statement which describes the significance of any heritage asset affected including any



contribution made by their setting would be required in order to ascertain these impacts.

Consideration must be given to the potential impact the proposed development could have by way of odours upon how people experience designated heritage assets. The most significant designated heritage assets within the surrounding areas are the Grade I listed Gosfield Hall, and the Grade II listed Gosfield Registered Park and Garden. The owners of Gosfield Hall have expressed concerns about the potential for strong, unpleasant odours to affect the wedding venue that they operate. They also refer to the Registered Parks and Gardens.

Gosfield Hall is approximately 1.5km to the south of the proposed lagoon(s). The Hall stands within the Registered Park and Garden whose northern boundary is approximately 1km from the lagoon at its closest point. The Council are required to consult Historic England on applications where 'Development likely to affect any battlefield, garden or park of special historic interest ...' Given the distance separating the site of the lagoons to these heritage assets the Council did not consider that English Heritage needed to be consulted. The Council's Historic Buildings Consultant agreed with Officers that there was no requirement for the Council to consult Historic England.

The Council's own Historic Buildings Consultant was consulted as there are other listed buildings, such as Shardlowes Farm approx.500m east, closer to the lagoons than Gosfield Hall and the Registered Parks and Gardens. When the Council's Historic Buildings Consultant (HBC) was consulted in November they stated they were unable to determine impacts without a heritage statement. However they go on to state that *'based upon the odour report submitted it appears unlikely that there will be an adverse impact, however, this cannot be guaranteed without further analysis by the applicant'*.

After the HBC produced their response the applicant produced further information to address the concerns of the Council's Environmental Services Officer (ESO). Given that the Council's ESO does not object to the proposed development on the grounds that any odour omitted would not warrant refusal and given the significant distance between the aforementioned listed buildings and the application site, Officers consider that the odour impacts will be relatively localised and not severe and as such it is considered that it would not be reasonable to refuse the application on the grounds of the impact of odours on the setting of the listed buildings and Registered Parks and Gardens.

The Council's Historic Environment Officer screens all applications that are submitted to the Council for developments that would potentially impact upon archaeological deposits. Where they consider that there is a risk that archaeological deposits may be affected they will recommend conditions that require archaeological investigation of sites before development commences. In this instance they have not recommended that archaeological investigation is necessary.

#### 4. Impact on Neighbouring Residential Amenities

The application site is located adjacent to the Gosfield Airfield site which is located within the countryside, between the villages of Gosfield and Sible Hedingham. The area contains a scattering of residential dwellings, some of which would be in relatively close proximity to residential dwellinghouses. The closest dwellinghouse to the lagoons is known as The Chase at Southey Green, and is approximately 250m from the closest lagoon.

Policy RLP36 of the Braintree District Local Plan Review states planning permission will not be granted for new development and changes of use which would have an unacceptable impact on the surrounding area, as a result of noise, smells, dust, grit or other pollution, health and safety, visual impact and traffic generation, contamination to air, land or water, impact on nature conservation interest, or unacceptable light pollution. Policy RLP62 states planning permission will not be granted for development including changes of use which will, or could potentially, give rise to polluting emissions to land, air and water, or harm to nearby residents including noise, smell, fumes, vibration or other similar consequences, unless adequate preventative measures have been taken to ensure that any discharges or emissions, including those which require the consent of statutory agencies, will not cause harm to land use, including the effects on health and the natural environment; and adequate preventative measures have been taken to ensure that there is not an unacceptable risk of uncontrolled discharges or emissions occurring, which could cause harm to land use, including the effects on health and the natural environment.

Policy RLP63 states where the Council considers that air quality objectives are likely to be prejudiced, as a result of development proposals and/or resultant traffic movements, applicants will be required to submit a specialist assessment. Planning permission will be refused for developments where air quality objectives cannot be met.

The provision of a lagoon to store digestate could be a development which could have a significant impact upon neighbouring residential amenities by virtue of odour emissions. The information contained initially within the application was insufficient for Planning Officers and the Council's Environmental Services Officer and Environment Agency to assess whether the proposal would have an unacceptable impact on the surrounding area, including residential properties in the locality. The applicant submitted further information including a new odour report.

Following assessment of the additional information the Environment Agency confirmed that they would not have regulatory control of the lagoon(s). This means that it would be the District Council's responsibility to investigate any nuisance complaints from local residents in relation to odours. Once such a development is present, if a statutory nuisance was identified and the site operator could demonstrate that the defence of best practicable means exists then action by this Authority to address any such odour issues may not be

possible. In the worst case this could leave local residents experiencing odour issues with no regulatory action available to them by an Authority, other than to pursue private actions themselves.

With the above in mind this is why it is so important to try and get any such development adequately considered and controlled, through the planning process, before it is created. If it cannot be adequately controlled or concerns allayed, then permission should be refused.

The application initially indicated that the lagoons would be used to hold liquid digestate and “dirty water” (from the anaerobic digester), as well as slurry and storm water. Subsequent correspondence from the agent (letter dated 29th November 2017) has confirmed that the material to be stored at the lagoons is not slurries or waste water treatment.

An assessment has now been submitted which indicates the odour levels indicated are modelled without a cover being in place; in this regard the odour from the proposed lagoons is noted as being “low impact” without a cover. The applicant proposes that the lagoons will have floating covers and their submission indicates that the use of covers will lead to a 90% reduction in odour levels.

The Council's Environmental Health Officer has commented that given that the odour report identifies modelled low odour impact levels (without the proposed lagoon cover) then the addition of the lagoon cover will seemingly lead to a still further reduced odour impact. Even if the odour characteristics of materials placed in the lagoons were to be more significant than modelled, with the cover in place the impact likely appears to be limited with the odour impact concentrated to a small area immediately around the lagoons.

Further information has also been supplied by the applicant concerning the delivery and collection of materials to the lagoon(s) and having assessed all this information the Council's Environmental Health Officer has concluded that they do not consider the application to be refusable. On this basis, and without any evidence to demonstrate odour would cause an unacceptable impact on residential amenities, it is considered that the application is acceptable in this regard.

In reaching this conclusion the Council's Environmental Health Officer has based their assessment on the information that the applicant has submitted specifying the type of material that will be deposited in the lagoons; how this will be transported to / from the site; and how it will be stored. Conditions are recommended to ensure that the lagoon is operated in accordance with the information that the applicant has supplied.

## 5. Highway Considerations

Initially, inadequate information had been submitted to allow officers to determine impacts on the public highway. The applicant has subsequently advised that the existing access to Gosfield Airfield off of the A1017 would be

utilised to serve the application site with between 8 and 10 HGV vacuum tankers accessing the site each day, between Monday and Friday.

The Highway Authority raises no objection to the application, as they consider that there would be no highway safety issue given the existing site access arrangements and the road network can comfortably absorb this level of vehicular movements.

Officers recommend a condition in relation to vehicular movements on the site, specifically restricting them to Monday to Friday, 08:00 – 19:00. This is to limit the times the lagoons would be accessed, to protect the amenities of nearby residential dwellings.

#### 6. Impact on Public Right of Way (Gosfield No. 13)

There are a number of public rights of way crossing parts of the former Airfield, including Gosfield No. 13 whose route passes close to the proposed lagoon.

This PROW enters the site from the A1017, and then heads north towards the proposed lagoon and then east back towards the A1017. The applicant has provided plans which show the proposed route of tankers delivering / collecting material and a significant part of that route will be along the PROW route. The County Council Public Rights of Way team and Ramblers Association have objected to the application because of the impacts the development would have on the public right of way network.

Upon leaving the main airfield road the proposed tanker routing would see HGV's travel approximately 345m along the route of Gosfield 13. This section consists of a concrete hardstanding which is assumed to relate to the historic airfield use. To access the lagoon vehicles will then turn east continuing along the PROW, along an unmade track, for approximately 125m before turning north off the PROW into the woodland heading approximately 135m north to the site of the proposed lagoon.

There will clearly need to be engineering operations to construct a suitable surface to allow tankers to access the proposed lagoon and a condition is recommended requiring details of proposed hardstanding within the site to facilitate the vehicular movements. When coming to consider the details, the case officer will be liaising with the highway authority and the public rights of way team to ensure the footpath is not prejudiced by the proposals.

The objection from the Public Right of Way team includes a concern that the enjoyment of users of the footpath will be diminished by the operation of the storage lagoons. It is acknowledged that members of the public using the footpath would be the closest receptors to the lagoons and exposed to any odours emanating from them. Notwithstanding this, there is no policy basis from a planning perspective to consider impacts specifically on users of the public right of way. It is not unusual for traditional countryside activities to produce odours and within a working countryside this could be considered

part of the countryside experience. Whilst Officers accept the need to protect the amenities of the occupants of nearby dwellings it is not considered that the same protection can be afforded to the amenity of rights of way users. Whilst there would be an odour impact at some times on users of the Public Right of Way network it would not be reasonable to refuse the application on this basis.

The highway authority has noted that the Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath no 13 Gosfield shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.

The granting of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with the Highway Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route (whilst relevant access provision works take place) using powers included in the aforementioned Act. As such there is recourse beyond planning to ensure the continued protection of the Public Right of Way. Overall, whilst the public right of way will experience vehicle movements that it will not previously have experienced, the frequency of its use and the nature of the straight length of public right of way mean that this impact is not considered to result in an unacceptable impact upon the safety and convenience of the public right of way.

## 7. Landscape / Impact on TPO Woodland

The site is located in an area designated as TPO Woodland (03/2014 - W1). Policy RLP80 of the Braintree District Local Plan Review states that proposals will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the area such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. All new development will be expected to provide measures for any necessary mitigation of impacts upon wildlife and for the creation and management of appropriate new habitats. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced.

The proposed lagoon would be located in an existing clearing within part of the TPO woodland. The development would require laying additional hard surfacing to facilitate access to the lagoon(s), and the lagoon(s) themselves would require excavation.

Tree Protection measures were included in the application concerning the excavation of the lagoons and a condition is recommended to ensure these measures are employed. The Council's Landscape Officer has recommended

that details are agreed specifying how the tracks will be constructed / reinforced to ensure that the existing trees are not damaged or removed to facilitate the development. It is recommended that these details are required by condition.

Once excavated the lagoons will be covered to help control the odour that would emanate from the stored material. These large covers will be visible in close proximity to the lagoons but Officers do not consider that the lagoons and the cover would have an unacceptable impact on the wider landscape being contained within established woodland and as no part of the development would be elevated above ground level.

