

Minutes



Witham Area Committee

24th April 2007

Present:

Councillors	Present	Councillors	Present
J E Abbott	Apologies	P A Heath	Yes
P R Barlow	Yes	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Yes	M C M Lager	Apologies
K D Boylan	Yes	Ms J S M Martin	Yes
Dr R L Evans (Chairman)	Yes	R G S Mitchell	Yes
D M Finch	Apologies	Mrs J B Reekie	Yes
T J W Foster	Yes	Mrs K E Tearle	Yes
Mrs M E Galione	Apologies	R A G Tincknell	Apologies
J E B Gyford	Yes	P J R Turner	Yes

Mr T J French, Chairman of the Standards Committee, was also in attendance.

107 DECLARATIONS OF INTEREST

The following Declarations of Interest were made: -

- Councillor Foster declared a personal and prejudicial interest in applications 07/00185/OUT & 07/00186/CON as he had business contacts with the applicant. Councillor Foster left the meeting during the consideration and vote on both these applications.
- Councillors Barlow, Boylan, Heath, Mrs Martin and Mrs Tearle each declared a personal interest in agenda item 5 - applications 07/00327/FUL and 07/00429/FUL as they are Members of Witham Town Council who had made comments on the applications.
- Councillor Bigden declared a personal interest in agenda item 5 – application 07/00382/FUL as he is a Member of Hatfield Peverel Parish Council who had made comments on the applications.
- Councillor Dr Evans declared a personal interest in agenda item 5 application 07/00429/FUL as the applicant lived in the same road as himself.
- Mr Tony French, the Chairman of the Standards Committee, declared a personal and prejudicial interest as he was an objector in Agenda item 5 – Application No. 07/00382/FUL – Kissingate, Church Road, Hatfield Peverel. Mr French left the meeting during the discussion of this item and the relevant part of Public Question Time.

In accordance with the Code of Conduct, all Councillors remained in the meeting, unless stated otherwise and took part in the discussion for the above item and the vote thereon.

108 MINUTES

DECISION: The minutes of the meeting of the Witham Area Committee held on 5th December 2006 were approved as a correct record and signed by the Chairman.

109 PUBLIC QUESTION TIME

INFORMATION: There were a number of statements made and a summary of these are appended to these Minutes.

Any amendments to the officers' recommendations having taken into account the issues raised by members of the public would be dealt with by conditions, a summary of which is contained within the appropriate minute. Full details of the Decision Notices are contained in the Register of Planning Applications.

110 PLANNING APPLICATION DEFERRED

INFORMATION: That the following applications be deferred to a future meeting of the Area Committee to enable the applicant to explore revisions to the layout of the development to take account of the Committee's concern about the impact of the proposed car park on residential amenity and the overall impact of the development on the character of the Conservation Area.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*07/00185/OUT & *07/00186/CON (DEFERRED)	Kelvedon	Deal of Kelvedon	Mixed use development comprising 32 no. two bedroom apartments, split level commuter car park (215 spaces), 2 no. two storey (B1) office buildings, single storey retail unit (A1/A2/A3), vehicle repair workshop, associated parking and formation of new access road at Railway Garage, Station Road.

The applicant to explore revisions to the layout of the development to take account of Member's concerns about the impact of the proposed car park on residential amenity and the overall impact of the development on the character of the Conservation Area

111 PLANNING APPLICATION APPROVED

DECISION: That the undermentioned planning application be approved under the Town and Country Planning Act 1990, subject to the conditions contained in the Development Director's report, as amended below, details of which are contained in the Register of Planning Applications.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*07/00429/FUL (APPROVED)	Witham	Mr and Mrs Radley	Erection of rear conservatory at 15 Forest Road, Witham

112 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*07/00327/FUL (REFUSED)	Witham	Derek J Nicholson	Proposed extension and conversion of existing building to 12 residential flats, Cullen Mill, Unit 8, Pool Club, 49 Braintree Road

Reason for Refusal

The intensity of development proposed, as evidenced by the failure to provide adequate and convenient off-street parking would represent over-development of the site, which compromises the amenity of prospective occupants, contrary to Policy H3 of the Essex and Southend-on-Sea Replacement Structure Plan and policies RLP3 and RLP90 of the Braintree District Local Plan Review.

113 REFERRED TO DISTRICT DEVELOPMENT COMMITTEE

DECISION: That the under-mentioned planning application be referred to the District Development Committee in accordance with the powers set out in Paragraph 48 of Part 5 of the Constitution (Code of Practice for Councillors and Officers Engaged in the Determination of Planning Applications).

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*07/00382/FUL	Hatfield Peverel	Woodhill Property Developments	Erection of 10 no. 2 bed flats, Kissingate, Church Road.

During consideration of the above officers advised members of the recent decisions allowed on appeal relating to this site and advised of the difficulties in sustaining a refusal in the light of this material planning consideration.

