

SITE HISTORY

05/01711/FUL	Proposed demolition of existing garage and erection of six 2 bedroomed apartments with associated car parking	WDN	14.11.2005
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POLICY CONSIDERATIONS

Essex and Southend on Sea Replacement Structure Plan

CS1 Achieving Sustainable Urban Regeneration
CS2 Protecting the Natural and Built Environment
HC2 Conservation Areas
BE1 Urban Intensification
H3 Location of Residential Development
H4 Development Form of New Residential Developments

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries
RLP56 Vehicle Parking
RLP74 Provision of Space for Recycling
RLP77 Energy Efficiency
RLP90 Layout and Design of Development
RLP95 Preservation and Enhancement of Conservation Areas
RLP96 Demolition in Conservation Areas
RLP112 Town Centre Uses

This item was deferred at the meeting of the Witham Area Planning Committee held on 28th February 2006 to enable officers to discuss the suitability of access to the site with Essex County Highways.

Attached to this report is a letter received from Essex County Council Highways dated 11th April 2006 which sets out the County Council's position.

REPORT

This is an application for the erection of six two-bedroom flats on the site of existing disused domestic garages, to the rear of Newland Street in Witham. A previous application on this site was withdrawn; the revised application shows a reduced height for the development when compared to the previous scheme.

CONSULTATIONS

Essex County Council Highways- Recommend Approval

Environmental Health- Comment that there is no indication whether a refuse vehicle can access the premises.

REPRESENTATIONS

Witham Town Council recommend refusal on the grounds of dangerous access.

The neighbouring doctor's surgery comment that access is shown across land they own, and therefore they cannot guarantee access.

CONCLUSION

Policy Issues

The site lies within the Witham Town Development boundary, where residential development is acceptable in principle, subject to amenity, design, environmental and highway criteria being met. In addition, the site is currently occupied by residential garages therefore it has an established residential use.

Access

Access to the site is from a road between No. 129 and No. 137 Newland Street. This currently accesses the doctor's surgery car park to the rear, in addition to the existing garages.

The access is a minimum of 5 metres in width, with a passing bay 15 metres back from the junction with Newland Street. The plan shows that there will be seven parking spaces. At present there are six garages on site; therefore there will be little if any additional traffic generated, and highways have raised no objections on this basis.

The seven spaces provide for one space per dwelling, plus an additional visitor's space. Given the central location of the scheme, this is considered to be an appropriate level of parking.

The issue relating to the possible conflict with land owned by the doctor's surgery is not a planning matter, and cannot be used as a reason for refusal of the development.

Built form

The plan shows essentially two blocks of three-storey apartments, linked by a central stairwell. The top floor is within the roof space, so accommodation is provided by means of dormers. Materials are to be agreed, although the application describes a brick construction, black weatherboarding to the central stairwell section, and clay tiles on the roof. This is deemed to be in harmony with surrounding properties.

The built form mirrors other properties around in that Barnfield Place and some buildings on Newland Street are also three storey. The maximum height is 10 metres.

All windows and doors face either the back or front, and therefore look onto either the doctor's surgery car park, or the parking area of this development. It is considered that there will be no overlooking of neighbouring properties.

Amenity Space

The block will have a minimum of outdoor space. Some landscaping of the site is expected, to enable some communal sitting out areas, and this will be covered by a condition.

On balance it is considered that the scheme is acceptable and represents an appropriate level of development on a brown-field site in a sustainable location.

RECOMMENDATIONS

It is **RECOMMENDED** that the following decision be made;
Application **GRANTED** subject to the following conditions and reasons :-

- 1 **TIME21 Full PP 3 Years**
- 2 **MAT1 Schedule of Materials**
- 3 **No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping to the parking area and all areas within the site not shown as being developed. Such scheme shall incorporate a detailed specification including plant/tree types and sizes, plant numbers and distances, soil specification, seeding and turfing treatment, colour and type of material for all hard surface areas and method of laying where appropriate. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed in writing by the local planning authority. All hard surface areas agreed as part of the scheme shall be carried out before the first occupation of the buildings or upon the completion of the development whichever is the earlier. 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 with others of a similar size and species unless the local planning authority gives written consent to any variation.**
- 4 **A vehicle access shall be constructed within the site to a minimum width of 4.1m, and to remain at that width for the first 5 metres from the private drive.**

- 5 A pedestrian visibility of 1.5m x 1.5m, as measured from the back of the private drive be provided either side of the access with no obstruction above 600mm within the area of the splay.
- 6 Prior to the commencement of development details of the location of the bin stores shall be submitted to and approved in writing by the local planning authority.
- 7 **CONS7 Construction Hours**
- 8 **CONS9 Piling**
- 9 **CONS10 No Burning**
- 10 **CONS11 Dust and Mud**

REASONS

- 1 **RTIM21 Time Reason**
- 2 To ensure that the development does not prejudice the appearance of the locality and to comply with Policies BE1 of the Essex and Southend on Sea Replacement Structure Plan and RLP17 and RLP95 of the Braintree District Local Plan Review.
- 3 To enhance the appearance of the development and in the interests of amenity and privacy and to comply with Policies H4 of the Essex and Southend on Sea Replacement Structure Plan and RLP 90 and RLP 95 of the Braintree District Local Plan Review.
- 4 The extra width is required to enable a motor vehicle to enter the site whilst another motor vehicle exits. The inability to manoeuvre either within the site or within the private drive would cause congestion, therefore putting pedestrians accessing the Doctor's surgery, located opposite at risk. This is in the interests of road safety and to conform with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
- 5 To provide visibility for pedestrians using the private drive whilst motor vehicles exit the site, in the interests of road safety and to conform with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
- 6 In the interests of visual amenity, to ensure access is possible for refuse vehicles and to comply with Policies T8 and HC2 of the Essex and Southend on Sea Replacement Structure Plan and RLP95 of the Braintree District Local Plan Review.
- 7 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4, BE6 and BE7 of the Essex and Southend on Sea Replacement Structure Plan.
- 8 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4, BE6 and BE7 of the Essex and Southend on Sea Replacement Structure Plan.
- 9 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4, BE6 and BE7 of the Essex and Southend on Sea Replacement Structure Plan.

