

# **PLANNING COMMITTEE AGENDA**

**Tuesday 28th March 2023 at 7.15pm**

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

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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 J Abbott	Councillor F Ricci
Councillor Mrs J Beavis	Councillor Mrs W Scattergood (Chairman)
Councillor K Bowers	Councillor P Schwier
Councillor H Johnson	Councillor Mrs G Spray
Councillor D Mann	Councillor Mrs S Wilson
Councillor A Munday	Councillor J Wrench
Councillor Mrs I Parker (Vice-Chairman)	

Substitutes: Councillors T Cunningham, A Hensman, Mrs A Kilmartin, P Thorogood,  
Vacancy x 2

Apologies: 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.

Any Member who is unable to attend a meeting is able to appoint a Substitute. Written notice must be given to the Governance and Members Team no later than one hour before the start of the meeting.

**D GASCOYNE**  
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 to Speak on an Agenda Item:**

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make statements to the Committee on matters listed on the Agenda for this meeting.

All questions or statements should be concise and should be able to be heard within the 3 minutes allotted to each speaker.

Anyone wishing to ask a question or make a statement is requested to register their interest by completing the Public Question Time registration [online form](#) by **midday on the second working day** before the day of the Committee meeting.

For example, if the Committee Meeting is on a Tuesday, the registration deadline is midday on Friday, (where there is a Bank Holiday Monday you will need to register by midday on the previous Thursday). The Council reserves the right to decline any requests to register to speak if they are received after this time.

When registering for Public Question Time please indicate whether you wish to attend the Planning Committee meeting 'in person' or to participate remotely. People who choose to join the meeting remotely will be provided with the relevant link and joining instructions for the meeting.

Please note that completion of the online form does not guarantee you a place to speak during Public Question Time. You will receive email notification from the Governance Service confirming whether your request is successful.

Confirmed registered speakers will be invited to speak immediately prior to the relevant application/item. All registered speakers will have 3 minutes each to ask their question or to make a statement. The order in which registered speakers will be invited to speak is: members of the public, Parish Councillors/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.

In the event that a registered speaker is unable to connect to the meeting, or if there are any technical issues, their question/statement will be read by a Council Officer.

Further information on Public Question Time is available on the [Council's website](#)

**Health and Safety:** Visitors are asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding visitors must evacuate the building immediately and follow all instructions provided by staff. Visitors will be directed to the nearest designated assembly point where they should stay until they are advised that it is safe to return to the building.

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

**WiFi:** Public Wi-Fi (called BDC Visitor) is available in the Council Chamber at Causeway House; users are required to register when connecting.

**Substitute Members:** Only the named Substitutes on this Agenda may be appointed by a Member of the Committee to attend in their absence. The appointed Substitute becomes a full Member of the Committee with participation and voting rights.

**Documents:** Agendas, Reports and Minutes can be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

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**Webcast and Audio Recording:** Please note that this meeting will be webcast and audio recorded. You may view webcasts for up to 6 months after the meeting using this link: <http://braintree.public-i.tv/core/portal/home>. The meeting will also be broadcast via the Council's YouTube Channel.

**Comments and Suggestions:** 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 may send these to [governance@braintree.gov.uk](mailto:governance@braintree.gov.uk)

## **PUBLIC SESSION**

## **Page**

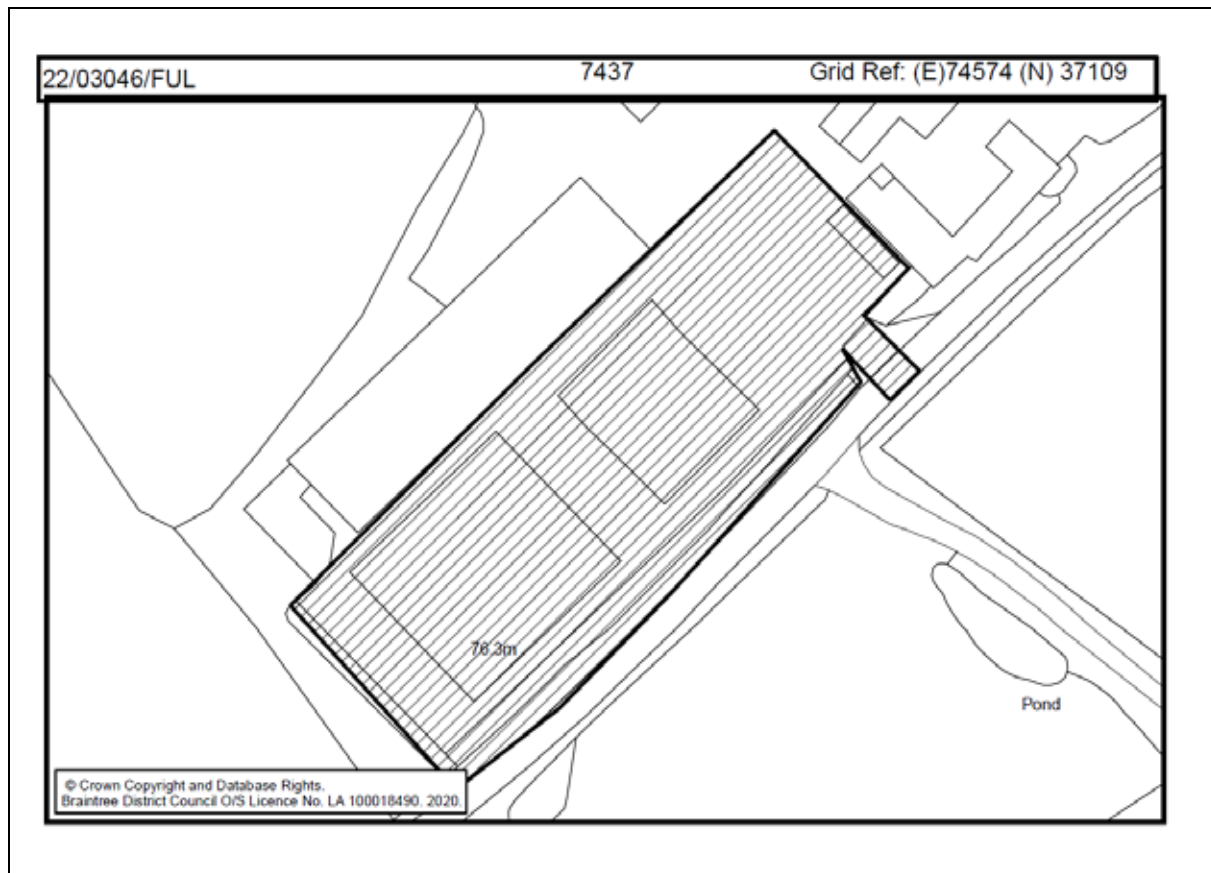
- 1 Apologies for Absence**
- 2 Declarations of Interest**  
To declare the existence and nature of any Disclosable Pecuniary Interest, Other Pecuniary Interest, or Non-Pecuniary Interest relating to Items on the Agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 3 Minutes of the Previous Meetings**  
To approve as a correct record the Minutes of the meetings of the Planning Committee held on 14th February 2023 and 7th March 2023 (copies to follow).
- 4 Public Question Time**  
(See paragraph above)
- 5 Planning Applications**  
To consider the following planning applications
- 5a App. No. 22 03046 FUL – Toppesfield Hall, Great Yeldham Road, TOPPESFIELD** **6-23**
- 5b App. No. 22 03229 FUL – 9 Stepfield, WITHAM** **24-41**
- 5c App. No. 23 00247 FUL – Land North of Prested Hall, South of the A12, FEERING** **42-64**
- 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.*

**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.

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 28th March 2023		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/03046/FUL	
<b>Description:</b>	Retention of change of use of 2No. agricultural buildings to storage (B8) and 2No. portacabins to be used as offices.	
<b>Location:</b>	Toppesfield Hall, Great Yeldham Road, Toppesfield	
<b>Applicant:</b>	Mr D Osbourne, Lifestyles Ltd, Toppesfield Hall, Great Yeldham Road, Essex, Toppesfield, CO9 4LS	
<b>Agent:</b>	Louise Gregory, Acorus Rural Property Services, Old Market Office, 10 Risbygate Street, Bury St Edmunds, IP33 3AA	
<b>Date Valid:</b>	9th November 2022	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Jack Street For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2515, or by e-mail: <a href="mailto:jack.street@braintree.gov.uk">jack.street@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>



	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/03046/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan 2013 - 2033</li> <li>§ Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application seeks retrospective planning permission for the change of use of 2no. agricultural buildings to Use Class B8 (Storage & Distribution) and the retention of a portacabin building used for office purposes at a site addressed as Toppesfield Hall, Toppesfield. The site is beyond any formally designated development boundaries, wherein the application is considered to fall within the countryside.
- 1.2 The larger structures subject to this application (those which are in the south-western section of the site) are of an outwardly industrial and utilitarian appearance which is in keeping with the prevailing character of the site. The portacabins are of a comparatively much smaller stature and would be set behind a row of 10no. indicated parking spaces. 2no. parking spaces are proposed on the flank of one of the larger buildings.
- 1.3 The need for the portacabins is noted from an employment perspective to allow onsite supervision of business operations, however their appearance is not acceptable on a permanent basis. Officers are minded to agree to the retention of the portacabins on a temporary basis with the expectation for an improved permanent structure to come forward by the expiry of this temporary period.
- 1.4 The application would not introduce any unacceptable impacts on the residential amenities of adjacent neighbouring properties, namely the Grade II listed Toppesfield Hall to the east of the site. No harms have been identified to the historic significance of this heritage asset, nor its setting.
- 1.5 The site is a developed employment site with a mixture of industrial/modern agricultural style buildings which the proposed scheme is cohesive to. However, given the nature of the proposed B8 use, there is potential for materials to be stored externally from buildings as was observed on site during the assessment of this application. A condition is recommended to limit the height of any external storage in the positions shown, so as to protect the character of the plot and the surrounding countryside. In addition, the height condition is only likely to be effective should the hedgerow boundary across the highway to the south and field to the west is retained. A condition is also recommended to ensure this.
- 1.6 Parking provision and residual impacts on the highway in terms of traffic generation is considered acceptable. Essex Highways have raised no objection to either of these aspects, though a condition is recommended to ensure parking spaces are provided in accordance with the approved standards.
- 1.7 The application overall is considered to comply with relevant national and local planning policies relevant to the proposal and the application is recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application site is located within Toppesfield and is beyond any formally designated development boundaries wherein it is considered to be located within the countryside.
- 5.2 The site is within a relatively semi-isolated position within the countryside, although it adjoins the Grade II listed Toppesfield Hall (List UID: 1338025) to its north-east. The immediate surrounds are otherwise typified by industrial/modern-agricultural style buildings within the complex and adjacent idyllic agricultural surrounds.
- 5.3 The application relates to a collection of existing buildings within a complex of industrial and commercial buildings on the northern side of Great Yeldham Road. The site is accessed at a south-eastern position secured by a gate, which opens onto a large hard-surfaced plot upon which the existing buildings are centred to. The application relates to 2no. existing buildings on the south-western side of the plot, and 2no. portacabins on the north-eastern section of the site.
- 5.4 The application relates to the change of use of structures and the retention of 2no. portacabins. The change of use has already occurred, wherein the application seeks to formally retain the current conditions on site.
- 5.5 The larger structures subject to this application (those which are in the south-western section of the site) are of an outwardly industrial and utilitarian appearance which is in keeping with the prevailing character of the site. The portacabins are of a comparatively much smaller stature and would be set behind a row of indicated parking spaces. Two additional parking spaces are proposed on the flank of one of the larger buildings.

