

27 MAR 2007

APPLICATION NO : 07/00238/OUT DATE VALID : 06.02.07

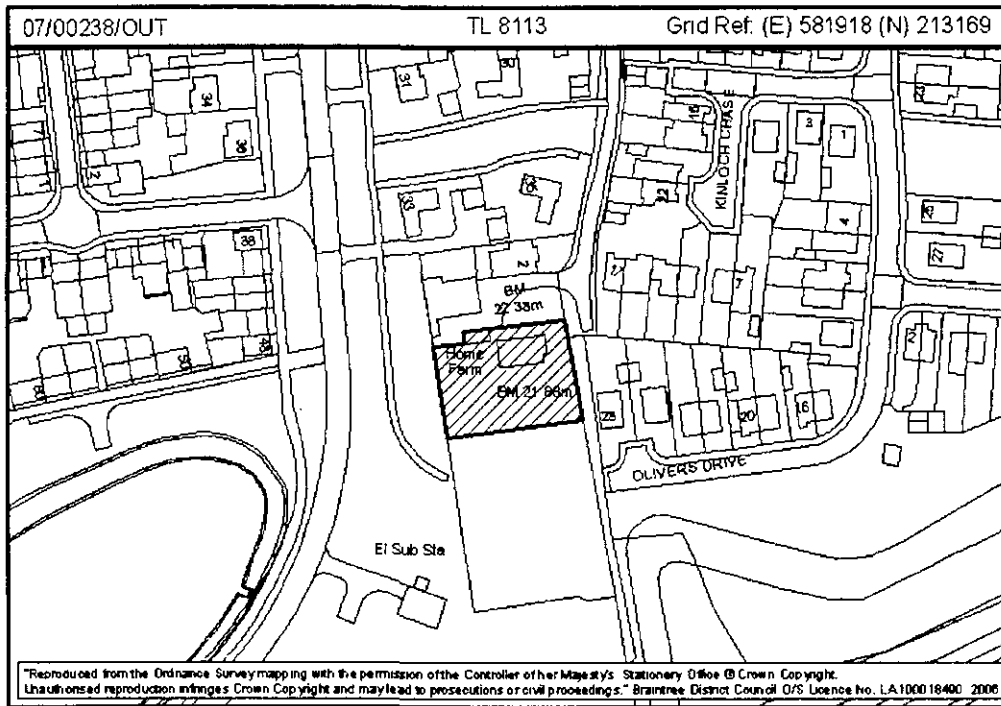
APPLICANT : Mr N Blackie  
Home Farm Howbridge Hall Road Witham Essex CM8  
3HX

AGENT : The John Bishop Partnership  
27 The Square Stock CM4 9LH

DESCRIPTION : Demolition of existing dwelling and erection of five  
dwellings, associated parking and landscaping.  
Amendment to 05/1676/OUT

LOCATION : Home Farm Howbridge Hall Road Witham Essex CM8  
3HX

For more information about this Application please contact: Mr Mark Wilson  
on:- 01376 551414 Ext. No.:2543 or by email to:-  
[mark.wilson@braintree.gov.uk](mailto:mark.wilson@braintree.gov.uk)



### SITE HISTORY

05/01676/OUT Erection of three dwellings PER106 28.02.2006

### POLICY CONSIDERATIONS

#### National Planning Guidelines

PPS3 Housing  
PPG13 Transport

- and the surrounding area and to comply with Policy CS2 of the Essex and Southend on Sea Replacement Structure Plan.
- 7 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with Policy CS2 of the Essex and Southend on Sea Replacement Structure Plan.
  - 8 In the interests of highway safety in accordance with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan, and to avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
  - 9 To ensure appropriate bicycle parking is provided in accordance with policy T6 of the Essex and Southend-on-Sea Replacement Structure Plan.
  - 10 In the interest 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.
  - 11 In the interests of recycling and to comply with Policy RLP74 of the Local Plan Review.

#### INFORMATION TO APPLICANT

- 1 Your attention is drawn to the comments from Network Rail dated 20th February 2007; a copy of which is enclosed with this decision.
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## Essex and Southend -On -Sea Replacement Structure Plan

CS2            Protecting the Built and Natural Environment  
H4             Development Form of New Residential Development

## Adopted Braintree District Local Plan Review

RLP3           Development within Town Development Boundaries and Village Envelopes  
RLP9           Design and Layout of Housing and Mixed Use Areas  
RLP10          Residential Density  
RLP56          Vehicle parking  
RLP90          Layout and Design of Development

## REPORT

This application seeks outline permission for the erection of 5 detached dwellings in the garden to the south of Home Farm, at the end of Howbridge Hall Road, off Maltings Lane on the southern edge of Witham. This is an outline application, and all matters are reserved, however an indicative plan shows 5 detached dwellings each with a single garage and parking space.

A previous outline application for 3 detached dwellings and the retention of Home Farm at this site was approved in 2005.

## CONSULTATIONS

### Environmental Health

No objection, recommend conditions relating to road traffic noise, hours of operation during construction, no burning of refuse, no pilings without prior approved noise system.

