

# PLANNING COMMITTEE AGENDA

**Tuesday, 28th May 2024 at 7.15pm**

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

**THIS MEETING IS OPEN TO THE PUBLIC**

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**Members of the Planning Committee are requested to attend this meeting to transact the business set out in the Agenda.**

Councillor J Abbott  
Councillor J Beavis  
Councillor K Bowers  
Councillor L Bowers-Flint  
Councillor T Diamond  
Councillor M Fincken  
Councillor D Holland (Vice-Chairman)

Councillor A Hooks  
Councillor A Munday  
Councillor I Parker (Chairman)  
Councillor F Ricci  
Councillor P Schwier  
Councillor G Spray

**Substitutes:** Councillor M Green, Councillor J Hayes, Councillor P Heath, Councillor L Jefferis, Councillor J Pell, Councillor G Prime, Councillor S Rajeev, Councillor M Staines, Councillor W Taylor, Councillor M Thorogood, Councillor P Thorogood, Councillor J Wrench, Councillor B Wright.

**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 24 hours before the start of the meeting.

D GASCOYNE  
Chief Executive

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

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

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

### **Public Question Time - Registration and Speaking**

The Agenda allows for a period of up to 30 minutes for Public Question Time. Members of the public may ask questions or make a statement 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 meeting.

For example, if the 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 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 on-line 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 three 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 Committee has discretion to extend the time allocated to registered speakers and to amend 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 may be read by a Council Officer.

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

**Health and Safety**

Anyone attending a meeting of the Council is asked to make themselves aware of the nearest available fire exit. In the event of an alarm sounding, you must evacuate the building immediately and follow all instructions provided by staff. You will be directed to the nearest designated assembly point where you should stay until it is safe to return to the building.

**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 may be accessed via [www.braintree.gov.uk](http://www.braintree.gov.uk)

**Data Processing**

For further information on how the Council processes data, please see the Council's Privacy Policy:

[https://www.braintree.gov.uk/info/200136/access\\_to\\_information/376/privacy\\_policy](https://www.braintree.gov.uk/info/200136/access_to_information/376/privacy_policy)

**Mobile Phones**

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

**Webcast and Audio Recording**

Please note that this meeting will be webcast and audio recorded. You 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**

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### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Previous Meeting**

To approve as a correct record the Minutes of the meetings of the Planning Committee held on 16th April 2024 (copy to follow) and 7th May 2024 (copy previously circulated).

### **4 Public Question Time**

Only Registered Speakers will be invited by the Chairman to speak during public question time.  
Please see the agenda notes for guidance.

### **5 Planning Applications**

To consider the following planning applications.

#### **5a App. No. 23 02991 FUL - Land South of 4 Little Hyde Close, GREAT YELDHAM**

**5 - 27**

#### **5b App. No. 24 00330 FUL - Land adjacent to 1 Church Road, STAMBOURNE**

**28 - 53**

### **6 Urgent Business - Public Session**

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

### **7 Exclusion of the Public and Press**

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

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

## **PRIVATE SESSION**

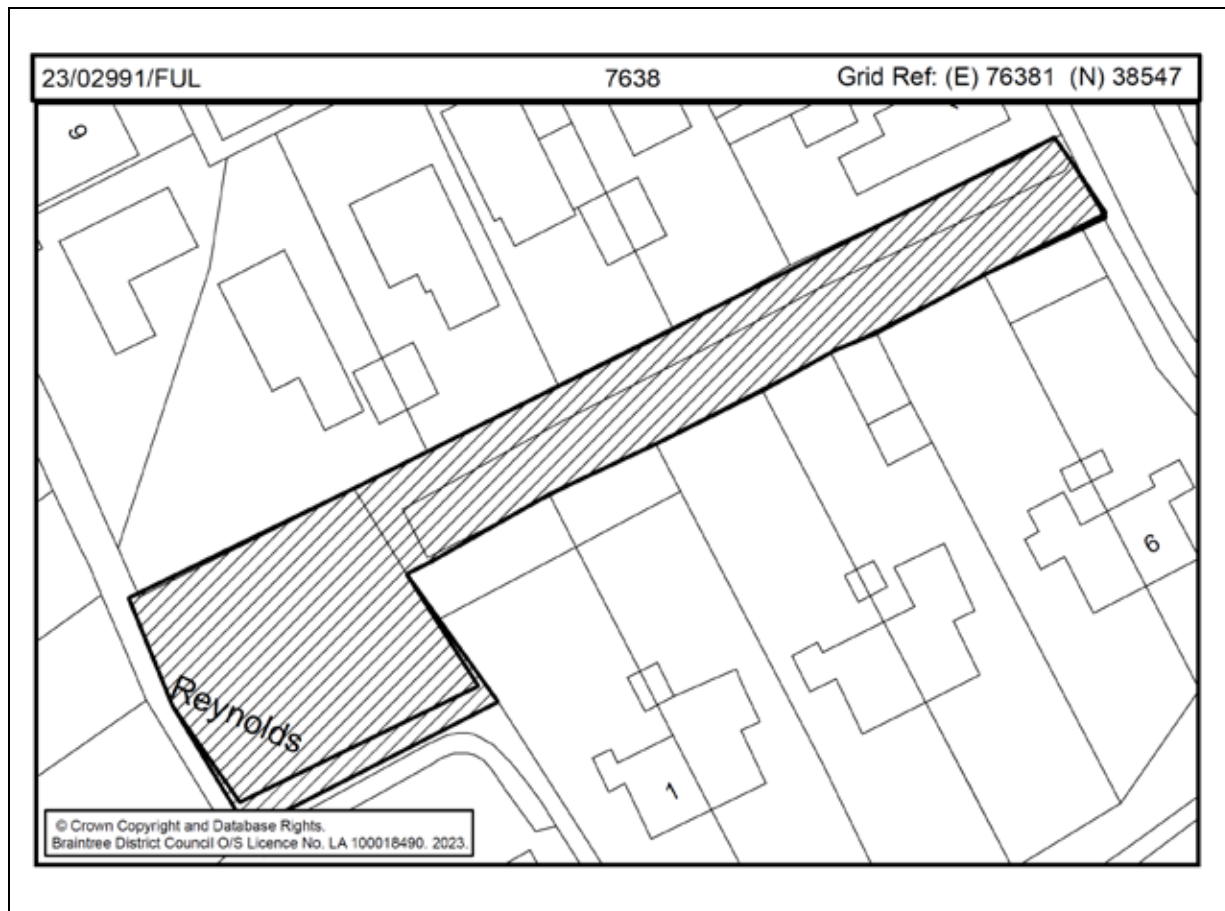
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### **8 Urgent Business - Private Session**

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 May 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	23/02991/FUL	
<b>Description:</b>	Erection of 1 No. 3 bedroom chalet bungalow	
<b>Location:</b>	Land South Of 4 Little Hyde Close Great Yeldham	
<b>Applicant:</b>	Millen, C/O Hillier Hopkins Llp, First Floor, Radius House, 51 Clarendon Road, Watford, WD17 1HP	
<b>Agent:</b>	Mr Church, Mr Church And Green Planning And Design Consultants Ltd, 30 Broadway, Silver End, CM8 3RA	
<b>Date Valid:</b>	14th December 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>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>	Harrison Lockwood For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2543, or by e-mail: <a href="mailto:harrison.lockwood@braintree.gov.uk">harrison.lockwood@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>

	<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: 23/02991/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 follows two separate refusals under Application References 22/03455/FUL and most recently 23/02579/FUL, which both proposed two dwellings at the site. This proposal is now for a single one and a half storey dwelling.
- 1.2 The site is located within the Great Yeldham development boundary, wherein the principle of development is established by Policy LPP1 of the Adopted Local Plan subject to the referenced criteria. The site is also not considered to represent an unsustainable location and has reasonable access to nearby public transport options as well as local services and amenities.
- 1.3 The proposed design and plot layout would sympathetically respect the constraints of the site. As a result, the development would not appear out of character with the local area.
- 1.4 The dwelling would provide sufficient amenity for future occupiers and would not adversely impact upon neighbouring amenity.
- 1.5 ECC Highways have raised no objection to the use of the existing access and the proposal accords with adopted parking standards.
- 1.6 Officers have concluded that the adverse impacts of granting permission do not outweigh the benefits, and therefore it is recommended that planning permission is granted for the proposed development.

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 site comprises land owned by Braintree District Council (BDC).