- 10 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policies H4, BE6 and BE7 of the Essex and Southend on Sea Replacement Structure Plan.**
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PART A

AGENDA ITEM 7

APPLICATION NO : 06/00548/OUT

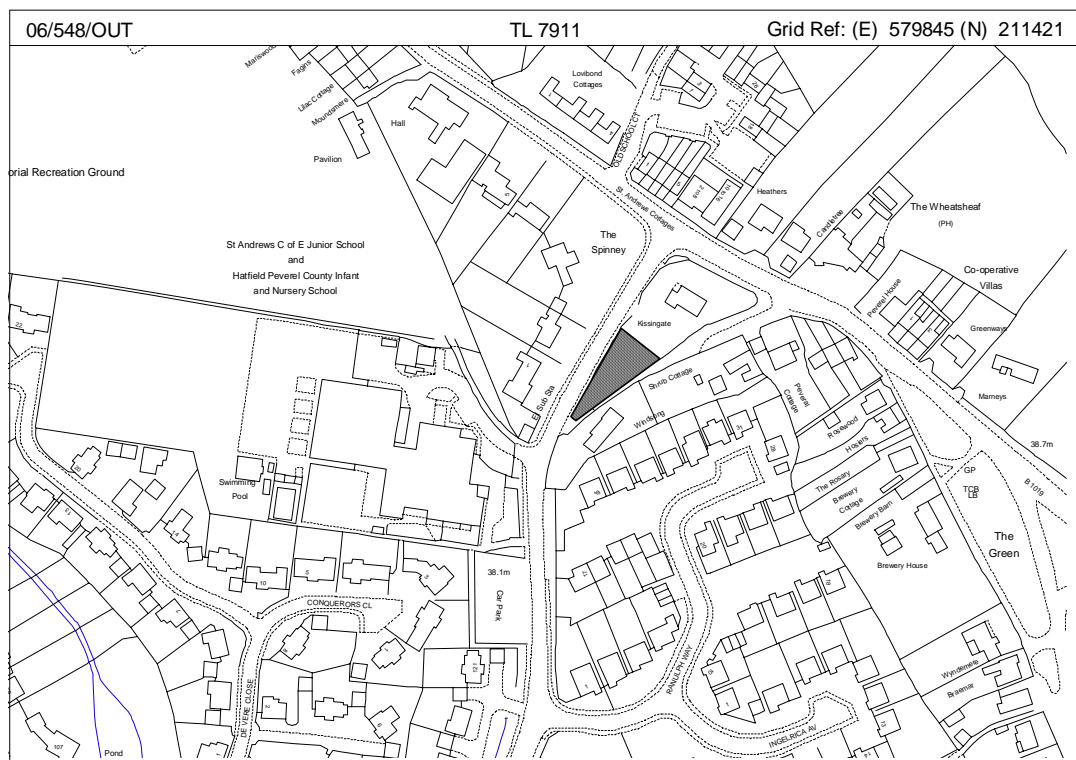
DATE VALID : 13.03.06

APPLICANT : Mr P Wells
Kissinggate Church Road Hatfield Peverel Chelmsford
Essex

AGENT : Andrew Pipe Associates Ltd
The Bardfield Centre Great Bardfield Braintree Essex
CM7 4SL

DESCRIPTION : Erection of detached house - Renewal of Application No.
03/00034/OUT

LOCATION : Kissinggate Church Road Hatfield Peverel Chelmsford
Essex



SITE HISTORY

03/00034/OUT	Erection of detached house - Renewal of Application No. 99/01756/OUT	PER	18.06.2003
88/02500/P	Erection Of One Detached Dwelling	PER	21.02.1989
93/01465/OUT	Erection of detached house	PER	24.01.1994
96/01390/OUT	Erection of detached house - renewal of Planning Permission 93/01465/OUT	PER	21.01.1997
99/01756/OUT	Erection of detached house - Renewal of Application No. 96/01390/OUT	PER	31.01.2000

POLICY CONSIDERATIONS

Essex and Southend-on-Sea Replacement Structure Plan

CS2	Protecting the Natural and Built Environment
CS4	Sustainable New Development

Braintree District Local Plan Review

RLP3	Development within Town Development Boundaries
RLP90	Layout and Design of Development

REPORT

Background

The application is for the renewal of an outline planning permission for the erection of a single detached house to the rear of the existing property, Kissingate. The existing outline planning permission expires on 18th June 2006. All detailed matters are reserved except for means of access.

Site Description and Proposed Development

The site comprises the curtilage of Kissingate. The proposal site is currently residential garden and contains a number of mature trees along the perimeter. Two mature trees on the north side of the proposal site and a group of trees along the north western boundary are protected. Recent works on site have removed a number of trees and mature shrubs but the protected trees were unaffected by these works. A provisional Tree Preservation Order was made relating to a number of other trees and groups of trees on the site on 18th March 2006.