6. PROPOSAL

- 6.1 The application proposes to retain the change of use of two former agricultural buildings within the south-western section of the site to allow

them to be used for Use Class B8 use (Storage and Distribution). As observed on site, the structures and external storage areas currently store bricks and roof tiles, as well as loose wooden pallets associated with storage use. It is understood this is the intended storage use of the building. During a site inspection, it was evident this use is in place. It is understood the building no longer served its former agricultural purpose as activities had been relocated from the site.

- 6.2 The application also proposes the retention of 2no. portacabins within the north-eastern section of the site. These portacabins directly adjoin onto one another and both serve as office space for on-site employees associated with the proposed B8 use. The larger portacabin has a footprint of 4.0 metres (m) in width and a length of 14.60m whilst the smaller portacabin on its northern flank measures a footprint of 3.10m in width and 7.40m in length. Both structures measure 2.85m in height. During a site inspection, it was observed that the portacabins are being used as office space as proposed.
- 6.3 The application also indicates 12no. parking spaces; 10no. in front of the portacabins and a further 2no. on the flank of the north-easternmost larger building subject to this application. During a site inspection, it was observed that this parking arrangement is already in place.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Essex County Fire & Rescue Service

- 7.1.1 No objection.

### 7.2 Essex Police – Designing Out Crime

- 7.2.1 No objection raised, although it was recommended that the security provision is reviewed by the Applicant commensurate to any new apparent risk.

### 7.3 Essex Highways

- 7.3.1 No objection to the proposal, subject to the following requirement:

*“Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres. Reason: To ensure adequate space for parking off the highway is provided in the interests of highway safety in accordance with Policy DM8 of the [ECC] Development Management Policies.”*

### 7.4 Essex County Council Place Services Historic Buildings Consultant

- 7.4.1 No objection.

- 7.5      Essex County Council Lead Local Flood Authority (LLFA)
- 7.5.1    The LLFA requested confirmation that the site proposed for parking is already hard surfaced, which the Local Authority can confirm is following a site inspection. No further comments were received, although Officers can provide an update if further comment is subsequently received.
8.      PARISH / TOWN COUNCIL
- 8.1      Toppesfield Parish Council
- 8.1.1    No objections raised, and the Parish Council noted their support for the application.
9.      REPRESENTATIONS
- 9.1      A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. No written representations were received.
- 9.2      It was apparent that the initial consultation had erroneously advertised the application as a minor planning application, wherein the application is in fact classed as major development. The Local Planning Authority therefore readvertised the application correctly as a major planning application, necessitating a second round of consultations for a 21-day period. No written representations were received.
10.     PRINCIPLE OF DEVELOPMENT
- 10.1     The application site is located beyond any town development boundaries or village envelopes as shown on the Inset Maps of the Braintree District Local Plan 2013-33 (“the Adopted Local Plan”). As such, the application site is formally located within the countryside. Policy LPP1 requires that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils to protect the intrinsic character and beauty of the countryside.
- 10.2     The application buildings are already existing, and the proposed change of use has already occurred. An application for planning permission for development already carried out can be determined as per Section 73A of the Town and Country Planning Act 1990 and can be considered an appropriate way forward to regularised unauthorised development. In these circumstances, Paragraph 012 (ref ID 17b-012-20140306) of the NPPG outlines that the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way. That the works have already been undertaken should not influence the decision. On this basis, therefore, the determination may proceed.

- 10.3 Policy LPP2 of the Adopted Local Plan states that employment sites and sites or buildings in current or recent use as an employment site shall be retained for such uses where they continue to offer a viable and sustainable location for such employment uses. The application proposes the retention of the plot as an employment site and would continue to offer employment uses through the facilitation of on-site office spaces.
- 10.4 Policy LPP7 of the Adopted Local Plan states that, outside development boundaries, proposals for small-scale commercial development, which involve the conversion and re-use of existing buildings that are of permanent and substantial construction and capable of conversion without complete re-building, will be considered acceptable subject to all the following criteria:
- a. The access and traffic generated by the development can be accommodated without adverse impact on the local road network.
  - b. There is no unacceptable impact on residential amenity.
  - c. There is no unacceptable impact on the character of the site or the surrounding countryside and its landscape value.
- 10.5 Paragraph 83 of the National Planning Policy Framework (NPPF) states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 10.6 Section 6 of the NPPF explains, under sub-heading 'Supporting a prosperous rural economy', that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 85 states that:
- "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."*
- 10.7 That the existing buildings subject to B8 use are already in-situ is a considerable factor. The change of use is consistent with the continued use of the employment area and is acceptable in accordance with local and national planning policies subject to material considerations, including any design, highways and neighbouring impacts as required by Policies LPP7 and LPP52 of the Adopted Local Plan.

10.8 The portacabins are complementary to the on-site management of the site and allows for staff supervision and surveillance of the storage buildings and their contents. The use is consistent with the employment site, wherein the proposal is acceptable in principle but subject to material considerations.

10.9 As such, the proposal is acceptable in principle.

## 11. SITE ASSESSMENT

### 11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

11.1.1 Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.

11.1.2 The proposed change of use to the larger buildings within the south-western section of the site does not propose any external alterations or enlargements to the structure. The design and appearance of these structures remains similar to the previous conditions.

11.1.3 There is potential with a change to use to storage and distribution use that item storage could alter the appearance of a site should items be stored outside the structure and/or in open areas. During a site inspection, Officers observed items were stacked and stored externally adjacent to the application buildings. This was particularly noted on the north-eastern flank of the building closest to the site access, which faces onto the access area from the highway. Adjacent to this position, two car parking spaces are proposed on this flank of the building.

11.1.4 Though the items observed which were stored in external areas surrounding the buildings were neatly stacked, there is potential that unrestricted storage could lead to a cluttered appearance of the unit, which would impact the visual amenity of the site and detract from the countryside surrounds. This has been raised with the Applicant, wherein revised plans have highlighted areas where external storage would be positioned and indicates a height of no more than 2 metres.

11.1.5 The areas of external storage are indicated between the two larger buildings and across the south-west of the site. The external storage between the buildings, with the proposed height restriction taken into account, would be acceptable and would not prejudice the appearance of this countryside location. The storage would instead be not too dissimilar to existing conditions on site in this area, which is presently not amounting to detrimental harm, but embeds a degree of control to ensure this is maintained in perpetuity.

- 11.1.6 The storage on the south-western perimeter of the site is likely to be glimpsed from the highway yet would be read alongside the context of the industrial building in this position. The storage in this location, to the height proposed, would not introduce any additional harm to the countryside. However, in order to safeguard this, an additional condition is recommended (details of which will be provided to Members at Committee) to require the retention of the boundary hedgerow and landscaping features adjacent to the field boundaries of the site and along Great Yeldham Road. Should this be removed, the condition would require a replacement hedgerow to be planted.
- 11.1.7 The application also proposes the retention of 2no. portacabin buildings within the north-eastern section of the site. The portacabin buildings are positioned in close proximity to one another with the northernmost building set at a lower height than the larger building on its south-eastern flank. The rectangular, simplistic form of the buildings create a utilitarian and modular character, but do not resonate with the timber-clad barns to the rear of the structures across the eastern perimeter of the site.
- 11.1.8 The appearance of the portacabin is outwardly utilitarian and modular in its nature. The building form is smaller in stature when compared to the larger buildings within the complex. The building itself, though is of no particular architectural merit, and while the other buildings on the site are utilitarian in appearance, the portacabin is not of a standard of design or appearance that is considered acceptable as a permanent structure, particularly given its location adjacent to the site entrance. While its retention on a temporary basis is considered acceptable, this would be on the basis that the building is replaced on site with a permanent structure of a design and appearance more appropriate to the surrounding complex.
- 11.1.9 Therefore, subject to a condition limiting the height of external storage, a condition to require the retention of the existing hedgerow and landscaping features on the site, the change of use of the building to B8 use and the temporary retention of the portacabin structure, is considered acceptable on design grounds.

## 11.2 Highway Considerations

- 11.2.1 Policy LPP43 of the Adopted Local Plan commits the LPA to the guidance outlined in the ECC Parking Standards (2009) ("the Parking Standards"). Information contained within this document includes guidance for parking provision within sites designated as Use Class B8.
- 11.2.2 The Parking Standards outline that parking requirements for B8 use are as follows:

*Vehicle parking.* 1no. space per 150 square metres (sqm) (maximum).

*Cycle parking.* 1no. space per 500sqm for staff and 1no. space per 1000sqm for visitors (minimum).



- PTW.* 1no. space below 20no. car spaces for powered two-wheeled vehicles ("PTW") (minimum).
- Accessible* 2no. spaces or 5% of total capacity for disabled persons, whichever is greater (minimum).
- 11.2.3 The proposed B8 use would amount to 1329.42sq.m, and maximum parking standards for vehicles would therefore amount to approximately 8no. vehicle spaces plus 2no. cycle spaces (1no. for staff, 1no. for visitors), 1no. PTW spaces, and 2no. parking spaces for disabled persons.
- 11.2.4 The portacabin is proposed for office use. The Parking Standards outlines that office use requires the following:
- Vehicle parking.* 1no. space per 30 square metres (sq.m) (maximum).
- Cycle parking.* 1no. space per 100sq.m for staff and 1no. space per 200sq.m for visitors (minimum).
- PTW.* 1no. space below 20no. car spaces (minimum).
- Accessible* 2no. spaces or 5% of total capacity for disabled persons, whichever is greater (minimum).
- 11.2.5 The portacabins combined measure a total footprint of approximately 81.34sq.m. This equates to a maximum vehicle parking standard of 2no. parking spaces plus 1no. PTW space and 2no. accessible spaces for disabled persons.
- 11.2.6 The total number of spaces required therefore amounts to (maximum) 10no. vehicle parking spaces and (minimum) 2no. PTW spaces, 4no. accessible spaces for disabled persons, 2no. cycle spaces. Total parking spaces are therefore 16no., plus 2no. cycle spaces.
- 11.2.7 The application proposes 12no. parking, a shortfall from the 16no. required but it is noted that the vehicular parking is a maximum standard. It is also noted that the business premises are combined under one ownership; they are not individual businesses and workers from each structure will likely use a combined parking area.
- 11.2.8 Essex Highways have raised no objection to the proposed parking arrangement and have stated the provision can be considered consistent with the Parking Standards. A condition was proposed to ensure that each vehicular parking space measures a dimension of 2.9m x 5.5m, which can be attached to any grant of consent.
- 11.2.9 It is noted that no formal cycling spaces are designated, but it is recognised that there are opportunities for cycle storage in the immediate surrounds of the portacabin should employees choose to cycle to work.

