

Minutes



Witham Area Committee

10th October 2006

Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	P A Heath	Apologies
P R Barlow	Apologies	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Yes	M C M Lager	Apologies
K D Boylan	Yes	Ms J S M Martin	Apologies
Dr R L Evans (Chairman)	Yes	R G S Mitchell	Yes
D M Finch	No	Mrs J B Reekie	Yes
T J W Foster	Yes	Mrs K E Tearle	Yes
Mrs M E Galione	Yes	R A G Tincknell	Yes
J E B Gyford	Yes	P J R Turner	Yes

Councillors Lady Newton and Mrs W D Scattergood were also in attendance (until 9.00pm and 8.20pm respectively) together with Mr T J French, Chairman of the Standards Committee.

45 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillor T J W Foster declared personal interests as a member of Kelvedon Parish Council and also that he had a licence to graze the field behind the application site in Agenda Item 6 – Application No. 06/01608/FUL – 43 Kelvedon Road, Kelvedon.
- Councillor J E Abbott declared personal interests:-
 - i. As he and Witham & Countryside Society, of which he is a member, had responded to earlier consultation on Agenda Item 5 – Ebenezer Close to Chipping Hill/Spring Lodge/Bramble Road Cycleway, Witham;
 - ii. As he is a member of Rivenhall Parish Council and also some of the objectors are known to him in Agenda Item 6 – Application No. 06/01826/T56 – Glebe Farmyard, Rectory Lane, Rivenhall;
 - iii. As he had responded to the pre-application consultation and is a member of Rivenhall Parish Council which made representations in Agenda Item 7 – Rivenhall Airfield Proposed Recycling Facility – ECC Consultation.
- Councillor J E B Gyford declared a personal interest as his wife had provided historical information on a possible route during earlier consultation in Agenda Item 5 - Ebenezer Close to Chipping Hill/Spring Lodge/Bramble Road Cycleway, Witham.
- Councillor Mrs K E Tearle declared personal interests:-

- i. As she lived in the vicinity of the application site and is a member of Witham Town Council in Agenda Item 6 – Application No. 06/01751/COU – Unit 1, 24 Highfields Road, Witham;
 - ii. As a member of Witham Town Council in Agenda Item 6 – Application No. 06/01712/FUL – 10 Longfield, Witham.
- Councillor Mrs J B Reekie declared a personal and prejudicial interest as an objector was a personal friend in Agenda Item 6 – Application No. 06/01826/T56 – Glebe Farmyard, Rectory Lane, Rivenhall. In accordance with the Code of Conduct, Councillor Mrs Reekie left the meeting during the discussion of this item.
 - Councillor K D Boylan declared personal interests as a member of Witham Town Council in Agenda Item 6 – Application Nos. 06/01751/COU – Unit 1, 24 Highfields Road, Witham and 06/01712/FUL – 10 Longfield, Witham.
 - Councillor Dr R L Evans declared a personal and prejudicial interest as he had assisted an objector with advice and guidance and that objector was a constituent in Agenda Item 6 – Application No. 06/01712/FUL – – 10 Longfield, Witham. In accordance with the Code of Conduct, Councillor Dr Evans left the meeting during the discussion of this item and the relevant part of Public Question Time at which times Councillor K E Bigden took the Chair.

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

46 MINUTES

DECISION: The minutes of the meeting of the Witham Area Committee held on 12th September 2006 were approved as a correct record and signed by the Chairman.

47 PUBLIC QUESTION TIME

INFORMATION: There were five statements made, a summary of which is 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.

48 RIVENHALL AIRFIELD PROPOSED RECYCLING FACILITY – ECC CONSULTATION

INFORMATION: The Assistant Development Control Manager summarised the report for Members and emphasised that the recommendation was to refer the Committee's decision to the District Development Committee as it had implications for the District as a whole and in particular, Coggeshall, which did not fall within the Witham area.

Members endorsed the report and thanked the officers for the succinct and clear summary and requested that a further objection regarding the loss of preserved trees and an area of woodland on the site be included in the recommendation. The Committee was particularly concerned that the proposed facility was far larger than required to manage perceived future non-recyclable waste when recycling rates were more likely to increase further in years to come.

DECISION: -

- (i) That the objections set out in the report be endorsed subject to adding an objection regarding the loss of four preserved trees, two preserved groups of trees and an area of woodland on the site.
- (ii) That the District Development Committee be Recommended to advise the Waste Authority that the Council objects to the proposed development for the reasons set out in the report to the Witham Area Committee and as amended above.