The site has a close boarded fence to the road side but has a low fence to the existing public footpath that form the south eastern boundary.

There are two dwellings on the other side of this existing public footpath. These dwellings' primary outlook is over the proposal site.

The application seeks outline planning permission for a further single dwelling to the south west of the existing property. The application reserves all matters except for the means of access. It is proposed to share the existing access with the existing property, Kissingate.

CONSULTATIONS

Essex County Council Highways – No objection, subject to conditions relating to the visibility splay, vehicle access formation and on site turning space.

Landscape Officer – Satisfied that with appropriate retention/protection conditions the site can accommodate a single unit.

Hatfield Peverel Parish Council – No response to date.

REPRESENTATIONS

The application has been widely advertised. Properties adjoining and opposite the site were notified in writing, and a site notice posted.

Four letters of representation were received including one letter signed by the occupiers of 4 premises. The letter raised the following issues:-

- The recent removal of unprotected trees has opened the site, compromised visual amenity and removed screening to the proposal site, compromising the privacy of adjacent dwellings;
- An Arboricultural report for a recent application on the site accepted that this proposal would have a negative effect on the mature trees on the site;
- A 1.8 metre fence would be erected in front of the property, obscuring views;
- The proposal is an over development of the site;
- The access to Church Road is potentially hazardous, especially during school drop off and pick up times;
- Increased traffic congestion.

CONCLUSION

1. **Principle**

The site is within the village envelope limits in the adopted Local Plan. An outline application for the proposal on this site has been renewed on three occasions and, although trees have recently been removed from the site, it is considered that there have been no substantive changes during that time to warrant a different approach to the principle of the development.

2. **Detailed Matters**

Trees

Although some trees have recently been removed from the site, none of the trees removed were protected by a Tree Preservation Order.

All detailed matters are reserved apart from means of access.

Means of Access

The proposal is to share the existing access to Kissinggate. The access is set back from the existing junction of Church Street and B1019 Maldon Road by approximately 30 metres. To ensure adequate visibility from the access and that the proposal does not lead to on street parking, the Highways Authority has recommended that conditions be attached to any grant of planning permission.

RECOMMENDATIONS

It is RECOMMENDED that the following decision be made;
Application GRANTED subject to the following conditions and reasons :-

- 1 Approval of the details of the:- (a) siting, design and external appearance of the building(s); (b) landscaping of the site (hereinafter referred to as "the reserved matters") shall be obtained from the local planning authority. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision notice. The development hereby permitted shall be begun within two years from the date of the final approval of the last of the reserved matters.
- 2 The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Nos. 88/01/AS unless otherwise agreed in writing by the local planning authority.
- 3 TREE10 Tree Survey
- 4 The landscaping scheme required by Condition 1 of this permission shall incorporate a detailed specification of hard and soft landscaping works. This shall include plant/tree types and sizes, plant numbers and distances, soil specification, seeding and

- turfing treatment, colour and type of material for all hard surface areas and method of laying, refuse storage, signs and lighting. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in phases to be agreed as part of that scheme by the local planning authority. 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 with others of a similar size and species, unless the local planning authority gives written consent to any variation.
- 5 Prior to the commencement of development, details of screen walls/fences to the site shall be submitted and approved in writing by the local planning authority. The details shall include position, design, height and materials of the screen walls/fences. The screen walls/fences as approved shall be provided prior to the occupation of the building(s) hereby approved and shall be maintained at all times thereafter to the satisfaction of the local planning authority.
 - 6 TREE14 Tree Protection
 - 7 TREE15 No works within tree spread
 - 8 TREE16 No materials within tree spread
 - 9 Visibility splays with dimensions of 2.4 metres x 90 metres as measured from the back edge of the carriageway shall be provided to the south of the junction of the vehicular access serving the development with the highway and 2.4 metres x site maximum to the north (traffic approach). The area within each visibility splay shall be kept clear of any obstruction above a height of 600mm at all times following the first occupation of the development. Any trees within the visibility splay to be cleared of growth for a height of not less than 2.5 metres above adjacent carriageway level.
 - 10 The vehicle access shall be constructed at right angles to the existing carriageway. The width of the driveway at its junction with the highway shall be not less than 4.1 metres and retained at that width for 6 metres within the site.
 - 11 Prior to occupation of the development a turning space enabling a motor car to enter and leave the site in a forward gear shall be constructed, surfaced and made available for use and shall be subsequently retained thereafter for that sole purpose.

REASONS

- 1 RTIM22 Time Reason
- 2 For the avoidance of doubt as to the scope of this permission.
- 3 Landscape planting will add character to the development and it is considered desirable for these to be dealt with concurrently with the other details and to comply with Policy RLP90 of the Braintree District Local Plan Review.
- 4 To enhance the appearance of the development and safeguard the amenity and character of the locality and to comply with Policy RLP90 of the Braintree District Local Plan Review.