- 11.2.10 Furthermore, ECC Highways consider that the re-use of the building would not give rise to a significant increase in vehicle movements to and from the site, nor result in a material change in the character of the traffic in the vicinity of the site.
- 11.2.11 It is noted that no Transport Assessment (or equivalent) has been provided with this application. However, it is noted that the site is already in active use by the Applicant and no planning enforcement complaints have been raised toward the existing use on site. Essex Highways have duly considered the current use of the site alongside the local highway network and have concluded on the basis of the existing conditions that no adverse impact would result from the current use.
- 11.2.12 On this basis, Officers are satisfied that application is acceptable from a highways perspective.

### 11.3 Impact upon Neighbouring Residential Amenity

- 11.3.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high-quality amenity for all current and future occupiers of dwelling-houses. Policy LPP52 of the Adopted Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties such as overlooking, overshadowing, loss of light or loss of privacy.
- 11.3.2 Given that the larger buildings have been in-situ prior to the change of use, no unacceptable impacts in terms of overlooking, overshadowing, loss of light or loss of privacy have been identified.
- 11.3.3 The introduction of the portacabin is set against an existing building to its rear which is taller than the proposed structure. The building to the rear screens the portacabin from the adjoining residential property known as Toppesfield Hall, and so no unacceptable impacts as outlined above have been identified.
- 11.3.4 Policy LPP70 of the Adopted Local Plan requires that new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. Amongst other factors, unacceptable impacts in terms of noise will be resisted.
- 11.3.5 Although the building may attract forms of traffic associated with loading and unloading of materials for storage and subsequent distribution, there is considered a sufficient distance between the site access and neighbouring access so as not to provide interference or disruption, nor is it considered that delivery vehicles would need to directly access the neighbouring plot in any way. The levels of noise would be limited owing to this distance

between the application properties and the neighbouring dwelling, which would be further buffered by existing buildings between the application site and the neighbouring dwellinghouse.

- 11.3.6 As such, it is not considered that the application would give rise to any unacceptable noise or pollution impacts which may unacceptably impact neighbouring amenities.

#### 11.4 Heritage

- 11.4.1 Policy LPP57 of the Adopted Local Plan also requires that all designated heritage assets must meet the tests set out in national policy. The tests relevant in this section include those set out in Section 16 of the NPPF and Sections 16 through 17 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 11.4.2 The Council's Heritage Consultant has identified no harm to the setting of the nearby listed building, Toppesfield Hall. The application is therefore acceptable in this regard.

#### 12. CONCLUSION

- 12.1 The application is considered to satisfy the criteria outlined within Policies LPP1, LPP7, LPP43, LPP47, LPP52 and LPP57 of the Adopted Local Plan, as well as national planning policies and objectives contained within the NPPF, so far as they are relevant to the proposal. The larger buildings shall be used in accordance with the proposed uses, and the height and location of externally stored materials should be kept as per the submitted plans. In addition, boundary hedgerows should be retained and maintained. The portacabins are acceptable as a temporary solution, but it is expected permission is sought for a better conceived structure by the expiry of the temporary period. Parking bay sizes shall be retained to an acceptable measurement in the location specified on plans. Subject to these conditions, the scheme is acceptable.

#### 13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Existing Plans	100_01	N/A
Existing Plans	100_02	N/A
Existing Plans	100_03	N/A
Location / Block Plan	100_04	RA

#### Condition(s) & Reason(s)

##### Condition 1

The development hereby permitted shall only be implemented in accordance with the approved plan(s) / document(s) listed above.

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

##### Condition 2

The buildings (excluding the portacabins) shall only be used for B8 use and for no other purpose.

Reason: To ensure that no inappropriate alternative use is made of the premises which would be detrimental to the amenities of the locality and neighbouring amenity.

##### Condition 3

External storage of materials shall be limited only to areas as indicated on plan no. '100\_04 REV RA' and shall not exceed 2 metres in height above ground level.

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

##### Condition 4

The parking layout shown on Drawing No. 100\_04 REV RA is not approved. Within 3 months of the date of this permission, a revised parking plan showing each vehicular parking space with a minimum dimension of 2.9 metres x 5.5 metres, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the parking area shall be retained as approved.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP7	Rural Enterprise
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP57	Heritage Assets and their Settings

### APPENDIX 3:

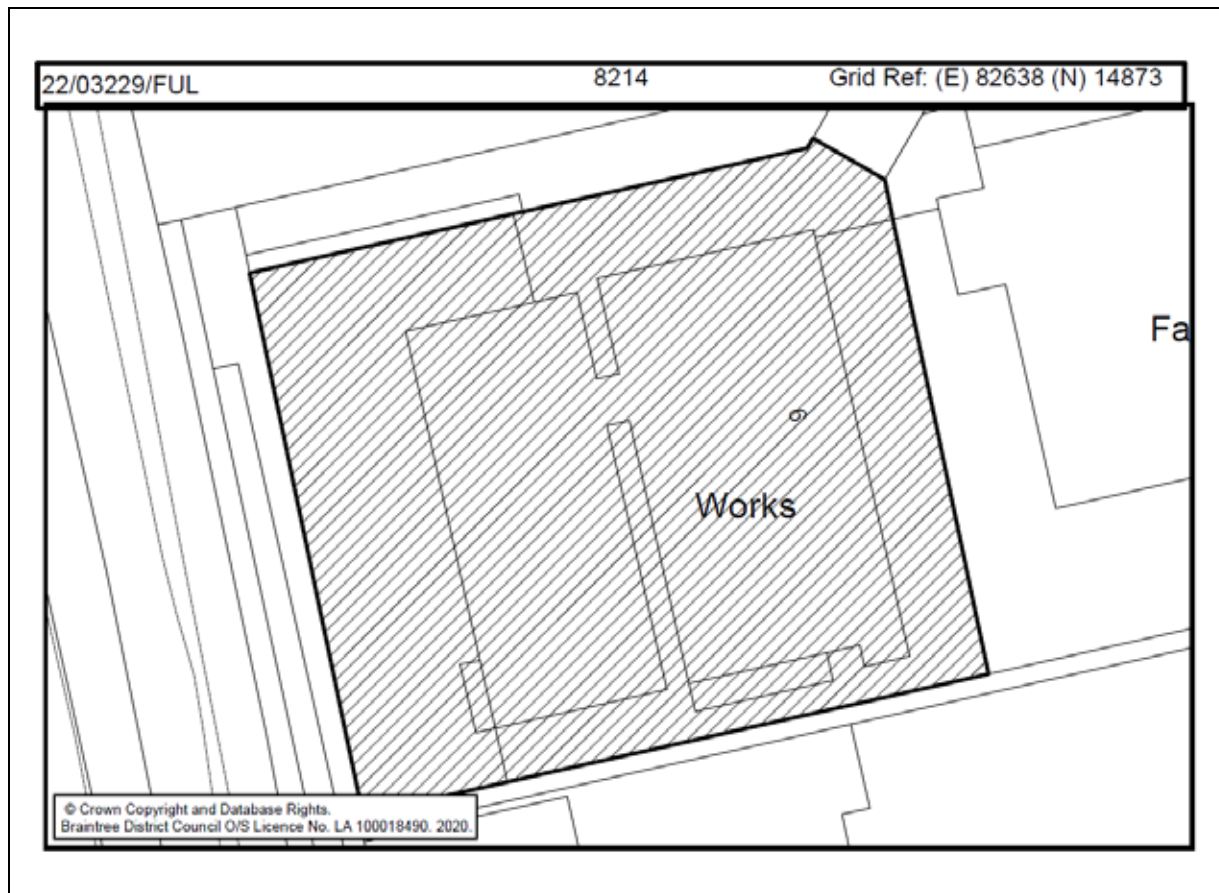
#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
93/00227/AGR	Erection of workshop and store	Permission not Required	15.03.93
94/01329/FUL	Change of use of land to tennis court	Granted	19.12.94
10/00984/FUL	Erection of agricultural building for housing of cattle	Granted	08.09.10
10/00290/DAC	Application for approval of details reserved by condition no. 3 & 6 of approval 10/00984/FUL	Part Grant, Part Refused	16.12.10
12/00436/AGR	Erection of agricultural grain storage building	Permission not Required	23.04.12
13/00778/FUL	Erection of agricultural livestock building used for over-winter housing of beef cattle	Granted	29.08.13
21/00762/HH	Erection of single storey rear extension including upgrade of drainage and sewage treatment plant.	Granted	13.05.21
21/00763/LBC	Erection of single storey rear extension including upgrade of drainage and sewage treatment plant.	Granted	13.05.21
21/01602/FUL	Erection of 6No. identical timber holiday lodges.	Refused	05.10.21
22/00522/FUL	Erection of 6No. identical timber holiday lodges.	Refused	27.04.22
22/01313/FUL	Retention of 2No. holiday lodges.	Granted	21.07.22
22/02939/DAC	Application for approval of details reserved by conditions 3, 4 and 5 of approval 22/01313/FUL	Pending Consideration	

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 28th March 2023		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	22/03229/FUL	
<b>Description:</b>	Demolition of existing warehouse and erection of new warehouse.	
<b>Location:</b>	9 Stepfield Witham Essex	
<b>Applicant:</b>	Mr Foyle, Essex Property And Investments Ltd, Kingfisher House, 11 Hoffmans Way, Chelmsford, Essex, CM1 1GU	
<b>Agent:</b>	Mr Mark Halliday, Halliday West, 2 The Green, Writtle, Chelmsford, CM1 3DU	
<b>Date Valid:</b>	24th November 2022	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overturn</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Jack Street For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2515, or by e-mail: <a href="mailto:jack.street@braintree.gov.uk">jack.street@braintree.gov.uk</a>	



**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	<p>The application was subject to the statutory application fee paid by the Applicant for the determination of the application.</p> <p>There are no direct financial implications arising out of the decision, notwithstanding any costs that the Council may be required to pay from any legal proceedings. Financial implications may arise should the decision be subject to a planning appeal or challenged via the High Court.</p>
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul>