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 situated within the defined development boundary for Great Yeldham. It has no specific allocation on the proposals map of the Adopted Local Plan. There is a Public Right of Way (19\_87) which connects Leather Lane with Tilbury Road to the south of the site and along the western boundary. The proposed access is formed from an existing single track to the east off Little Hyde Road. The site is currently overgrown scrub with mature trees on the periphery of the plot. It is currently open to the Public Right of Way. The wider surrounding area of the site is residential. The site area is 0.043ha.

- 5.2 The application follows two separate refusals under Application References 22/03455/FUL and most recently 23/02579/FUL. The proposal put forward under these applications was for 2 No. dwellings at the site. The most recent reason for refusal can be summarised as follows:

- Poor design and layout, incongruous within the surrounding residential context.
- Poor standard of external private amenity and impact upon neighbouring amenity.
- Insufficient information regarding trees and access.

6. PROPOSAL

- 6.1 The proposed development seeks permission for the erection of 1 No. 3 bedroom chalet style bungalow. The design comprises a chalet-style bungalow with a one and a half storey front protrusion, together with a front facing dormer. The proposed ridge height extends to 6.428m, with half-hipped verges. The width of the dwelling extends to 11m across the plot, with a primary depth of 6.3m, together with an additional 2m proposed by the front protrusion. Materially, the dwelling would be finished with white render based atop a brick blinth and plain tiles to the roof.

- 6.2 In terms of its position and the layout of the plot, the dwelling would be positioned centrally, with an area for parking and turning to the northern boundary and front of the plot. This would be accessed via an existing single track, formed from Little Hyde Road. A large area of private amenity surrounds the southern and rear (west) elevation.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Essex Fire and Rescue

- 7.1.1 Fire access to the proposed development appears insufficient. In response to this, the Applicant has outlined that the unit will have a sprinkler system installed to mitigate this requirement. Ultimately this is a matter for Building Regulations and more detailed observations on access and facilities for the fire service would be considered at that stage.

### 7.2 BDC Ecology

- 7.2.1 No objection, subject to bespoke ecological enhancements being secured.

### 7.3 BDC Waste

- 7.3.1 No objection.

### 7.4 ECC Highways

- 7.4.1 No objection, subject to a condition to ensure the provision and implementation of a Residential Travel Information Pack.

## 8. PARISH / TOWN COUNCIL

### 8.1 Great Yeldham Parish Council

- 8.1.1 Objections raised due to Essex Fire and Rescue concerns.
- 8.1.2 In response to these concerns, Officers would comment that this is a matter for building regulations and more detailed observations on access and facilities for the fire service would be considered at that stage.

## 9. REPRESENTATIONS

- 9.1 A site notice was displayed to the front of the site and the surrounding neighbours notified of the application. No representations have been received.

## 10. PRINCIPLE OF DEVELOPMENT

### 10.1 National Planning Policy Framework (NPPF)

- 10.1.1 As set out in Paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. In addition, Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 10.1.4 The NPPF underlines the Government's objective of significantly boosting the supply of homes. In this regard, Paragraph 60 of the NPPF highlights the importance of ensuring that there is a sufficient amount and variety of land that can come forward where it is needed, that specific housing requirements are met, and that land with permission is developed without unnecessary delay. Paragraph 76 of the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth (plus the relevant buffer) of housing for decision making purposes where the relevant application was made prior to the publication of the December 2023 version of the NPPF.
- 10.1.5 In this regard, and in considering the overall planning balance as to whether the proposed development subject to this application constitutes sustainable development, an important material consideration in this case is whether the Council can robustly demonstrate a 5 Year Housing Land Supply. This will affect whether Paragraph 11 of the NPPF is engaged and consequently the weight that can be attributed to the Development Plan (see below).

## 10.2 5 Year Housing Land Supply

- 10.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded. The Council's Local Plan is up to date and complies with the NPPF.
- 10.2.2 However, Footnote 79 of the NPPF sets out that this provision only applies to planning applications which were submitted on or after the date of publication of the revised NPPF (December 19th 2023). As this application was received prior to that date, the Council must consider it in relation to the 5 year housing land supply.
- 10.2.3 The Braintree District Local Plan has an approved minimum housing target of 716 new homes per year in the District between 2013 and 2033. To this annual supply the Council must add the cumulative shortfall since the start of the Plan period. This figure is recalculated each year. 873 new homes per year are therefore required to be delivered within this 5 year period (2023-2028). Taking the above into account, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply.
- 10.2.4 The Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, and given that they were only recently adopted, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

## 10.3 The Development Plan

- 10.3.1 Currently the Council's statutory Development Plan consists of the *Braintree District Local Plan 2013 – 2033* (2022). This Adopted Local Plan outlines the following development management policies material to this assessment.
- 10.3.2 Policy SP3 of the Adopted Local Plan provides the spatial strategy for North Essex and outlines that existing settlements will be the principal focus for additional growth across North Essex. Development will be accommodated within or adjoining settlements according to their scale, sustainability and existing role both within each individual district and, where relevant, across the wider strategic area. Policy SP3 also notes that re-use of previously developed land within settlements is an important objective, although this will be assessed within the broader context of sustainable development principles.

- 10.3.3 Policy SP7 of the Adopted Local Plan seeks to create well connected places which prioritise the needs of pedestrians, cyclists and public transport above the use of the private motor vehicle.
- 10.3.4 Policy LPP1 of the Adopted Local Plan 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. The site is located within the Great Yeldham development boundary, wherein the principle of development is established by Policy LPP1 subject to the referenced criteria.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 With concern to the promotion of sustainable transport, the NPPF in Paragraph 109 states that the planning system should actively manage patterns of growth; and that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, as well as improve air quality and public health.
- 11.1.2 The strategy set out in the Adopted Local Plan is to concentrate growth in the most sustainable locations by adopting a spatial strategy that promotes opportunities for walking, cycling as well as offering public transport links to nearby shops, services, and employment opportunities. This is reaffirmed through Policy LPP42 of the Adopted Local Plan which gives priority to cycle and pedestrian movements, and access to public transport.
- 11.1.3 The site is located within the Great Yeldham development boundary. Great Yeldham is recognised within the Adopted Local Plan as a second tier settlement. Second tier villages are those which may not serve a wider hinterland but provide the ability for some day to day needs to be met, although they lack the full range of facilities of a Key Service Village. Development of a small scale may be considered sustainable within a second tier village, subject to the specific constraints and opportunities of that village.
- 11.1.4 The proposed dwelling itself would be located within an established residential area, to the east of Great Yeldham. Little Hyde Road provides access to a number of residential cul-de-sacs, including Goodchild Way and Little Hyde Close. The site itself is accessed through a single track lane formed from Little Hyde Road, which provides access and parking areas to the dwellings fronting Leather Lane.
- 11.1.5 Occupants would be within walking distance of the junction between Leather Lane, Bridge Street and North Road which provides public

transport links as well as a small number of amenities and services. These include a small collection of takeaways, a public house and a veterinary service. Green spaces are also comfortably accessible from the site, including Great Yeldham skatepark and recreation ground which is approximately 1km from the site area.

- 11.1.6 Whilst it is not beyond reasonable possibility that occupiers would choose to utilise the private vehicle as a primary mode of transport, there are multiple alternative transport modes available including a bus stop within 400m of the site. Furthermore, a small number of amenities are within walking distance of the site. In summary, the site is located within a second tier development boundary wherein it is not considered to represent an unsustainable location and the principle of development is established.

11.2 Design, Appearance and Impact upon the Character and Appearance of the Area

- 11.2.1 The National Planning Policy Framework sets out the importance of achieving well designed places in Section 12. Paragraph 131 of this section states that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’ Paragraph 139 states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. This is reflected through Policies SP7 and LPP52 of the Adopted Local Plan which seek the highest possible standard of design in new development.

- 11.2.2 Under the two previous refusals at the site, Officers raised concerns with the proposed intensity of development, as well as the design and appearance which included a more significant scale and a large expanse of flat roof. In response, the intensity of development has been reduced to accommodate a single dwelling at the site. In addition, the design has been altered, with a reduced ridge height and pitched roof proposed.

- 11.2.3 The proposed dwelling would now be positioned centrally within the plot and the scale altogether appears sympathetic to the constraints of its surroundings. The site area forms a square plot, located to the end of a narrow highway formed from Little Hyde Road. A sufficient distance of approximately 4m is maintained to either side boundary, with a further 8m to the rear and 6m to the front. In addition, the half-hipped verges and low eaves height of 3.2m would ensure that the dwelling would not appear overly prominent in surrounding views of the area.