- 5 In order to secure the satisfactory development of the site in the interests of visual amenity and to comply with Policy RLP90 of the Braintree District Local Plan Review.**
 - 6 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development and to comply with Policy RLP90 of the Braintree District Local Plan Review.**
 - 7 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development and to comply with Policy RLP90 of the Braintree District Local Plan Review.**
 - 8 To ensure existing trees, shrubs and hedges are retained as they are considered essential to enhance the character of the development and to comply with Policy RLP90 of the Braintree District Local Plan Review.**
 - 9 To provide adequate inter-visibility between users of the access and the existing public highway for the safety and convenience of users of the highway and the access having regard to Policy T8 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 10 To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan.**
 - 11 To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy T12 of the Essex and Southend on Sea Replacement Structure Plan.**
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PART A

APPLICATION NO : 06/00234/COU

DATE VALID :

03.02.06

APPLICANT :

Steve Murphy

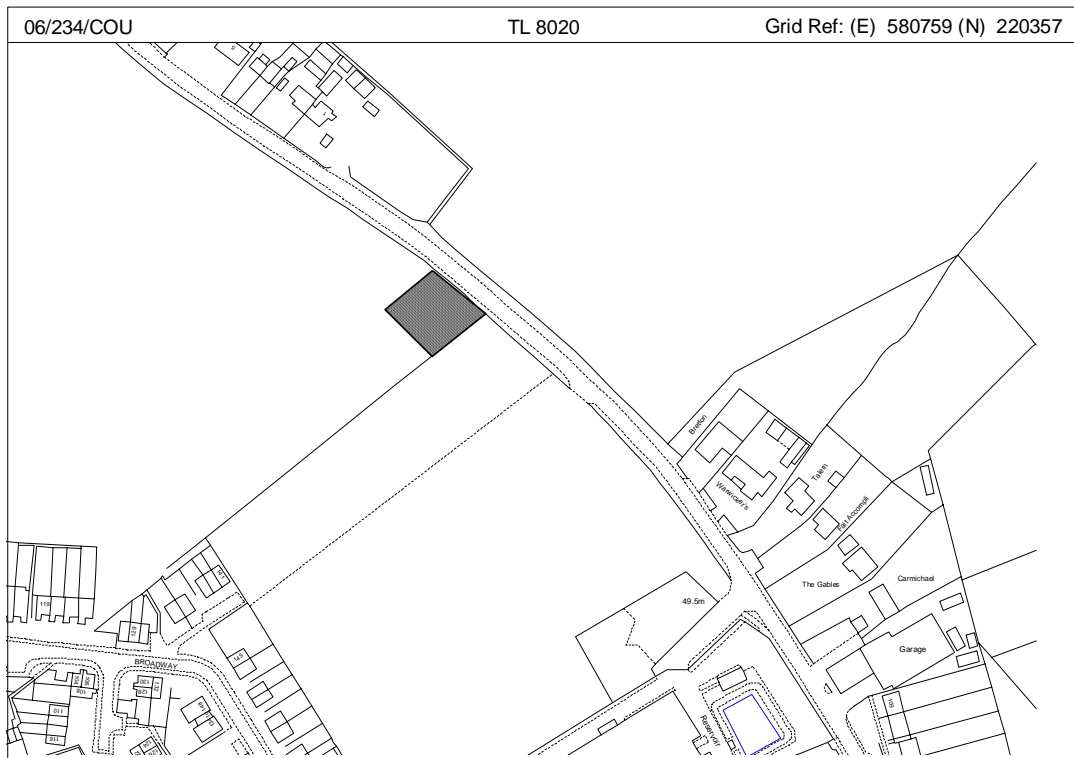
38 - 40 Stepfields Freebournes Road Witham Essex CM8 3TH

DESCRIPTION :

Change of use and external alterations

LOCATION :

**The Old Slaughterhouse Boars Tye Road Silver End
Witham Essex CM8 3PP**



SITE HISTORY

79/00538/P	Change of use from store for agricultural purposes to use as a workshop	PER	05.06.1979
84/00825/P	Continued use of farm building as workshop (renewal of temporary permission BTE/538/79)	PER	20.07.1984
05/01721/FUL	Proposed demolition of existing building and construction of new B1 office building	REF	25.10.2005
05/00681/FUL	Demolition of existing building and construction of new office (B1)	REF	29.07.2005

POLICY CONSIDERATIONS

Essex and Southend on Sea Replacement Structure Plan

CS2	Protecting the Natural and Built Environment
CS3	Encouraging Economic Success
C5	Rural Areas not in the Green Belt
RE2	Re-Use of Rural Buildings

Braintree District Local Plan Review

RLP38	Conversion of Rural Buildings
RLP40	Minor Industrial and Commercial Development in the Countryside
RLP78	Countryside

REPORT

This is an application for change of use and retrospective consent for external alterations at The Old Slaughterhouse, Boars Tye Road, Silver End. The site is close to but outside the village development boundary. The building is a redundant farm building which has been used for various activities, including as an abattoir. Its last use, within the past 12 months, was as a car mechanics workshop. The proposed use, the subject of this application, is for B1 office use. The external alterations comprise replacing a side and rear extension, replacement of damaged brickwork, bricking up of double doors on the north elevation and the siting of a container on a temporary basis. It is intended that the container will be replaced by a shed at a later date. The applicant operates a brick-laying business and this building will be used as a "head office". It is intended that 6 full-time and 2 part-time staff will be employed. The hours of operation indicated in the application details are 9.00am to 5.00pm Monday to Friday; 9.00am to 1.00pm Saturdays with no work on Sundays or Banks Holidays. Because of the poor condition of the building, it is proposed to clad the building in timber.

REPRESENTATIONS

The Parish Council objects to the proposal on the following grounds:-

- No plans or drawings have been submitted;
- No consultation of neighbours has been carried out;
- The works have commenced despite the refusal of two recent planning applications;
- The timber cladding is inappropriate – the building should be rendered to match the village.

