

# Minutes

## Witham Area Committee

27<sup>th</sup> February 2007



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	P A Heath	Yes
P R Barlow	Yes (from 7.35pm)	P J Hughes	Yes (from 7.19pm)
K E Bigden (Vice-Chairman)	Yes	M C M Lager	Yes
K D Boylan	Apologies	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	Apologies
Mrs M E Galione	Apologies	R A G Tincknell	Yes
J E B Gyford	Yes	P J R Turner	Apologies

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

The Chairman welcomed to the meeting members of Gravesham Borough Council in Kent who were observing as part of a review of their planning procedures.

### 86 **DECLARATIONS OF INTEREST**

The following Declarations of Interest were made:-

- Councillor R G S Mitchell declared a personal interest as his child attended the school, objectors were known to him and also as he was a member of Feering Parish Council in Agenda Item 8 – Application No. 06/01765/FUL – Feering Former Church of England School, Coggeshall Road, Feering.
- Councillor P A Heath and M C M Lager declared personal interests as members of Witham Town Council in Agenda Item 8 – Application Nos. 06/02150/FUL – 81 Blunts Hall Road; 06/02394/FUL – 23 Baker Way; 06/02546/FUL and 06/02547/LBC – Former Bridge Hospital, Hatfield Road; and 07/00010/FUL – Essex Strategic Health Authority, 8 Collingwood Road.
- Councillor J E Abbott declared:
  - (i) A personal interest as he had taken part in discussions but retained an open mind in Agenda Item 8 – Application No. 06/01765/FUL - Feering Former Church of England School, Coggeshall Road, Feering;
  - (ii) A personal and prejudicial interest as a regular customer of the garage in Agenda Item 8 – Application No. 06/02492/FUL – London Road Garage, London Road, Kelvedon (this item was withdrawn from the agenda);
  - (iii) A personal interest as a member of Rivenhall Parish Council in Agenda Item 8 – Application No. 06/02532/COU – North Side BP Filling Station, London Road, Rivenhall.

- Councillor J E B Gyford declared personal and prejudicial interests as a Treasurer of Witham Constituency Labour Party which runs a commuter car park at the Labour Hall in Witham in Agenda Items 6 – Witham Car Parking Surveys and 7 - Car Park at Cut Throat Lane, Witham. In accordance with the Code of Conduct, Councillor Gyford left the meeting during the discussion of these items.
- Councillor K E Bigden declared a personal interest as an objector was known to him in Agenda Item 8 – Application No. 07/00010/FUL – Essex Strategic Health Authority, 8 Collingwood Road, Witham.
- Councillor Ms J S M Martin declared personal interests:
  - (i) As a member of Witham Town Council in Agenda Item 8 – Application Nos. 06/02150/FUL – 81 Blunts Hall Road; 06/02394/FUL – 23 Baker Way; 06/02546/FUL and 06/02547/LBC – Former Bridge Hospital, Hatfield Road; and 07/00010/FUL – Essex Strategic Health Authority, 8 Collingwood Road;
  - (ii) As a resident was known to her in Agenda Item 11 – Local Ombudsman – Complaint.
- Councillor Dr R L Evans declared personal interests:
  - (i) As the item concerned his ward in Agenda Item 6 – Witham Car Parking Surveys;
  - (ii) As he had given advice to the parties concerned in Agenda Item 11 - Local Ombudsman – Complaint.
- Councillor P R Barlow declared personal interests:
  - (i) As a member of Witham Town Council in Agenda Item 8 – Application Nos. 06/02150/FUL – 81 Blunts Hall Road; 06/02394/FUL – 23 Baker Way; 06/02546/FUL and 06/02547/LBC – Former Bridge Hospital, Hatfield Road; and 07/00010/FUL – Essex Strategic Health Authority, 8 Collingwood Road;
  - (ii) as the Chairman of Governors of Rickstones School in Agenda Item 5 – Locally Determined Programme.

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 items and the votes thereon.

## 87 **MINUTES**

DECISION: The minutes of the meeting of the Witham Area Committee held on 30<sup>th</sup> January 2007 were approved as a correct record and signed by the Chairman.

## 88 **PUBLIC QUESTION TIME**

INFORMATION: There were seven statements made and one question asked, 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.