- 11.2.4 Whilst the design itself is fairly ordinary, the proposed material palette which includes a brick plinth and white render, appropriately corresponds to the urban surrounds. Owing to the position of the dwelling, it would not be viewed in connection with an established street scene. Views of the

dwelling may be partially glimpsed from Little Hyde Road. However, the site would certainly not disrupt the otherwise fairly uniform character of the area which most prominently fronts Leather Lane to the south. Due to the distances proposed to either side boundary, a degree of visual permeability would also likely be maintained from most public vantage points.

- 11.2.5 Altogether, the proposed dwelling represents a sympathetic scale which appropriately respects the constraints of the plot. Its position to the end of the narrow access would not result in an overly prominent addition to the residential setting of the area and this would further limit any impact upon the uniform nature of the surrounding street scene. The proposed development is therefore not considered objectionable in respect of its design and appearance impacts upon the character and appearance of the area.

### 11.3 Proposed Future Occupiers' Residential Amenities

- 11.3.1 The NPPF sets out that decisions should seek to ensure a high-quality amenity for all future occupiers of dwelling-houses. Policy LPP35 of the Adopted Local Plan outlines that on-site amenity space which should accord with adopted guidance, including the national technical housing standards. Policy LPP52 of the Adopted Local Plan also states that residential developments shall provide a high standard of accommodation and amenity for all prospective occupants.
- 11.3.2 In calculation of the potential residential amenity afforded to future occupants, Officers recognise the Nationally Described Space Standards ['NDSS'] (2015) which establishes the requirements for internal amenity. In support of this, the Applicant has updated the proposed floor plan to include reference to these requirements as well as that of (a) through to (i) of the technical requirements. It is noted that due to the proposed height and roof form, the first-floor head height may be limited. However, this plan appropriately demonstrates compliance with the criteria and a minimum head height of 2.3m for 81% of the gross internal floor space, which exceeds the 75% requirement.
- 11.3.3 Policy LPP52 of the Adopted Local Plan states that the provision of private outdoor amenity space shall be provided having regard to the standards set out in the Essex Design Guide (EDG). The EDG has been adopted by Braintree District Council as a supplementary planning document and thus also forms a material consideration in this assessment. Within this, it is outlined that a minimum private garden size of 100sq.m should be required for most types of houses.
- 11.3.4 The proposed site plan indicates the dwelling would benefit from an area of 164sq.m to the rear of the plot. In addition, a small area to the south-eastern (front) corner of the plot is not included within this calculation, but could form additional private amenity. Although the plot is enveloped on all sides, the area is set upon slightly higher ground than the surrounding neighbours to the south and west. As a result, the areas of private amenity



to the south and west would likely benefit from sufficient sunlight. No objection is raised with regard to the quality and quantity of private amenity proposed.

#### 11.4 Impact upon Neighbouring Residential Amenity

- 11.4.1 Policy LPP52 of the Adopted Local Plan states 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 in terms of overlooking, overshadowing, loss of light or loss of privacy. The NPPF further requires a good standard of amenity for all existing and future occupiers of land or buildings.
- 11.4.2 The plot is surrounded by neighbouring dwellings to the south fronting Leather Lane, the west fronting Highfields and the north fronting Little Hyde Close. The plot of land is also slightly elevated in comparison to Leather Lane and Highfields. Despite this, the neighbours nearest to the site are situated on a similar elevation owing to their set-back position within the street scene.
- 11.4.3 As a result of this the dwelling would not form an overbearing presence upon its surrounding neighbours. In addition, as referenced within the design and appearance assessment, there are significant distances to the plot boundaries meaning that the proposed dwelling would be situated approximately 15-20m from the southern and western neighbours, and 10m from the northern neighbour. Furthermore, the low ridge height and lack of outlook resulting from the proposed design of the dwelling would not result in any overlooking at first-floor level. A sectional drawing has been provided which demonstrates that the rear facing rooflight would not provide an outlook and would instead serve to draw light into the floor space.
- 11.4.4 Altogether, given the position of the dwelling in relation to its surroundings, no adverse impact upon neighbouring residential amenities is anticipated.

#### 11.5 Highway Considerations

- 11.5.1 Policy LPP43 of the Adopted Local Plan states that development is required to provide off-street vehicle parking in accordance with ECC Vehicle Parking Standards. This states that 'prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided' of which the minimum expectation for a dwelling of two bedrooms or more is to demonstrate off-street parking provision of at least two spaces.
- 11.5.2 Two off-street parking spaces have been demonstrated on the proposed site plan. Their position would be tandem against the northern boundary to the plot. It's further noted that ECC Highways have raised no objection to the use of the existing access and consider the parking arrangement acceptable.

- 11.5.3 Given the tandem nature of the spaces and constraints of the plot, an additional plan has also been provided which demonstrates the manoeuvrability and turning area. This space to the front of the dwelling would allow occupiers sufficient space to manoeuvre and ensure that access to and from the plot would not become inconvenient.
- 11.5.4 Public Right of Way (19\_87) which connects Leather Lane with Tilbury Road is directly abutting the western boundary of the site. This footpath is currently heavily overgrown, with the area abutting the red line hardly delineated. The Applicants have provided a statement outlining that development of the site would allow for improved boundary definition and landscaping enhancements. As the footpath is outside the red line site area, improvements to it would not fall within the remit of this proposal. However, control over boundary treatments would be secured by way of condition and allow for greater definition of the area. Furthermore, the footpath would remain free and unobstructed during the construction phase and thereafter.
- 11.5.5 BDC Waste have also assessed the suitability of the site with regards to refuse collection. The refuse store is located to the north-east corner of the plot, at the access to the site. Refuse crews utilise the existing access to service properties in the area. As such, the refuse collection point would be within 20m of the store and is considered acceptable.
- 11.5.6 Comments provided by Essex Fire and Rescue are also noted. Concerns have been raised regarding the lack of turning facilities available at the dead-end access route, due to its length greater than 20m. In response, the Applicant has confirmed that the dwelling would be fitted with a sprinkler system which would negate this requirement. More detailed observations and assessment regarding this will be required at Building Regulation stage, but do not preclude the granting of this application.
- 11.6 Ecology
- 11.6.1 Policy LPP66 of the Adopted Local Plan outlines that where there is a confirmed presence or reasonable likelihood of protected species or priority species being present on or immediately adjacent to a development site, the developer will be required to undertake an ecological survey and will be required to demonstrate that an adequate mitigation plan is in place to ensure no harm to protected species and no net loss of priority species.
- 11.6.2 The biodiversity checklist submitted with the application did not raise any likelihood of the presence of nearby protected species. Nonetheless, BDC Ecology have provided comments on the scheme outlining that there is no objection to the proposal. Bespoke ecological enhancements are still required in accordance with Paragraph 174(d) of the NPPF, which can be secured by condition.

## 11.7 Trees and Landscaping

- 11.7.1 Policy LPP65 of the Adopted Local Plan outlines that trees which make a significant positive contribution to the character and appearance of their surroundings will be retained unless there is a good arboricultural reason for their removal, for example, they are considered to be dangerous or in poor condition. Similarly, alterations to trees such as pruning or crown lifting should not harm the tree or disfigure it. Furthermore, where trees are to be retained on new development sites there must be a suitable distance provided between the established tree and any new development to allow for its continued wellbeing and ensure it is less vulnerable to pressures from adjacent properties for its removal.
- 11.7.2 The application is accompanied by a Tree Survey which provides an assessment of the trees which have been removed from the site in order to facilitate the proposed development. The survey outlines that appropriate measures would be taken to ensure that the development can be carried out without detrimental harm to category B and C trees adjacent to the site. A condition would be imposed in order to ensure that the development is carried out in accordance with the recommendations made.

## 11.8 Drainage and Flood Risk

- 11.8.1 The site lies within Flood Zone 1, designated as having the lowest possibility of flooding. Paragraph 165 of the NPPF states that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. It states that priority should be given to the use of sustainable drainage systems. The number of dwellings proposed is below the threshold (10) whereby local planning authorities are required to ensure that sustainable drainage systems for the management of run-off are put in place through consultation with the relevant lead local flood authority.

## 11.9 Habitat Regulations Assessment (HRA / RAMS)

- 11.9.1 The application site is located outside of a Zone of Influence and therefore no HRA mitigation is required in this case.