CONCLUSION

Policy CS3 of the Essex and Southend on Sea Replacement Structure Plan encourages environmentally and economically sustainable activities within rural areas. Policy RLP40 of the Braintree District Local Plan Review supports the extension of existing industrial or commercial development in the countryside provided that it is on a small scale, compatible with the surrounding area. Proposals should not be detrimental in terms of visual impact, noise, smell or other pollution or cause excessive traffic generation. This building has been used for various commercial purposes for a number of years, although formal planning permission has not been granted. Its last use, as a car mechanic workshop is classed as sui generis, therefore planning permission is required for the proposed use as offices. Planning permission is also required for any works which materially affect the appearance of the building. The proposed use is considered to be of such a small scale that it is unlikely to have an adverse impact on the countryside or neighbouring amenity and would therefore be difficult to resist. Concern is expressed however, regarding the container and it is suggested that a condition be imposed requiring its removal within a reasonable timescale.

With regard to the Parish Council's specific concerns, plans or drawings have not been requested as the works are mainly of refurbishment and have already commenced to such an extent that their impact can be fully assessed on site. A notice was posted on site as required by the legislation and, although further neighbour consultations can be carried out at the local authority's discretion, this was not considered necessary as the site has an established use and the nearest residential property is over 90m away on the opposite side of the road. The two most recent applications for replacement buildings were refused as they did not meet the relevant policy criteria. As Members are aware, it is not a criminal offence to commence development prior to the granting of planning permission; as the building has been in use for many years and has not been abandoned, it would be unreasonable to withhold

consent for the works already undertaken or the proposed use. The site lies outside of the development boundary, in the open countryside, therefore the applicant's choice of materials is considered to be appropriate.

In conclusion, the development is in line with Local Plan Policy and with the conditions suggested, is unlikely to have an adverse impact on the countryside or public amenity.

RECOMMENDATIONS

It is **RECOMMENDED** that the following decision be made;
Application **GRANTED** subject to the following conditions and reasons :-

- 1 **TIME21 Full PP 3 Years**
- 2 **The development hereby permitted shall be carried out only in accordance with the approved site plan and specifications stamped "received on 3rd February 2006" unless otherwise agreed in writing by the local planning authority.**
- 3 **MAT1 Schedule of Materials**
- 4 **There shall be no external storage of materials, equipment, or plant within the site.**
- 5 **The Portacabin shall be removed from the site by 31st December 2006.**
- 6 **Within two months of the date of this consent, a scheme of landscaping to screen the western and northern boundaries of the site shall be submitted to and agreed in writing by the local planning authority. All planting, seeding or turfing contained in the approved scheme shall be carried out in the first planting and seeding seasons after the scheme has been approved. 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 with others of a similar size and species, unless the local planning authority gives written consent to any variation.**
- 7 **Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) the building(s) hereby permitted shall be used only for office purposes only falling within Class B1 of the Schedule to that Order and for no other purpose (including any other use falling within that class or any provision equivalent to that Use Class in any Statutory Instrument).**

REASONS

- 1 **RTIM21 Time Reason**
- 2 **To ensure that the development is satisfactory in accordance with Policies CS2, CS3, C5 and RE2 of the Essex and Southend on Sea Replacement Structure Plan and RLP38, RLP40 and RLP78 of the Braintree District Local Plan Review.**

- 3 To ensure an appropriate choice of materials having regard to the location of this site in the open countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area and to comply with Policies CS2, C5 and RE2 of the Essex and Southend on Sea Replacement Structure Plan and RLP38, RLP40 and RLP78 of the Braintree District Local Plan Review.**
 - 4 To ensure that the proposed development does not prejudice the appearance of the locality and to comply with Policies CS2 and C5 of the Essex and Southend on Sea Replacement Structure Plan and RLP38 and RLP78 of the Braintree District Local Plan Review.**
 - 5 RCOU28 Use Reason -industrial no policies**
 - 6 To enhance the appearance of the development and safeguard the amenity and character of the locality and to comply with Policies CS2 of the Essex and Southend on Sea Replacement Structure Plan and RLP78 of the Braintree District Local Plan Review.**
 - 7 RCOU21 Use Reason**
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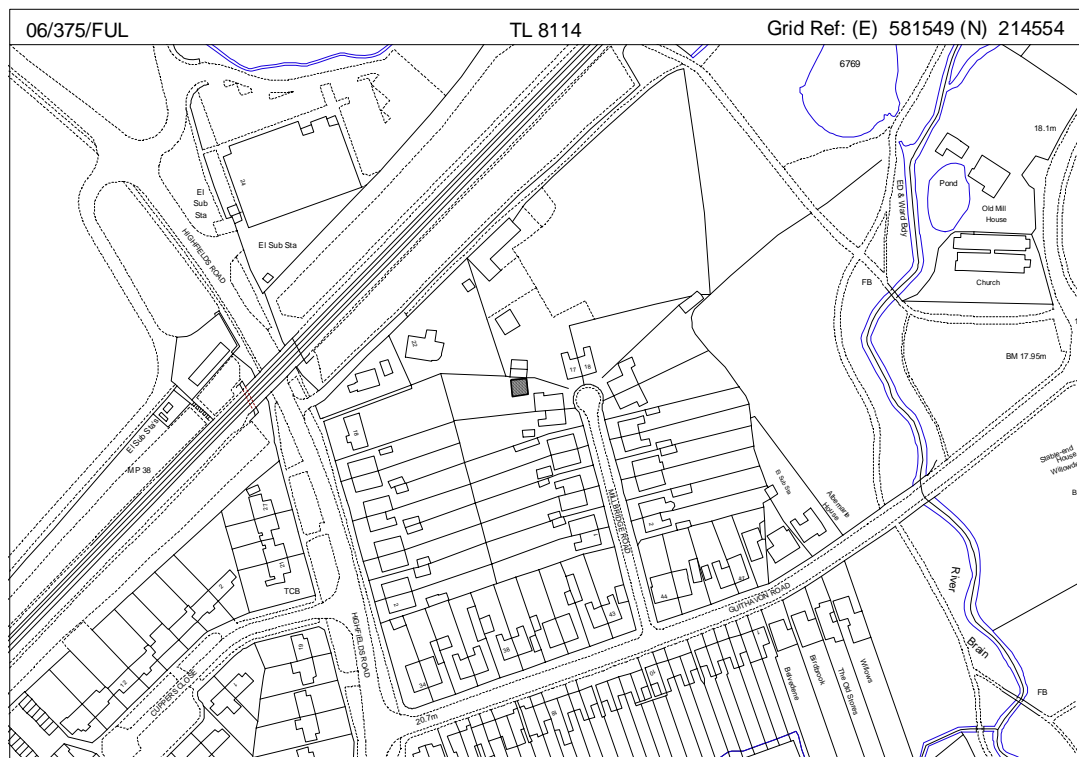
PART A