49 EBENEZER CLOSE TO CHIPPING HILL/SPRING LODGE/BRAMBLE ROAD CYCLEWAY, WITHAM

INFORMATION: The Committee considered a report detailing the results of the safety audit/risk assessment of Option 4; comparative costings of all four options previously discussed at the July meeting; the investigation into alternative/additional crossing and traffic calming measures at Chipping Hill Bridge and Powers Hall End. It was noted that the cycleway would be included in the design of the new Spring Lodge car park.

DECISION: That construction of the cycleway between Ebenezer Close and Bramble Road be approved, together with a clearly defined cycleway route through Spring Lodge car park.

50 PLANNING APPLICATIONS APPROVED

DECISION: That the undermentioned planning applications be approved under the Town and Country Planning Act 1990, including Listed Building Consent where appropriate, 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>
*06/00723/COU (APPROVED)	Bradwell	J O'Brien Scaffolding	Continued use of site as scaffolders' yard, Rectory Farm, Rectory Meadow.

Councillor Webb of Bradwell Parish Council joined the table for this item. Councillor Webb congratulated the scaffolding company for minimising the noise levels emanating from the yard. However, he noted that Rectory Meadow was a private road and not built to accommodate lorries. Previously the haulage business consisted of 2-3 lorries carrying swedes to the sugar plant.

He questioned the need for the scaffolding company lorries to leave at 5.45 am and return at 8.00pm, suggesting that their business was located far from the Bradwell area. Lorries had in fact been noted returning between 4.30 and 6.00pm when children were about. Councillor Webb circulated some photographs and noted the damage caused to the pavements by commercial vehicles. He pointed out that lorries exiting on to the A120 required more than one lane to turn left.

The above application was approved, subject to an additional Condition 5 as follows: The occupier of the site shall maintain a written record, in a format to be agreed in writing with the Local Planning Authority prior to the commencement of the use hereby authorised, of all movements or motorised vehicles to and from the site. The record shall be retained at the site and shall be made available for inspection on demand by any representative of the Local Planning Authority or of the Local Highway Authority.

*06/01608/FUL (APPROVED)	Kelvedon	Derek Warburton	Demolition of shop and workshop and erection of 3 flats with ancillary parking, 43 London Road.
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The above application was approved, subject to the amendment of Condition 4 to read: Where shown, the building shall be clad in black stained feather edged weatherboarding, samples of which shall be submitted to and approved in writing by the local planning authority.

Condition 9 to be amended to read: The development shall not be occupied until the car parking indicated on the approved plans, has been completed. The car parking area shall be retained thereafter for the sole purpose of parking vehicles. The surface treatment must be porous and shallow to minimise impact on adjacent trees.

(Councillor Mrs J B Reekie left the meeting during the consideration of the following application).

*06/01826/T56 (APPROVED)	Rivenhall	C R Barnes Limited	Erection of 15.0 metre monopole incorporating 3 no. antennas, with 5 no. equipment cabinets, Glebe Farmyard, Rectory Lane.
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*06/01751/COU (APPROVED)	Witham	Mr Belal Hussain	Change of use from retail (A1) to Indian Takeaway (A5) and erection of mechanical extract ducting, Unit 1, 24 Highfields Road.
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Councillor Mrs K E Tearle wished it to be recorded that she was disappointed at the lack of public consultation on the above application.

DECISION: That the undermentioned planning applications be refused in accordance with the reasons set out below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/01641/COU (REFUSED)	Bradwell	Mr & Mrs Hutley	Change of use of land as area for car sales, Bradwell Service Station, Coggeshall Road.

Mr Hill of Bradwell Parish Council joined the table for this item. Mr Hill referred to the Parish Council's objections set out in its letter dated 11th September. He also circulated a copy of a letter of objection from a family who live directly opposite the application site. The letter referred to the lorries parked on the pavement outside their front door when drivers visited the petrol station, slamming of locker doors late at night and the noisy early morning opening of the shop's shutters even on Sundays. Mr Hill also noted that the site was in a Special Landscape Area. Mr Hill suggested that there was no need for this facility as there was a further vehicle sales outlet a little further to the west and the conditions applied to this other site were not adequately enforced.

