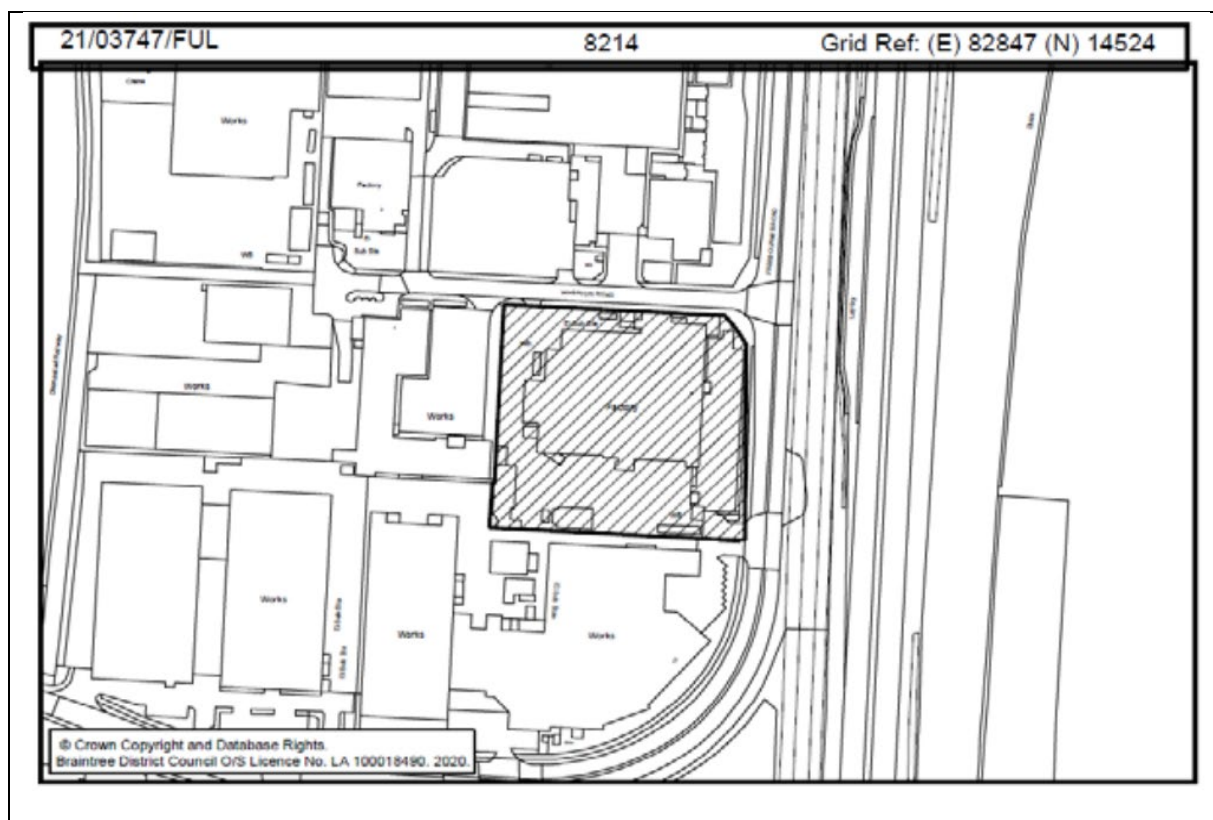


Report to: Planning Committee		
Planning Committee Date: 14th June 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/03747/FUL	
Description:	Erection of 3 buildings to provide 10 commercial units (Use Classes E(g)(iii), B2 and B8) together with access, parking, landscaping and associated works.	
Location:	14 Freebournes Road Witham Essex	
Applicant:	Chancerygate (Freebournes Road) Limited C/O Agent	
Agent:	Elizabeth Osborne Montagu Evans 70 St Mary Axe London EC3A8BE	
Date Valid:	13th January 2022	
Recommendation:	It is RECOMMENDED that the following decision be made: <ul style="list-style-type: none"> Application GRANTED subject to the Condition(s) & Reason(s) and Informative(s) outlined within Appendix 1 of this Committee Report. 	
Options:	The Planning Committee can: <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s) 	
Appendices:	Appendix 1:	Approved Plan(s) & Document(s) Condition(s) & Reason(s) and Informative(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	Fiona Hunter For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2521, or by e-mail: fiona.hunter@braintree.gov.uk	

Application Site Location:



Purpose of the Report:	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.
Financial Implications:	<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>
Legal Implications:	<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 & 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>
Other Implications:	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.
Equality and Diversity Implications	<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"> a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act; b) Advance equality of opportunity between people who share a protected characteristic and those who do not; c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

	<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>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/03747/FUL.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan Review (2005) ▪ Braintree District Core Strategy (2011) ▪ Braintree District Shared Strategic Section 1 Local Plan (2021) ▪ Braintree District Publication Draft Section 2 Local Plan (2017) ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. UPDATE REPORT

1.1 This update relates to two issues:

- Amendments to Condition No. 8 regarding the surface water drainage scheme
- Amendments to Condition No. 19 regarding the construction method statement

2. Amendments to Condition No. 8

2.1 The applicant provided further information following the publication of the agenda regarding the surface water drainage scheme. Essex SUDS provided a further response, confirming that the additional information provided satisfies the original condition. Therefore, the proposed condition has been amended to a compliance condition as follows:

2.2 “The development hereby approved shall be implemented in accordance with the Flood Risk Assessment reference 10325221 dated 17th December 2021 and Technical Note reference 10325221 dated 15th March 2022. The scheme shall be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the effective operation of SuDS features over the lifetime of the development. To provide mitigation of any environmental harm which may be caused to the local water environment.”

3. Amendments to Condition No. 19

3.1 The applicant provided further information following the publication of the agenda regarding the construction method statement. ECC Highways and BDC Environmental Health provided responses following receipt of the additional information. ECC Highways confirm the documents satisfies the requirements of the condition. BDC Environmental Health confirm no objection to the document, suggesting a noise compliance condition rather than a discharge condition. The proposed condition has therefore been amended as follows:

3.2 “Construction of the hereby approved development shall be carried out in accordance with the Construction Environmental Management Plan dated 31st May 2022 and the Noise Impact Assessment reference 462576.0000.0000 dated December 2021. The approved documents shall be adhered to throughout the construction period for the development.

Reason: To ensure that appropriate measures are in place in the interests of highway safety and the amenities of the locality.”

4. CONCLUSION

- 4.1 Given the above, the recommended conditions 8 and 19 are proposed to be amended in accordance with the above wording.

5. RECOMMENDATION

- 5.1 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