## 8. Conclusion

The proposed lagoon(s) would be located in the countryside but are considered to constitute an appropriate countryside use. The lagoon will be located within a TPO woodland and close to the PROW network. Whilst the lagoon(s) will be located relatively close to residential dwellinghouses sufficient details have been submitted which show that the lagoon(s) have been designed with these constraints in mind, and that unacceptable impacts would not take place. Therefore, it is recommended that the application is approved planning permission subject to conditions.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

## APPROVED PLANS

Planning Layout	Plan Ref: 21785/103 REV A
Location Plan	Plan Ref: 21785/150 REV A
Proposed Plans	Plan Ref: 21785/502
Proposed Plans	Plan Ref: 21785/505 REV. B
Supporting Documents	Plan Ref: 1812 C1
Supporting Documents	Plan Ref: 29/11/2017 Letter
Supporting Documents	Plan Ref: Tree Protection Measures
Tree Plan	Plan Ref: 21785/851 Rev. O

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The lagoon hereby approved shall only be used for the storage of digestate produced by an Anerorbic Digestion plant.

Prior to the first use of the lagoons, details of the proposed sources of digestate, including a certification of digestate, shall be submitted to and approved in writing by the Local Planning Authority. When a new source of digestate is proposed, details of this source, including a certification of digestate shall be submitted to and approved in writing by the Local Planning Authority. Material which is proposed to be stored in the lagoons which falls under the definition of 'waste' according to the Environment Agency's Guidance 'Anaerobic digestate: End of waste criteria for the production and use of quality outputs from anaerobic digestion of source-segregated biodegradable waste' or any guidance which supersedes it is not material that can be stored in this lagoon.

Reason

To ensure the lagoons are not filled with material which would have an unacceptable impact on the amenities of neighbouring residential properties.

- 4 The development shall be carried out in accordance with all the recommendations specified within the Odour Assessment Report produced by Redmore Environmental (Odour Assessment, ref 1812) and the letter from Plandescil (ref OJ/21785 dated 29.11.17), including keeping the lagoon hereby approved covered by a floating cover as specified.

Reason

In the interests of the amenity of users of the Public Right of Way and residents of the locality.

- 5 Prior to construction of any part of the development, details of the hardstanding to be installed to facilitate access to the lagoon (including the relationship with Footpath 13 Gosfield and any associated segregation of footpath users, layout, levels, gradients, surfacing and means of surface water drainage and tree protection measures) shall be submitted to and approved in writing by the Local Planning Authority. Construction of the lagoons shall not be begun until the hardstanding has been constructed in accordance with the approved details, and shall thereafter be retained in the approved form.

Reason

To ensure the development prejudices neither the public right of way nor the TPO woodland.

- 6 Development shall not be commenced until details of the means of protecting all of the existing trees to be retained from damage during the construction and use of the hardstanding to the lagoon have been submitted to the local planning authority for approval. The approved means of protection shall be installed prior to the commencement of any engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees.

Reason

To ensure the protection and retention of existing trees which are the subject of Tree Preservation Orders.

- 7 There shall be no vehicular movements to, from or within the application site outside the following times:-

Monday to Friday 0800 hours - 1900 hours

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

- 8 Details of tree protection measures to be put in place prior to the provision of the hardstanding referred to in Condition No. 5 shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The tree protection measures, as approved, shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

Reason

To ensure the protection and retention of existing trees which are the subject of Tree Preservation Orders.

- 9 The development shall be carried out in accordance with the approved Tree Protection measures contained within Proposed Protection Fencing Plan - Drawing 21785/851 Rev 0 - and Tree Protection measures document - undated. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of



the development to the complete satisfaction of the local planning authority. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

No materials, goods or articles of any description shall be stacked, stored or placed at any time within the limits of the spread of any of the existing trees, shrubs or hedges.

Reason

To ensure the protection and retention of existing/remaining trees, shrubs and hedges. These details are required prior to the commencement of the development as they relate to measures that need to be put in place prior to development commencing.

- 10 The only vehicles permitted for delivering material to the lagoon, or taking material from the lagoon, are HGV vacuum tankers, details of which shall previously have been submitted to and approved in writing by the Local Planning Authority prior to the first delivery to the lagoon.

Reason

To protect the amenities of the occupiers of nearby residential properties and the surrounding area.

INFORMATION TO APPLICANT

- 1 Your attention is drawn to the need to discharge conditions before development starts where it is a requirement of the condition/s. Development will be treated as having been commenced when any material change of use or material operation has taken place, pursuant to Section 56 of the Town and Country Planning Act 1990. A material operation means any work of construction in the course of the erection of a building, including: the digging of a trench which is to contain the foundations, or part of the foundations of a building; the laying of any underground main or pipe to a trench, the foundations, or part of the foundations of a building; any operation in the course of laying out or constructing a road or any part of a road; and any work of demolition of a building. If development begins before the discharge of such conditions then those conditions cannot be discharged and a breach of planning control will have occurred, which may result in enforcement action being taken.
- 2 Please note that in accordance with Government Legislation a formal application must be made to the Local Planning Authority when submitting details in connection with the approval of details reserved by a condition. Furthermore, a fee of £34 for householder applications and £116 for all other types of application will be required for each written request. Application forms can be downloaded from the Council's web site [www.braintree.gov.uk](http://www.braintree.gov.uk)

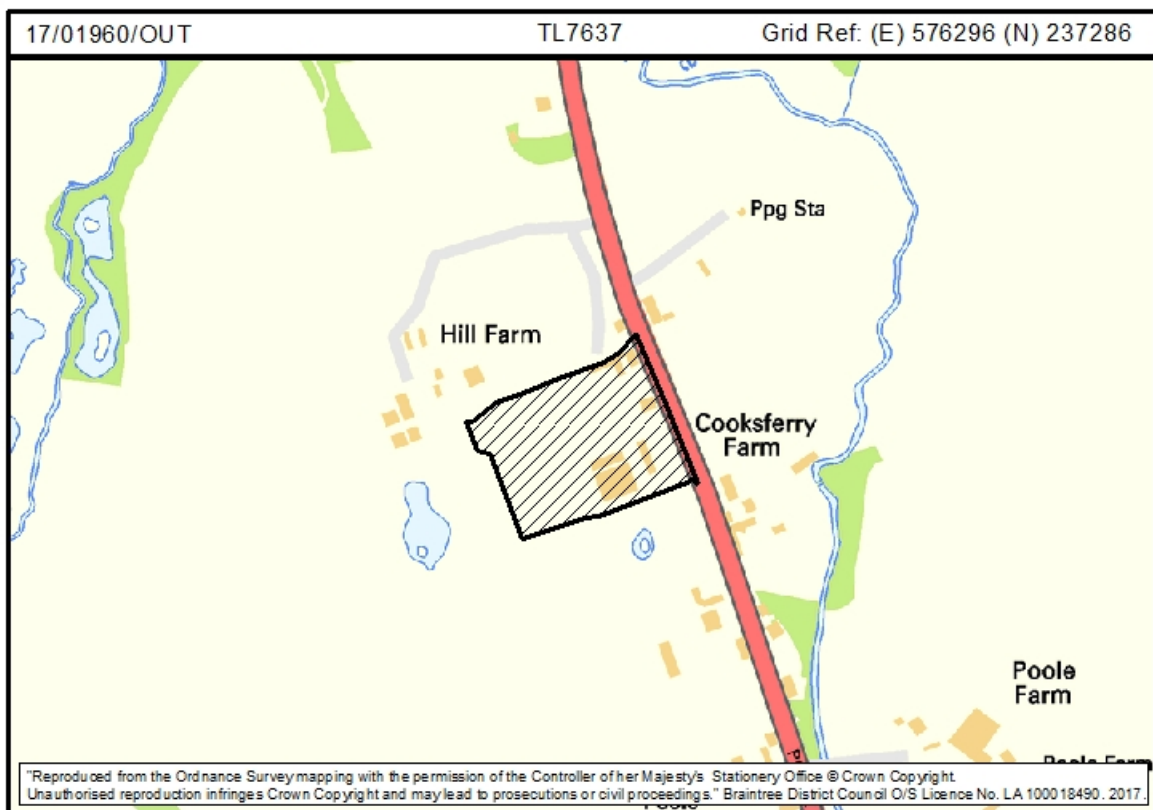
- 3 The Public Right of Way network is protected by the Highways Act 1980. Any unauthorised interference with any route noted on the Definitive Map of PROW is considered to be a breach of this legislation. The public's rights and ease of passage over public footpath No. 13 Gosfield shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way.
- 4 In seeking to discharge Condition No. 5, the Local Planning Authority will be looking to ensure the proposed hardstanding will prejudice neither the public right of way nor the trees in the TPO woodland area. The use of a porous material should aid in the latter.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART A

APPLICATION NO: 17/01960/OUT DATE: 07.11.17  
 VALID:  
 APPLICANT: Arboretum Partners  
 C/O Agent  
 AGENT: Miss Kate Kerrigan  
 Boyer, 15 De Grey Square, De Grey Road, Colchester,  
 CO4 5YQ  
 DESCRIPTION: Outline planning permission is sought with all matters reserved - Demolition of existing buildings and a residential development of up to 26 dwellings, including 40% affordable housing, accesses, associated infrastructure and open space.  
 LOCATION: Woodpecker Court, Poole Street, Great Yeldham, Essex

For more information about this Application please contact:  
 Katie Towner on:- 01376 551414 Ext. 2509  
 or by e-mail to: [katie.towner@braintree.gov.uk](mailto:katie.towner@braintree.gov.uk)



## SITE HISTORY

02/00716/COU	Change of use of light industrial unit to Class IV MOT Station and Service Centre	Granted	02.07.02
89/01481/P	Erection of storage shed	Granted	28.09.89
79/00128/P	Proposed woodworking machinery workshop	Granted	13.03.79
89/01481/P	Erection Of Storage Shed	Granted	22.09.89
90/00931/PFHN	Erection Of Storage Units	Refused	19.10.90

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017. The Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. The Part 2 Draft Local Plan examination will take place later this year.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and;*

*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)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not

however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### Braintree District Local Plan Review 2005

RLP2	Town Development Boundaries and Village Envelopes
RLP8	House Types
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP35	Non-Conforming and Un-Neighbourly Industry
RLP49	Pedestrian Networks
RLP53	Generators of Travel Demand
RLP56	Vehicle Parking
RLP64	Contaminated Land
RLP65	External Lighting
RLP69	Sustainable Urban Drainage
RLP80	Landscape Features and Habitats
RLP81	Trees, Woodland Grasslands and Hedgerows
RLP84	Protected Species
RLP90	Layout and Design of Development
RLP100	Alterations and Extensions and Changes of Use to Listed Buildings and their settings
RLP105	Archaeological Evaluation
RLP106	Archaeological Excavation and Monitoring
RLP138	Provision of Open Space in New Housing Developments

### Braintree District Local Development Framework Core Strategy 2011

CS2	Affordable Housing
CS4	Provision of Employment
CS5	The Countryside
CS7	Promoting Accessibility for All
CS8	Natural Environment and Biodiversity
CS9	Built and Historic Environment
CS10	Provision for Open Space, Sport and Recreation

## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP17	Housing Provision and Delivery
LPP33	Affordable Housing
LPP37	Housing Type and Density
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP53	Provision of Open Space, Sport and Recreation
LPP55	Layout and Design of Development
LPP60	Heritage Assets and their Settings
LPP63	Archaeological Evaluation, Excavation and Recording
LPP68	Protected Species, Priority Spaces and Priority Habitat
LPP69	Tree Protection
LPP70	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Landscape Character and Features
LPP78	Flooding Risk and Surface Water Drainage
LPP79	Surface Water Management Plan
LPP80	Sustainable Urban Drainage Systems
LPP81	External Lighting

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being presented to Committee as it was determined through consultation with the Chairman and Vice Chairman of the Planning Committee that it could be significant in its impacts.