89 **LOCALLY DETERMINED PROGRAMME**

INFORMATION: The Committee considered a report from Essex County Council on the proposed Locally Determined Programme for the next three financial years 2007/2010 in the Braintree District. The Programme consisted of schemes requested by Parish and Town Councils, District and County elected members and other local organisations. Members were advised to name any scheme they wished to see deleted and then suggest whether it should be replaced with an alternative scheme. Members welcomed the report, particularly the new pedestrian crossing proposed for Conrad Road.

DECISION: That the report be noted.

90 **WITHAM CAR PARKING SURVEYS**

*(Councillor J E B Gyford left the meeting during the discussion of the following item)*

INFORMATION: The Committee considered a report on a survey of car parking undertaken in September 2006. Councillor Steve Goodfellow, the leader of Witham Town Council, joined the table for this item. Councillor Goodfellow stated that the Town Council welcomed the Committee's somewhat belated interest in parking in the town. He urged Members not to accept the second recommendation in the report which suggested deferring the proposed waiting restriction in Cypress Road until further off-street parking spaces had been provided. The reason for these proposed waiting restrictions was road safety, Councillor Goodfellow considered that to defer such improvements to provide more convenient commuter parking was abhorrent. The restrictions would not displace all parking in Cypress Road and would merely make it safer for cars to pass and join the road safely.

Members considered a comprehensive approach to parking was vital and should involve all interested parties, such as County, Town and District Councils, cyclists, bus operators, Chamber of Trade, Town Centre Strategy Group, local users, etc. It was emphasised that better public transport together with secure cycle parking was also necessary.

DECISION: The Committee agreed the following:

- (i) That the feasibility of additional parking provision at Cut Throat Lane car park be investigated.
- (ii) That discussions be held with Essex County Council on how best to promote cycle parking and improved cycling links to the station to reduce the need for car parking.

- (iii) That discussions be held with Essex Passenger Transport as to whether there are further opportunities to improve bus services serving the station.

91 **CAR PARK AT CUT THROAT LANE, WITHAM**

*(Councillor J E B Gyford left the meeting during the discussion of the following item)*

INFORMATION: The Committee considered a report updating the situation and progress made regarding the Cut Throat Lane car park. Members were anxious to resolve the issue regarding the access from the roundabout serving Morrison's supermarket and whether or not a ransom strip existed. It was suggested that a meeting be held between all interested parties, including bus operators, District, Town and County Councils, Chamber of Trade, Town Centre Strategy Group, cycle users, etc. to discuss parking in the town.

DECISION: That the report be noted.

92 **PLANNING APPLICATION WITHDRAWN**

INFORMATION: The following application was withdrawn from the agenda at the request of the applicant.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/02492/FUL (WITHDRAWN)	Kelvedon	Mr D Moore	Demolition of existing garage buildings and erection of 3 no. dwellings and extend and refurbish existing bungalow, London Road Garage, London Road.

93 **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>
*06/01765/FUL (APPROVED)	Feering	Mr Greg Waters	Installation of new multi use games area to the rear of the school on the existing field, Feering Former Church of England Primary School, Coggeshall Road.

The above application was granted, subject to the amendment of Condition 2 as follows: "The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Nos. 104.00A, 200.01, 1:100 scale and 1:200 scale, 202.00 horizontal sections AA - FF and vertical sections 11 - 55, 600.01 1:100 scale and 1:200 scale lighting details received 20.12.06 except as follows: The floodlights as shown on drawing no. 200.01 shall be placed on a column to a maximum height of 6m."

Condition 3 was also amended as follows: "The lighting designs shall not deviate from the details submitted to the local planning authority with floodlights set to a position with their flat glass front panel parallel to the lit surface, shielded from the rear with a zero degree tilt to the horizontal. No other alteration to the approved mounting arrangements, mounting angles, change of luminaire type or output rating will be permitted without the written consent of the local planning authority and no further luminaires shall be installed without a further grant of planning permission."

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*06/02555/FUL (APPROVED)	Hatfield Peverel	Mr And Mrs P Lewellen	Demolition of existing farmhouse and outbuildings and the erection of a two storey dwelling with basement, new access to highway, private foul water treatment plant, soakaways and landscaping, Barnards Farm, Wickham Bishops Road.
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The above application was approved, subject to additional conditions as follows:

15. The barn which will remain to the east of the main property shall remain ancillary to the dwelling and not occupied for separate residential use.