## 12.1 Other Matters - Permitted Development Right Removal

- 12.1.1 The design is considered sympathetic to the wider character of the area through its scale and appearance in relation to the constraints of the plot. As such, any future works undertaken by way of permitted development may rescind this sympathetic character and prejudice the quality of the development secured through the granting of this permission.
- 12.1.2 Officers are therefore minded to recommend removal of permitted development rights provided by Schedule 2, Part 1, Classes A, AA, B and E of the GPDO in the interests of the visual amenity of the surrounding

residential character and to ensure the sensitive approach taken in the formation of this proposal is continued in future schemes.

### 13.1 PLANNING BALANCE AND CONCLUSION

13.1.1 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

13.1.2 The presumption in favour of sustainable development sits at the heart of the NPPF. The Framework is clear in its instruction at Paragraph 11d, that for decision-taking this means where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in Paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in Paragraph 77) and does not benefit from the provisions of Paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years), granting permission unless:

- i. The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

13.1.3 As indicated above, the Council's latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. The

Council considers this a robust position and as the Council is able to demonstrate an up to date 5 year housing land supply, and because the most important policies for determining the application are not out of date, the presumption (at Paragraph 11d of the Framework) is not engaged. Consequently, the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

### 13.2 Development Boundary Designation within the Development Plan

13.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

13.2.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.

### 13.3 Summary of Adverse Impacts

13.3.1 The adverse impacts and the weight that should be accorded to these factors are set out below:

#### **Loss of Trees**

13.3.2 A small number of trees require removal in order to facilitate the proposed development. However, given their lack of arboricultural merit and their lack of visibility from public vantages, very limited weight is given to this.

### 13.4 Summary of Public Benefits

13.4.1 The public benefits arising from the proposal and the weight that should be accorded to these factors are set out below:

#### **Delivery of Market and Affordable Housing**

13.4.2 There would be a social benefit, through the contribution that the proposed development would make to the Council’s housing land supply. However, this would be limited by the scale of the development proposed.

## **Economic and Social Benefits**

- 13.4.3 The proposed development would result in some economic benefits, through the jobs created whilst the site is being developed, and the contribution that its future occupiers would make to the local economy. However, these would be very much limited through the small scale of the development proposed.

### **13.5 Conclusion and Planning Balance**

- 13.5.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, 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.
- 13.5.2 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

## **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>
Proposed Block Plan	LHR00030	A
Refuse Information	LHR00080	N/A
Section	LHR00090	N/A
Proposed Site Plan	LHR00040	B
Proposed Floor Plan	LHR00050	B
Proposed Elevations	LHR00060	B
Street elevation	LHR00070	A
Location Plan	LHR00010	N/A
Existing Block Plan	LHR00020	N/A
Visibility Splays	LHR00080	N/A

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

##### Condition 1

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

Reason: This Condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1990 (as amended).

##### Condition 2

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

Reason: To ensure that the development is in character with the surrounding area and does not prejudice the appearance of the locality.

##### Condition 3

No development shall commence until full details of both the finished levels, above ordnance datum, of the ground floors of the proposed building and of the finished garden levels and hard and soft surfaces in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To ensure that the correct site levels are achieved from the outset of the construction phase in order to avoid the excessive raising or lowering of any ground levels which could lead to unneighbourly development with problems of overlooking and loss of privacy.

#### Condition 4

No above ground development shall commence until samples and a schedule of the types and colour of the materials to be used in the external finishes of the building hereby permitted have 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 5

Prior to the commencement of above ground works, a Biodiversity Enhancement Layout, providing the finalised details and locations of the proposed enhancement measures shall be submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 6

The development shall be carried out in accordance with the recommendations made within the Tree Survey and Arboricultural Impact Assessment.

Reason: In the interests of visual amenity and to ensure that the proposed development would not adversely impact upon the surrounding trees.

#### Condition 7

Prior to their installation on site, details of all gates, fences, walls or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The enclosures as approved shall be those implemented on site and thereafter retained in the approved form.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

#### Condition 8

The development shall not be occupied until details to demonstrate the provision of at least one dedicated electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation and thereafter retained.

Reason: In interest of securing sustainable development and contributing to reduce carbon emissions.

#### Condition 9

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack, for sustainable transport, approved by Essex County Council.



Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

#### Condition 10

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order) no enlargement of the dwelling-house/provision of any building within the curtilage of the dwelling-house/alteration of the dwelling-house, as permitted by Class A, AA, B or E of Part 1 of Schedule 2 of that Order shall be carried out without first obtaining planning permission from the local planning authority.

Reason: In order that the local planning authority may exercise control over any proposed future extensions / outbuildings in the interests of residential amenity.

#### Informative(s)

The Applicant is advised that the public's right and ease of passage over the adjoining public footpath (19\_87) shall be maintained free and unobstructed at all times.

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant 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
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP16	Housing Provision and Delivery
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP47	Built and Historic Environment
LPP52	Layout and Design of Development
LPP64	Protected Sites
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP71	Climate Change
LPP72	Resource Efficiency, Energy Generation and Energy Efficiency
LPP74	Flooding Risk and Surface Water Drainage
LPP75	Surface Water Management Plan

#### Neighbourhood Plan

N/A

#### Other Material Considerations

Site Allocations and Development Management Plan

Essex Design Guide

- Page 76 & 77 – Amenity Space
- Page 89 - 45

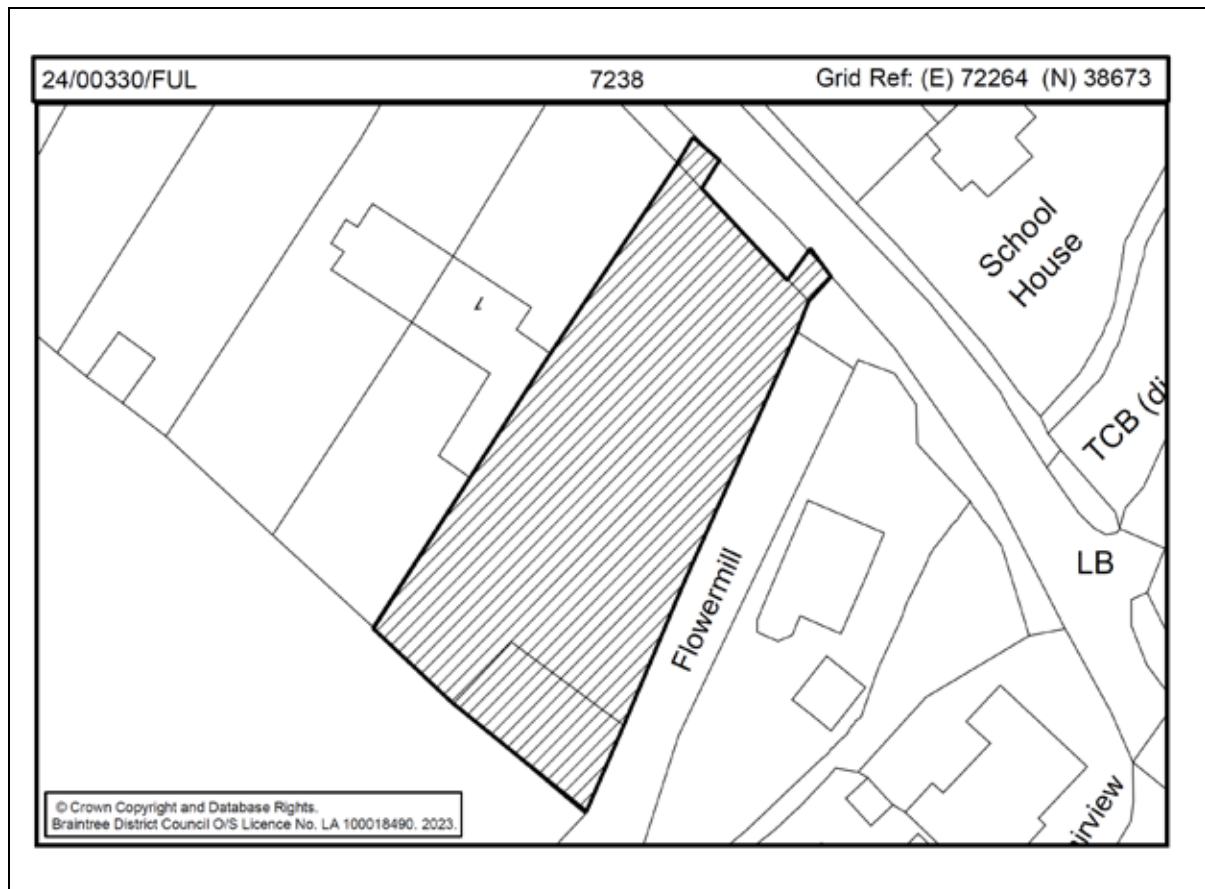
APPENDIX 3:

SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
22/03455/FUL	Erection of No.2 two storey two bedroom semi-detached houses	Refused	02.03.23
23/02579/FUL	Erection of No.2 two storey two bedroom semi-detached houses	Refused	12.12.23

<b>Report to:</b> Planning Committee		
<b>Planning Committee Date:</b> 28th May 2024		
<b>For:</b> Decision		
<b>Key Decision:</b> No		<b>Decision Planner Ref No:</b> N/A
<b>Application No:</b>	24/00330/FUL	
<b>Description:</b>	Proposed 1 No. 5 bed chalet bungalow and associated works.	
<b>Location:</b>	Land Adjacent 1 Church Road, Stambourne	
<b>Applicant:</b>	Mr M Jones, Laurel Wood House, The Street, Takeley, CM22 6LY	
<b>Agent:</b>	Mr R Swann, Swann Edwards Architecture Limited, Black Barn, Fen Road, Guyhirn, Wisbech, PE13 4AA	
<b>Date Valid:</b>	23rd February 2024	
<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: 24/00330/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 site is given as 'Land Adjacent to 1 Church Road' in Stambourne. The application proposes a single detached residential dwellinghouse described as a "chalet bungalow" and associated works, which includes formalising the existing site access and creating a driveway.
- 1.2 The northern sections of the application site, which includes the proposed dwellings, is located within the village envelope of Stambourne Dyers End. As per Policy LPP1 of the Adopted Local Plan, the principle of development is acceptable subject to material considerations.
- 1.3 The application site is currently an undeveloped plot of land set behind established trees set on the perimeter with the highway. The street scene is typified by semi-detached 'pairs' of dwellings, both two-storey and bungalows, with the site bordered by a semi-detached pair of bungalows to its west and a single, detached gable-fronted dwelling to the east.
- 1.4 The proposed dwelling comprises of an 'L-plan' footprint with the primary frontage of the structure facing onto the highway orientated horizontally. The first floor would be accommodated in the roof space of the dwelling with a single dormer window positioned at the rear and rooflights on the rear and side elevations to provide light source. The front elevation comprises a relatively simplistic façade like that of the adjoining bungalows.
- 1.5 The proposal complies with Nationally Described Space Standards and all habitable rooms would be served by adequate natural lighting. Sufficient internal and external amenity standards are proposed. No unacceptable neighbouring impacts are identified.
- 1.6 The proposed design and appearance would be compatible with the established pattern of local development observable along Church Road and reflects the shift from two-storey to lower scale dwellings at the eastern section of the street scene. The proposed dwellinghouse would be in keeping with the street scene and compatible with Policies SP7, LPP35 and LPP52 of the Adopted Local Plan.
- 1.7 All trees, planting and landscaping are indicated to be retained. A condition is recommended to require an arboricultural method statement outlining tree protection measures.
- 1.8 Whilst the site is beyond a reasonable walking distance of nearby services and facilities, only limited weight is attributed to this as the site is within a settlement boundary. The benefits of the proposal include social and economic benefits, an increase in housing supply. Whilst these are limited to the small-scale of the proposal, when taking into account the acceptable design of the dwelling, it is considered the benefits of the proposal outweigh identified harms. It is therefore recommended that the application is approved, 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 site comprises land owned by Braintree District Council (BDC).

3. POLICY CONSIDERATIONS

§ See Appendix 2

4. SITE HISTORY

§ See Appendix 3

5. DESCRIPTION OF THE SITE AND SITE CONTEXT

- 5.1 The application was previously considered by the Planning Committee under Application Reference 22/01848/FUL, which proposed two dwellings on the application site. The physical context of the site is comparable to the conditions observed in the previous application.
- 5.2 The northern section of the application site, which includes the proposed dwellings, is located within the village envelope of Stambourne Dyers End. The southernmost section of the plots, which includes the indicated garden areas, is located beyond the village envelope.
- 5.3 The application site is an undeveloped plot of land typified by vegetation and set behind established trees which line the front (northern) perimeter of the site along its boundary with the highway and served by an existing access at the north-east of the plot.
- 5.4 The site is bordered on each side by bungalows along Church Road organised as follows: a semi-detached pair of bungalows set horizontally across Church Road to the west of the site, and a detached single bungalow set vertically with a gable end frontage to the east of the site. Further along to the west of the site sits a linear, uniform pattern of semidetached dwellings of two-stories interspersed with bungalows on the southern side of the highway. Opposite the site is the Village Hall and associated car park, and south-east is the residential street scene of Dyers End.

6. PROPOSAL

- 6.1 The application for a single dwellinghouse and associated works. The dwellinghouse comprises a 1.5 storey dwellinghouse arranged into an 'L-plan' footprint, with the upper floor accommodated within the roof space. The dwelling would be set close to the centre of the plot, with a parking and turning area at the front of the plot and a private garden area to the rear. The site would be accessed from an existing access from Church Road.

- 6.2 The proposed plans indicate the dwellinghouse would comprise of brickwork, casement windows, and a lead dormer window to the rear (see Drawing No. 'PP1100 Rev B'). The application form suggests that the final details are "to be confirmed" and the plans indicate the use of cladding, although the final details are not confirmed.
- 6.3 The proposed building comprises gable-ended flank elevations and a gable ended rear outrigger extension from the core building. A single dormer window is proposed to the rear elevation, with roof lights on the rear and side roof planes. The total height of the building measured from ground level to ridge would be approximately 6.30 metres, with a width of some 13.80 metres across the principal elevation. The side (west) elevation includes on ground floor side window, and the east elevation proposes three; two at ground floor and one at first floor level. The rear segments of the building include bifold doors opening onto the garden spaces.
- 6.4 No information is provided in terms of landscaping, surface material details, or boundary treatments including across the land under separate ownership on the south-east perimeter of the site. It is indicated that trees on the front perimeter adjoining the highway would be retained. These details can be agreed by a suitably worded condition to ensure they are compliant with design standards set out in the Adopted Local plan and are appropriate to the local context.

## 7. SUMMARY OF CONSULTATION RESPONSES

### 7.1 Essex Fire and Rescue Service

- 7.1.1 No objection. More detailed observations would be made at a Building Regulation consultation stage. Informatives noted in terms of water supplies, sprinkler systems, and Building Regulations.

### 7.2 BDC Ecology

- 7.2.1 Initially raised a holding objection owing to insufficient ecological information.
- 7.2.2 Following the submission of an Ecological Impact Assessment (Glaven Ecology, November 2022), the Ecology Officer raised no objection to the scheme provided recommended ecological mitigation and enhancement measures outlined in the report are implemented and secured by condition.

### 7.3 BDC Landscape Services

- 7.3.1 BDC Landscape Services provided no comment on this application, although assessed the previous proposal on site. The conditions on site are comparable and the trees and vegetation remains along the highway perimeter. The comments previously raised by Landscape Services is set out below.

7.3.2 It is noted that the planting across the northern perimeter of the site, which is typified by established, mature trees and vegetation, lends itself to the amenity of the locality. Any loss of vegetation should be mitigated through a suitably worded landscaping condition, although the preservation of the specimens would be the preferred option.

7.3.3 It was noted that the limited amount of frontage could not be assessed as 'important' under the Hedgerow Regulations 1997, particularly as there was evidence of dead branching, probably from elm in the existing. The roadside vegetation was assessed to lend itself to the visual amenity of the area and measures should be put in place for ensure retention.

#### 7.4 ECC Highways

7.4.1 No objection. The proposal is considered acceptable to the highway authority given the scale of the proposed development and the area to be available for parking within the site, which complies with Braintree District Councils adopted parking standards.

7.4.2 Four conditions recommended, requiring (1) visibility splay information to be submitted prior to occupation, (2) no unbound surface materials used on the vehicular access within 6m of the highway, (3) any new gates shall be inward opening and set back 6m from the highway, and (4) the developer shall provide and implement a Residential Travel Information Park approved by Essex County Council prior to occupation.