## SITE DESCRIPTION

The application site is 1.82ha of land to the western side of Poole Street. The site comprises industrial units, 2no. residential properties and an area of farmland. The residential properties known as Hill House and Cherrytree Cottage both front on to Poole Street. The industrial units are set back in to the site on its southern side and are of single storey form. The site is bound to the west by fields, to the north by Lark Hill Farm and to the south by a garden to a residential property. Immediately to the east of the site on the eastern side of Poole Street are agricultural fields.

The site is located just over 1km from the centre of Great Yeldham. A public footpath runs along the northern boundary of the site.

Beyond the site to the south east is a grade II listed property at Cooksferry Farm.

## PROPOSAL

The application seeks outline planning permission with all matters reserved for the demolition of the existing industrial buildings and the introduction of 26no. residential dwellings. Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable to the Local Planning Authority, before a fully detailed proposal is put forward.

The application is supported by a suite of documents which include:

- Design and Access Statement
- Phase One Desk Study (Contamination)
- Flood Risk Assessment
- Landscape and Visual Impact Assessment
- Marketing Report
- Phase 1 Habitat Survey
- Planning Statement
- Transport Statement
- Tree Survey

## CONSULTATIONS

BDC Environmental Health – No objections subject to conditions in respect of dust and mud control, construction hours, burning of waste, piling and contamination.

ECC Flood and Water Management – No objection subject to conditions

Anglian Water – No objections

ECC Education – No financial contributions sought for Early Years, Primary or Secondary Education.

ECC Highways – No objection subject to conditions in respect of the access, visibility splays, a 2m wide footway, pedestrian crossing, upgrade of bus stops, residential travel packs and a construction management plan.

ECC Archaeology – Recommend a condition requiring archaeological evaluation and historic building recording.

BDC Housing Research and Development – 40% affordable housing should be provided which equates to 10no. units for a 26no. unit scheme.

## REPRESENTATIONS

Parish Council – Objects to the application on the following grounds:

- The development is outside of the village envelope
- The development contravenes Policies RLP2, CS5 and CS8

- The development should be regarded as highly unsustainable as it is 0.7km from the village. The village has limited services and facilities
- The Primary school is at capacity
- The footpath along the A1017 is narrow and below modern standards
- The 40mph speed limit along the A1017 is exceeded
- Loss of the hedgerow will have an urbanising influence
- The development would appear in the landscape as an isolated mini housing estate out of context with the surrounding development
- Hill House should not be demolished as it is an historic asset
- Loss of five employment units
- The Parish does not want any additional dwelling either inside or outside of the village envelope
- Further growth will place a burden on the infrastructure

149 letters of objection have been received in response to the public consultation, the main planning points of which are summarised below:

- Intrusion on privacy
- High density housing out of character with the area
- Highway safety
- Impact on village infrastructure
- No further dwellings are required in Great Yeldham
- Asbestos roof
- The Transport Statement refers to Tiptree Road which is incorrect
- The site is outside of the Village Envelope
- The site is not within walking distance to the school as suggested
- Doctors surgery is over subscribed
- The site should remain for industrial use
- Demolition of small rural business estates is having a profound impact on the availability and rental values of industrial units in Braintree District
- Redevelopment to housing should not be permitted simply because the employment spaces have been left to deteriorate through lack of proper investment
- Impact on character of the countryside
- The road is prone to surface water flooding
- Will set a precedent for development on land opposite – within the applicants ownership
- Development at Butlers Way has already been refused
- The applicant has not participated in the Local Plan process
- The LVIA does not cover the entire site
- The red line should be reduced to just include Woodpecker Court
- Does not secure sustainable development



## REPORT

### Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The application site is located outside of the village envelopes for Great Yeldham and Sible Hedingham and is as such within the countryside. The development therefore conflicts with the Policy RLP2 of the Local Plan Review and Policy CS5 of the Core Strategy which seeks to direct housing to within settlement boundaries. Policy CS5 states that beyond settlement limits development will be strictly controlled to uses appropriate to the countryside, in order to protect and enhance the landscape character and biodiversity, geodiversity and amenity of the countryside.

The Council is currently working on a Draft Local Plan, now referred to as the Publication Draft Local Plan. The Plan was approved by the Council on the 5<sup>th</sup> June for a Regulation 19 consultation and for submission to the Secretary of State. The public consultation ran from the 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Plan was submitted to the Planning Inspectorate in October 2017 and Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and; 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)”.*

Accordingly the Council can currently afford some weight to the Publication Draft Local Plan 2017.

The Council acknowledges that in terms of what the NPPF requires, it does not currently have a deliverable 5 year supply of land for housing “...that meets the full objectively assessed need for market and affordable housing”, together with an additional buffer of 5%, as required under paragraph 47 of the NPPF. The NPPF provides specific guidance in relation to the determination of planning applications in such circumstances, stating at paragraph 49 that *‘Housing applications should be considered in the context*

*of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites'.*

This is further reinforced at paragraph 14 which identifies the presumption in favour of sustainable development as sitting at the heart of the NPPF, and that for decision-taking this means '*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework (NPPF) taken as a whole; or specific policies in this Framework indicate development should be restricted*'.

The scale of the shortfall in housing supply is a matter that has been the subject of argument at recent Public Inquiries relating to residential developments in the District. A key aspect of the argument has been whether to apply the "Sedgefield approach" or the "Liverpool approach" to the calculation of the shortfall. The difference between the two is that under the Sedgefield approach, Local Planning Authorities make provision for any undersupply from previous years over the next 5 years (i.e. front loading) whereas the Liverpool approach spreads provision for the undersupply over the full term of the Plan (i.e. reducing the level of supply needed in the first five years when compared to the Sedgefield approach). The conclusion reached by two Planning Inspectors (ref. appeal decision Land at West Street Coggeshall dated 12 July 2017, and Land at Finchingfield Road Steeple Bumpstead dated 6<sup>th</sup> September 2017) is that although the District Council advanced the Liverpool approach, the Sedgefield approach should be applied to the calculation until there is greater certainty with the Local Plan. These appeal decisions are a material consideration in the determination of residential development proposals and it must therefore be acknowledged that whilst the District Council's forecast housing supply (as at 30 December 2017) is considered to be 5.15 years based on the Liverpool approach, it is 4.03 years based on the Sedgefield approach.

Neither paragraph 14 or 49 NPPF fix the weight to be afforded to a conflict with policies of the Development Plan in circumstances where they are out of date. Weight is for the decision taker. Officers advise that in light of a lack of a five year supply of housing land, the second bullet point in the 'decision taking' section of paragraph 14 is triggered and as a consequence lesser weight can be given to policies which restrict the supply of housing. The lack of a 5 year housing land supply is therefore a material consideration which weighs in favour of the proposed development.

### Sustainable Development

The NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependent.

The development will undoubtedly bring both social and economic benefits, albeit relative to the scale of the development. The development will provide housing and also affordable housing. In addition the development would provide benefits during the construction stage and thereafter with additional residents supporting the services/facilities within nearby towns/villages.

Para.55 of the NPPF states that in order 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. LPA's should avoid isolated new homes in the countryside unless there are special circumstances.

The strategy set out in the Publication Draft Local Plan is to concentrate growth in the most sustainable locations - that is, by adopting a spatial strategy that promotes development in the most sustainable locations, where there are opportunities for walking, cycling and public transport links to nearby shops, services and employment opportunities. This means for the new Local Plan: "That the broad spatial strategy for the District should concentrate development in Braintree, planned new garden communities, Witham and the A12 corridor, and Halstead".

CS7 of the Core Strategy states that future development will be provided in accessible locations to reduce the need to travel. The site is located within the countryside. The Core Strategy and the Publication Draft Local Plan state that development within the countryside will be severely restricted to that which supports countryside uses. The site is located between Sible Hedingham and Great Yeldham, with Great Yeldham being the closet village. Great Yeldham is an 'other village' within the settlement hierarchy within the adopted Core Strategy. The Publication Draft Local Plan classes the village as 'second tier'. Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met. Although they lack the full range of facilities of a Key Service Village.

Great Yeldham does offer a range of services/facilities, for example, convenience shops, post office, hot food takeaways, public house and a hairdresser. The site is however located beyond settlement limits, disconnected from the village centre and beyond reasonable walking distance to the village centre. There is a footpath link along the eastern side of Poole Street which connects to the village; however this is extremely narrow in the most part and thus does not present a safe nor inviting pedestrian environment which would allow or encourage future residents to utilise facilities within the village without using a vehicle. Great Yeldham is served by a bus service, with the no. 89 route providing hourly links to Halstead and Braintree. This service runs Monday to Saturday during the day but not late in to the evenings. The no. 88 service provides links to Colchester however this service is extremely limited with only the occasional bus throughout weekdays. The site is not within a reasonable nor safe walking distance from a bus stop. Development in this location would undoubtedly place reliance on

travel by car which conflicts with policy CS7 of the Core Strategy and weighs against the proposal in the overall planning balance.