16. The existing bank shall be removed only to the extent required by the new crossover.

The following wording was added to the end of Condition 14: "...The hedge to the front of the property, as shown in Plan no. MCA 1306/03A, shall be placed in front of the proposed mature tree planting to the line of the visibility splays detailed in Condition No. 9.

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*06/02532/COU (APPROVED)	Rivenhall	Chelmsford Cars and Commercials	Change of use of petrol filling station to vehicle sales premises (revised proposal) including landscaping, lighting limitations and retrospective siting of six CCTV cameras on console building, North Side Bp Filling Station, London Road.
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The above application was granted, subject to the following additional wording to the end of Condition 2: "... The totem sign (indicated as Sign G in drawing No 04.754/04) is not approved and shall be removed or relocated in an alternative position to the satisfaction of the Highways Agency, and shall not be illuminated."

The following additional wording was added to the end of Condition 5: "With the exception of the two floodlights on the north side of the sales office, all floodlights shall be switched off within 30 minutes of the times specified in Condition 3 of this permission." Condition 7 was amended to read: "All other exterior lighting shall be removed from the site. Details of any additional lighting or external illumination shall be submitted to and agreed in writing by the local planning authority."

Following the consideration of the above application, the Chairman allowed a comfort break of five minutes between 9.45pm and 9.50pm.

*06/02546/FUL (APPROVED)	Witham	Bridge Hospital (Witham) Ltd	Erection of 2 no. satellite dishes and 2 no. TV aerials, Former Bridge Hospital, Hatfield Road.
*06/02547/LBC (APPROVED)	Witham	Bridge Hospital (Witham) Ltd	Erection of 2 no. satellite dishes and 2 no. TV aerials, Former Bridge Hospital, Hatfield Road.
*06/02150/FUL (APPROVED)	Witham	Mr & Mrs M English	Erection of single storey extensions, conversion of part of existing roof space and formation of 2 no. dormer windows, 81 Blunts Hall Road.

The above application was approved, subject to standard conditions as follows:

1. TIME21
2. PLAN1 (831/2/D, 831/3/C, 831/4/A)
3. WIN1

#### 94 **PLANNING APPLICATIONS REFUSED**

DECISION: That the undermentioned planning application be refused for the reasons set out in the report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/02394/FUL (REFUSED)	Witham	Craig M Abrahams	Erection of railings around the front and side perimeters of the property, 23 Baker Way.

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*07/00010/FUL (REFUSED)	Witham	Essex Strategic Health Authority	Installation of roof guardrails/ ladders and air conditioning units, Essex Strategic Health Authority, 8 Collingwood Road.

Reasons for Refusal

1. The site lies within the Witham Conservation Area. The Essex and Southend on Sea Replacement Structure Plan (Policy HC2) and the Braintree District Local Plan Review (Policy RLP95) seek to ensure that any new development accords with the character of the area in terms of the size, scale, siting, design and materials. The air conditioning units and handrails are considered to be visually intrusive to the Conservation Area, to the detriment of the street scene and neighbouring properties.

95 **URGENT ITEM – Application No. 06/02294/FUL - Demolition of existing hall and erection of Christian Meeting Room, Assembly Hall Adjacent to Bridge Hospital, Hatfield Road**

The Chairman indicated that he had agreed to take the above matter as an urgent item of business as it related to an application considered at the previous Witham Area Committee meeting held on 30<sup>th</sup> January 2007.

Councillor Barlow raised the following questions: (1) When did negotiations start with the developers to explore how the Assembly Hall could be brought back into public use? (2) What progress was made and were resources and/or cash negotiated to ensure that the building would be fit for public use, or was any flexibility built into the negotiations to enable such resources to be applied elsewhere in order to ensure that a public use building could be re-provided elsewhere if for any reason the Assembly Hall could not be brought back into public use? (3) How has the planning approval 06/02294/FUL affected the deployment of those resources?

The Head of Development, Alan Southerby, confirmed that these questions could not be answered without further investigation. Councillor Barlow advised that he would place them on the rolling list of Councillors' questions.

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

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

DECISION: That under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12 (A) of the Local Government Act 1972, as amended.

