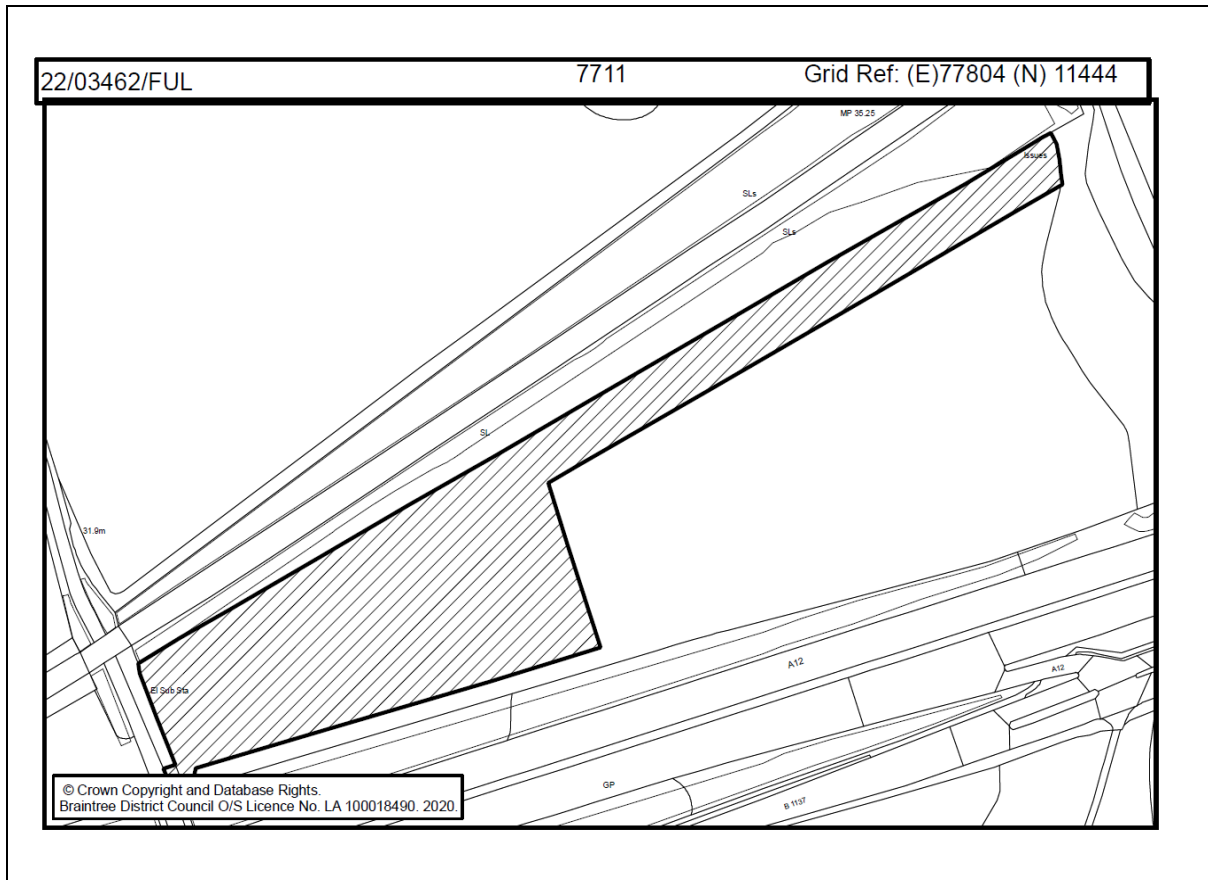


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| Report to: Planning Committee | | |
| Planning Committee Date: 7th March 2023 | | |
| For: Decision | | |
| Key Decision: No | | Decision Planner Ref No: N/A |
| Application No: | 22/03462/FUL | |
| Description: | Change of use to ecological mitigation area 4 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 3 bunds from on-site excavated material, perimeter fencing and associated landscaping. | |
| Location: | Land East Of Terling Hall Road, Hatfield Peverel | |
| Applicant: | Mr Kampandila Kaluba, National Highways, Woodlands, Bedford, MK41 6FS | |
| Agent: | Mrs Sophie Douglas, Jacobs, 1 City Walk, Leeds, LS11 9DX | |
| Date Valid: | 28th December 2022 | |
| Recommendation: | <p>It is RECOMMENDED that the following decision be made:</p> <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: | <p>The Planning Committee can:</p> <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: | <p>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</p> | |

Application Site Location:



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| 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. |

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| | <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: 22/03462/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 2013 – 2033 ▪ 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 3 issues:

- The description of the development.
- Addition of policies within Appendix 2.
- Addition of condition.

2. The description

2.1 For consistency with the other A12 ecological mitigation area applications, and to clarify the extent of the works proposed, Officers seek to alter the description to include the area of wider land re-grading from on-site excavated material. The amended description would read as follows:

Change of use to ecological mitigation area 4 (linked to the A12 widening scheme) including the creation of 1 pond, creation of 3 bunds and one area of wider re-grading of land from on-site excavated material, perimeter fencing and associated landscaping.

2.2 The change to the description does not prejudice any third parties or similar, but rather seeks to clarify the works proposed as already clearly shown on the proposed plans.

3. Addition of policies within Appendix 2

3.1 Officers seek to add a number of policies within Appendix 2 which have inadvertently been omitted. These include Policies LPP47 (Built and Historic Environment) and LPP67 (Landscape Character and Features).

3.2 Officers have had regard to these policies within the consideration of the application, and their inclusion within the Appendix (and thus inclusion on any formal decision notice issued) is for completeness.

4. Addition of condition

4.1 The application has been submitted with details of the means of tree protection fencing, which is set out both within the site plan and the 'Environmental Technical Note – Tree Protection Measures March 2023' document. Officers seek to impose a new condition which requires that the measures as detailed are implemented prior to any works commencing on site. The suggested condition is as follows:

No development, including preparatory works or construction, shall commence until the tree protection fencing as shown on plan HE551497-JAC-ELS-5_SCHME-DR-L-0307 REV P02 and as detailed within the 'Environmental Technical Note – Tree Protection Measures' document March 2023 has been fully implemented. The means of protection shall remain in place until the completion of the construction works.

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

5. CONCLUSION

- 5.1 The above updates do not alter the considerations of the application, which remain acceptable. Taking into account the matters set out within the Committee Report, 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.

6. RECOMMENDATION

- 6.1 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