Members are asked to note a recent High Court Judgement in respect of a proposal for development of two houses near Blackmore End. The District Council had challenged the Inspector's decision to grant permission for two dwellings, taking particular issue with the Inspector's view on whether the proposal would create isolated homes in the countryside. The High Court decision gives a legal interpretation of the definition of "isolated" in the context of its use in the NPPF. This interpretation is that isolated should be given its dictionary meaning, with the distinction between settlements and the countryside being a physical analysis rather than a mixture of the function and physical. Therefore we must consider the application of this test as to whether the proposal is physically proximate to other dwellings, rather than considering a wider analysis of the functional relationship to services and settlements. At this time the interpretation of the High Court is the law on this point, however the Council has been granted leave to appeal this Judgement and therefore this has an impact on the weight given to this decision.

Several local residents have commented that the existing residential properties should not be considered as brownfield land. A High Court Judgement in 2015 held that residential gardens outside of 'built up areas' were to be considered as brownfield. There is however no definition of 'built up areas'. The NPPF encourages the effective use of previously developed land, provided it is not of high environmental value. This must however be considered in the context of the Framework as a whole. Although broadly the use of brownfield land to deliver housing would be preferable to releasing greenfield sites, when considering a brownfield site it is not the case that all other standards and policies are disregarded. The NPPF does not dictate or presume that the development of brownfield land should be granted planning permission without giving due consideration to all other material considerations, including securing sustainable development. Previously developed land is a consideration and has benefit in terms of sustainability, but it is not the sole determining factor.

To conclude, in terms of the settlement hierarchy in both the current development plan and that emerging, the site would not be considered a sustainable location for residential development. Furthermore despite there being facilities within Great Yeldham village, the site is divorced from these and the pedestrian route available would not encourage means of travel, such as walking or cycling. This must be a factor in the overall planning balance.

The planning balance is concluded below.

### Loss of Employment

Part of the site is currently/was currently in use for employment purposes. The site is not however allocated as an employment site within the Local Plan Review. As such Policy CS4 of the Core Strategy is not directly applicable to this application. The NPPF advises that planning policies should avoid the

long term protection of sites allocated for employment use. Again given that the site is not allocated for employment purposes this is not directly applicable.

The application is supported by a marketing report which advises that the largest of the units on site, which has been vacant for some 15 months, has been marketed at a discount rate during throughout those 15 months. A number of enquiries were received, with seven viewings being undertaken, however no offers were received. Feedback from those who viewed the unit raised concerns with the difficult access and servicing arrangements and the low quality of the buildings and anticipated running costs.

A couple of the smaller units on the site are currently occupied, however it is advised that they are operating on rolling monthly contracts rather than long term tenancies.

The applicant makes reference to the evidence base for the emerging Local Plan which includes a number of documents which consider employment sites throughout the District. The application site is not considered specifically given that it is not an allocated employment area; however it is referred to in the assessment for the Hunnable Industrial Estate. At the time of the reports, both Woodpecker Court and Hunnable Industrial Estate had vacant units. Part of the Hunnable Industrial Estate has the benefit of planning permission for residential development; however an area adjacent will remain allocated for employment use. Great Yeldham will therefore retain an allocated employment area.

The applicant suggests that planning permission at Hunnable Industrial Estate is justification for the proposed development, given both sites had vacant units. The two sites are similar in this regard however they differ significantly in other areas, for example by way of their locations and connection to the settlement. This will be addressed below.

Officers appreciate concerns raised by local residents at the loss of the existing units; however it is not considered that the application could be refused on the grounds of any conflict with employment policies, especially given the marketing evidence that has been provided.

### Design, Appearance and Layout

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development; it is indivisible from good planning and should contribute positively to making places better for people.

Policy RLP9 of the Local Plan Review requires residential development to create a visually satisfactory environment and be in character with the site and relate to its surroundings. Policy RLP10 of the Local Plan Review considers density of development and acknowledges that densities of between 30-50 dwellings per hectare will be encouraged. Policy RLP90 of the

Local Plan Review and policy CS9 of the Core Strategy seek a high standard of design and layout.

The application is for outline permission with all matters reserved. Design and layout are therefore Reserved Matters and they are not for consideration at this stage, beyond a general assessment as to whether the site can accommodate the quantum of development proposed.

Poole Street is characterised by ribbon development which has developed organically over time and as a result there is no consistency or set building line and no single property type dominates the streetscape. The properties are generally detached, sited on large plots and sited at irregular intervals along Poole Street. The application is supported by an illustrative layout plan containing 26no. dwellings and an area of open space. In officer opinion the indicative layout would introduce an alien form of development in this location. A development of this scale, at depth in to the site would be completely at odds with the character of the immediate locality and impact upon the amenity afforded to the countryside. In order to accommodate the number of units proposed, the layout would, as indicatively shown, be a contrived and overly urban approach which is markedly in contrast to the character of the area. It is officer opinion that 26no. units could not be accommodated, within the developable area shown, in a manner which is appropriate to a site in this location. Despite the brownfield nature of part of the site, it is not heavily developed with buildings or infrastructure and is largely undeveloped. It is considered that the residential development of the site would urbanise this part of the countryside and result in an unwarranted intrusion.

The application site is located beyond the village settlement. At this point along Poole Street, existing development has dissolved from the main settlement and is sporadic generally in individual or semi-detached plots. It is considered that the development would result in an enclave of housing which is unrelated and fails to integrate into the countryside setting.

The proposed development involves the removal of two existing residential properties on the site. There is no specific policy which would require their retention, however their loss would be unfortunate given their characterful appearance and if replaced by the development proposed, it would be to the detriment of the countryside location.

The application is supported by a Landscape and Visual Impact Assessment (LVIA). At a national level the site lies within the South Suffolk and Essex Claylands and at a regional level within the Valley Settled Farmlands. At an Essex and local level the site lies within the Colne River Valley Character Area.

One of the core principles set out in the National Planning Policy Framework is that 'planning should recognise the intrinsic character and beauty of the countryside. Local Plans should include strategic policies for the conservation and enhancement of the natural environment, including landscape. This includes designated landscapes but also the wider countryside'.

Core strategy policy CS8 (Natural Environment and Biodiversity) states that ; *'Development must have regard to the character of the landscape and its sensitivity to change and where development is permitted it will need to enhance the locally distinctive character of the landscape in accordance with the Landscape Character Assessment'*

Local Plan Review Policy RLP80 states that new development should not be detrimental to the distinctive landscape features and development that would not successfully integrate in to the local landscape will not be permitted.

The site is within the area of the Colne River Valley as defined and described in the 2006 Braintree Landscape Character Assessment. The key characteristics of this area are the shallow river valley with relatively steep valley sides and generally open views across fields. The skyline of the valley slopes is sensitive to potential new development as are views to the valley sides from adjacent character areas. This character area has a high sensitivity to change. The Landscape Character Assessment advises that the impact of new residential development on the open arable landscape should be considered and that any new development should be small-scale, responding to historic settlement patterns, landscape setting and locally distinctive building styles.

The LVIA acknowledges that during the construction of the development there will be a landscape and visual effect; however this would only be temporary. On completion the site will permanently change from brownfield land to residential built development, however in the long term the LVIA concludes that there would be a minor beneficial effect on the settlement character of Great Yeldham and Poole Street.

The Council's Landscape Officer has considered the application and notes that the immediate area of visual impact has been marked in green on the photomontages which is sufficient to show the area of accretion for the built form however it does not provide a realistic impression of the nature of new housing in the countryside and how it will be perceived; arguably it would be more effectively shown with a more accurate colouring; nonetheless it is agreed that the impact will be much reduced in the late spring and summer months when the viewpoints into the site will be masked by vegetation.

The development will create a noticeable impact, especially for users of the nearby Public Rights of Way (PROWs), creating a sense of development breaking out in to what is predominantly a farming/undeveloped landscape. It is considered however that this impact would be mitigated to some degree by the distance of the PROW's from the site and the seasonal influence of leaf cover. In addition careful consideration to building materials would also lessen the visual impact.

It is not considered that the development would be so harmful to the landscape, that it would be justified to refuse planning permission on this basis, however as discussed above it is Officer opinion that a development of

this scale and nature would be markedly out of character with this part of Poole Street and thus it is objectionable for this reason.

As mentioned above the design and layout of the proposed development are reserved matters. It is considered prudent to note that Officers consider that the indicative layout is flawed in a number of aspects. A number of the dwellings have poorly designed car parking arrangements, rear gardens are exposed to the public realm and the open space is poorly related to the development. The layout as shown would fail to secure a high standard of design.

### Impact on Heritage Assets

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering applications for planning permission there is a duty to have special regard to the desirability of preserving statutorily listed buildings or their setting or any features of special architectural or historic interest which they possess.

A core principle of the NPPF is the conservation of the historic environment. Para. 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. The more important the asset the greater the weight should be. It indicates that significance can be harmed or lost through development within its setting. Para.134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Policies RLP100 of the Local Plan Review seeks to conserve the local features of architectural, historic and landscape importance and the setting of listed buildings. Policy CS9 of the Core Strategy also seeks to protect and enhance the historic environment.

The Council's Heritage Consultant is of the opinion that the distinctive character of Poole Street, as has been described above provides a positive setting in which listed buildings are experienced. This includes the Grade II listed Cooksferry Farmhouse, a mid-seventeenth century property to the south east of the site. The proposed development would be within the immediate setting of this listed building. The Heritage Consultant advises that in order to preserve and enhance local character it is vital that any development at this site does not create a standard, uniform development, but one what instead had variation in the plot sized, positioning within plots, massing, materials, boundary treatments and landscaping. It is appreciated that the layout plan provided is only indicative however it is considered that 26no. properties would be overly ambitious given the sensitivity of the locality and the need to respond to the local character. It is considered that 26no. properties on this site, especially in a manner as shown, would give rise to a harmful impact on the street scene and the understanding of how the settlement evolved and the surroundings in which the heritage assets are experienced.



The Heritage Consultant is also of the opinion that Hill House and Cherry Tree Cottage should be retained, in order to maintain the visual variation within the street and preserve the two nineteenth century properties which contribute positively to Poole Street's varied character and reflects its organic development.

A degree of harm would be caused to the designated heritage assets by the proposed development, but this would be less than substantial and must be weighed against the public benefits of the scheme. This balancing exercise will be undertaken later in this report.

### Impact on Neighbour Amenity

One of the core planning principles set out in the NPPF is to secure a good standard of amenity for all existing and future occupants of land and buildings. Policy RLP90 of the Local Plan Review also states that development should not have an unacceptable impact upon neighbouring amenity.

The application is in outline form and therefore it is not possible to consider the impacts on neighbouring properties at this stage. Officers are of the opinion however that it would be possible for a development to come forward which would not prejudice the amenities of nearby residential properties.

There is the potential for the development to affect the amenity of residents of nearby properties during the construction period. If the Council were minded to approve the development, Officers would recommend a number of conditions to control construction activity in order to minimise the impact on those properties.