APPLICATION NO : 06/00375/FUL **DATE VALID :** 27.02.06

APPLICANT : C J Weller
15 Millbridge Road Witham Essex CM8 1HB

DESCRIPTION : Conversion of garage/workshop to living accommodation for dependent relative

LOCATION : 15 Millbridge Road Witham Essex CM8 1HB



SITE HISTORY

93/00685/FUL A Erection of extension PER 09.07.1993

POLICY CONSIDERATIONS

Essex and Southend on Sea Replacement Structure Plan:

CS2 Protecting the Natural and Built Environment
BE1 Urban Intensification

Braintree District Council Local Plan Review

RPL 3 Development within Town Development Boundaries and
 Village Envelopes
RPL 90 Layout and Design of Development
RPL 17 Extensions and Alterations to Dwellings in Towns and
 Villages

REPORT

Description of Proposal

This proposal involves the conversion of an existing garage/workshop to form living accommodation for an invalid relative. The proposals also involve the addition of a conservatory (approximately 2.3m x 5.2m) to the rear of the garage building. There would be a door and two windows provided in the front elevation of the garage and a window on the south elevation, facing the rear garden of No. 15 Millbridge Road.

Site Report

No. 15 is situated at the head of a turning circle for the Millbridge Road, which is a cul-de-sac. The existing brick and block garage is accessed via a driveway to the side of the property. Adjoining the application site is the driveway and garage of number 17 Millbridge Road.

Material Considerations/Policy Issues

- Impact on the amenities of the neighbouring residents.
- Impact on the character and appearance of the surrounding area.
- Provision of amenity space remaining for the existing dwelling.
- Provision of off-street parking for the existing dwelling.

CONSULTATIONS

Environmental Health Officer - no objections subject to condition relating to the hours of construction and preventing any burning of waste.

REPRESENTATIONS

Parish Council – recommend refusal on grounds that the proposal constitutes backland development which would result in a completely separate dwelling and on grounds that there is a lack of adequate parking.

CONCLUSION

Officer Opinion

There is a minimum distance of 15 metres between the proposal and the adjoining dwelling No.17, and this is considered sufficient in terms of the impact of the proposal upon the amenity of neighbouring premises.

There is sufficient area within the site to park at least 2 vehicles clear of the public highway. It is important that these parking spaces are maintained because number 15 has its access off the turning circle and this public turning area must be maintained as such for vehicles in Millbridge Road. A condition is recommended to ensure this.

The materials and construction are in keeping with other residential buildings in the vicinity of the area. The amenity space available to No. 15 is largely unaffected by the proposal and is well in excess of the standard for new dwellings.

RECOMMENDATIONS

It is **RECOMMENDED** that the following decision be made;
Application **GRANTED** subject to the following conditions and reasons :-

- 1 **TIME21 Full PP 3 Years**
- 2 **The workshop/garage hereby approved shall only be occupied for domestic purposes ancillary to the main dwelling at No. 15 Millbridge Road and shall not be occupied at any time as a separate residential unit.**
- 3 **The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Nos. 1 and 2 unless otherwise agreed in writing by the local planning authority.**
- 4 **Detailed plans indicating the parking provision for at least two vehicle parking spaces within the curtilage of the dwelling shall be submitted to and approved in writing by the local planning authority prior to the occupation of the annex. Such parking spaces shall be provided and maintained for parking to the satisfaction of the local planning authority unless otherwise agreed in writing.**
- 5 **CONS7 Construction Hours**
- 6 **CONS10 No Burning**

REASONS

- 1 RTIM21 Time Reason**
 - 2 The formation of a separate residential unit would not meet the requirements of the adopted Local Plan in terms of the sufficiency of amenity space and off street parking and could result in an unacceptable impact upon the amenity of neighbouring premises.**
 - 3 To ensure that the development is satisfactory in accordance with Policies BE1 of the Essex and Southend on Sea Replacement Structure Plan and RLP3, RLP17 and RLP90 of the Braintree District Local Plan Review.**
 - 4 To ensure that there is sufficient car parking space clear available to the occupiers of No. 15 Millbridge Road of the highway, in the interests of highway safety and to comply with Policies T12 of the Essex and Southend on Sea Replacement Structure Plan and RLP56 of the Braintree District Local Plan Review.**
 - 5 RCOU27 Use Reason -neighbour amenity no policy**
 - 6 RCOU27 Use Reason -neighbour amenity no policy**
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SITE HISTORY

03/00173/TPO Notice of intent to carry out works REF 17.03.2003
to trees protected by Tree
Preservation Order No. 2/74 - Fell 1
scots pine

POLICY CONSIDERATIONS

Essex and Southend-on-Sea Replacement Structure Plan

CS2 Protecting the Natural and Built Environment
BE1 Urban Intensification

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and
Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and
Villages
RLP90 Design and Layout of Development

REPORT

This application seeks full permission for a loft conversion with front and rear dormers to an existing detached two-storey dwellinghouse at 121 Church Road, Hatfield Peverel.