Reasons for Refusal

The site lies within an area of countryside and identified as of Special Landscape Value in the Essex and Southend-on-Sea Replacement Structure Plan (Policies C5 and NR1) and the Braintree District Local Plan Review (Policies RLP78 & RLP79) which seek to resist development unless it is required in connection with activities which need to take place in the countryside. In addition, development must respect the rural character and special landscape quality of an area. Policy RLP40 of the Local Plan Review states that small scale industrial or commercial development in the countryside may be appropriate where it will secure significant improvements to the environment. The introduction of a car sales area on this prominent site would be intrusive in the landscape and detrimental to the character of the area, contrary to the development plan policies referred to above.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
<i>(Councillor Dr R L Evans left the meeting during the consideration of the following application; Councillor K E Bigden took the Chair for this item.)</i>			
*06/01712/FUL (REFUSED)	Witham	Mr O'Callaghan	Erection of two storey side and rear extensions, 10 Longfield.

Reasons for Refusal

Policy RLP17 of the Braintree District Local Plan Review states that development will only be permitted where it satisfies amenity, design and environmental and highway criteria. The proposed extension, having regard to its location and scale, would have an unacceptable overbearing impact on the adjoining residential property to the detriment of the residential amenities currently enjoyed by occupants of that property.

A motion to approve the above application was moved and seconded but on being put to the vote was declared LOST.

At approximately 10.10pm, during the consideration of the above application, it was moved, seconded and subsequently APPROVED that the meeting be extended until the remaining business had been completed in accordance with paragraph 8 of Part 4 of the Constitution.

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).

The meeting commenced at 7.15pm and closed at 10.25pm.

DR R L EVANS

(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

10th October 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 06/01712/FUL – 10 Longfield, Witham

(Councillor Dr R L Evans left the meeting during the consideration of the following statement; Councillor K E Bigden took the Chair.)

Statement by Mr Michael Fyfe (on behalf of the applicant)

Mr Fyfe stated the proposed extension had been changed dramatically since the original application. The applicant was originally led by the architect who advised him to apply for the biggest possible extension and then if necessary scale it down later. The previous application was considered too overbearing for the neighbours, the current application was for a reduced size extension. Mr Fyfe referred to a letter from Mr & Mrs Cluro. He hoped the Committee felt the proposal now complied with policies and noted it would not affect any amenities.

(Councillor Dr R L Evans then re-took the Chair for the following statements.)

2. Statements Relating to Application No. 06/00723/COU – Rectory Farm, Rectory Meadow, Bradwell

(a) Statement by Mr Stanley Cummins, Dilham, 4 Chapel Rise, The Street, Bradwell

Mr Cummins noted that he lived in one of four bungalows in Chapel Rise. His neighbours had tried to sell their bungalow for the past two years, he questioned whether his bungalow was also unsellable due to the nature of the business to the rear of the property. Mr Cummins was concerned at traffic getting on to the A120, he noted that a car could take 5-10 minutes to exit and considered it would be much longer for a lorry. He concluded that the proposal created traffic that was not needed.

(b) Statement by Mr John Dagg, C/O Leonard Gray Solicitors, 72/74 Duke Street, Chelmsford

Mr Dagg stated that he acted for the applicant. He considered the officer's report to be very fair and noted the proposed conditions were very tight. He pointed out that this was not a virgin site, haulage had been present for several decades and considered that the scaffolding business would be better than haulage. Mr Dagg noted there had been no complaints with regard to the applicant and there were no representations from Environmental Health.

3. Statements Relating to Application No. 06/01608/FUL – 43 London Road, Kelvedon

(a) Statement by Mr Derek Warburton (Applicant)

Mr Warburton stated that he had lived in Kelvedon and Feering for some 20 years and owned a number of flats in the Witham area. He considered there to be a definite need for similar properties in Kelvedon. He noted that the Committee's concerns regarding the previous application for three storeys had been taken on board. The current proposal was for a two storey building and he considered that the scale and character of the application was in keeping with the existing surrounding properties. Mr Warburton noted that the site was within walking distance of the station and was also on a bus route. Satisfactory parking and garden amenity space was provided, following concerns expressed by Essex County Council Highways, the parking had been relocated to the rear of the site. All trees would be retained. Mr Warburton considered that the development would improve the entrance to the village. A 3.2m high hedge would be retained along the entire length of the rear boundary and therefore overlooking would not be a concern.

(b) Statement by Ms Lucy Brockway-Smith, 41 London Road, Kelvedon

Ms Brockway-Smith considered the application a welcome change to the property but raised some concerns. Firstly the land level at the site would be lower than her property and would therefore create a large imposing structure not in keeping with its surroundings. Secondly she considered it to be overdevelopment of the site which would be more suited to two flats. Finally Ms Brockway-Smith noted that white weatherboard would only be applied to the west elevation, therefore the six doors and windows on this side of her property would overlook plain brickwork.