### Highway Issues

The application is supported by a Transport Statement. This concludes that the development would have a negligible impact on the local highway network.

Para.32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The NPPF also requires planning to focus development in locations which are or can be made sustainable. Policy CS7 of the Core Strategy states that the Council will work to improve accessibility, to reduce congestion and reduce the impact of development upon climate change and to this end future development will be provided in accessible locations to reduce the need to travel.

Policy RLP49 of the Local Plan Review states that development proposals will only be permitted where the needs of pedestrians are fully incorporated in the design and layout. Policy RLP50 of the Local Plan Review advises that development proposals will only be permitted where the design and layout incorporates routes for cyclists. Policy RLP53 states that major new

development proposals that are likely to generate significant levels of travel demand will only be permitted where direct public transport service exist or there is potential for the development to be well served by public transport and the layout of the development has been designed to ensure that access to existing or potential public transport lies within easy walking distance.

The location of the site and its connectivity to services and public transport has already been addressed above.

Access is a reserved matter and therefore not for consideration at this stage. Nonetheless it is necessary to consider whether access to the site can be achieved. It is proposed to retain the existing access at the south eastern corner of the site. This is shown to serve only one unit, however the layout is only indicative. A second access is proposed to the north of the site and is shown to serve the remainder of the development.

The Transport Statement advises that a small length of footway will be provided on the western side of Poole Street north of the proposed access to the north of the site and a crossing point provided to connect to the existing footway on the eastern side of Poole Street.

The Transport Statement includes traffic survey data and projected trip data including the development. The traffic survey data shows daily two way traffic of 4401 movement on Poole Street, of which approximately 8% is heavy goods vehicles. The Transport Statement suggests that the development will generate 13 additional traffic movements in the AM peak period and 12 additional traffic movements in the PM peak period.

The Transport Statement has not taken in to consideration the extant use suggesting that vehicle movements will be similar and therefore intensification will not occur. In Officers opinion it is considered that even if all the existing units were occupied, a residential development of this scale would produce a greater level of vehicle movements. Nonetheless the Highway Authority has considered the proposed development and raises no objections to the development in principle.

The points of access (one existing access retained, one new access proposed) shown on the illustrative site layout are only indicative. However the Highway Authority raise no objection to the proposals shown indicatively.

The Highway Authority has requested a footway along the entire site frontage at a width of 2m. This has potential implications in respect of the existing verge and planting and consequently the character of the area. It may be possible however for a layout to come forward that considers this requirement and can incorporate landscaping to mitigate against this impact upon the rural character of the area.

It is noted that the illustrative layout shows access points into the field opposite the site on the eastern side of Poole Street. These are not contained within the red line and have not been considered as part of the application.

## OTHER MATTERS

### Surface Water Drainage

The application is supported by a Flood Risk Assessment. The site is within flood zone 1 at the lowest risk of flooding. The proposed surface water drainage strategy has been designed to attenuate all storm events up to the 1 in 100 year event with an allowance of 40% for climate change. The site provides opportunities for SuDS to be used and this would be designed in to any future scheme. Essex County Council as lead Local Flood Authority has been consulted on the proposal and raises no objections.

### Ecology and Arboriculture

The application is supported by a Phase I Ecology Survey. This concludes that a further survey is required in respect of bats. A bat surveys has been undertaken and bat roosts were found at Hill House and in Unit 1. As such a Natural England licence would be required before any work could commence. No bat activity was found at Cherrytree Cottage and thus a licence would not be require for this part of the site, however a condition could be placed on any grant of consent which required a “soft demolition” approach and demolition only between March and October. In addition a bat sensitive lighting scheme would be required and could be required by condition.

Reptiles (grass snakes) are known to be present on the site; however this is to the rear of the site where no development is proposed. As such no further surveys are required. No further surveys are required on great crested newts. No further surveys are required for birds; however conditions would be required on any grant of consent to ensure nesting birds are protected.

A condition could also be placed on any grant of consent which required biodiversity enhancement, by way of bat and bird boxes.

In order to facilitate the development a number of trees and hedges would need to be removed. The majority of the individual trees are of low quality and the Council’s Landscape Officer is of the opinion that this is reflected accurately within the submitted arboricultural survey. The Lime Trees and Horse Chestnut along the road frontage are prominent large trees and make a contribution to the character of the local landscape. These trees should not be included within rear gardens but retained within the public realm. This has been accounted for on the indicative plans provided.

The proposal would include the loss of the hedgerow along the front of the site, which although not of the best quality does afford a character to Poole Street. Landscaping is a reserved matter however a landscape masterplan has been submitted which indicates a new hedgerow is proposed part way along the frontage. It is Officer opinion that provided adequate space within the development and along the frontage is retained for landscaping the character afforded to the site from trees and planting could be retained.

### Archaeology

Essex County Council advises that the site lies within a potentially sensitive archaeological area. It is recommended that a condition be placed on any grant of consent which requires archaeological evaluation to be undertaken.

### Planning Obligation

Paragraph 204 of the NPPF sets out the planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. This is in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations. The following identifies those matters that the District Council would seek to secure through a planning obligation, if it were to grant it permission.

Affordable Housing – Policy CS2 of the Core Strategy states that on development of this size affordable housing will be directly provided on site with a target of 40%.

Open Space – Policy CS10 of the Core Strategy states that the Council will ensure that there is good provision of high quality and accessible green space. New developments are required to make appropriate provision for publicly accessible green space or improvement of existing accessible green space in accordance with adopted standards. The Council's Open Space SPD sets out further details on how these standards will be applied. A development of this size would be expected to make a financial contribution towards allotments, outdoor sport, amenity green space and outdoor equipped play. Informal open space could be provided on site or a financial contribution could be made.

The provision/contribution is based upon a formula set out in the SPD and is currently not determined given the application is in outline form. There is also a requirement to secure the on-going maintenance of any public open space provided on site.

### CONCLUSION

The application site is located beyond a settlement boundary and is therefore within the countryside for the purposes of planning policy. The proposal conflicts with policy RLP2 of the Local Plan Review and policy CS5 of the Core Strategy.

As set out above the development of new housing will always bring benefits, but those benefits do not always outweigh all other considerations. Para. 49 of the NPPF makes it clear that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of

deliverable housing sites. The Framework is clear in its instruction at paragraph 14 that for decision taking, where relevant development plan policies are out of date this means granting planning permission unless i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole; or ii) specific policies of the Framework indicate development should be restricted.

In this particular case, despite having identified an adverse impact to heritage assets (at a level of less than substantial harm) it is not considered that this impact alone indicates that development at this site should be restricted. Paragraph 134 of the NPPF advises that where a development will lead to less than substantial harm this should be weighed against the public benefits. The proposed development would deliver public benefits (i.e. the contribution to the housing supply shortfall; the provision of affordable housing, short term construction related employment) and in this case it is not considered that the harm identified to heritage assets, which would be less than substantial, would outweigh these benefits. The identified harm to heritage assets will still, however factor, in the “tilted” planning balance. It is concluded that specific policies of the Framework (e.g. designated heritage assets, flood risk) do not indicate that development at this site should be restricted.

In such circumstances the Local Planning Authority must undertake the “tilted” planning balance to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF taken as a whole.

It is acknowledged that the provision of housing would bring social and economic benefits, would contribute towards the District's 5 year housing supply and deliver affordable housing and this should be given significant weight. In addition the development will bring about other economic benefits including the creation of construction jobs and increased demand for local services. Moreover the development would develop a site which is in part brownfield, albeit the site is not entirely redundant.

Nonetheless it is considered that the site is in a location which is, beyond reasonable walking distance to the services and facilities in Great Yeldham village. Furthermore the site does not benefit from a safe or convenient pedestrian link to the village which would encourage sustainable modes of travel. Development of the site for residential purposes would place an undeniable reliance on travel by private car, contrary to the aspirations of the NPPF, Policy CS7 of the Core Strategy and Policy RLP53 of the Local Plan Review.

In addition the proposal, at such a scale and depth in to the site would introduce an alien form of development which would be markedly at odds with the character of the immediate locality and would impact adversely upon the amenity afforded to the countryside. In order to accommodate the 26no. units, the development would have to take a compact approach, more akin to an urban area and in stark contrast to the character of the locality. In Officer

opinion the 26no. units could not be accommodated within the indicative developable area in a manner which is appropriate to a site in this location. The residential development of the site would urbanise this part of the countryside, be unrelated to its surroundings and result in an unwarranted intrusion. Moreover the development would give rise to a harmful impact on the street scene and the understanding of how the settlement evolved and the surroundings in which heritage assets are experienced. The proposed development would result in a detrimental impact upon the character and amenity of the countryside and cause a degree of harm to the historic environment, contrary to the NPPF, Policy CS5, CS8 and CS9 of the Core Strategy and Policies RLP9, RLP10, RLP80, RLP90 and RLP100 of the Local Plan Review.

In this case it is considered that the adverse impacts significantly and demonstrably outweigh the benefits and accordingly the proposal fails to achieve sustainable development and planning permission should be refused.

In addition a S106 Agreement has not been secured to ensure the provision of on-site affordable housing or a financial contribution towards public open space in order to mitigate the impacts of the development in these respects.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application REFUSED for the following reasons:-

- 1 The site is located in the countryside and falls outside of the defined village envelope as identified in the adopted Local Plan Review and adopted Core Strategy. The proposal introduces 26no. dwellings in the countryside where facilities and amenities are beyond reasonable and safe walking distance of the site and alternative modes of transport are problematic to access. As a consequence development in this location would undoubtedly place reliance upon travel by private motor car, conflicting with the aims of the NPPF and policy CS7 of the Core Strategy to locate development where the need for travel can be minimised and the use of sustainable transport modes can be maximised.

The proposal would introduce a scale and form of development markedly at odds with the character of the immediate locality, impacting adversely upon the amenity afforded to the countryside and resulting in an unwarranted intrusion which fails to integrate in to the immediate context. 26no. units cannot be accommodated on the site in a manner appropriate to this location. Moreover the development would impact on the understanding of how the settlement evolved and the surroundings in which heritage assets are experienced. The proposed development would result in a detrimental impact upon the character and amenity of the countryside and cause a degree of harm to the historic environment.

Cumulatively the adverse impacts of the development are considered to outweigh the benefits and the proposal fails to secure sustainable development contrary to the NPPF, Policy CS5, CS7, CS8 and CS9 of the Core Strategy and Policies RLP9, RLP10, RLP80, RLP90 and RLP100 of the Local Plan Review.