### 8. PARISH / TOWN COUNCIL

#### 8.1 Stambourne Parish Council

8.1.1 Stambourne Parish Council raised objection to the scheme of three grounds:

- Overdevelopment of the plot.
- Proposed development should be more in keeping with neighbouring properties.
- Highways and access concerns.

### 9. REPRESENTATIONS

9.1 Following validation of the application, a planning notice was displayed at the entrance to the application site for a 21-day period and immediate neighbours were notified in writing. The Council received two representations in objection to the proposal. The matters raised are summarised below.

- Development would be out of keeping with the scale and design of the bungalows on either side.

- Concern raised toward impact of the development on privacy, particularly from the side elevation windows.
  - Concern raised toward the impact on wildlife habitats and biodiversity features local to the site area, including habitats for bats, hedgehogs and red-listed birds.
  - Concern about the extent of tree removal, and recommendations made that the trees are preserved and that any loss to planted features should be mitigated by new planting.
  - Recommendations that hedgerows are retained owing to biodiversity benefits currently provided on site. Any loss should be mitigated with replanting.
  - Recommendation made for a Ecological Impact Assessment to be submitted.
  - Concern raised with respects to highway access, visibility and safety from the access in relation to the junction with to the east.
- 9.2 It is noted that one comment considered the development would be unaffordable and that a proposal to benefit first time buyers should be favoured. Officers would comment that this would not be a valid reason to withhold planning permission.
- 9.3 Following the receipt of revised plans and submission of an Ecological Impact Assessment, the Parish, neighbours and those having made representation were re-consulted. One objection was subsequently received which is summarised below.
- Privacy concerns partially addressed by repositioning of windows.
  - Comments raised with respects to the skylights and their profile from the roof plane, and the impacts of the development on natural light from the side window of the neighbouring building.
  - Comments raised about the Ecological Impact Assessment and the time of year it was conducted. Recommend the conditions by BDC Ecology are applied in any event.
  - Further comments raised on the safety of the access.
- 9.4 The comments are available in full online and have been considered in their totality by the Case Officer during the assessment process. The above is intended to summarise the comments received and has consolidated points into one where they were raised by separate households.
10. PRINCIPLE OF DEVELOPMENT
- 10.1 National Planning Policy Framework (December 2023)
- 10.1.1 As set out in Paragraph 7 of the National Planning Policy Framework 2023 (“NPPF”), the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives: economic; social; and environmental; which are interdependent and need to be pursued in

mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

- 10.1.2 Paragraph 9 of the NPPF outlines that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In addition, Paragraph 38 of the NPPF prescribes that local planning authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development where possible.
- 10.1.3 Paragraph 12 of the NPPF sets out that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led.”
- 10.1.4 Paragraph 47 of the NPPF states that planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

## 10.2 5 Year Housing Land Supply

- 10.2.1 Paragraph 76 of the NPPF sets out that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing for decision making purposes if: their adopted plan is less than five years old; and that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 10.2.2 The Council’s Local Plan is up to date and complies with the NPPF. Consequently, the presumption (at Paragraph 11d of the Framework) is not engaged and the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.
- 10.2.3 Notwithstanding the above, the Council’s latest 5 Year Housing Land Supply position for 2023-2028 shows that the Council has a 5.8 years supply. In addition, results from the Housing Delivery Test published in December 2023 show that the Council delivered 152% of its housing requirement. The Council is therefore performing well in terms of housing delivery in accordance with the Governments objectives.

## 10.3 The Development Plan

- 10.3.1 Currently the Council’s statutory Development Plan consists of the Braintree District Local Plan (2013-2033).

- 10.3.2 Policy LPP1 of the Adopted Local Plan 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.
- 10.3.3 The application site is located within the Stambourne Dyers End village envelope, wherein the principle of development is acceptable subject to material considerations.

## 11. SITE ASSESSMENT

### 11.1 Location and Access to Services and Facilities

- 11.1.1 The application site was previously assessed in terms of the sustainability of its location and access to services and facilities in the assessment of the previous application on site (see Application Reference 22/01848/FUL). There is no evidence of particular note services and facilities having been developed within the settlement in the interim between the applications. The material conditions on site and the designation of Stambourne Dyers End within the settlement hierarchy in the Adopted Local Plan are consistent with those conditions observed and assessed in the previous application. The assessment below is therefore presented consistently with that assessed previously.
- 11.1.2 Stambourne Dyers End is designated in the Adopted Local Plan as a third tier village, which are recognised as the smallest village in the District and lack most of the facilities required to meet day-to-day life. The Adopted Local Plan recognises that they often have very poor public transport links and travel by private vehicle is usually required. When considering the tests of sustainable development, these will not normally be met by development.
- 11.1.3 Stambourne includes a village hall and a chapel, but little services and facilities require for day-to-day life. The nearest villages to Stambourne are Great Yeldham to the east and Steeple Bumpstead to the west. In the wider vicinity, the town of Haverhill is northwest of the of site. The road network in the locality is typical to a rural area, meaning that pedestrian travel to surrounding villages and settlements by foot or by cycle would require pedestrians to navigate narrow country lanes with no dedicated pedestrian pathway. There are positions where visibility could be restricted by bends in the road and/or roadside vegetation, and especially during darker hours and inclement weather. Owing to the lack of public transport links local to the site, it is realistic to conclude that the private vehicle would prevail as the primary mode of transport from the site to services and facilities.
- 11.1.4 The NPPF accepts that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services

in surrounding settlements. Where there are groups of smaller settlements for example, development in one village may support services in a village nearby.

- 11.1.5 In terms of the settlement hierarchy, Great Yeldham and Steeple Bumpstead are recognised as second tier villages. The Adopted Local Plan identifies these as those which may not serve a wider hinterland but provide the ability for some day to day needs to be met. There is some, albeit limited, opportunities to support local services in these areas. It is therefore likely that Haverhill will provide the most direct day-to-day needs. Given the distance between the site and wider settlements, it is likely that the private vehicle will prevail as the primary mode of transport.
- 11.1.6 Policy LPP42 of the Adopted Local Plan outlines that sustainable modes of transport should be favoured, and that priority should be given to cycle and pedestrian movements and access to public transport. No such prospects exist. There is a recognised conflict with Policy LPP42 and the environmental objectives of the NPPF given the likely reliance on private car transport. Therefore, albeit noted that the site is located within a village envelope, this is conflict with Policy LPP42 identified. However, limited weight is attributed to this given that the application site is located within a designated settlement boundary.
- 11.2 Design, Appearance and Impact upon the Character and Appearance of the Area
- 11.2.1 The application proposes a single detached residential bungalow set horizontally across the street scene. As set out in Section 5 ('Description of the Site and Site Context'), the residential street scene of Dyers End is noted for its uniform pattern of linear development across the southern side of the highway. The existing dwellinghouses follow a distinct rhythm with equal spacing and are predominantly horizontally orientated across the street. Although there is a mixture of two-storey dwellings and bungalows, the rhythm and spacing creates a clear pattern of development viewed west to east.
- 11.2.2 Adjacent to the site to the east adjoining to the corner plot, a single detached bungalow is noted. This bungalow is orientated with its narrow front elevation facing onto the street scene and deep flank walls. Although this building breaks from the uniform pattern of development across Church Road, the building is low-scale and relatively unassuming. The space offered by the site somewhat reinforces a gap between the adjacent dwelling and the uniform Church Road settlement. Development in this section of the street scene must, therefore, be sensitive to tie the Church Road and Dyers End street scenes together.
- 11.2.3 To the west of the site is a semi-detached pair of dwellings comprising a horizontal orientation across the highway, with a simplistic frontage design and a consistent ridge height. The structures are rendered with brick flank elevations and include deep front gardens.

