

AGENDA ITEM NO 6

PART A

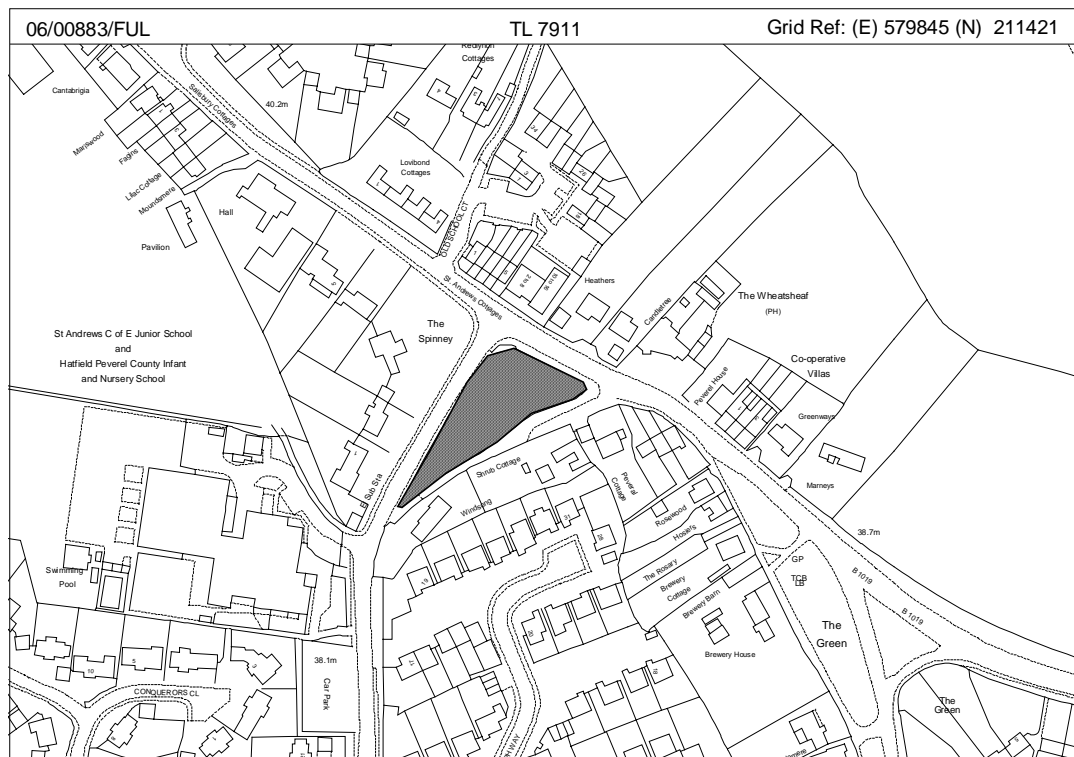
APPLICATION NO : 06/00883/FUL **DATE VALID :** 27.04.06

APPLICANT : Woodhill Property Developments
C/o Agent

AGENT : Andrew Pipe Associates Ltd
14-15 The Bardfield Centre Great Bardfield Braintree
Essex CM7 4SL

DESCRIPTION : Erection of 8 no. 2 bed flats

LOCATION : Kissingate Church Road Hatfield Peverel Chelmsford
Essex



Essex and Southend-on-Sea Replacement Structure Plan

CS2	Protecting the Natural and Built Environment
BE1	Urban Intensification
T12	Vehicle Parking
H3	Location of Residential Development
H4	Development Form of New Residential Developments
NR7	Promoting Biodiversity
BE6	Polluting, Hazardous or Noisy Development
T6	Walking and Cycling
T8	Improvements to the Primary Route Network
HC6	Archaeological Assessment

Braintree District Local Plan Review

RLP2	Town Development Boundaries and Village Envelopes
RLP3	Development within Town Development Boundaries and Village Envelopes
RLP4	Prevention of Town Cramming
RLP7	Housing and Mixed Use Sites
RLP9	Design and Layout of Housing and Mixed Use Areas
RLP10	Residential Density
RLP56	Vehicle Parking
RLP62	Development Likely to Give Rise to Pollution, or the Risk of Pollution
RLP65	External Lighting
RLP73	Waste Minimisation
RLP74	Provision of Space for Recycling
RLP80	Landscape Features and Habitats
RLP90	Layout and Design of Development
RLP105	Archaeological Evaluation

Government Guidance

PPS1	Planning Policy Statement 1 – Delivering Sustainable Development
PPG3	Planning Policy Guidance Note – Housing

INTRODUCTION

The site is located on a corner plot at the junction with Church Road and Maldon Road in Hatfield Peverel. The site consists of a large 1960s detached dwellinghouse and garage and is surrounded by a number of mature trees, some of which are subject to a Tree Preservation Order. The site is also screened from Maldon Road by a hedgerow. In addition to the two main roads, the site is also bounded by a private access road, which serves a number of other residential properties.