	<p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <p>§ Planning Application submission:</p> <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 22/03229/FUL.</p> <p>§ Policy Documents:</p> <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan (2013-2033)</li> <li>§ Feering Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application site is located within the Stepfield industrial park, a designated Employment Policy Area within Witham. The site is also located within the designated Witham Town Development Boundary as shown in the Braintree District Local Plan 2013 – 2033 (“the Adopted Local Plan”).
- 1.2 The application site relates to No.9 Stepfield, an existing warehouse structure set at the north-western conclusion of the no-through-road which forms this section of the industrial estate. The building has been purchased by the adjoining business premises who have outgrown the capacity of their current site and seek to demolish an existing structure to erect a larger warehouse structure to provide additional storage of materials.
- 1.3 The premises is formed currently of two sections; a two-storey, brick-built structure forming the western half of the overall footprint and a one-and-a-half storey structure forming the eastern half. The two structures are connected by a link extension. The application proposes the demolition and replacement of the link and eastern section of the site.
- 1.4 The replacement structure would be larger than the existing structure by virtue of its scale and its width. It is proposed to clad the structure with steel cladding. When compared to the existing, comparatively smaller, existing structure comprised of a brickwork and rendered exterior, the replacement building would be industrial in its outward appearance. The introduction of three roller vehicular access doors would further establish an industrial character of the building.
- 1.5 The proposed plans indicate the building would form a warehouse with unrestricted internal access between the two. The floorplans submitted indicate the existing westernmost structure includes an office area at the entrance of the building which would be reconfigured, as well as the introduction of bathroom facilities on the eastern internal flank of the proposed replacement building. The existing first floor mezzanine in the westernmost structure would remain, and the replacement building would be single storey.
- 1.6 It is considered that the replacement building would be of an appropriate use and designed to a sufficient quality so as not to prejudice the character and appearance of the locality. The industrial character is appropriate to the context of the site and would raise no concerns on design grounds which would require planning approval to be withheld. Appropriate parking would be provided, and no concern is raised on highways grounds.
- 1.7 The structure would accord with relevant planning policies and is recommended for approval.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE
- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.
3. POLICY CONSIDERATIONS  
§ See Appendix 2
4. SITE HISTORY  
§ See Appendix 3
5. DESCRIPTION OF THE SITE AND SITE CONTEXT
- 5.1 The application site is located within Stepfield, an industrial park formed from Freebournes Road within the Witham Town Development Boundary. The site is situated within a designated Employment Policy Area.
- 5.2 The site is located at the conclusion of a no-through-road within the north-western section of Stepfield. The adjoining business premises to the north of the application site is currently occupied by the Applicant, who has outgrown the capacity of their current premises and has acquired the application buildings to provide additional storage and warehousing space.
6. PROPOSAL
- 6.1 The application proposes the demolition of an existing warehouse and its replacement with a new building of this use. The premises is formed currently of two sections; a two-storey, brick-built structure forming the western half of the overall footprint and a one-and-a-half storey structure forming the eastern half. The two structures are connected by a link extension. The application proposes the demolition and replacement of the link and eastern section of the site.
- 6.2 The westernmost building measures a width of approximately 14.1 metres (m) whilst the easternmost structure proposed for replacement measures 18.5m, with a 2m link between the two creating an overall width close to 35m. The replacement structure would measure a proposed width of some 25.5m, amounting to an increase in width of 5m. This would effectively cover a strip of hard-standing on the east flank of the building currently enclosed by palisade fencing. The structure would extend beyond the rear building line by 2.5m.
- 6.3 The proposed plans indicate the building would form a warehouse with unrestricted internal access between the two. The floorplans submitted indicate the existing westernmost structure includes an office area at the entrance of the building which would be reconfigured, as well as the

introduction of bathroom facilities on the eastern internal flank of the proposed replacement building. The existing first floor mezzanine in the westernmost structure would remain, and the replacement building would be single storey.

- 6.4 The existing building (inclusive of the link between the two buildings) measures a footprint of approximately 1,131.04 square metres (sqm). The proposed replacement building would raise the footprint to 1,398.24sq.m, amounting to an increase of 267.2sq.m.
- 6.5 The Applicant states that the building would be used for the manufacture and storage of smaller joinery items, as well as offices and staff car parking. Officers note that office space is provided within the existing buildings on site.
- 6.6 The materials to be used in the manufacture of items will be brought over from the adjoining premises to the north of the site via smaller vehicles and forklift trucks. The completed products will then be loaded into a delivery van for distribution. The building proposes three roller vehicular access doors to provide a means for van loading and manoeuvre.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 National Highways

- 7.1.1 No objection.

### 7.2 BDC Waste Services

- 7.2.1 No objection.

### 7.3 Essex County Fire & Rescue Service

- 7.3.1 No objection, with Building and Fire Regulations informatives noted.

### 7.4 Essex Highways

- 7.4.1 No objection, subject to a condition ensuring that proposed parking spaces have minimum dimensions of 2.9 metres x 5.5 metres.
- 7.4.2 Informatives have also been noted which should guide any works which may impact the local highway network.

### 7.5 Essex County Council Lead Local Flood Authority

- 7.5.1 No comment.

8. PARISH / TOWN COUNCIL

8.1 Witham Town Council

8.1.1 Witham Town Council recommend approval.

9. REPRESENTATIONS

9.1 A site notice was displayed at the entrance to the application site for a 21 day period and immediate neighbours were notified in writing. No written representations were received.

10. PRINCIPLE OF DEVELOPMENT

10.1 The application site is located within the Witham town development boundary as shown within the Adopted Local Plan. The site is also within the Stepfield industrial park, which is identified on the Proposals Map as a designated Employment Policy Area.

10.2 Policy LPP3 of the Adopted Local Plan outlines that sites within identified Employment Policy Areas will be permitted and retained subject to the use being compliant with the designation. The following uses are considered appropriate in these areas:

- a) Office use, research and development, and industrial processes (other than industrial processes falling within Use Class B2 (Use Class E(g))).
- b) General industrial (use class B2) and storage and distribution (use class B8).
- c) Repair of vehicles and vehicle parts.
- d) Waste management facilities as appropriate taking into account neighbouring uses.
- e) Services specifically provided for the benefit of businesses or workers based on the employment area.

10.3 The policy also outlines that changes from B2 or B8 to E (other than E(g) Offices, Research and Development, Light Industrial) will not be permitted.

10.4 The Applicant has outlined that the existing company opposite to site at No. 46 Stepfield currently manufactures windows, doors, and conservatory frames in both PVCu and aluminium from their present site. The existing premise has acquired the application site, and the proposed buildings would be used for the manufacture and storage of the smaller joinery items, which would then be distributed from the buildings at No. 9 Stepfield. The Applicant would also make use of existing office facilities within the application building. Larger joinery items will be manufactured, stored and delivered from the existing site at No. 46 Stepfield.

10.5 The manufacture, storage, and distribution of items at No. 9 Stepfield is consistent with the appropriate uses outlined in Policy LPP3 of the Adopted Local Plan. As the use is consistent with the Employment Policy Area, the

principle for development is acceptable subject to material considerations discussed in subsequent sections of this report.

## 11. SITE ASSESSMENT

### 11.1 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.1.1 Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development. Policy SP7 of the Adopted Local Plan states that new development should respond positively to local character and context to preserve and enhance the quality of existing places and their environs.
- 11.1.2 Policy LPP52 of the Adopted Local Plan requires *inter alia* that designs recognise and reflect local distinctiveness in terms of scale, density, height and massing of buildings, and be sensitive to the need to conserve local features of architectural and historic importance, and also to ensure development affecting the public realm shall be of a high standard of design and materials and use appropriate landscaping.
- 11.1.3 The application would demolish the existing structure on-site to accommodate a larger building in this position. The existing building due for removal features a part-rendered and brickwork exterior with uPVC windows across the front and exposed side (eastern) elevations of the structure. On the exposed side elevation, vehicular and pedestrian access is provided via a strip of hardstanding enclosed by a palisade fence. The building features a pitched roof, creating a deep gable-ended front and rear elevation. The front elevation is rendered, with cladding within the gable.
- 11.1.4 The existing building is a neutral contributor to the industrial park. The form, design and appearance does not detract from the context of the locality, nor does it enhance the character of the area. Its removal and replacement with a similar design is, therefore, not objectionable.
- 11.1.5 The replacement structure would be larger than that in-situ. This enlargement would be experienced through an increase in height as well as width across the entirety of the structure. Notwithstanding this increase in stature, the building reflects the form of the existing building through a pitched roof with a front and rear gable end formed. However, it is apparent from the plans that the replacement structure would appear industrial in its character, which is established through the visual design, materials and openings proposed within the building.
- 11.1.6 The building would be entirely clad with a steel cladded exterior, creating an outwardly utilitarian and industrial character. The front elevation would be characterised by three large vehicular access roller doors, and a single pedestrian access door on the western side of the replacement structure. Although the steel cladded structure would be utilitarian in its form, it would not be incongruous to its surrounds; the western elevation of the structure to remain on the western side of the footprint demonstrates an exposed



steel clad exterior onto the adjoining footpath, whilst the larger structure within the plot north of the site contains a steel clad structure larger than that proposed through this application. Whilst not necessarily setting a precedent, the presence of similar structures within the immediate vicinity means the structure proposed would not be read as out of keeping nor alien within the industrial park.

11.1.7 The proposed parking and access arrangement would remain unchanged, with the site using an existing area of hard-standing within the west of the site for staff parking. No alterations to this area are proposed.

11.1.8 Essex County Council as the Lead Local Flood Authority have considered the application, including details of its size, siting, layout, and use. The Authority have raised no objection and do not consider the development poses any significant flood risk.

11.1.9 It is therefore considered that, the scale, bulk, design, and materials of the proposed replacement building would be appropriate when considering the localised context within the industrial park. The building would provide additional opportunity for the storage of goods currently stored within the premises immediately north of the site, reducing the need for open, loose storage which visually clutters this section of the industrial park. The proposed replacement building, although larger than that in-situ, would not introduce a detrimental impact that would prejudice the character of the locality, and the scheme is thus considered to a sufficient quality to be acceptable on design grounds.

## 11.2 Impact upon Neighbouring Residential Amenity

11.2.1 The National Planning Policy Framework sets out that decisions should seek to ensure a high-quality amenity for all current and future occupiers of dwellinghouses. Policy LPP52 of the Adopted Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. Unacceptable impacts are considered as any factors that can carry the potential to degrade the enjoyment of neighbouring properties such as overlooking, overshadowing, loss of light or loss of privacy.

11.2.2 The structure would extend further toward the eastern perimeter of the site, covering an area of hard standing which creates a degree of spacing between the replacement dwelling and neighbouring premises on this side (No. 7 Stepfield). It is noted, however, that this neighbouring premises has its own strip of hard-standing land across its western perimeter, maintaining a degree of spacing between the application site and the neighbouring building. Officers observed this neighbouring space to be used for external storage of goods and the parking of a delivery vehicle.

11.2.3 Although the structure is larger and wider than that existing, when taking into account the position, orientation and use of neighbouring plots, no unacceptable impacts have been identified to neighbouring premises.

