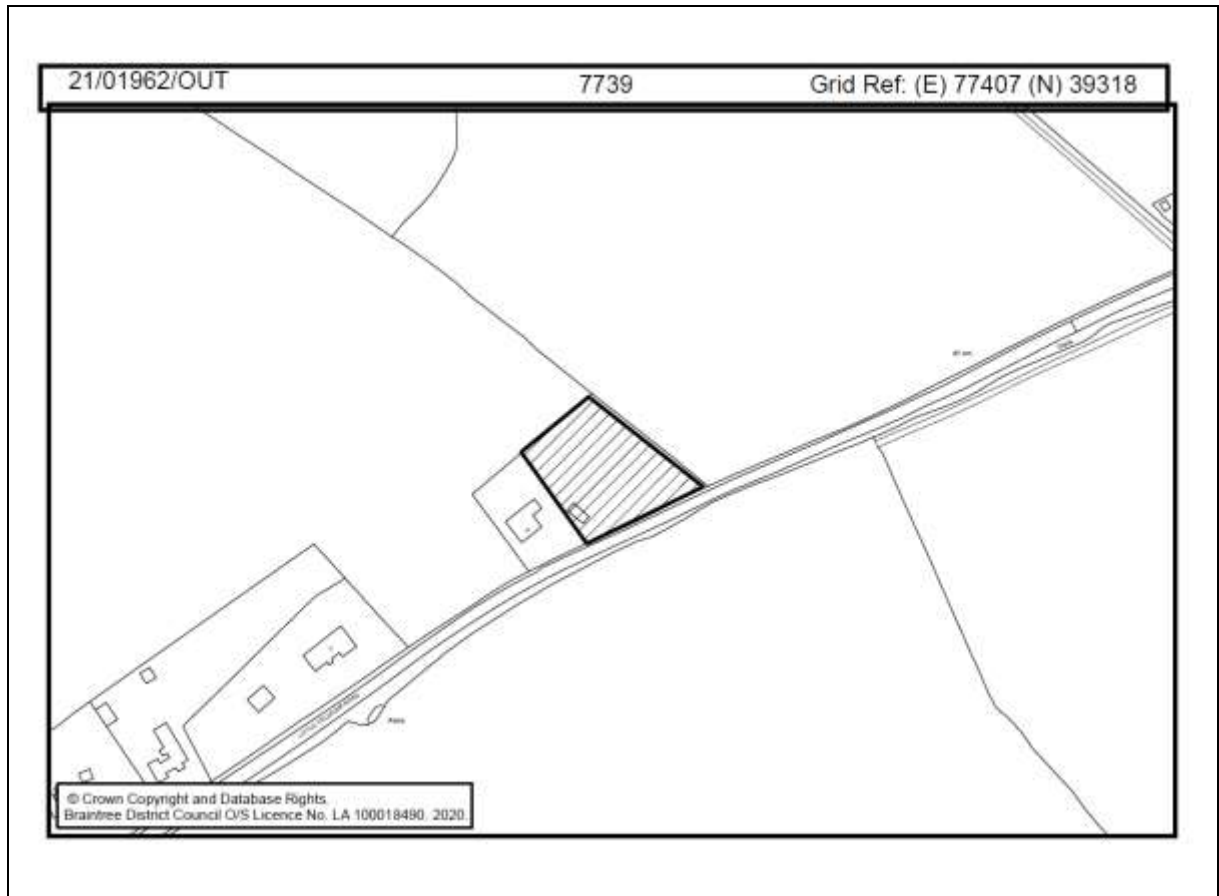


Report to: Planning Committee		
Planning Committee Date: 3rd May 2022		
For: Decision		
Key Decision: No		Decision Planner Ref No: N/A
Application No:	21/01962/OUT	
Description:	Outline planning application with all matters reserved for the demolition of a shop and construction of 2no. dwellings	
Location:	72 Little Yeldham Road, Little Yeldham, Essex	
Applicant:	Mr S Jennings, C/o Laneton Design	
Agent:	Laneton Design, 12 Benfield Way, Braintree, Essex, CM7 3YS	
Date Valid:	31st August 2021	
Recommendation:	<p>It is RECOMMENDED that the following decision be made:</p> <ul style="list-style-type: none"> ▪ Application REFUSED for the reasons outlined within Appendix 1 of this Committee Report. 	
Options:	<p>The Planning Committee can:</p> <ul style="list-style-type: none"> a) Agree the Recommendation b) Vary the Recommendation c) Overturn the Recommendation d) Defer consideration of the Application for a specified reason(s) 	
Appendices:	Appendix 1:	Reason(s) for Refusal Submitted Plan(s) / Document(s)
	Appendix 2:	Policy Considerations
	Appendix 3:	Site History
Case Officer:	<p>Juliet Kirkaldy For more information about this Application please contact the above Officer on: 01376 551414 Extension: 2558, or by e-mail: juliet.kirkaldy@braintree.gov.uk</p>	

Application Site Location:



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

	<p>understanding.</p> <p>The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).</p> <p>The consideration of this application has not raised any equality issues.</p>
Background Papers:	<p>The following background papers are relevant to this application include:</p> <ul style="list-style-type: none"> ▪ Planning Application submission: <ul style="list-style-type: none"> ▪ Application Form ▪ All Plans and Supporting Documentation ▪ All Consultation Responses and Representations <p>The application submission can be viewed online via the Council's Public Access website: www.braintree.gov.uk/pa by entering the Application Number: 21/01962/OUT.</p> <ul style="list-style-type: none"> ▪ Policy Documents: <ul style="list-style-type: none"> ▪ National Planning Policy Framework (NPPF) ▪ Braintree District Local Plan Review (2005) ▪ Braintree District Core Strategy (2011) ▪ Braintree District Shared Strategic Section 1 Local Plan (2021) ▪ Braintree District Publication Draft Section 2 Local Plan (2017) ▪ Neighbourhood Plan (if applicable) ▪ Supplementary Planning Documents (SPD's) (if applicable) <p>The National Planning Policy Framework can be viewed on the GOV.UK website: www.gov.uk/.</p> <p>The other abovementioned policy documents can be viewed on the Council's website: www.braintree.gov.uk.</p>

1. UPDATE REPORT

1.1 This update relates to the following issues:

- Additional reason for refusal on highway safety grounds

2. Additional reason for refusal on highway grounds

2.1 The Highway Authority raised an objection to the proposal as it has not been demonstrated that the proposal would be acceptable in terms of highway safety, efficiency and accessibility (see Paragraph 11.6.6 of the published Committee report). This is afforded significant weight in the planning balance (see Paragraph 12.2.10 of the published Committee Report). However, a separate reason for refusal on highway safety grounds was not included within Appendix 1 of the published Committee Report. As such, it is proposed to include an additional reason for refusal on highway safety grounds.

3. CONCLUSION

3.1 Given the above, the recommended reasons for refusal are proposed to be amended to include an additional highway safety reason for refusal.

4. RECOMMENDATION

4.1 It is RECOMMENDED that the following decision be made:
Application REFUSED for the reasons outlined within the APPENDIX 1 of the published Committee Report, and the additional reason for refusal as outlined below:

Reason for Refusal 2

Insufficient information has been provided to demonstrate that the proposal would be acceptable in terms of highway safety, efficiency and accessibility. The proposal is contrary to Policy RLP90 of the Adopted Local Plan which promotes safe and secure design and layout, Policy LPP55 of the Section 2 Plan which seeks to ensure highway safety, and Policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

CHRISTOPHER PAGGI
PLANNING DEVELOPMENT MANAGER