- 11.2.4 The proposed dwelling is comprised of two floors, although the upper storey is contained within the roof space. The orientation of the building and its simplistic primary frontage corresponds to the neighbouring bungalows to the west and creates a compatible response to the street scene. The dwelling respects the building line of the adjoining bungalows to the west and would reflect the rhythm and elevational design in this section of the street scene and would not compromise the pattern of development across Church Road.
- 11.2.5 There is a concentration of built form to the rear of the structure, formed by the rear gabled outrigger which extends from the core building at the front of the site. This structure comprises a deep gable end, although its siting, design and scale does not compromise the simplicity of the frontage, the compatibility of the site with surrounding development, nor does it impact the street scene unacceptably.
- 11.2.6 The roof-to-eaves ratio is more balanced in favour of the former, given the accommodation of floorspace in the upper floor. The eaves height of 2.80m is appropriate and the total height (inclusive of eaves height) measures some 6.30m to the ridge, which concludes at the apex of the roof which angles away from the eaves at around 45 degrees. The proportions and character of the structure and its scale, massing and width would be acceptable within the street scene context.
- 11.2.7 The proposed dormer window is set on the rear roof plane, although it does not imbalance or compromise the elevational design of the building and responds to the gabled character of the building. The development contains a number of roof lights used to provide light to the upper floor spaces, which the plans suggest would be flush to the roof plane (see 'Section A-A' on Drawing No. 'PP1100 Rev B'). These would not unacceptably impact the building design nor the street scene context particularly due to their placement on the rear and side elevations facing away from the street scene.
- 11.2.8 The plans are not clear on the proposed materials, although it is apparent that brickwork, casement windows, and a lead dormer window is proposed. The application form suggests the materials are 'to be confirmed' and these can be agreed by a suitably worded condition. There is a strong material palette which informs the street scene and a condition can ensure the acceptable elevational design, bulk, scale, and massing is not compromised by an inappropriate material palette.
- 11.2.9 The plans are not clear on the proposed boundary treatments, namely those across the side and rear perimeter of the site and any boundary treatment along the highway. A condition can be recommended requiring details of any boundary treatments to be submitted prior to installation to ensure an appropriate design is secured. A separate condition for a scheme of landscaping can also be recommended to allow Officers to



consider where planting can be utilised along with, or in favour of, boundary treatments.

- 11.2.10 The front curtilage area would be used as a driveway. The proposed landscaping condition can include details for hard and soft landscaping details to ensure the design of the front garden areas, whilst ensuring existing planting and trees providing visual amenity are protected and any loss to natural features mitigated.
- 11.2.11 No details of external lighting have been provided. A condition is recommended to ensure that the details of any external lighting are provided to the Local Planning Authority prior to installation. This will ensure that any lighting is sensitive to neighbouring amenity and local biodiversity, and to ensure the application is compliant with Policy LPP77 of the Adopted Local Plan.
- 11.2.12 The elevational design, height, massing, and layout of the dwelling, when accounting for the immediate surrounds and street scene within which the scheme is proposed, would be acceptable subject to recommended conditions. The proposal would accord with Policy LPP35 of the Adopted Local Plan which seeks to ensure the density and massing of residential development relates to the character of the site and its immediate surroundings and the wider locality.
- 11.2.13 In addition, Policy SP7 of the Adopted Local Plan requires developments to respond positively to local character. Policy LPP52 of the Adopted Local Plan requires proposals to be of a high-quality design and that the scale, layout, height and massing of buildings and overall elevation design should reflect or enhance the area's local distinctiveness and shall be in harmony with the character and appearance of the surrounding area. The application accords with these policies, subject to acceptable details being controlled and provided by condition.

### 11.3 Proposed Residential Amenity

#### **Internal Amenity**

- 11.3.1 Policy LPP35 of the Adopted Local Plan requires developments to accord with the national technical standards and, together with Policy LPP52 of the Adopted Local Plan, seeks to ensure a high standard of accommodation for all developments. In calculation of the potential residential amenity afforded to future occupants requires consideration, Officers recognise the governmental Nationally Described Space Standards 2015 ("NDSS") published by the Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities).
- 11.3.2 The proposed residential amenity accords with the requirements of the NDSS. The dwelling would contain 5no. bedrooms and would be of a size to accommodate the max number of bed spaces (persons) outlined in the NDSS calculation; eight. The building is therefore assessed as a 2-storey, 5

bedroom and 8 person (“5b8p”) dwellinghouse. The NDSS outlines that a 5b8p dwelling should demonstrate a gross internal area of 128sq.m with sufficient space for 3.5sq.m of storage.

- 11.3.3 The proposed dwelling demonstrates the expectations of the NDSS and thus the internal amenity is considered to a workable standard for future occupants, affording acceptable internal amenity as a result.

### **External Amenity**

- 11.3.4 The Essex Design Guide (“EDG”) has been adopted by Braintree District Council as a supplementary planning document and thus forms a material consideration. The standard measurement for garden sizes set out in the EDG is 100sq.m for a three bedroom or more property. The space should be private and usable for the occupant, to provide a means of domestic activity without fear of unwanted overlooking. Any screening (i.e. fencing, hedging, landscaping) associated with an amenity space should be indicated on plans.

- 11.3.5 The garden space exceeds the minimum 100sq.m requirement set out in the EDG. The garden space is usable, private and well-related to the dwellinghouse and is considered to be in accordance with the EDG standards as required by Policy LPP52 of the Adopted Local Plan.

### **11.4 Ecology**

- 11.4.1 The application is currently an open plot of land bound by planted and vegetated features across its northern, southern, and eastern perimeters. Public consultations have noted the potential of the site to foster biodiversity and wildlife habitats.

- 11.4.2 The BDC Ecology Officer has considered the submitted Ecological Impact Assessment (Glaven Ecology, November 2022). The report demonstrated the expected level of impact to particular protected species, offering also commensurate mitigation and biodiversity enhancement measures on site. The Ecology Officer raised no objection to the findings and recommended biodiversity enhancement measures within the report and recommended that said measures are secured by planning condition. This is considered an appropriate way forward.

- 11.4.3 It is noted through the Design and Access Statement that the landscaping across the perimeter is to be retained. Indeed, the plans indicate the site would utilise the existing access reducing the need for vegetation clearance as a result. Although BDC Landscape Services have not offered comment on this application, they did provide comment on the previous application and the conditions have remained the same wherein the comments can be given weight. BDC Landscape Officers noted that the trees provide visual amenity and it was suggested they be retained by way of a suitably worded landscaping condition. The condition would require that, if any planting,

trees or hedgerows were lost, any loss would be suitably mitigated by replanting (or alternative, comparable mitigation agreed in writing).

11.4.4 An arboricultural method statement is recommended by condition to ensure the health of surrounding vegetation is not negatively impacted by the development. Details of protection measures can help to ensure this, with the landscaping condition then mitigating any vegetation subsequently lost.

11.4.5 Subject to these conditions, ecology and landscaping matters are considered acceptable.

#### 11.5 Impact upon Neighbouring Residential Amenity

11.5.1 Policy LPP52 of the Adopted Local Plan state that development shall not cause undue or unacceptable impacts on the amenities of nearby residential properties. The NPPF also seeks a high quality amenity for existing and future occupiers of neighbouring dwellings

11.5.2 Given the position of the dwellings and their orientations respective to each of the adjoining neighbours, and taking into account plot distances, it is not considered the dwellings would introduce an unneighbourly overbearing impact on the adjacent plots, nor an overshadowing impact on light sources. This is aided by the separation of the building from the adjoining bungalows to the west and the siting of the structure within a consistent building line. The likely sun path across the south of the site is not likely to cast unacceptable shadow over the adjoining plot due to its position in relation to the adjoining bungalows to the west, and forward of the dwelling to the east.

11.5.3 It is not considered that unacceptable levels of overlooking are likely to arise. The dwellinghouse would sit forward of the building line of the dwelling to the east (partially due to the orientation of the adjoining structure) wherein the first floor side flank window, which would be set forward of centre of the gable, would not gain an unacceptable vantage over private areas of the adjoining residence. This is aided also by the separation of the plots and intervening landscaping. The roof lights, which would naturally draw views upward given their insertion at an angle within the roof plane, are not considered to give rise to an objectionable level of overlooking.

11.5.4 The rear dormer window would allow an elevated vantage across the garden area and an angled vantage across the rear of the neighbouring plot. Due to the position of the dormer, and taking into account the 45 degree rule, there would be a reasonable degree of privacy maintain for the garden areas closest to the adjoining bungalows to the west. This would be further aided by an intervening structure of the east flank of the neighbouring property and an indicated conifer hedge. Notwithstanding, the levels of vantage are no more impactful or unacceptable than those from the adjoining houses further west of the site. It is not considered the

impacts would be unacceptable to such an extent that planning permission should be withheld.