- 11.2.4 Further west of the site, the rear elevation of neighbouring dwellinghouses positioned on the east side of Armiger Way face toward this section of the industrial park. However, the proposed replacement building would be screened from view by the structure on the western side of the plot which is proposed to remain unmodified. There is a potential that the new building may be glimpsed from the identified dwellinghouses, although it is likely the building would blend in with the wider industrial surrounds. It is not considered the proposed development would impact on the residential amenities of these dwellings to the west, by virtue of the identified site circumstances, the proximity and the screening offered by vegetation across the Blackwater Rail Trail.
- 11.2.5 Policy LPP70 of the Adopted Local Plan requires that new developments should prevent unacceptable risks from all emissions and other forms of pollution (including light and noise pollution) and ensure no deterioration to either air or water quality. Amongst other factors, unacceptable impacts in terms of noise will be resisted.
- 11.2.6 Although the building may attract forms of traffic associated with loading and unloading of materials for storage and subsequent distribution, there is considered a sufficient distance between the site access and neighbouring access so as not to result in interference or disruption. As the existing form and appearance of the buildings suggest, which include vehicular access doors on the eastern and western perimeter of the site, the buildings have already historically been used for loading and unloading of goods.
- 11.2.7 As such, it is not considered that the application would give rise to any unacceptable noise or pollution impacts which may unacceptably impact neighbouring amenities.

### 11.3 Highway Considerations

- 11.3.1 Policy LPP43 of the Adopted Local Plan commits the LPA to the guidance outlined in the ECC Parking Standards (2009) ("the Parking Standards"). Information contained within this document includes guidance for parking provision.
- 11.3.2 The Parking Standards outline that parking requirements for B8 use are as follows:

*Vehicle parking.* 1no. space per 150 square metres (sq.m) (maximum).

*Cycle parking.* 1no. space per 500sq.m for staff and 1no. space per 1000sq.m for visitors (minimum).

*PTW.* 1no. space below 20no. car spaces for powered two-wheeled vehicles ("PTW") (minimum).

*Accessible*            2no. spaces or 5% of total capacity for disabled persons, whichever is greater (minimum).

- 11.3.3    The proposed B8 use would amount to 1260sq.m (approx.), and maximum parking standards for vehicles would therefore amount to approximately 8no. vehicle spaces plus 2no. cycle spaces (1no. for staff, 1no. for visitors), 1no. PTW spaces, and 2no. parking spaces for disabled persons. This amounts to 10no. vehicle spaces, 2no. cycle spaces, and 1no. PTW spaces.
- 11.3.4    The application proposes 10no. vehicle parking spaces, which meets the required maximum standard. The plans do not indicate a dedicated PTW space, although this could use one of the 10no. parking spaces, which would leave 9no. vehicle spaces, one below the maximum standard. This would remain an acceptable arrangement.
- 11.3.5    It is also further noted that the business premises are combined under one ownership with the premises to the north; they are not individual businesses and workers from each structure will use a combined parking area.
- 11.3.6    Essex Highways have raised no objection to the proposed parking arrangement and have stated the provision can be considered consistent with the Parking Standards. A condition was proposed to ensure that each vehicular parking space measures a dimension of 2.9m x 5.5m, which can be attached to any grant of consent.
- 11.3.7    It is noted that no formal cycling spaces are designated, but it is recognised that there are opportunities for cycle storage within the site should employees choose to cycle to work.

## 12.    PLANNING BALANCE AND CONCLUSION

- 12.1    The benefits of accommodating the growth of an existing building within the District offsets the need for relocation of the premises elsewhere, or the need for off-site storage which would increase vehicular traffic generated between sites for both goods transfer and delivery purposes. The development would keep the existing business operations within a single area.
- 12.2    The application is considered to satisfy the criteria outlined within Policies LPP1, LPP7, LPP43, and LPP52 of the Adopted Local Plan, as well as national planning policies and objectives contained within the NPPF, so far as they are relevant to the proposal. Subject to conditions relating to parking bay size, the proposed scheme is considered to satisfy relevant policies and material considerations and is therefore recommended for approval.

13. RECOMMENDATION

- 13.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Existing Ground Floor Plan	22/333/01	N/A
Existing 1st Floor Plan	22/333/02	N/A
Existing Elevations	22/333/03	N/A
Proposed Ground Floor Plan	22/333/04 A	N/A
Proposed 1st Floor Plan	22/333/05	N/A
Proposed Elevations	22/333/06 A	N/A
Proposed Block Plan	22/333/07 A	N/A
Topographical Survey	AS1861-01	N/A

#### Condition(s) & Reason(s)

##### Condition 1

The development hereby permitted shall commence 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 (as amended).

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plan listed above.

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

##### Condition 3

No above ground development shall commence until a schedule of the types and colour of the materials to be used in the external finishes of the building(s) hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details and permanently retained as such.

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

##### Condition 4

No development shall commence, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following details:

- The provision of parking for operatives and contractors within the site;

- Safe access in / out of the site;
- Measures to manage the routeing of construction traffic;
- The storage of plant and materials used in constructing the development;
- The storage of top soil;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel washing and underbody washing facilities;
- Measures to control the emission of dust, dirt and mud during construction;
- A scheme to control noise and vibration during the construction phase, including details of any piling operations;
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of how the approved plan will be implemented and adhered to, including contact details for individuals responsible for ensuring compliance;
- Contact details for Site Manager and details of publication of such details to local residents.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

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

#### Condition 5

The parking spaces, as shown on Drawing No. 22/333/07 Rev A, shall be retained with minimum dimensions of 2.9 metres x 5.5 metres.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### Informative(s)

##### Informative 1

Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

##### Informative 2

All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and has granted planning permission in accordance with the presumption in favour of sustainable development, as set out in the National Planning Policy Framework.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP5	Employment
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP2	Location of Employment Land
LPP3	Employment Policy Areas
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP52	Layout and Design of Development
LPP70	Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards



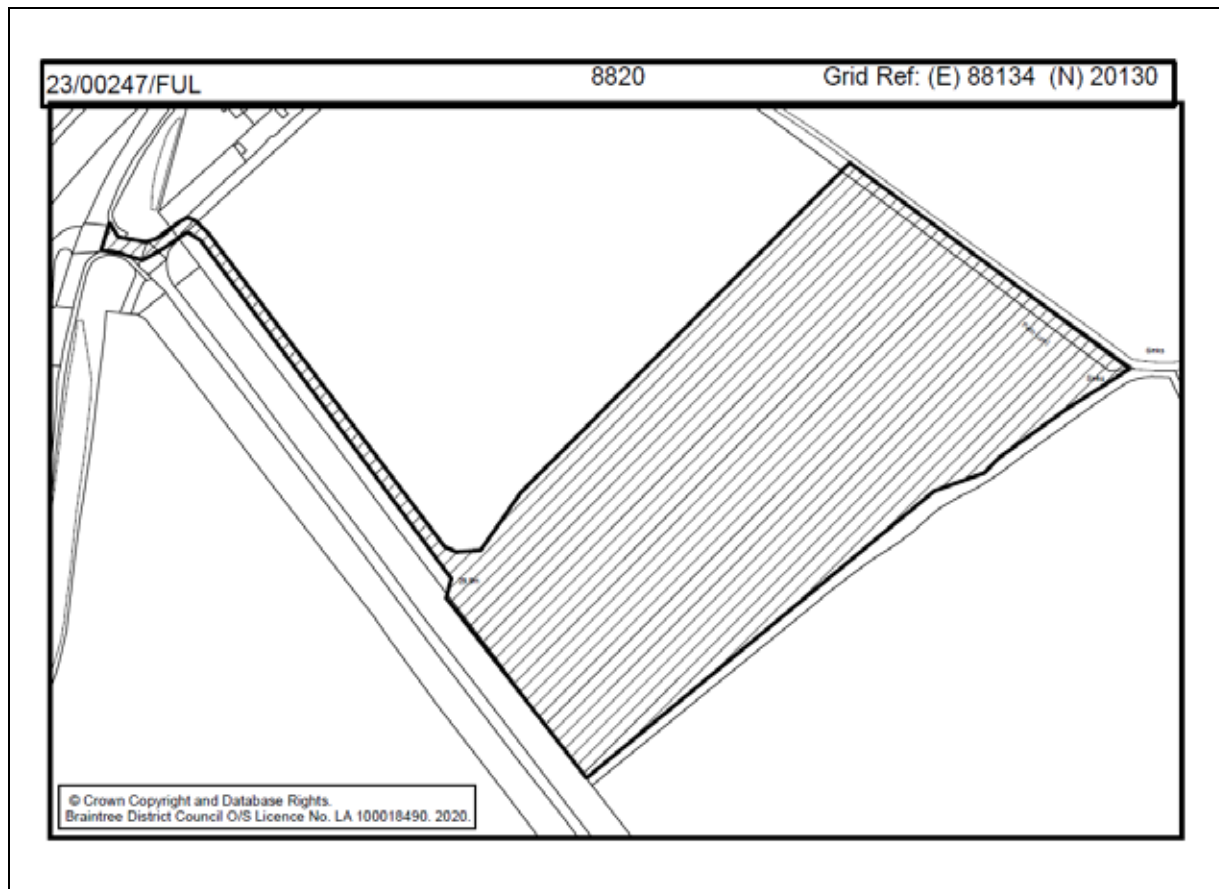
### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
00/00226/FUL	Erection of extension	Granted	15.05.00
00/01531/FUL	Erection of side extension to existing industrial unit	Granted	11.10.00
88/02321/P	Removal of condition 5 of planning approval BTE/1056/88 to permit class b2 use of premises.	Withdrawn	25.01.88
89/00760/P	Erection of milk distribution depot, cold store, rest room, toilet and office including charging bay for milk float.	Granted	27.06.89
88/01056/P	Erection of two factory units.	Granted	22.08.88
88/00058/P	Erection of 2 no. factory units.	Granted	22.02.88
80/00162/P	Erection of factory with offices above at o&m press ltd.	Granted	18.03.80
76/00396/	Alterations and extension to industrial premises at 8/9 Stepfield.	Refused	08.07.76
78/0019/	Conversion of canteen to chipboard store for furniture manufacturers at 9 Stepfield.	Granted	17.03.78
88/02473/P	Erection Of Milk Distribution Depot, Cold Store, Rest Room, Toilet & Office Incl. Charging Bay For Milk Float	Refused	05.04.89
89/00760/P	Erection Of Milk Distribution Depot, Cold Store, Rest Room, Toilet And Office Incl. Charging Bay For Milk Float	Granted	06.06.89