Members will recall that a planning application for 10 two bedroom flats (05/01991/FUL refers) was refused at the Witham Area Committee on 28th

February 2006. This is a revised application for the site seeking permission for the demolition of the existing dwellinghouse and the erection of a residential development comprising 8 no. two bedroom flats.

In addition to the above, the site currently benefits from outline planning permission for an additional dwellinghouse to the rear of the existing house on the area fronting Church Road, which was most recently renewed at Witham Area Committee on 26th April 2006.

CONSULTATIONS

Essex County Council Highways raised no objections to the proposed development subject to suitable conditions, including inter alia a 2m wide footway to be constructed along the frontage of the property on Church Road, from its junction with Maldon Road to Coffin Path and tied in with the existing footway in Maldon Road, together with 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.

Landscape Services have objected to the application on the grounds that the Highway conditions recommended by the County Council would necessitate the removal of 5 TPO trees as well as the entire length of the established hedgerow along the Church Road frontage.

Environmental Services have raised no objections on Environmental Health grounds.

The Essex Historic Environment Record shows that the proposed development lies within a potentially sensitive archaeological area and as such the Historic Environment Branch of Essex County Council have recommended a 'Watching Brief' for the site, in order that the proposed development does not prejudice any archaeological deposits on the site.

REPRESENTATIONS

19 letters of objection have been received in connection with this revised planning application, raising the following grounds of objection:-

The proposal would have a detrimental impact upon the hedgerow and trees.

The visibility splay required by Highways cannot be achieved and a safe means of exit cannot be provided from the site. The area is already congested during peak times and the proposed development would only make the situation worse.

The proposal would not take into account the historic context of the site, the older properties adjacent to the site and the nearby listed buildings.

The aesthetics of this part of the village will be affected and a development of this size will remain incongruous.

The density of the residential development proposed would be out of keeping with the character of the area and the locality.

There is no need for more small houses/flats within Hatfield Peverel.

The proposed new flats would be in a rural area where such extra development is unnecessary.

The proposed provision for car parking would be inadequate for the resident's vehicles and visitors and as such, the proposal would give rise to increased on-street car parking.

REPORT

1. Policy Considerations

The site is located within the Town Development Boundary wherein the principle of residential development is accepted subject to compliance with other development plan policies. Specifically, Policy RLP3 of the Local Plan Review states that within Village Envelopes and Town Development Boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria and where it can take place without detriment to the existing character of the settlement. Accordingly, it is considered that the proposals are satisfactory in principle providing that the development also satisfies the abovementioned criteria and other policies of the Development Plan.

2. Design, Layout, External Appearance & Density

Policies RLP9 and RLP90 state that inter alia the scale, density, height and massing of buildings should reflect or enhance local distinctiveness and that the elevational design of the buildings and development shall be in harmony with the character and appearance of the surrounding area.

With regard to the siting and layout of the proposed development, both the original and this revised application were subject to preliminary discussions with the local planning authority. The design approach of both applications has been to utilise the footprint of the existing building and surrounding hard surfaces within the top corner of the application site. It is considered that the existing dwelling on the site is of a poor quality design, failing to contribute to either road frontage and the external appearance does not contribute to character or appearance of the street

scene. No objections are therefore raised to the demolition of the existing dwelling and the redevelopment of the site in principle.

In respect of the original planning application (05/01991/FUL refers) Members considered that by reason of the size, height, number of storeys, bulk and form, the proposed development would be out of keeping with the character of the area and would appear unduly conspicuous within the street scene, to the detriment of the character and visual amenities of the locality. Members were also concerned that given the location of the site, the built form of the area and the density of development proposed, that the proposal would represent overdevelopment of the site and would be out of keeping and detrimental to the prevailing character of the locality. The abovementioned issues represented the planning grounds upon which the previous application was refused.

This revised application has endeavoured to overcome the previous reasons for refusal by reducing the number of flats from 10 to 8 and by restricting the development to two storeys in height and reducing the ridgeline of the majority of the development from 11.3m to 9m. The ridgeline for remaining element of the proposal within the south-east corner of the site measures 8m, falling to 7.4m on the far corner of the proposed development. In terms of the elevational treatment, this revised proposal has again been designed to turn the corner in order to provide a street frontage onto both Church Road and Maldon Road and it is considered that the proposal would create a visually satisfactory development that would not be dissimilar to other more recent residential developments within Hatfield Peverel. The area contains a varied mix of house styles and designs and as such it is not considered that the proposed development would be detrimental to the character and appearance of the street scene and the visual amenities of the locality.