- 2 Adopted policies and Supplementary Planning Documents applicable to the proposed development would trigger the requirement for:
- A financial contribution towards public open space
  - The provision, maintenance and delivery of public open space on site
  - On site affordable housing

This requirement would be secured through a S106 Agreement. At the time of issuing this decision a S106 Agreement has not been prepared or completed. In the absence of such a planning obligation the proposal is contrary to policies CS2, CS10 and CS11 of the Core Strategy (2011), policy RLP138 of the Local Plan Review (2005) and the Open Space Supplementary Planning Document (2009).

### SUBMITTED PLANS

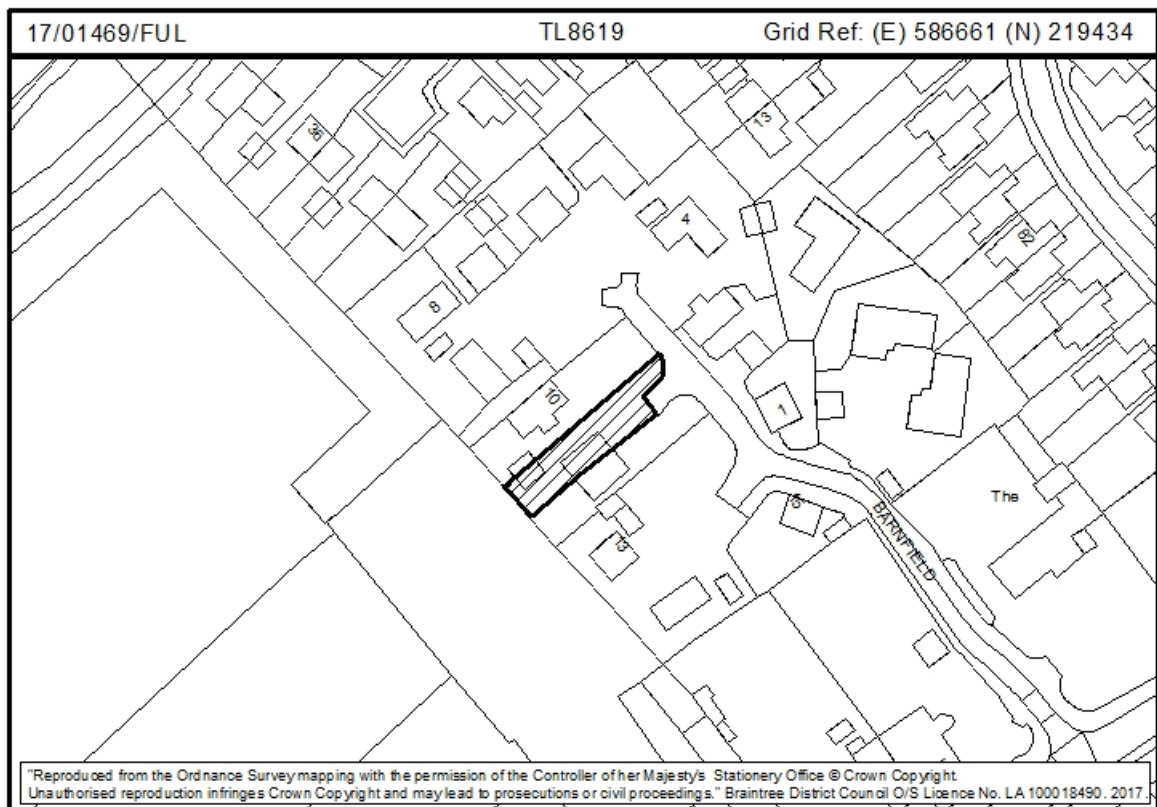
Highway Plan	Plan Ref: 48190-PP-002
Highway Plan	Plan Ref: 48190-PP-005
Highway Plan	Plan Ref: Highway Record
Location Plan	Plan Ref: SP.001
Planning Layout	Plan Ref: SK071
Landscape Masterplan	Plan Ref: 17/126-02
Parameter Drawing	Plan Ref: A1221
Parameter Drawing	Plan Ref: A1201
Parameter Drawing	Plan Ref: A1231
Topographical Survey	Plan Ref: 01
Topographical Survey	Plan Ref: 02

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 17/01469/FUL DATE 04.08.17  
 NO: VALID:  
 APPLICANT: Mr Keith Heron  
 11 Barnfield, Feering, Essex, CO5 9HP  
 AGENT: Bryan Reeve Associate  
 Mr Bryan Reeve, 6 Abell Way, Springfield, Chelmsford,  
 Essex, CM2 6WU  
 DESCRIPTION: Erection of single storey extension  
 LOCATION: 11 Barnfield, Feering, Essex, CO5 9HP

For more information about this Application please contact:  
 Mrs F Fisher on:- 01376 551414 Ext. 2503  
 or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)





## SITE HISTORY

None.

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017. The Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. The Part 2 Draft Local Plan examination will take place later this year.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and;*

*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)".*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

## National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

## Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development
RLP95	Preservation and Enhancement of Conservation Areas

## Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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## Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development
LPP56	Conservation Areas

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is referred to the Planning Committee for determination because Feering Parish Council have objected to the application, which is contrary to officer recommendation.

## SITE DESCRIPTION

11 Barnfield is a semi-detached dwelling located within a small housing development on land historically belonging to Feering Mill Farm. The site is located within the Feering Conservation Area.

The rear boundary of the site contains a wall which appears on the Heritage List as a heritage asset formally belonging to The Vicarage.

## PROPOSAL

The application seeks planning permission for the erection of a single storey garage extension which would measure 2.8 metres in depth by 3.2 metres in

width. The extension is proposed in front of the existing detached garage and would be attached to the rear wall of the main house.

The previous application for a similar, albeit larger extension, was refused planning permission as the extension proposed reduced the available off street parking provision to 1 car parking space, contrary to the adopted parking standards.

## CONSULTATIONS

Historic Buildings Consultant – No objections - the extension is atypical of the building typology in the surrounding area, insomuch as it is flat roofed, but it is not considered that it would result in harm to the special character of the heritage asset, as it would be relatively hidden, and be in an area of low to negligible significance from a heritage perspective. Therefore whilst it is suggested that a pitched structure would be characteristically and visually preferable, no objections are raised to the application from a heritage perspective.

## REPRESENTATIONS

Feering Parish Council object

- Objects to this planning application on the grounds of the application is in a Conservation Area and is out of character because it is a flat roof when others have a pitched roof.
- They also highlighted issues with the plans stating that they were misleading and contradictory in terms of the red line as it doesn't show the access to house numbers 10, 11 & 12.
- Also it doesn't show the green space which contains trees which have TPO's (TPO 51a - 2000).
- There is also a question of house / land ownership.
- The proposed extension makes the run-in length insufficient for the 2 car parking spaces that are required for properties of 2 bedrooms or more. (BDC parking guidelines)
- The site plan does not show the common driveway that provides vehicular access to Nos. 12, 11 & 10 Barnfield. So the 29.8 metres length shown on the location plan cannot all be deemed to be available to No.11 for car parking etc. as part is the vehicular access to No.10.

5 letters of objection from 3 separate neighbouring properties:

- 2 letters of objection from 2 Barnfield: Object to the proposal as it would create a parking issue as there will be less space for cars and visitors and any additional cars that will reside at the property. There is already a problem with the amount of space that is available in Barnfield for additional parking for visitors and residents.
- 3 letters of objection from Bailiffs Cottage, Felix Hall Park, Hollow Road, Kelvedon: Concerned about parking. Parking is already an issue in

Barnfield and children playing on the grass could be at risk. Errors on the site plan is misleading as it suggests that No.11 property extends some 28.8m from the front of the proposed extension, over the communal grass area and up to the road outside of No.2. The communal grass areas are maintained by all residents for enjoyment and not intended for parking.

Revised plans were submitted to address concerns with regards to parking space size and neighbours were re-notified.

Comments received during this re-notification period still raise concerns with regards to the shared access way and that this could be misleading to future owners of the property.

## REPORT

### Principle of Development

Both the NPPF and the NPPG require all new forms of development to be well designed. The NPPG (paras. 23 – 28) elaborates on this in a residential context, by requiring Local Planning Authorities to consider whether the layout, scale, form, details and materials come together to “help achieve good design and connected objectives”. In this case the site lies within the defined development boundary and in this location, as set out in Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, Policies LPP 1, LPP 38, LPP 50 and LPP 55 of the emerging Braintree District Publication Draft Local Plan and Policy CS9 of the Braintree District Core Strategy, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

The site is located within the Feering Conservation Area and therefore Policy RLP95 of the Braintree District Local Plan Review and Policy LPP 56 of the emerging Braintree District Publication Draft Local Plan apply. These policies state that proposals should not detract from the character and appearance of the Conservation Area and materials should be authentic and complementary to the building's character.

Having considered the proposal against these policies and guidance, it is considered that the principle of an extension to a dwelling in this location is acceptable subject to compliance with the policy criteria.

### Design and Appearance and Impact on Conservation Area

In terms of design and appearance, the proposed extension is considered to be acceptable in terms of its size, form and appearance. Whilst officers acknowledge the comments made from the Parish Council in relation to the proposed flat roof, it is considered that to replicate the current roof form of the garage would be difficult to achieve on an extension of this size. The use of a

slack pitched roof would likely be more visually harmful than a flat roof and therefore officers have not insisted that this is changed and consider that the simplistic design which has been adopted here is the most suitable approach.

In terms of impact on the Conservation Area, the Historic Buildings Consultant states that the site forms part of a modern backland estate which is not considered to make any particular contribution to the character and appearance of the heritage asset. The extension is atypical of the building typology in the surrounding area, inasmuch as it is flat roofed, but it is not considered that it would result in harm to the special character of the heritage asset, as it would be relatively hidden, and be in an area of low to negligible significance from a heritage perspective. Therefore whilst it is suggested that a pitched structure would be characteristically and visually preferable, no objection to the application as it currently stands from a conservation perspective.

Officers are therefore satisfied that the proposed flat roofed extension, set back from the dwelling frontage would not have a detrimental impact on the character and appearance of the street and can therefore be supported.

#### Impact on Neighbouring Residential Amenities

It is considered that due to the siting, size and bulk of the extension, that the proposal would not have a detrimental impact on neighbouring amenity in terms of loss of natural light, overshadowing, overbearing or in terms of overlooking and is considered compliant with the abovementioned policies in this regard.

The Parish Council have raised concerns that the site plan is inaccurate and doesn't show the true ownership of the site. The applicant has confirmed that the Ordnance Survey is accurate in terms of ownership as this is the plan which is shown on the deeds of the property.