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 28th March 2023		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/00247/FUL	
<b>Description:</b>	Change of use to Ecological Mitigation Area 17 (linked to the A12 widening scheme) including the creation of 3 ponds, creation of 8 bunds and the raising of ground level from on-site excavated material, perimeter fencing and associated landscaping.	
<b>Location:</b>	Land North of Prested Hall, South of the A12	
<b>Applicant:</b>	Mr Kampandila Kaluba, National Highways, Woodlands, Bedford, MK41 6FS	
<b>Agent:</b>	Mrs Sophie Douglas, Jacobs, 1 City Walk, Leeds, LS11 9DX	
<b>Date Valid:</b>	6th February 2023	
<b>Recommendation:</b>	It is RECOMMENDED that the following decision be made:  § Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report.	
<b>Options:</b>	The Planning Committee can:  a) <b>Agree</b> the Recommendation b) <b>Vary</b> the Recommendation c) <b>Overtake</b> the Recommendation d) <b>Defer</b> consideration of the Application for a specified reason(s)	
<b>Appendices:</b>	<b>Appendix 1:</b>	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	<b>Appendix 2:</b>	Policy Considerations
	<b>Appendix 3:</b>	Site History
<b>Case Officer:</b>	Melanie Corbishley For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2527, or by e-mail: <a href="mailto:melanie.corbishley@braintree.gov.uk">melanie.corbishley@braintree.gov.uk</a>	

**Application Site Location:**



<b>Purpose of the Report:</b>	The Committee Report sets out the assessment and recommendation of the abovementioned application to the Council's Planning Committee. The report sets out all of the material planning considerations and the relevant national and local planning policies.
<b>Financial Implications:</b>	The application was subject to the statutory application fee paid by the Applicant for the determination of the application.
<b>Legal Implications:</b>	<p>If Members are minded to overturn the recommendation, the Planning Committee must give reasons for the decision.</p> <p>Following the decision of the Planning Committee, a formal decision notice will be issued which will either set out the relevant Conditions &amp; Reasons and any Informatives, or the Reasons for Refusal if applicable.</p> <p>All relevant policies are set out within the report, within Appendix 2.</p>
<b>Other Implications:</b>	The application has been subject to public consultation and consultation with relevant statutory and non-statutory consultees. All responses received in response to this consultation are set out within the body of this Committee Report.
<b>Equality and Diversity Implications</b>	<p>Section 149 of the Equality Act 2010 creates the public sector equality duty which requires that when the Council makes decisions it must have regard to the need to:</p> <ul style="list-style-type: none"> <li>a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act;</li> <li>b) Advance equality of opportunity between people who share a protected characteristic and those who do not;</li> <li>c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.</li> </ul> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p>

	The consideration of this application has not raised any equality issues.
<b>Background Papers:</b>	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> <li>§ Planning Application submission: <ul style="list-style-type: none"> <li>§ Application Form</li> <li>§ All Plans and Supporting Documentation</li> <li>§ All Consultation Responses and Representations</li> </ul> </li> </ul> <p>The application submission can be viewed online via the Council's Public Access website: <a href="http://www.braintree.gov.uk/pa">www.braintree.gov.uk/pa</a> by entering the Application Number: 23/00247/FUL.</p> <ul style="list-style-type: none"> <li>§ Policy Documents: <ul style="list-style-type: none"> <li>§ National Planning Policy Framework (NPPF)</li> <li>§ Braintree District Local Plan (2013-2033)</li> <li>§ Feering Neighbourhood Plan (if applicable)</li> <li>§ Supplementary Planning Documents (SPD's) (if applicable)</li> </ul> </li> </ul> <p>The National Planning Policy Framework can be viewed on the GOV.UK website: <a href="http://www.gov.uk/">www.gov.uk/</a>.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: <a href="http://www.braintree.gov.uk">www.braintree.gov.uk</a>.</p>

## 1. EXECUTIVE SUMMARY

- 1.1 The application seeks full permission for an ecological mitigation area to facilitate the translocation of reptile populations prior to the construction of the proposed A12 widening scheme and would contribute to Biodiversity Net Gain of the A12 works. The ecological mitigation area would include ponds, basking banks / bunds, features for reptiles and associated hedgerow and grassland planting enclosed by 1.1 metre high fencing.
- 1.2 The principle of the change of use to an ecological area is supported by a number of policies within the Adopted Local Plan (Policies SP7 and LPP64) which encourage biodiversity creation and enhancement measures and net gain in priority habitats. Support is also attributed to the NPPF (Paragraphs 174 and 180) which requires planning to contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and also seeks to secure measurable net gains for biodiversity. Although the development would result in the loss of Grade 2 agricultural land, weight is attributed to the fact that this site would enable the mitigation measures and features to be easily integrated and embedded with existing nearby habitats, and that to achieve this outcome, it would inevitably require the loss of such agricultural land. Overall, the principle of development is considered acceptable.
- 1.3 In terms of layout and landscape impacts, the development would inevitably result in a change to the character of the land, altering from an open agricultural field to an ecological area with artificial land formation and features and subdivision of an existing larger field parcel. The impact of this change would primarily be seen from public views along the PROW to the north east. However, it is considered that the impact would be reduced due to the modest change associated with the re-levelling work, limited height of the bunds and other features and low level and appropriately designed fencing. On this basis, it is not considered that the development would result in harm to the character and appearance of the local landscape.
- 1.4 The proposed access track would not be used by construction vehicles during the construction phase of the development as it lies within the root protection area of an existing tree/hedge belt to the west of the application site. The Applicant has confirmed that a separate application for a temporary haul road will be made and that this application will detail the route to the site for construction vehicles. The access track as shown in this current application would be used in the future to allow for routine maintenance and inspection visits to be carried out to the ecological area.
- 1.5 Officers conclude that the existing PROW that runs along the north eastern boundary of the site would not be compromised by the proposed development.
- 1.6 The development would result in no significant ecological constraints and any impacts can be addressed via mitigation proposed. Equally, the

proposed soft landscaping scheme is acceptable, and the creation of biodiversity net gain is supported.

- 1.7 In terms of neighbouring amenity, given the distance from neighbours, the development would result in no unacceptable harm to neighbouring amenity.
- 1.8 Taking the above factors into account, the application is recommended for approval subject to conditions.

2. INTRODUCTION / REASON FOR APPLICATION BEING CONSIDERED AT COMMITTEE

- 2.1 This application is being reported to Planning Committee in accordance with Part A of the Council's Scheme of Delegation as the application is categorised as a Major planning application.

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The site is located to the north east of Feering and to the south east of the A12. It covers an area of 3.09 hectares in size including the land required for the access to the site from the public highway and the main site area wherein the ponds and landscaping would be formed. An existing tree/hedge belt runs adjacent to the proposed access route.
- 5.2 The main area of the application site is roughly rectangular in shape and includes an access track that connects to the B1024 and the A12 to the north. Running parallel to the proposed access track is the driveway that serves Prested Hall and a number of other residential properties. Public Right of Way 78\_15 runs along the eastern boundary of the site.
- 5.3 To the north west of the site is the remainder of the agricultural field and to the south of the site is an existing vegetation belt.
- 5.4 Prested Hall (Grade II listed) is located approximately 480m to the south of the application site.
- 5.5 The site is currently within arable use and the Agricultural Land Classification (ALC) is Grade 2.
- 5.6 The site is located within Flood Zone 1. A Flood Risk Assessment (FRA) has been submitted with the application.
- 5.7 There are no Tree Preservation Orders (TPOs) within the site boundary.

6. BACKGROUND TO THE PROPOSAL

- 6.1 The proposal forms part of the wider Nationally Significant Infrastructure Project (NSIP) proposed for widening the A12 between Chelmsford and Colchester. A Development Consent Order (DCO) application for this NSIP was accepted for examination by the Planning Inspectorate on the 12th of September 2022.



6.2 The DCO identifies a number of ecological mitigation areas to help mitigate the impacts of the A12 widening scheme. The Applicant (National Highways) is seeking full permission under the Town and Country Planning Act 1990 for 16 ecological mitigation areas through the submission of 13 planning applications across the Districts of Braintree, Colchester and Chelmsford in order to enable the creation of habitats in advance of the A12 construction.

6.3 The ecological mitigation areas have already been identified within the DCO which provides a high-level indicative layout for each ecological mitigation area. This planning application provides the detailed design with regards to the scale and nature of the proposal and how the ecological mitigation area would be constructed, operated and maintained.

## 7. PROPOSAL

7.1 The application proposes the change of use of land to an ecological mitigation area (linked to the A12 widening scheme) including the creation of 3 ponds, creation of 8 bunds from on-site excavated materials, perimeter fencing and associated landscaping.

7.2 The development would include the introduction of:

- § Ponds with aquatic and marginal planting;
- § 8 bunds (basking banks);
- § An area of wider land regrading;
- § Features for reptiles including hibernacula and log piles;
- § Approximately 825.15 m<sup>2</sup> of intermittent trees and shrubs;
- § The seeding of species rich grassland;
- § Timber post and wire fencing to the perimeter of the site;
- § 1 metal field gate access.

7.3 During the life of the application it was raised with the Applicant that the proposed access would run through the root protection area (RPA) of the existing hedge/tree belt that runs along the western boundary of the site and would be used by construction vehicles. Officers considered that this arrangement was unacceptable. The Applicant has confirmed that a separate application for a temporary haul road, located outside of the RPA, would be made and that the proposed access road as part of this application would not be used by any construction vehicles. A condition is recommended to ensure that this is safeguarded.

7.4 Details of the nature and use of the temporary haul road would be set out in the separate application; however it is anticipated that the main route of vehicles to access the site would be via the B1024 (A12 Junction 24 Northbound entry slip) and the part of the existing asphalt road access road towards Prested Hall. The access could then cross a small area of grass and then lead onto the open agricultural land beyond.

- 7.5 The Construction Traffic Management Plan submitted with the current application states that construction traffic vehicle numbers using the B1024 are expected to be low. Officers expect the use of the temporary haul road to be the same as previously set out for the access track and would be as follows. A small number of excavators and dumpers (up to 2 each) would be taken to site and would, subject to security conditions remain on site for the duration of the works (approximately 1.5 months).
- 7.6 The daily workforce is not expected to exceed more than 10 people. The main workforce would arrive by a single vehicle (6 persons) in a single daily trip from the existing A12 Scheme Kelvedon Compound. It is expected up to 4 other vehicles would bring workers to site, with car sharing ensuring that vehicle numbers are kept to a minimum. Cumulatively at the peak, there would be up to 12 light vehicles (cars and vans) trips per day (in and out of site).
- 7.7 Delivery of materials to the site would be via HGVs with up to 4 trips in a day.
- 7.8 There would be no public access to the site and a perimeter fence is proposed to be erected to prevent public access.
- 7.9 The proposal does not fall within any of the descriptions of development for the purposes of the definition of 'Schedule 1 or 2 Development', as set out within the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An Environmental Impact Assessment is therefore not required.