### Essex County Council Archaeology

Advise site lies within potentially sensitive archaeological area, recommends full condition for trial-trenching.

### Essex County Council Highways

No objection. However highway improvements are needed in the form of *staggered barriers to be placed at the junction of Howbridge Hall Road and the footpath crossing the road*. The Highway Authority is therefore seeking a financial contribution of £6950 as a contribution to the improvement of highways facilities.

### Essex County Council Landscaping

No objection, however advise that the site contains a number of TPO's. Recommend conditions to require a tree survey, arboricultural impact assessment and tree protection plan.

## REPRESENTATIONS

Site notice - located at end of Howbridge Hall Road on post at proposed entrance to site.

### Neighbour notification

– 1 letter of observation – remove reference to footpath to south of site, enforce hours of construction

-2 letters of objection – increase in traffic on Howbridge Hall Road, no street lighting on Howbridge Hall Road, no details on works to improve junction of Howbridge Hall Road and Maltings Lane. Other letter (No. 28 Olivers Drive) states – incorrect site outline, overlooking concerns from plot 1 into 28 Olivers Drive, hedgerow damaged, ownership of fence on boundary, no footpath exist to the south of the site. Requests that conditions applied to address the above.

Witham Town Council – recommend refusal – over development of site

## CONCLUSION

This application, for 5 dwellings, is on land currently part of the gardens and grounds of Home Farm. This is not a working farm but still contains a large garden including TPO trees within the grounds. The site is within the Witham Town Development Boundary.

The Essex Design Guide requires that all new dwellings have a minimum of 100 sq m of amenity space. The indicative plan submitted with the application shows 2 houses meeting the minimum 100 sq m requirement and 3 provide between 100 – 130 sq m of amenity space for each dwelling. Therefore it is not considered that the scheme represents over-development.

The closest house to the proposed development is No. 28 Olivers Drive from whom objections were received (see above). The side of this house is some 5 metres from the edge of the site. There are no windows on this side of the house. The illustrative layout shows a hedge and landscaping buffer separating this house, and a single storey garage to the side of 'Plot 1'. It is not considered that there will be overlooking, or have an overbearing impact on the existing housing.

Howbridge Hall Road is a tarmacked, single track cul-de-sac emanating from Maltings Lane. The road currently serves two dwellings, with two more currently under construction. This application would increase the total number of dwellings to nine. The access to the new development will be formed off the existing access way to the farm.

The Highways Authority have stated that the junction with Maltings Lane needs to be improved, which includes the installation of barriers. The agent has indicated that they would be willing to enter into an agreement to provide a financial contribution for these works.

Because this is an outline application and all matters are reserved it is considered that the principle of development is accepted, and that detailed issues, particularly relating to design, will be considered at the reserved matters stage.

It is RECOMMENDED that, subject to the applicants entering into a suitable planning obligation pursuant to S.106 of the Town and Country Planning Act to cover the following matter:

A financial contribution in the sum of £6,950 towards the provision of Highway improvements to the junction of Howbridge Hall Road and Maltings Lane.

On complying with the terms thereof, the Director of Development be authorised to GRANT permission subject to the following conditions and reasons:

### **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) scale, appearance and layout of the building(s);(b) access thereto; and the (c) landscaping of the site(d) detailed arboricultural report (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 Construction work shall not begin until a scheme for protecting the proposed (noise sensitive development) from noise from the (noise source) has been submitted to and approved in writing by the local planning authority in consultation with the Operations Director; all works which form part of the approved scheme shall be completed before (any part of) the (noise sensitive development) is occupied.
- 3 CONS7 Construction Hours
- 4 CONS9 Piling
- 5 CONS10 No Burning
- 6 No development or preliminary groundworks of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the local planning authority.
- 7 No unbound material shall be used in the surface finish of the driveway *within 6 metres of the highway boundary of the site*
- 8 Prior to commencement/occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. This approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

- 9 Prior to the commencement/occupation of the development hereby permitted a turning space of a design to be agreed in writing by the Local Planning Authority enabling a motor car to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

## **REASONS**

- 1 This condition is imposed pursuant to Section 91 of the Town and Country Planning Act 1991 (as amended)
  - 2 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with policy CS2 of the Essex and Southend on sea Replacement Structure Plan.
  - 3 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with policy CS2 of the Essex and Southend on sea Replacement Structure Plan.
  - 4 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with policy CS2 of the Essex and Southend on sea Replacement Structure Plan.
  - 5 To protect the amenities of the occupiers of nearby residential properties and the surrounding area and to comply with policy CS2 of the Essex and Southend on sea Replacement Structure Plan.
  - 6 The site may be of archaeological interest to comply with Policies HC6; of the Essex and Southend on Sea Replacement Structure Plan and RLP 105; of the Adopted Braintree District Local Plan Review.
  - 7 To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy T8 of the Essex and Southend-on-Sea Replacement Structure Plan
  - 8 To prevent hazards caused by flowing water or ice on the highway. In accordance with Policy T8 of the Essex and Southend on Sea Replacement Structure Plan
  - 9 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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