#### Impact on Tree Preservation Order

The Parish Council have highlighted in their comments that the site plans do not show the existence of the trees which are located on the open space within the site edged red. These trees are to Tree Preservation Order's (TPO 51a - 2000), however, the location of the trees do not form part of the site where the extension is proposed nor where the car parking is marked out and therefore officers do not consider that the trees would be impacted by the proposal.

#### Highway Considerations

Policy RLP17 of the Braintree District Local Plan Review states that development will only be permitted where it satisfies highway criteria and can take place without detriment to the existing character of the area.

The Council's adopted parking standards, as set out in 'Parking Standards Design and Good Practice', September 2009 states that vehicle parking bays should measure 5.5 metres length by 2.9 metres wide and that for a dwelling of 2+ bedrooms, 2 No. parking spaces are required to be provided.

In terms of compliance with these standards, a garage can be included in this provision if it complies with the current standards in terms of size by being at least 7m in length by 3m in width when measured internally. As the garage is smaller than this stipulation, it is not considered that the garage would represent a useable parking provision.

The previous planning application was refused planning permission as the extension proposed was longer in length and reduced the available off street parking provision to 1 car parking space and as a result, was considered contrary to the adopted standards. This revised proposal however, has been reduced in size and this has allowed for the retention of two car parking spaces at the required size and therefore the proposal is now considered compliant with the adopted standards.

### CONCLUSION

Whilst the concerns raised are noted, the applicant has provided evidence that they control sufficient land to retain 2 spaces at the required size and as a consequence there is no longer a valid reason to refuse the application on grounds of lack of parking.

In terms of its design, the extension is simple in its form and appearance and given its location on a modern housing estate it is not considered to be out of keeping with the existing street scene. The Historic Buildings Consultant has not raised any concerns in relation to its impact on the Conservation Area and therefore officers are satisfied that the application can be supported.

### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

### APPROVED PLANS

Proposed Plans	Plan Ref: 3751:3	Version: B
Location Plan	Plan Ref: 3751:4	Version: B
Proposed Plans	Plan Ref: 3751:5	

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

### Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

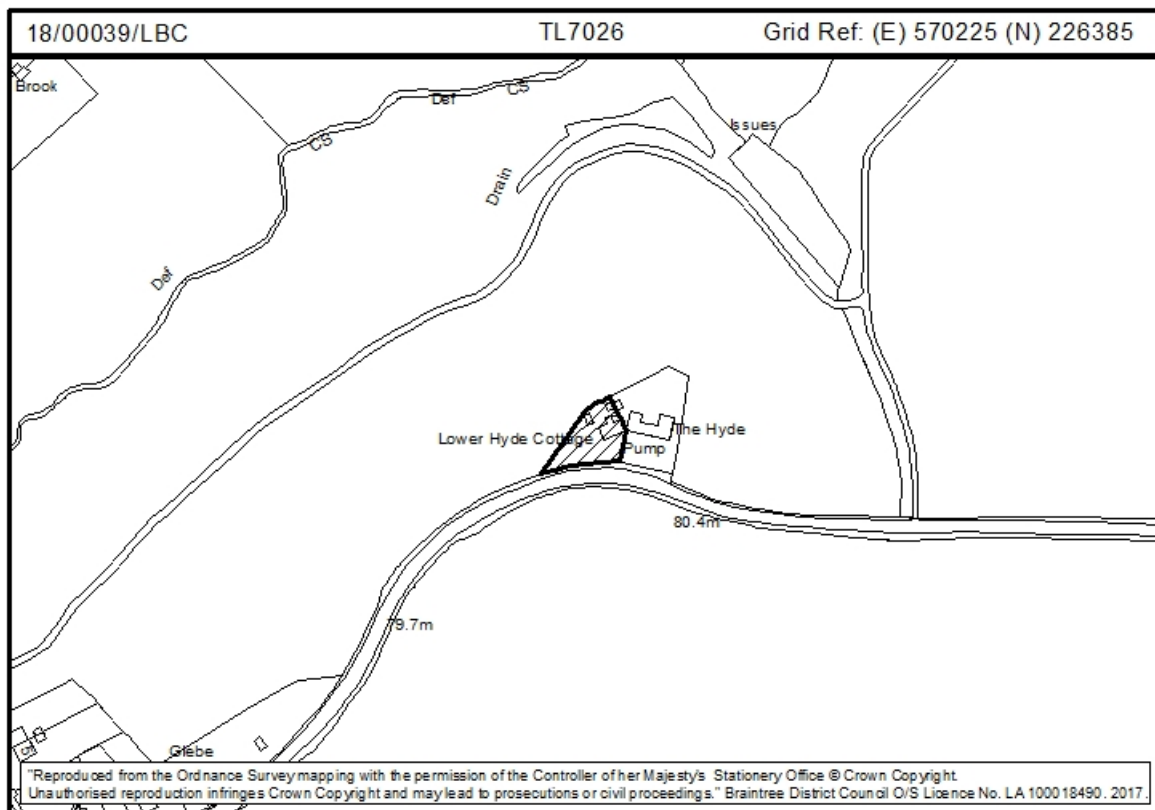
To ensure that the development does not prejudice the appearance of the locality.

TESSA LAMBERT  
DEVELOPMENT MANAGER

PART B

APPLICATION 18/00039/LBC DATE 03.01.18  
 NO: VALID:  
 APPLICANT: Mr Andrew Williams  
 Lower Hyde Cottage, Hyde Lane, Great Saling, Essex, CM7 5EW  
 DESCRIPTION: To affix a satellite dish to the rear, north facing elevation of the extension (built circa 1985)  
 LOCATION: Lower Hyde Cottage, Hyde Lane, Great Saling, Essex, CM7 5EW

For more information about this Application please contact:  
 Will Collier on:- 01376 551414 Ext.  
 or by e-mail to: [will.collier@braintree.gov.uk](mailto:will.collier@braintree.gov.uk)





## SITE HISTORY

95/00043/LBREF	Proposed replacement windows	Appeal Dismissed	24.07.96
95/00055/ENF	Appeal against Enforcement Notice Listed Building	Appeal Dismissed	24.07.96
02/00511/FUL	Erection of rear extension and internal minor alterations	Granted	13.05.02
02/00512/LBC	Erection of rear extension and internal minor alterations	Granted	13.05.02
86/01311/LBC	Erection of two storey extension to rear of existing cottage		21.10.86
86/1310/	Erection of two storey extension to rear of existing cottage		21.10.86
92/01373/FUL	Erection of extension and internal alterations, alterations to vehicular access and garden landscaping	Refused	13.01.93
92/01374/LBC	Erection of extension and internal alterations, alterations to vehicular access and garden landscaping	Refused	13.01.93
93/00155/FUL	Erection of a single storey extension including internal alterations, new double garage, access alterations and garden landscaping	Granted	15.03.93
93/00156/LBC	Erection of single storey extension including internal alterations, new double garage, access alterations and garden landscaping	Granted	15.03.93
95/00438/LBC	Proposed replacement windows	Refused then dismissed on appeal	03.07.95

## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was

the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017. The Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. The Part 2 Draft Local Plan examination will take place later this year.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and;*

*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)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### Braintree District Local Plan Review 2005

RLP100      Alterations and Extensions and Changes of Use to Listed  
Buildings and their settings

## Braintree District Local Development Framework Core Strategy 2011

CS9                Built and Historic Environment

## Braintree District Publication Draft Local Plan 2017

SP1                Presumption in Favour of Sustainable Development  
SP6                Place Shaping Principles  
LPP50            Built and Historic Environment  
LPP60            Heritage Assets and their Settings

## INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being referred to the Planning Committee for determination because Great Saling Parish Council supports the proposal, which is contrary to officer recommendation.

## SITE DESCRIPTION

The site comprises a thatched house of seventeenth century construction, part of a pair of Grade II listed cottages, the other being Lower Hyde Bungalow, both of which are set in isolation within open landscape, situated to the north of Great Saling, outside of the development boundary. The house has a modern rear extension (built circa 1985). The site is not located in a Conservation Area.

## PROPOSAL

The application seeks listed building consent to attach a satellite dish to the rear elevation of the extension.

## CONSULTATIONS

### Historic Buildings Consultant

The proposed works are relatively minor, and the satellite dish would be affixed to a later extension of minimal historic value. The works are therefore not considered to cause harm to the fabric of the listed building. The dish will however be a visually intrusive element, and an unwelcome addition into the rear elevation of the building, to the detriment of its architectural character. I would therefore identify that the application would cause harm to the significance of the listed building, but at the lower end of the spectrum of less than substantial harm. I therefore would suggest that the applicant should consider an alternative which would allow for the dish to be omitted or to be installed on an outbuilding or within in the grounds of the listed building, as opposed to attaching it to the building.

## Great Saling Parish Council

Support the proposal.

## REPRESENTATIONS

None received.

## REPORT

When considering the impact of development on a historical asset the National Planning Policy Framework (NPPF) specifically states in paragraph 132 that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification".

Policy RLP100 of the Braintree District Local Plan Review supported by Policy CS9 of the Braintree District Core Strategy and Policy LPP60 of the emerging Braintree District Publication Draft Local Plan states inter alia that works will be permitted where they do not harm the setting, character, structural stability and fabric of the building (or structure); and will not result in the loss of, or significant damage to the building or structure's historic and architectural elements of special importance, and include the use of appropriate materials and finishes.

The main issue is the impact of the works on the significance of the listed building. In this case the proposed dish is considered to detract from the significance of the listed building in that it represents a visually intrusive element that is out of keeping with the architectural character of the building. Although not visible from the front, this is not considered a relevant consideration, as the issue is the impact on the significance of the listed building, not on the architectural and historic value of the wider area, as it is outside of the conservation area. Furthermore, it is noted that the Historic Buildings Consultant has raised concerns, objecting to the proposal.

## Impact on Neighbour Amenity

It is not considered that the proposal would have a detrimental impact upon neighbouring amenity.

## CONCLUSION

The proposal by virtue of its design and position on the building is considered to harm the architectural character of the listed building. Consequently it is recommended that listed building consent is refused.

## RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application REFUSED for the following reasons:-

- 1 The proposed satellite dish, by virtue of its size and position attached to the property, is considered to be visually intrusive and out of keeping with the architectural character of the listed building. Therefore, the proposal is considered to result in harm to the heritage asset and is therefore considered to be contrary to the NPPF, Policy RLP100 of the Braintree District Local Plan Review, Policy LPP60 of the Braintree District Publication Draft Local Plan and Policy CS9 of the Braintree District Core Strategy.