## 8. SUMMARY OF CONSULTATION RESPONSES

### 8.1 Environment Agency

- 8.1.1 No objection. The EA are satisfied that, provided the mitigation measures identified in the Biodiversity Statement and Mitigation Plan (National Highways, December 2022) are implemented in full, protected and Priority species will not only be conserved but a significant amount of habitat will be created and measurable biodiversity net gains will be achieved. The presence of a robust management plan to ensure continued success is also good.

### 8.2 Essex Wildlife Trust

- 8.2.1 No comments received.

### 8.3 National Highways

- 8.3.1 No objection.

- 8.4      North East Essex Badger Group
- 8.4.1    No comments received.
- 8.5      BDC Ecology
- 8.5.1    No objection subject to securing ecological mitigation and enhancement measures.
- 8.6      BDC Environmental Health
- 8.6.1    No comments received.
- 8.7      BDC Economic Development
- 8.7.1    No comments received.
- 8.8      BDC Landscape Services
- 8.8.1    Objection to siting of access track within the root protection area due to (originally proposed) use by construction vehicles.
- 8.9      ECC Archaeology
- 8.9.1    The Planning Statement submitted with the application states that the area has been subject to archaeological trial trenching as part of the archaeological evaluation carried out in advance of the proposals for the A12 widening and that mitigation has been proposed in the form of open area excavation. This stage of the archaeological investigations has not yet been completed and will need to be carried out in advance of the proposed development.
- 8.9.2    A Written Scheme of Investigation has been submitted for approval and satisfies the requirement for the provision of a programme of archaeological investigation for this site.
- 8.9.3    A number of pre-commencement conditions are recommended in line with National Planning Policy Framework (Paragraph 205).
- 8.10     ECC Highways
- 8.10.1   Having reviewed the submitted information, ECC Highways confirm that from a highway and transportation perspective the Highway Authority has no comments to make on the proposal.
- 8.11     ECC Suds
- 8.11.1   No objection.

## 8.12 Ramblers

### 8.12.1 The following comments were made:

- § PROW 15 lies within the red line site.
- § How wide will the footpath be?
- § Query regarding maintenance of the existing hedgerow.
- § Query regarding tree protection fencing and the length of time it would be in situ.
- § Concerns about how raised land levels would affect the PROW.
- § Lack of public access to the mitigation area would not be an enhancement for the public.
- § The appearance of the land with the bunds is unlikely to integrate well into the wider landscape.

## 9. PARISH / TOWN COUNCIL

### 9.1 Feering Parish Council

#### 9.1.1 The following comments were made:

- § The plans are not clear with regards PROW15 as it appears to show the footpath running in the ditch.
- § No indication of the width of the footpath.
- § Would like to know where the new A12 is going to run.
- § Request more information with regards the mitigation of the project.
- § Request information with regards the long-term access solutions to the area for maintenance once the new A12 is built.
- § Contrary to the Planning Statement, Feering Parish Council confirms that they were not involved in a meeting with the developers and have not commented previously on the proposals.

## 10. REPRESENTATIONS

10.1 The application was advertised by way of site notices, newspaper notification and neighbour letter.

10.2 No representations have been received.

## 11. PRINCIPLE OF DEVELOPMENT

### 11.1 The Development Plan

11.1.1 The Council's statutory Development Plan consists of the Braintree District Local Plan 2013-2033 and the Feering Neighbourhood Plan (Adopted January 2023).

11.1.2 The principle for the change of use to an ecological area is supported by a number of Policies within the Adopted Local Plan. Policy SP7 of the Adopted Local Plan requires new development to 'incorporate biodiversity

creation and enhancement measures’, whilst Policy LPP64 of the Adopted Local Plan states that ‘proposals that result in a net gain in priority habitat will be supported in principle’.

- 11.1.3 As noted above, the site does fall within the boundary of the Feering Neighbourhood Plan, however Officers do not consider that the proposals conflict with the Plan. Policy 6 states that development proposals which enhance the natural environment and the biodiversity of the site will be supported.
- 11.1.4 Further policy support can be attributed to the NPPF. Paragraph 174 of the NPPF requires planning to contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value. Paragraph 180 states that ‘development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.’
- 11.1.5 It is therefore considered that in terms of the principle of development, the proposed scheme would be in compliance with the Development Plan and the NPPF.

## 12. SITE ASSESSMENT

### 12.1 Loss of Agricultural Land

- 12.1.1 Paragraph 174(b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising ‘...the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.
- 12.1.2 In this regard, the loss of the existing agricultural land is a material consideration. The Agricultural Land Classification (ALC) provides a method for assessing the quality of agricultural land within England and Wales. Land is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Grades 1, 2 and 3a are defined as the best and most versatile (BMV) land. The development site is categorised as Grade 2.
- 12.1.3 The majority of agricultural land in the District is BMV, including a high proportion of the higher Grade 2 land. This includes alternative land in the Witham area. Paragraph 6.29 of the Adopted Local Plan confirms that the use of BMV for development is inevitable. Although the loss of the Grade 2 agricultural land is regrettable (the loss of agricultural land is around 2 hectares), it is at worst sequentially neutral in the consideration of BMV. Weight is also attributed to the fact that this site would enable the mitigation measures and features to be easily integrated and embedded with existing

nearby habitats, and that to achieve this outcome, it would inevitably require the loss of such agricultural land. In this regard, the development is considered to not conflict with Paragraph 174 of the NPPF, as it would contribute to and enhance the natural and local environment (Paragraph 174(b)), whilst providing net gains for biodiversity (Paragraph 174(d)).

12.2 Layout, Appearance and Impact on Character and Appearance of the Locality including the Local Landscape

- 12.2.1 As set out above, the application proposes the creation of a number of different features across the site to provide for habitats for a variety of differing species. The most notable features would be the creation of the ponds and bunds.
- 12.2.2 Across the site 3 ponds are to be created, which would all lie in the eastern portion of the site. In terms of scale, these measure between 41 and 23 metres in length and 18 to 24 metres in width. The ponds would vary in profile and depth to a maximum depth of 1.4m. The ponds would be planted with an aquatic planting mix, reedbed planting and marginal planting.
- 12.2.3 The application also seeks some wider re-grading of the land with the depositing of excess material from the excavation works. The area affected by the re-levelling is roughly rectangular in shape and is located to the south of the main site. Although the application does not include sections of the existing and proposed ground levels, the proposed plans do include existing topographical information. Given that the level change only amounts to a maximum height increase of 0.5 metres, Officers are content that the consideration in terms of visual impact can be readily assessed. It is considered that the re-grading would only result in a relatively modest increase over the highlighted area, where there is a natural change in the land levels (the land falls from the west to the east). In addition, the submission details that the edges of this re-levelled area would be graded back into the adjacent land to form sweeping gradients which would assist in minimising its visual impact. This element of the proposal would be read in conjunction with the other aspects of the development and is not considered to result in adverse harm to the wider character and appearance of the locality.
- 12.2.4 In addition, the application also proposes a number of smaller features designed specifically for reptiles. These include the creation of 9no. log piles across the site. The log piles are to be constructed of multiple size and shape cut timber, stacked randomly. Each log pile would be at around 4 metres wide and 6 metres long, with a height of around 0.5 to 1 metre (the lower-level timbers would be dug approx. 0.10 metres into the ground surface to provide stability to the pile).
- 12.2.5 To further support reptiles, the creation of 10no. hibernacula features is proposed across the site. These are to be constructed to provide potential habitat for hibernating amphibians and reptiles. These would be 1 metre

square and would be a maximum 0.3m high. The pile would be covered with a coir membrane over which soil or turf would be laid to allow grass vegetation to establish, though some rubble extrusions would be present around the edges (not covered in soil/turf) to allow access for sheltering animals.

- 12.2.6 Extensive new planting is proposed across the site, including woodland planting of trees and shrubs, wildflower planting, and intermittent trees and shrubs. Wet grasslands are proposed to surround all three ponds and 7 new native individual trees are proposed to be planted across the site. In selecting the species for the planting, regard has been had to the Essex County Council guide to informing tree species (Place Services: Essex Tree Palette, A guide to choosing the most appropriate tree species for Essex sites according to landscape character and soil type, 2018) and ecological considerations. It is considered that the proposed planting mix would be appropriate for this location and would reinforce the landscape character and biodiversity of surrounding landscape.
- 12.2.7 In addition to the planting within the site, new hedging is proposed along the north western boundary of the site. A total of 215m of new hedging is proposed. Officers consider that this new lengthy section of hedging is a positive aspect of the development and would assist in the development blending into the landscape.
- 12.2.8 Lastly, a 1.1-metre-high timber post and wire fence would be erected around the perimeter of the ecology area site, in addition to a metal field gate to allow access for maintenance etc. as and when required. This is required to prevent access (as previously noted, there would be no public access to the site). Whilst this would create a somewhat arbitrary subdivision of the wider field parcel, it would, due to the low height and appropriate design (timber construction / post and wire) be appropriate to the rural context of the site and given the need for it, is considered appropriate.
- 12.2.9 Overall, the development would inevitably result in a change in the character of the land, altering from an open agricultural field to an ecological area with artificial land formation and features and subdivision of an existing larger field parcel. The impact of this change would primarily be seen from public views along the PROW to the north east of the main ecological mitigation site area. However, it is considered that the impact would be reduced due to the modest change associated with the re-levelling work, limited height of the bunds and other features, and low level and appropriately designed fencing. Officers consider that the extensive new planting, including 7 new native trees and 215m of new hedging would assist in assimilating the proposals into the wider landscape. In addition, the development would be seen against the backdrop of the existing landscaping to the east. On this basis, it is not considered that the development would result in harm to the character and appearance of the local landscape.

### 12.3 Heritage & Archaeology

- 12.3.1 The site lies outside any Conservation Area and the nearest listed building (Prested Hall) lies approximately 480m to the south of the application site. Given this distance Officers have concluded that the proposed works would not materially affect the setting of the heritage asset.
- 12.3.2 The Planning Statement submitted with the application states that the area has been subject to archaeological trial trenching as part of the archaeological evaluation carried out in advance of the proposals for the A12 widening and that mitigation has been proposed in the form of open area excavation. This stage of the archaeological investigations has not yet been completed and would need to be carried out in advance of the proposed development.
- 12.3.3 During the life of the application a Written Scheme of Investigation (WSI) has been submitted.
- 12.3.4 A suitably worded pre-commencement condition is requested by ECC Archaeology and is set out in Appendix 1.