11.5.5 The application is therefore acceptable in this regard.

## 11.6 Highway Considerations

11.6.1 Policy LPP52 of the Adopted Local Plan states that development proposed should not have a detrimental impact on the safety of highways or any other public right of way, and its users. To aid Officer's assessment of the suitability and safety of the access, Essex Highways were consulted on the proposal. Taking into account the information submitted, the highway authority considered the application to be acceptable subject to four conditions. Subject to the conditions, the scheme would demonstrate the access can be used safely and without unacceptable impact.

11.6.2 Essex Highways have also considered the parking arrangement accords with the ECC Vehicle Parking Standards ("the Parking Standards") document adopted by Braintree District Council, compliance to which is required by Policy LPP43 of the Adopted Local Plan. The Parking Standards states that "prior to any extension or change of use, the developer must demonstrate that adequate parking will be provided". This includes a requirement for properties of two or more bedrooms to provide two off-street parking spaces unless there is evidence by which a lower provision may be appropriate.

11.6.3 The plots can demonstrate adequate parking spaces which are suitably sized, meeting the requirements of Policy LPP43. The application would therefore be considered acceptable subject to conditions recommended by ECC Highways.

## 11.7 Habitat Regulations Assessment (HRA / RAMS)

11.7.1 The application site is located outside of a Zone of Influence and therefore no HRA mitigation is required in this case.

## 12. PLANNING BALANCE AND CONCLUSION

12.1 The Council's Local Plan is up to date and complies with the NPPF. Consequently, the presumption (at Paragraph 11d of the Framework) is not engaged and the policies within the Development Plan are considered to have full weight in decision making. Planning applications must therefore be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise.

## 12.2 Development Boundary Designation within the Development Plan

12.2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate

otherwise. Paragraph 15 of the NPPF emphasises that the planning system should be “genuinely plan led”.

- 12.2.2 As set out within Paragraph 47 of the NPPF, planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In this case, the application site is located within a defined development boundary where the principle of development is acceptable. The proposal therefore accords with Policy LPP1 of the Adopted Local Plan and this weighs in favour of the proposal in the overall planning balance in accordance with the presumption in favour of sustainable development.

### 12.3 Summary of Adverse Impacts and Public Benefits

- 12.3.1 As set out in Paragraph 8 of the NPPF, achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and needed to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- an economic objective (to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure);
- a social objective (to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and
- an environmental objective (to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

### 12.4 Summary of Adverse Impacts

- 12.4.1 The adverse impacts and public benefits of the proposal are set out below.

#### **Location and Access to Services and Facilities**

- 12.4.2 The site would not be within a reasonable distance from nearby service and facilities to support day-to-day needs, nor are realistic public transport opportunities available within the locality of the site. The site is therefore considered to be relatively unsustainable. However, as the site is situated within a village envelope (where the principle of development is acceptable), limited weight is given to this conflict.

## 12.5 Summary of Public Benefits

### **Delivery of Market and Affordable Housing**

- 12.5.1 The development would facilitate the provision of a new dwelling within an area defined within the Adopted Local Plan as a settlement. Given the scale of the development, one dwelling would only provide a limited benefit and therefore only limited weight is given to this benefit.

### **Economic and Social Benefits**

- 12.5.2 The proposal would deliver economic benefits during the construction period and economic and social benefits following occupation of the development, in supporting local facilities. However, this is only afforded limited weight, given the scale of the development.

## 12.6 Conclusion

- 12.6.1 Taking into account the above, while there are conflicts with the Development Plan which weigh against the proposal, 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.
- 12.6.2 When considering the planning balance and having regard to the adverse impacts and benefits outlined above, Officers have concluded that the adverse impacts of granting permission do not outweigh the benefits, when assessed against the policies in this Framework taken as a whole. Consequently, it is recommended that planning permission is granted for the proposed development.

## 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>
Topographical Survey	1445-0000-001	N/A
Location / Block Plan	PP1000	REV D
Proposed Plans	PP1100	REV B

#### 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(s) / document(s) listed above.

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

##### Condition 3

All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Glaven Ecology, November 2022), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person (e.g. an ecological clerk of works) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

Reason: To conserve and enhance 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 4

No development shall commence until full details of the proposed finished floor levels of all buildings, proposed garden levels, proposed levels along all site boundaries, and proposed levels for all hard and soft landscaped surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: To avoid the excessive raising or lowering of ground levels, and therefore any building within the site, which may lead to unneighbourly development with problems of overlooking and loss of privacy. The levels information is required prior to the commencement of development to ensure that the correct site levels are achieved from the outset of the construction phase.

#### Condition 5

No development, including site clearance, preparatory works or construction, shall be commenced until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include a Detailed Tree Protection Plan (DTPP) indicating retained trees, trees to be removed, the precise location and design of protective barriers and ground protection, service routing and specifications, areas designated for structural landscaping to be protected and suitable space for access, and site storage and other construction related facilities.

The AMS and DTPP shall include details of the appointment of a suitably qualified Project Arboricultural Consultant who will be responsible for monitoring the implementation of the approved DTPP, along with details of how they propose to monitor the site (frequency of visits; key works which will need to be monitored, etc.) and how they will record their monitoring and supervision of the site.

The development shall only be implemented in accordance with the approved details. The approved means of protection shall be installed prior to the commencement of any building, engineering works or other activities on the site and shall remain in place until after the completion of the development to the complete satisfaction of the Local Planning Authority.

Following each site inspection during the construction period the Project Arboricultural Consultant shall submit a short report to the Local Planning Authority.

The Local Planning Authority shall be notified in writing at least 21 days prior to the commencement of development on site.

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

#### Condition 6

No above ground development shall commence until samples of the materials to be used on the external finishes of the building(s) hereby permitted have 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 7

No above ground development shall commence until details of all gates / fences / walls or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The details shall include position, design, height and materials of the enclosures. The enclosures as approved shall be provided prior to the occupation of the plot and shall be permanently retained as such.

Reason: In order to secure the satisfactory development of the site and in the interests of visual amenity and neighbouring residential amenity.

#### Condition 8

No above ground development shall commence until a Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures, as detailed in the Ecological Impact Assessment (Glaven Ecology, November 2022), has been submitted to and approved in writing by the local planning authority. The enhancement measures shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species).

#### Condition 9

Prior to the occupation of the development hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, written specifications including cultivation and other operations associated with plant and grass establishment, together with a strategy for the watering and maintenance of the new planting, colour and type of material for all hard surface areas and method of laying where appropriate and an implementation programme.

All areas of hardstanding shall be constructed using porous materials laid on a permeable base, unless details have been submitted to and approved in writing by the Local Planning Authority.

All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the agreed implementation programme.

All hard surface areas agreed as part of the scheme shall be carried out in accordance with the approved implementation programme.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of 5 years from the completion of the development shall be replaced in the next planting season in accordance with the approved landscaping scheme.

Reason: To enhance the appearance of the development and in the interests of amenity and privacy.

#### Condition 10

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions as shown on 'Drawing No. PP1000 Rev. D', as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety.

#### Condition 11

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

#### Condition 12

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

#### Condition 13

Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

Reason: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed and to allow parking off street and clear from obstructing the adjacent carriageway in the interest of highway safety.

#### Condition 14

Prior to installation, details of any proposed external lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be installed, retained and operated in accordance with the approved details. There shall be no other sources of external illumination.

Reason: In the interests of visual amenity and the management of any potential biodiversity impacts.

#### Informative(s)

##### Informative 1

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. You are advised to contact the Development Management Team by email at

development.management@essexhighways.org.

#### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant 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
SP3	Spatial Strategy for North Essex
SP4	Meeting Housing Needs
SP7	Place Shaping Principles
LPP1	Development Boundaries
LPP35	Housing Mix, Density and Accessibility
LPP42	Sustainable Transport
LPP43	Parking Provision
LPP52	Layout and Design of Development
LPP65	Tree Protection
LPP66	Protection, Enhancement, Management and Monitoring of Biodiversity
LPP77	External Lighting

#### Other Material Considerations

##### Essex Design Guide

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### APPENDIX 3:

#### SITE HISTORY

<b>Application No:</b>	<b>Description:</b>	<b>Decision:</b>	<b>Date:</b>
22/01486/FUL	Proposed 2 No. 4 bed chalet bungalows and associated works.	Withdrawn	30.06.22
22/01848/FUL	Proposed 2 No. 4 bed chalet bungalows and associated works.	Refused	02.02.24
98/00049/FUL	Construction of vehicular access	Granted	23.02.98
06/02034/FUL	Construction of vehicular access	Granted	21.11.06