## SUBMITTED PLANS

Proposed Elevations	Plan Ref: 001
Proposed Elevations	Plan Ref: 002
Location Plan	Plan Ref: 003

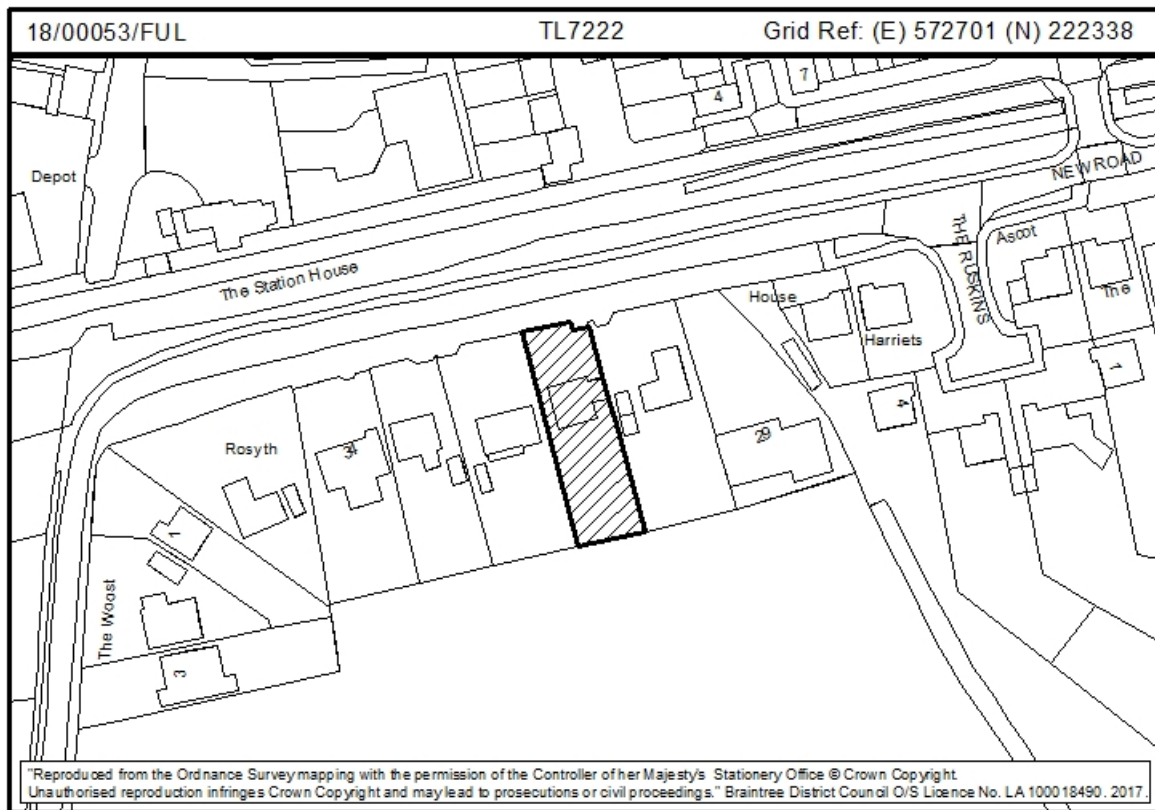
TESSA LAMBERT  
DEVELOPMENT MANAGER

AGENDA ITEM NUMBER 5f

PART B

APPLICATION NO: 18/00053/FUL      DATE: 16.01.18  
VALID:  
APPLICANT: Mr Russell Gibbs  
Inver, 31 New Road, Rayne, Essex, CM77 6TG  
DESCRIPTION: Loft conversion to create a 2 storey chalet bungalow, with alterations to the existing roof layout and the installation of dormer windows.  
LOCATION: Inver, 31 New Road, Rayne, Essex, CM77 6TG

For more information about this Application please contact:  
Mrs F Fisher on:- 01376 551414 Ext. 2503  
or by e-mail to: [fayfi@braintree.gov.uk](mailto:fayfi@braintree.gov.uk)



## SITE HISTORY

01/00904/FUL	Erection of rear extension to bungalow and single storey front extension to garage	Granted	30.07.01
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## POLICY CONSIDERATIONS

Currently the Council's development plan consists of the Braintree District Local Plan Review (2005) and the Core Strategy (2011).

The Council is currently working on a Draft Local Plan, which was approved by the Council unanimously for consultation on the 20<sup>th</sup> June 2016 and was the subject of public consultation between the 27<sup>th</sup> June and 19<sup>th</sup> August 2016. The Draft Local Plan, now referred to as the Publication Draft Local Plan, was approved by the Council on 5<sup>th</sup> June 2017 for consultation and for submission to the Secretary of State. The public consultation ran from 16<sup>th</sup> June to 28<sup>th</sup> July 2017. The Publication Draft Local Plan was submitted to the Secretary of State on the 9<sup>th</sup> October 2017. The Section 1 of the Draft Local Plan is currently the subject of an examination by an Inspector appointed by the Secretary of State for Housing, Communities and Local Government. The Part 2 Draft Local Plan examination will take place later this year.

In accordance with paragraph 216 of the NPPF, from the day of publication the Council can give weight to the emerging Draft Local Plan and the weight that can be given is related 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) and;*

*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)”.*

Accordingly the Council can currently afford some weight to the emerging Publication Draft Local Plan 2017.

It should also be noted that the Council was previously working on a Site Allocation and Development Management Plan (the ADMP). This plan was subject to extensive public consultation in 2013 and 2014. The ADMP was not however submitted to the Planning Inspectorate, due to the decision to begin work on a new Local Plan, to take into account the most up to date Government guidance. However parts of the ADMP have been rolled forward into the Draft Local Plan. It is therefore considered that it would be consistent with the provisions in paragraph 216 of the NPPF, to afford more weight in decision making to the parts of the Draft Local Plan which have been rolled

forward from the ADMP, due to the more advanced stage reached by those elements.

#### National Planning Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

#### Braintree District Local Plan Review 2005

RLP3	Development within Town Development Boundaries and Village Envelopes
RLP17	Extensions and Alterations to Dwellings in Towns and Villages
RLP90	Layout and Design of Development

#### Braintree District Local Development Framework Core Strategy 2011

CS9	Built and Historic Environment
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#### Braintree District Publication Draft Local Plan 2017

SP1	Presumption in Favour of Sustainable Development
SP6	Place Shaping Principles
LPP1	Development Boundaries
LPP38	Residential Alterations, Extensions and Outbuildings
LPP45	Parking Provision
LPP50	Built and Historic Environment
LPP55	Layout and Design of Development

#### INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

This application is being reported to the Planning Committee because the agent is related to an employee of the Council.

#### SITE DESCRIPTION

The application site comprises a detached bungalow located on the outskirts of Rayne Village within the settlement boundary. The area is made up of mixed dwelling styles and ages but mostly comprises detached bungalows and dwellings of 1950's/60's/70's construction. The dwelling has previously been extended to the rear.

The site is set back from the street, and enjoys a large rear garden with fields beyond.



## PROPOSAL

The proposal comprises the raising of the bungalow roof to create a loft conversion, and a replacement extension to the rear to form a two storey dwelling. It is also proposed to install dormer windows at the front of the property.

## CONSULTATIONS

Essex County Council Highways – No comments

## REPRESENTATIONS

Parish Council – No comments

## REPORT

The site is located within the village envelope of Rayne, therefore in accordance with Policies RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review, Policies LPP1, LPP38, LPP50 and LPP55 of the emerging Braintree District Publication Draft Local Plan and Policy CS9 of the Braintree District Core Strategy, development will only be permitted where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area and without unacceptable impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

In this case it is considered that extensions to dwellings in this location are acceptable in principle subject to compliance with the abovementioned policy criteria.

### Design, Appearance and Layout

In terms of design and appearance, the above policies and guidance state that there shall be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries. The design, siting, form and materials should be compatible with the existing dwelling and there should be no material impact on the identity of the street scene, scale and character of the area.

The proposal is considered to represent a substantial addition to the bungalow, but officers are satisfied that holistically the proposals would be in keeping with the character and appearance of the area. Adequate garden amenity would remain and the materials proposed to be used would match the existing dwelling.

In terms of visual impact on the street, the proposal would result in a dwelling which is very similar to the design and style of neighbouring dwellings and

therefore it is considered that the alterations to the property would not have a detrimental impact on the character and appearance of the street.

Therefore, officers conclude that the proposal is compliant with the abovementioned policies in terms of design and appearance.

#### Impact on Residential Amenity

In terms of impact on neighbouring residential amenities the above policies state there should be no adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light. After due consideration it is officer opinion that whilst the proposal would be visible to neighbouring properties, the proposal would not have an overbearing impact nor a detrimental impact in terms of overlooking or overshadowing given the orientation of the site. Officers are therefore satisfied that the proposal would be compliant with the abovementioned policies in this regard.

#### Highway Considerations

Policy RLP56 of the Braintree District Local Plan Review states that development will be required to provide off-street vehicle parking in accordance with the Council's Adopted Parking Standards.

When considering the impact of this factor, Paragraph 2.7.1 of the Essex County Council Parking Standards Design and Good Practice (September 2009) states that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided".

The parking provision would not be altered and therefore officers are satisfied that the proposal would comply with the Councils Adopted Parking Standards and complies with the abovementioned policy.

#### CONCLUSION

Officers are satisfied that the proposal would be in keeping with the character and appearance of the area and would not have a detrimental impact upon neighbouring residential amenity.

#### RECOMMENDATION

It is RECOMMENDED that the following decision be made:  
Application GRANTED subject to the following conditions and reasons and in accordance with approved plans:-

#### APPROVED PLANS

Location Plan  
Proposed Block Plan  
Proposed Floor Plan      Plan Ref: A

Proposed Elevations            Plan Ref: A  
Proposed Floor Plan           Plan Ref: A

- 1 The development hereby permitted shall begin not later than three years from the date of this decision.

Reason

This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed above.

Reason

For the avoidance of doubt and in the interests of proper planning.

- 3 The external materials and finishes shall be as indicated on the approved plans and/or submitted application form.

Reason

To ensure that the development does not prejudice the appearance of the locality.

- 4 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no enlargement of, or additional windows, doors, rooflights, or dormer windows, as permitted by Classes A, B and C of Part 1 of Schedule 2, other than those indicated on the approved plans shall be constructed in the roof slope of the extension hereby permitted without first obtaining planning permission from the local planning authority.

Reason

To protect the amenities and privacy of adjoining occupiers.

TESSA LAMBERT  
DEVELOPMENT MANAGER