

Mr C Paggi
01376 551414 (Dial Extension)
2524
10th August 2006

e-mail: planning@braintree.gov.uk

Dear Councillor

APPLICATION NO : 06/00883/FUL

DESCRIPTION : Erection of 8 no. 2 bed flats

LOCATION : Kissingate Church Road Hatfield Peverel Chelmsford Essex

Further to the production and publication of the planning reports for the forthcoming Witham Area Committee to be held on Tuesday 15th August 2006, Essex County Council Highways have revised their formal recommendation.

Members will note under item 4 in the report, under the heading, 'Highway and Landscape Issues', that Essex County Council Highways raised no objection to the proposed development subject to conditions, as detailed in their consultation response received 31st July 2006, a copy of which is enclosed. This recommendation included the requirement for the construction of a 2m wide footway along the frontage of the property on Church Road, from its junction with Maldon Road to Coffin Path, to be tied in with the existing footway in Maldon Road, to the satisfaction and at no cost to the Highway Authority and for a visibility splay with dimensions of 2.4m x 60m to the south east of the access and 2.4m x site maximum to the north west of the access and for the area within each splay to be kept clear of all vegetation.

In a letter received 9th August 2006, a copy of which is enclosed, the Highway Authority have stated that they now withdraw their recommendation to construct a footway along the frontage of the site in Church Road and have also stated that the required visibility splay can be achieved on the site, with the protected trees remaining in situ.

The recommendation circulated to members within the published report recommended that the application be refused on the sole grounds that the highway requirements, as recommended in the consultation response received on 31st July 2006, could not be achieved on the application site without prejudicing the protected trees on the site. However, as Essex County Council Highways have now revised their formal recommendation, officers now consider that the reasons for refusal as detailed within the report are no longer valid. As such, the local planning authority is revising its formal recommendation, in light of the response from the County Council and is now recommending that the application be **GRANTED**, subject to suitable conditions. A detailed list of the recommended conditions will be presented to members on the night of the committee.

In addition to the above, and at the request of officers, a representative from Essex County Council Highways will be present at the meeting to answer any questions.

Furthermore, a virtually identical letter is also being sent to members of the public who have submitted letters of representation, to make them aware of the revised recommendation. Copies of Essex County Council Highways revised consultation response are also being forwarded, for their information.

If you have any questions about any of the above, please do not hesitate to contact me on the telephone number above.

Yours faithfully,

For Development Director

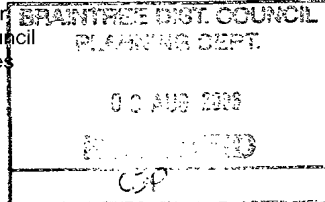


Essex County Council

Your Ref: 06/00883/FUL
Our Ref: AW/BTE/883/06
Date: 08 August 2006

Tony Ciaburro
Service Director Highways and Transportation

Development Director
Braintree District Council
Development Services
Causeway House
BRAINTREE
Essex CM7 9HB



Julie Martyn
Area Highway Manager, Mid Essex
2 New Dukes Way
CHELMSFORD
Essex CM2 6PS

Dear Sir

PLANNING APPLICATION AT KISSINGATE CHURCH ROAD HATFIELD PEVEREL

Further to our recommendation and letter of 27 July 2006 further discussions and site visits have been carried out at the instruction of the Development Control Manager, County Hall.

This office had only recently been informed of a Tree Preservation Order which has been imposed on all the trees within the site and a site visit was carried out to ensure that the vehicle visibility splay of 2.4 metres x 60 metres can be achieved with the trees in situ. It was found that this could be achieved. However the applicant would be unable to construct a 2 metre wide footway on the frontage of Church Road without removing at least two of the trees which have had a Tree Preservation Order placed on them.

Having talked to the applicant and ascertained that there is an alternative pedestrian access to the rear of the property, that is Coffin Path, it is felt that to require the construction of a footway at this location would be unreasonable in the context of Structure Plan Policy BE5, and may be considered unreasonable in relation to the tests in Planning Circular 05/05 – Planning Obligations.

In light of the above the Highway Authority withdraws its recommendation to construct a footway along the frontage of the site in Church Road.

Yours faithfully

Area Highway Manager

Please reply to Mrs Andrina Walton
Telephone: 01245 240000
Internet: www.essexcc.gov.uk
Email: andrina.walton@essexcc.gov.uk