The site lies within the village envelope of Hatfield Peverel and is part of a modern estate with an adequate back garden and a driveway with a detached double garage in front of the house.

The proposed rear extension comprises two additional bedrooms with one en-suite facility.

The current distance between the existing dwelling and No. 1 Conqueror's Close is about 25m.

REPRESENTATIONS

Hatfield Peverel Parish Council: raises the following concerns:

- Out of keeping with appearance of area, creating the appearance of a 3 storey dwelling.
- Overlooking to front and rear.

Neighbour: One letter of objection has been received from 1 Conqueror's Close, to the rear, raising concern about the following point:

- Increased overlooking.

CONCLUSION

The site is located within the village envelope of Hatfield Peverel, where in principle there is no objection to residential extensions. Policy RLP3 of the Local Plan Review permits development where it satisfies amenity, design, and highway criteria and where it can take place without detriment to the existing character of the area.

Policy RLP17 concerns extensions and alterations to dwellings in towns and villages and again, there is no objection in principle to development provided that there is no over development of the plot, the siting, bulk, form and materials of the extension are compatible with the original dwellings and among other issues, there should be no unacceptable adverse impact on the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light.

It is considered that the design, form and size of the proposal are in sympathy with the scale and character of the existing dwelling and do not harm the appearance and setting of the locality. A condition will be imposed to ensure finished materials will be sympathetic to the existing building and surrounding area.

In respect of overlooking, first floor rear windows already exist and the proposed additional dormer windows are not considered to significantly increase overlooking towards the rear. There are no significant overlooking issues towards the front. The Essex Design Guide states that there should be a minimum of 25m between habitable rooms facing towards each other, to enable privacy to be maintained and such a gap exists in this particular case.

In addition, it should be noted that the insertion of rear dormer windows can normally be carried out as permitted development in circumstances where the volume allowance has not been used up. However, in this case due to the proximity of the garage to the dwelling and conservatory planning permission is required.

In summary, the proposal is considered to be acceptable and not detrimental to the locality or neighbouring amenity and as such, complies with the policies of the Braintree District Local Plan Review.

RECOMMENDATIONS

It is **RECOMMENDED** that the following decision be made;
Application **GRANTED** subject to the following conditions and reasons :-

- 1 TIME21 Full PP 3 Years

- 2 The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Nos.1174a (Loft Room Plan; received 03/02/2006), 1174B (Proposed Elevations; received 03/02/2006) and 1174E (Typical side cross section, site layout and location; received 03/02/2006), unless otherwise agreed in writing by the local planning authority.
- 3 MAT1 Schedule of Materials

REASONS

- 1 RTIM21 Time Reason
 - 2 To ensure that the development is satisfactory in accordance with Policies CS2 and BE1 of the Essex and Southend-on-Sea Replacement Structure Plan and RLP3 and RLP17 of the Braintree District Local Plan Review.
 - 3 To conform with the pattern of the existing development and ensure that the development does not prejudice the appearance of the locality and to comply with Policies CS2 and BE1 of the Essex and Southend-on-Sea Replacement Structure Plan and RLP3 and RLP17 of the Braintree District Local Plan Review.
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PART B

APPLICATION NO : 06/00345/FUL

DATE VALID :

16.02.06

APPLICANT :