The Area Committee voted to refuse the above application for the following reasons:

- 1 Policies CS2, BE1 and H4 of the Essex and Southend-on-Sea Replacement Structure Plan and Policies RLP3, RLP4, RLP9 and RLP90 of the Braintree District Local Plan Review, and supplementary planning guidance contained within the Essex Design Guide for Residential and Mixed Use Areas, require proposals for residential development to be of a scale, design and intensity which is in harmony with surrounding existing development and where it satisfies amenity, design, environmental and highway criteria. Policy RLP100 requires that development should not harm the setting or character of listed buildings.
- 2 It is considered that the proposed residential development, by reason of the location of the site, the built form of the area, the impact on nearby listed buildings, the harm to preserved trees within the site and the density of development proposed would

represent overdevelopment of the site and would be out of keeping and detrimental to the prevailing character of the locality.

- 3 Furthermore, it is also considered that by reason of the size, height, number of storeys and bulk and form of the development it 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. The proposal is therefore considered to be contrary to the abovementioned policies.

114 MINUTES FROM OTHER GROUPS/PANELS

Witham Area Panel – 31st January 2007

The Witham Area Manager outlined details of the notes of the above meeting.

DECISION:

- (1) That the notes of the above meeting be received and noted.
- (2) That the Committee's thanks be relayed to the young people for giving up their time to benefit the Panel.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the Office of the Development Director, Council Offices, Causeway House, Bocking End, Braintree, Essex, CM7 9HB.

(Where applications are marked * this denotes that representations were received and considered by the Committee).

At the close of the meeting, this being the last meeting this Civic Year and prior to the Elections, the Chairman thanked all Members of the Committee and officers for their support. Councillor Dr Evans stated it had been an honour and a privilege to have chaired the Committee over the last four years. Both Councillors Barlow and Bidden thanked the Chairman for his good humour and excellent chairmanship.

The meeting commenced at 8.40pm and closed at 10.38pm.

DR R L EVANS

(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

24TH APRIL 2007

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

- 1 Statements relating to Application No. 07/00185/OUT & 07/00186/CON – Mixed use development comprising 32 apartments, commuter car park, office buildings, retail unit, vehicle repair workshop and new access road at Railway Garage Station Road, Kelvedon
 - (a) *Statement by Mr Jeff Field from Cluttons on behalf of Mr Crow:* Mr Field commented that there was a legal obligation for an applicant to protect or enhance the character or appearance of the amenity of the area. He commented on the concerns expressed by the County Council's Design Officer. He understood that the principle of development was not contested but objected to the access arrangements. He urged the Committee to refuse permission.
 - (b) *Statement by David Cope, resident of Trews Gardens:* Mr Cope objected to a number of aspects of the proposal including the proposed retail units, some of which could offer take-aways competing with the existing retail units at the Railway Station. He objected to the layout of the site given the land to the rear was higher and this was where the proposed car park was located. This would be the most disruptive location as it was adjacent to Trews Gardens and would be most intrusive in the landscape. Mr Cope also expressed concern that the layout of the site would mean some areas to the rear could become a haven for unauthorised activity and anti-social behaviour. Finally he expressed concern that an access, be it pedestrian or otherwise, would be opened up through Trews Gardens to the High Street.
- 2 Statements Relating to Application No. 07/00382/FUL – Demolition of dwelling and erection of ten residential units at Kissinggate, Church Road, Hatfield Peverel
 - (a) *Statement by Aileen French:* Mrs French commented that fewer residents had come along to this meeting as they felt that the democratic process was a waste of time. She highlighted her objections to the proposal being the proximity of the entrance to the local school, the density of the application on a small site this being well over that recommended in the Essex Design Guide, the lack of amenity land, the unsuitability of this site, the fact there was no sunlight on the limited amenity land and to improve this would require reducing the height of the hedge meaning a loss of privacy. She urged the Committee to reject the proposal for all the above reasons.
 - (b) *Statement by Mr Charles Mickleson, Peverel Cottage, The Green, Hatfield Peverel:* Mr Mickleson objected to the fact that a Planning Inspector had overruled local Parish and District Councillors. He commented that the current application was identical to the previous application granted on

appeal and therefore the application should be refused for the same reasons.

- (c) *Statement by Mrs Marion Westwood, Shrub Cottage, the Green, Hatfield Peverel:* Mrs Westwood commented that she felt disheartened by the situation. How despite all the objections the developer could get approval on appeal. If Members were minded to grant approval or this was approved on appeal she felt as a minimum that a 2 metre high brickwall should be constructed along the coffin wall boundary to at least give her and her neighbours some degree of privacy. She felt that landscaping conditions were normally inadequate as the applicant would plant saplings and these would take a number of years to become sufficiently established to give some degree of privacy.
- (d) *Mr Russell Forde, Agent:* Mr Forde commented that this was essentially a housekeeping exercise as his client already had permission and what was required as part of this application was exactly the same but adding a further sliver of land and nudging the building over slightly. He recognised the concerns of local people but these had been considered by the Inspector who had allowed the planning appeal. He urged Members to approve the application in accordance with the officer's recommendation.

3 Statement Relating to Application No. 07/00327/FUL – Proposed extension and conversion of existing building to 12 residential flats at Cullen Mill Unit 8 Pool Club 49 Braintree Road, Witham

Mr Russell Forde, Agent: Mr Forde explained that the revised plans followed extensive negotiations with planning officers and representatives from Essex County Council Highways following the previous refusal of permission. He felt that the access problems, the car parking and other concerns had been resolved and given the site's proximity to the railway station and the provision of cycle parking this application had now met concerns and could be approved in accordance with the officer's recommendation.