With regard to density, the applicant has stated that the site measures approximately 0.162ha, which would equate to 49.3 dwellings per hectare, which would fall within the guidelines of 30-50 dwellings per hectare as set out within PPG3. Furthermore, the proposal would also provide adequate provision of private amenity space (30m² per dwelling) and car parking (1.5 spaces per dwelling) in accordance with the standards of the local planning authority. It is therefore considered that the density of the scheme proposed would be acceptable and moreover would not represent overdevelopment of the site.

3. Impact Upon Neighbouring Residential Amenity

In this case, given the orientation of the site and the sites relationship to neighbouring residential properties, it is

considered that the proposed development would not have a detrimental impact upon neighbouring residential amenity in terms of overbearing, overshadowing, loss of natural light and overlooking.

4. Highway and Landscape Issues

Members may recall that Essex County Council raised no objections to the original application (05/01991/FUL refers) for the erection of 10 two bedroom flats subject to suitable conditions. This included the requirement for a 2.4m x 90m visibility splay to the south of the junction of the vehicular access serving the development and 2.4m x site maximum to the north.

In respect of this revised application, Essex County Council Highways initially raised no objections, again subject to suitable conditions in their consultation response received 1st June 2006. This included a requirement for a 2.4m x 70m visibility splay to the south east of the access and 2.4m x site maximum to the north west of the access and also included the requirement that the area within each splay should be kept clear of any obstruction exceeding 600mm.

Further to their initial response received 1st June 2006 as detailed above, Essex County Council Highways referred the application onto the Strategic Development Team at County Hall. Following these deliberations, Essex County Council Highways have revised their recommendations. This revised response received 31st July 2006 raises no objection to the proposed development subject to suitable conditions, including inter alia: 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 subject to the applicant constructing 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.

This revised consultation response from Essex County Highways however, does have significant implications in respect of the protected trees on the site. Whilst the highway requirements can theoretically be achieved on the site, they would now necessitate the removal of 5 TPO trees (4 semi mature Hornbeam and an Oak) as well as the entire length of the established hedgerow along the Church Road frontage. Landscape Services have now objected to the application following the revised consultation response from Essex County Council Highways, on the basis that it would be very difficult to mitigate against the loss of these trees, in terms of the visual amenity they provide and in terms of the detrimental impact it would have upon wildlife and biodiversity.

5. Other Matters

A number of the letters of representation have again raised concern that the application site would encroach on land, which is not in the ownership of the applicant. However, while these concerns are noted, this issue is not a material consideration in the determination of this planning application and is a civil matter between respective landowners.

CONCLUSION

Whilst it is considered that this revised proposal overcomes the original reasons for refusal, officers can no longer support the application on the basis that the highway requirements can no longer be achieved without prejudicing the protected trees on the site.

RECOMMENDATIONS

It is **RECOMMENDED** that the following decision be made;
Application **REFUSED** for the following reasons :-

- 1 Policies T3, T4, T6, T8, T11 and T12 of the Essex and Southend-on-Sea Replacement Structure Plan and Policies RLP3, RLP9, RLP49 and RLP90 state that the highway network will be managed and maintained to optimise its safety and capacity and that new development should be designed so as to make appropriate provision for access for both people and goods by all forms of transport including passenger transport, cyclists, pedestrians, the mobility impaired and road traffic. In addition, proposals for new development should promote high standards of road safety within their design for all these forms of transport and should not result in a deterioration of the traffic conditions within the surrounding areas and there should be no unacceptable increase in traffic movements or unacceptable implications for highway safety arising from the proposed development. Furthermore, Policies RLP3, RLP9, RLP80, RLP81 and RLP90 of the Braintree District Local Plan Review state that inter alia proposals for new development will be required to include an assessment of their impact on wildlife and should not be detrimental to the distinctive landscape features and habitats of the areas such as trees, hedges, woodlands, grasslands, ponds and rivers. Development that would not successfully integrate into the local landscape will not be permitted. Where development is proposed close to existing features, it should be designed and located to ensure that their condition and future retention will not be prejudiced. In this case the conditions recommended by Essex County Council Highways, which 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, cannot be achieved on the application site without necessitating the removal of a number of mature trees with tree preservation orders as well as the entire length of the established hedgerow along the Church Road frontage. It is therefore considered that the proposal would have a detrimental impact upon local wildlife and biodiversity and upon the character and appearance of the street scene and the visual amenities of the locality as the proposed development would not be able to achieve safe egress and exit to and from the site, without prejudicing the protected trees on the site.

INFORMATION TO APPLICANT

- 1 All works within the limits of the highway to be agreed with the Area Manager Mid prior to the commencement of works on site.**
 - 2 Following a speed check commissioned for the road fronting the site, a visibility splay as required in condition above can be agreed.**
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