John Turnbull

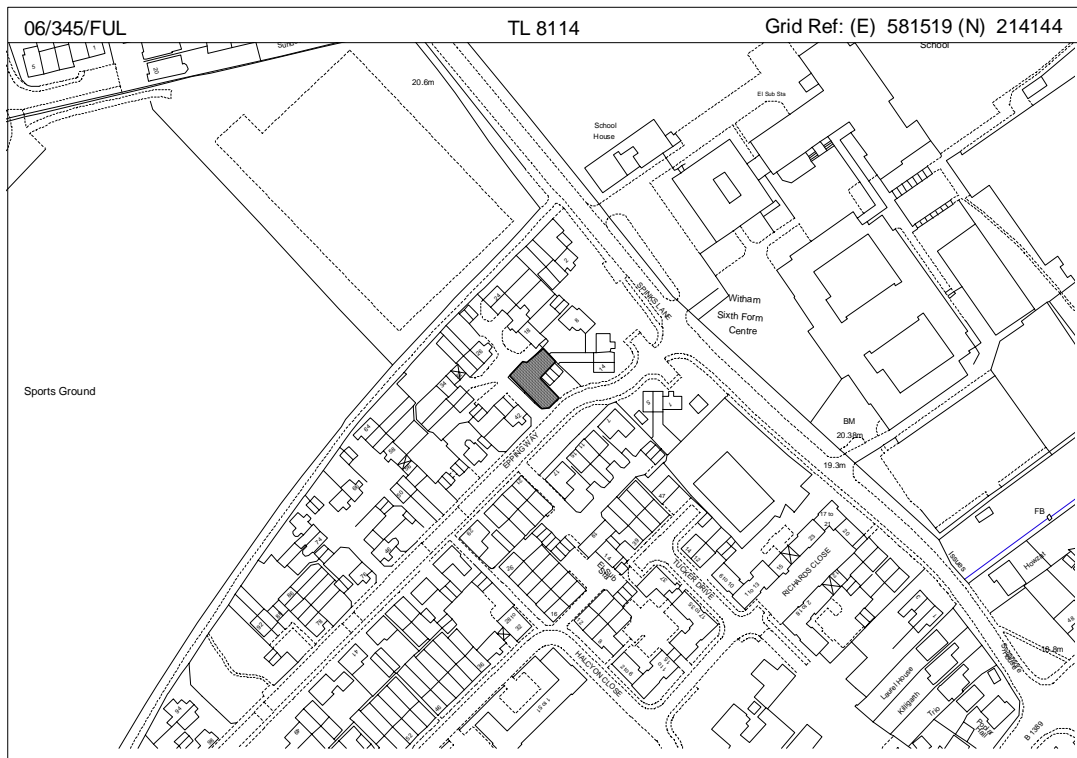
16 Epping Way Witham Essex CM8 1NQ

DESCRIPTION :

Erection of two storey rear extension

LOCATION :

16 Epping Way Witham Essex CM8 1NQ



SITE HISTORY

None Relevant

POLICY CONSIDERATIONS

Essex and Southend-on-Sea Replacement Structure Plan

CS2 Protecting the Natural and Built Environment
BE1 Urban Intensification

Braintree District Local Plan Review

RLP3 Development within Town Development Boundaries and
 Village Envelopes
RLP17 Extensions and Alterations to Dwellings in Towns and
 Villages

REPORT

This application seeks permission for the erection of a two-storey rear extension to No. 16 Epping Way, Witham.

No. 16 Epping Way is a two storey detached red-brick property, along the side boundary of the property is a vehicular access to a group of dwellings located to the rear of the site. The boundary treatment along the side and rear of the site is a 6ft tall red-brick wall. There are three trees, which are located within the site; two of which will be removed and replaced in new positions.

The proposed two-storey element of the extension measures 3.6 metres in width, 2.4 metres in depth, 4.6 metres in height to the eaves and 6.9 metres in height to the apex. The single storey element of the extension measures 3.6 metres in width, 1.2 metres in depth, 3.4 metres in height (at the highest point) and 2.2 metres in height to the eaves.

CONSULTATIONS

The landscape department recommend that a retention conditions be placed on the trees as if the two trees were removed and replaced by two other trees in a different location, it would take 5+ years for the replacements to begin to make a significant contribution to the amenity of this area.

REPRESENTATIONS

Witham Town Council recommend approval of the application subject to the replacement of the two trees lost with suitably mature specimens.

One letter of objection has been received from a neighbouring resident, which raises the following concerns, which are directly related to planning:

- Loss of light
- Loss of amenity and view
- Overbearing Impact

CONCLUSION

Principle

The site lies within the town development boundary for Witham, where in principle there is no objection to residential development. Policy RLP17 of the Local Plan permits development where it satisfies, amenity, design, environmental and highway criteria and where it can take place without detriment to the existing character of the development.

Neighbours' Amenities

Whilst it is considered that this application may have some impact on the amenity of neighbouring residents it is considered that this could not sustain a reason for refusal. An element of overlooking already occurs to the properties at the rear and the proposed extension would not cause a significant increase.

The proposed extension would cause a loss of outlook to the properties located to the side (mainly No. 40 Epping Way), however, loss of outlook is not a material planning consideration and the proposed extension is not considered to be overbearing as the vehicular access provides a gap of 5 metres from the front boundary of No. 41 to the side of the proposed extension.

Design

The design of the proposed extension is considered to be well-related to the host building and has no adverse impact on the character and appearance of the street scene and surrounding area.

Landscaping

Whilst the trees are an attractive feature and soften the view from the main road, it is considered to be unreasonable to insist on the retention of these trees as they are not subject to tree preservation orders and are not located within a Conservation Area so they could be removed at any time without permission.

Highways and Parking

This proposal raises no highway issues and adequate off-street parking is retained for the extended property in accordance with Appendix 3 of the Braintree District Local Plan Review.

RECOMMENDATIONS

It is **RECOMMENDED** that the following decision be made;
Application **GRANTED** subject to the following conditions and reasons :-

- 1 **TIME21 Full PP 3 Years**
- 2 **The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on the drawings stamped "Received on 16th February 2006" unless otherwise agreed in writing by the local planning authority.**
- 3 **Further details of the new positions for the proposed replacement trees shall be submitted to and approved in writing by the local planning authority with 3 months of the completion of the development.**
- 4 **The trees to be removed shall be replaced within the first planting season after the completion of the development.**

REASONS

- 1 **RTIM21 Time Reason**
- 2 **To ensure that the development is satisfactory in accordance with Policies CS2, BE1 of the Essex and Southend on Sea Replacement Structure Plan and RLP3 and RLP17 of the Braintree District Local Plan Review.**
- 3 **To enhance the appearance of the development and to comply with Policies CS2, BE1 of the Essex and Southend on Sea Replacement Structure Plan and RLP3 and RLP17 of the Braintree District Local Plan Review.**
- 4 **To enhance the appearance of the development and to comply with Policies CS2, BE1 of the Essex and Southend on Sea Replacement Structure Plan and RLP3 and RLP17 of the Braintree District Local Plan Review.**

P J Crofts
Development Director