### 12.4 Ecology and Landscape

- 12.4.1 The application is submitted with a Biodiversity Statement and Mitigation Plan to indicate the impacts of the development upon designated sites, protected and Priority species / habitats, in addition to the information contained within the submitted plans and other supporting documentation. Officers are satisfied that sufficient ecological information is available for determination.
- 12.4.2 The Biodiversity Statement and Mitigation Plan confirms that there are no Ramsar sites, Special Protection Areas (SPA's) and Special Area of Conservation (SAC's) within 2km of the proposed development. No Local Nature Reserves are located within 250metres and equally there are no Local Wildlife Sites (LWSs) within 250 metres. There are no SSSIs located within 250m of the proposed development. In addition, there are no Ancient Woodlands, National Nature Reserves or Special Road Verges within 250 metres of the site.
- 12.4.3 The Biodiversity Statement and Mitigation Plan has confirmed no significant ecological constraints and that any impacts can be addressed via mitigation proposed. An Impact Assessment and Conservation Payment Certificate has been prepared by Natural England and signed by National Highways for the Proposed A12 widening DCO and this site technically would be covered under the Essex District Level Licencing Strategy for Great Crested Newt. This provides certainty for the LPA of the likely impacts on designated sites, Protected and Priority Species & Habitats and, with appropriate mitigation measures secured, the development can be made acceptable. The mitigation measures identified in the Biodiversity Statement and Mitigation Plan should be secured and implemented in full,



as this is necessary to conserve protected and Priority species and a condition is imposed to secure this.

- 12.4.4 Officers support the design of the ponds, which have been designed to fully maximise biodiversity potential in line with the biodiversity metrics, whilst considering the potential functional use of the waterbodies by notable species. The inclusion of the hibernacula and log piles, which have also been designed appropriately with consideration of the soil and the site topography, is also welcomed. The management of these habitat features is detailed within the submission and details that the aftercare plans would be relevant for a 20-year period, to ensure that the habitat creation would be successfully implemented.
- 12.4.5 Further support is also given to the creation of biodiversity net gain (BNG). Officers are content that the development would secure at least 10% BNG, a desire outlined with Paragraph 174d and 180d of the NPPF. Indeed, the submission details that the development site would result in a net increase of 291.59% of Habitat units and 68.44% of Hedgerow units.
- 12.4.6 In addition, Officers consider the approach to soft landscaping for the site to be acceptable. As detailed above, the proposed planting mix for the hedging, together with the wider marginal planting, aquatic planting mix and reedbeds would be appropriate for this location and would reinforce the landscape character and biodiversity of the surrounding landscape.
- 12.4.7 During the life of the application it was raised with the Applicant that proposed access would run through the root protection area (RPA) for the existing hedge/tree belt that runs along the western boundary of the site. Officers considered that this arrangement was unacceptable for construction traffic. The Applicant has confirmed that a separate application for a temporary haul road, outside of the RPA, would be made and that the proposed access road as part of this application would not be used by any construction vehicles. A suitably worded condition is recommended to ensure that the access route as submitted is not used for construction vehicles and only for routine maintenance/inspection of the ecological mitigation area.
- 12.4.8 Given the above, Officers are satisfied that the use of the access track as set out above and restricted by the suggested conditions would not result in harm to the existing hedge/tree belt to the west of the application site.

## 12.5 Highway Considerations

- 12.5.1 As set out earlier in this report, the Applicant has confirmed that the access for construction vehicles to create the mitigation area would be via a temporary haul road and not via the access track shown in this current application.
- 12.5.2 The details in relation to the nature and use of the temporary haul road would be set out and considered under a separate planning application.

However, in general terms it is envisaged that the main route of vehicles to access the site would be via the B1024 (A12 Junction 24 Northbound entry slip) and the part of the existing asphalt road access road towards Prested Hall. The access could then run across a small area of grass and onto the open agricultural land beyond.

- 12.5.3 The Construction Traffic Management Plan submitted with the current application states that construction traffic vehicle numbers using the B1024 are expected to be low. Officers expect the use of the temporary haul road to be the same as previously set out for the access track.
- 12.5.4 A small number of excavators and dumpers (up to 2 each) would be taken to site and would, subject to security conditions remain on site for the duration of the works (approximately 1.5 months).
- 12.5.5 The daily workforce is not expected to exceed more than 10 people. The main workforce would arrive by a single vehicle (6 persons) in a single daily trip from the existing A12 Scheme Kelvedon Compound. It is expected up to 4 other vehicles would bring workers to site, with car sharing ensuring that vehicle numbers are kept to a minimum. Cumulatively at the peak, there would be up to 12 light vehicles (cars and vans) trips per day (in and out of site).
- 12.5.6 Delivery of materials to the site would be via HGVs with up to 4 trips in a day.
- 12.5.7 The Highway Authority have been consulted on the application and are content that the level of traffic generated from the development would not give rise to any adverse impact to highway capacity nor in terms of highway safety. Officers are therefore content that the use of the temporary haul road in the same manner would not raise any objection from ECC Highways.
- 12.5.8 A public footpath runs along the north eastern side of the application site. Concerns have been raised regarding the impact the mitigation area would have on the PROW. The submitted plans show that the PROW runs thought the red line of the application, but would not be included within the mitigation area. The PROW would be located outside of the mitigation area and beyond a new post and wire fence. Officers are satisfied that the access to the PROW would not be compromised by the proposed development.
- 12.5.9 Queries raised by the Parish Council regarding the revised siting of the A12 and long-term maintenance of it are not matters covered by the scope of this application.
- 12.6 Impact upon Neighbouring Residential Amenity
- 12.6.1 In terms of neighbouring impacts arising from the development, given the distance from neighbours there would be no unacceptable adverse impacts

with the ecological site area itself (either during construction works within the site, nor once it is completed and 'in use / operational').

12.6.2 Construction vehicle access to the ecological site itself would be dealt with under a separate application for the temporary haul road. This application will include the submission of a Construction Traffic Management Plan.

12.6.3 Overall, it is considered that the development would result in no unacceptable harm to neighbouring amenity.

## 12.7 Flooding and Drainage Strategy

12.7.1 The site lies wholly within Flood Zone 1. The application has been supported by a Flood Risk Assessment. The FRA demonstrates that the development would have a negligible impact on flood risk. No objection has been raised by the Environment Agency and ECC SUDs team.

## 13. CONCLUSION

13.1 The principle of the change of use to an ecological area is acceptable and is supported by Policies within the Adopted Local Plan and the NPPF which encourage biodiversity creation and enhancement, and net gain in priority habitats. The loss of the Grade 2 agricultural land has been justified.

13.2 The development would result in a change in the character of the land, altering from an open agricultural field to an ecological area with artificial land formation and features, and subdivision of an existing larger field parcel. However, it is considered that the impact would be reduced due to the modest change in height / levels proposed, the extensive proposed planting across the site and to its perimeter and as the development would be seen against the backdrop of the existing landscaping to the site boundaries.

13.3 The proposed access for construction purposes is to be considered under a separate application for a temporary haul road. The proposed permanent access track would be used solely by maintenance vehicles and therefore Officers are satisfied that there would be no material harm to the existing tree/hedge belt to the west of the site.

13.4 The development would result in no significant ecological constraints and any impacts can be addressed via mitigation proposed. Equally, the proposed soft landscaping scheme is acceptable and the creation of biodiversity net gain is supported.

13.5 There would be no unacceptable adverse impact to neighbouring amenity.

13.6 Taking into account the above, it is considered that the proposal complies with the Development Plan when taken as a whole. Officers consider that there are no material considerations that indicate that a decision should be made other than in accordance with the Development Plan.

14. RECOMMENDATION

- 14.1 It is RECOMMENDED that the following decision be made:  
Application GRANTED in accordance with the Approved Plans and Documents, and subject to the Condition(s) & Reason(s), and Informative(s) outlined within APPENDIX 1.

CHRISTOPHER PAGGI  
PLANNING DEVELOPMENT MANAGER

## APPENDIX 1:

### APPROVED PLAN(S) & DOCUMENT(S) / CONDITION(S) & REASON(S) AND INFORMATIVE(S)

#### Approved Plan(s) & Document(s)

<b>Plan Description</b>	<b>Plan Ref</b>	<b>Plan Version</b>
Existing Site Plan	DR L 2018 rev P01	N/A
Proposed Site Plan	DR L 0329 rev P02 (sheet 1 of 2)	N/A
Other	DR L 0330	P01
Location Plan	HE551497-JAC-EGN-5_SCHME-SK-GI-0025 REV P01	N/A
Section	DR L 0355 REV P01	N/A
Section	DR L 0356 REV P01	N/A
Fencing Layout/Details	DR LE 0001 REV P03	N/A
Other	DR LE 0005 REV P01	N/A
Supporting Documents	Tree Protection Measures	Jan 2023
Supporting Documents	Prested Hall Hedgerow Review and Protection	Feb 2023

#### Condition(s) & Reason(s)

##### Condition 1

The development hereby permitted shall commence 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 (as amended).

##### Condition 2

The development hereby permitted shall only be implemented in accordance with the approved plans and documents listed above.

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

##### Condition 3

The access track hereby approved shall not be used at any time for construction vehicles.

Reason: In order to protect the adjoining tree/hedge belt.

#### Condition 4

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained the Biodiversity Statement and Mitigation Plan (National Highways, January 2022), the Biodiversity Metric 3.0 (October 2022), the Habitat Maintenance Plan (National Highways, November 2022), Series 3000 Landscape & Ecology Specification Appendix 30 (National Highways, November 2022), Ecological Mitigation Area 17 - Planting Schedule (Jacobs Ltd, January 2022), Ecological Mitigation Areas Standard Details Ecological Habitat Features (Jacobs Ltd, January 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To conserve protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 5

No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on the Proposed Site Plan Sheet 1 of 2 rev P02 and detailed within Environmental Technical Note- Tree Protection Measures- National Highways- January 2022 and the Arboricultural Technical Note- Prested Hall Hedgerow Review and Protection dated February 2023 has been fully implemented. The means of protection shall remain in place until the completion of the development.

Reason: To ensure the protection and retention of existing/remaining trees, shrubs and hedges.

#### Condition 6

No development shall take place until the completion of the programme of archaeological investigation identified in the WSI submitted with the application. The applicant will submit a final archaeological report or (if appropriate) a Post Excavation Assessment report and an Updated Project Design which has been approved in writing by the Local Planning Authority. This shall be done within 6 months of the date of completion of the archaeological fieldwork unless otherwise agreed in advance in writing by the Local Planning Authority This will result in the completion of post excavation analysis, preparation of a full site archive and report ready for deposition at the local museum, and submission of a publication report.

Reason: To enable full investigation and recording of this site of archaeological importance.

## APPENDIX 2:

### POLICY CONSIDERATIONS

#### National Planning Guidance

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

#### Braintree District Local Plan 2013 - 2033

SP1	Presumption in Favour of Sustainable Development
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP59	Archaeological Evaluation, Excavation and Recording
LPP63	Natural Environment and Green Infrastructure
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP67	Landscape Character and Features
LPP71	Climate Change
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan

#### Feering Neighbourhood Plan

Policy 4	Heritage Assets and their Settings
Policy 6	Natural Environment and Green and Blue Infrastructure

### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
22/03461/FUL	Change of use to ecological mitigation area 8 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 1 bund from on-site excavated material, perimeter fencing and associated landscaping.	Pending Decision	