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### MATTERS DISCUSSED IN PRIVATE SESSION

*Whilst the following items of business were discussed in private session, they do not contain any confidential information and are therefore admissible in the public domain.*

96. **LOCAL OMBUDSMAN – COMPLAINT**

INFORMATION: The Committee considered a progress report into a complaint by Mr E Dersley referred to the Local Ombudsman. The Area Manager reported that a proposal had been discussed that day with the neighbours of the complainant concerning the reduction of the hedge to ensure that it would not exceed the “action hedge height” of 2.45m. Members were advised that under the proposal the hedge is to be maintained twice yearly by the neighbours. The actual reduction in the height of the hedge to allow for re-growth would be agreed by officers. It was hoped that the necessary works would be completed before the birds began to nest.

The Chief Executive, Mr Allan Reid, assured Members that the Council’s complaints procedure was robust and was kept under review. Overall, the Council had an excellent record with regard to Ombudsman cases but lessons would be learnt from this particular experience.

DECISION: That the report be noted.

97. **ANTI-SOCIAL BEHAVIOUR – PETITION**

INFORMATION: The Committee considered a report on a petition received by Housing Services in relation to anti-social behaviour on the Hatfield Road Estate in Witham. Members considered that the action being taken by the Council should be publicised.

DECISION: That the report be noted.

At 10.12pm, in accordance with Paragraph 8 of Part 4 of the Constitution, it was moved, seconded and subsequently Resolved to extend the meeting by 30 minutes in order to complete the business on the agenda.

Again, at 10.45pm and subsequently at 11.00pm it was moved, seconded and subsequently Resolved to extend the meeting by 15 minutes in order to complete the business on the agenda.

The meeting commenced at 7.15pm and closed at 11.06pm.

DR R L EVANS  
(CHAIRMAN)

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## APPENDIX

### WITHAM AREA COMMITTEE

27<sup>th</sup> February 2007

### PUBLIC QUESTION TIME

#### Summary of Questions Asked/Statements Made During Public Question Time

1. Statement Relating to Application No. 06/02150/FUL – 81 Blunts Hall Road, Witham

#### Statement by Mr Terence Wynn (Agent)

Mr Wynn explained the application was for a domestic extension for his client who had been told he would become wheelchair bound at some point in the future. The intention was to build a bedroom suite from where the applicant would be able to view his garden, the flat roofed garage would be demolished and rebuilt slightly further forward but no more than that at No. 83 Blunts Hall Road. Mr Wynn circulated photographs to illustrate the application. An “in and out” driveway would be created as it was considered a single entrance driveway was dangerous. Mr Wynn understood the case to be borderline but hoped the Committee would view the application favourably.

2. Statements Relating to Application No. 07/00010/FUL – Essex Strategic Health Authority, 8 Collingwood Road, Witham

- (a) Statement by Mr David Smith, 9 Ben Sainty Court, Witham

Mr Smith stated that he was present to support Mr John Allen. Mr Smith was aware that the Health Authority had commissioned a report however he considered this to contain inaccuracies. The report mentioned “sensitive location”, some of the air conditioning units were clearly visible and close to local residents. Mr Smith questioned why the units were sited on lower levels or internal aspects of the building to reduce the visibility and sound impact. He was also aware that the report referred to six units however there were nine units on the roof already. The noise survey had been carried out in Collingwood Road, away from high density housing. Mr Smith stated that in the summer the air conditioning would be a nuisance and was audible. He hoped the application would be refused again – 80 people had objected to it. If the application was granted, Mr Smith was concerned it would set a precedent.

- (b) Statement by Mr John Allen, 10 Whitehall Court, Witham

Mr Allen stated that residents had complained when the handrail was erected in 2005, the air conditioning followed shortly after. The handrails made the building appear to be another storey higher and were overpowering for local residents. The residents original petition objected to the handrails and air conditioning units, Mr Allen considered that these objections were still valid. He was concerned that the survey was based on visibility from Collingwood Road and not the nearest residents. Mr Allen failed to understand why surrounding residents should accept the unsightly

and obtrusive handrails just because they had already been erected. He hoped the Committee would refuse the application.

3 Statement Relating to Application No. 06/01765/FUL – Feering Former Church of England School, Coggeshall Road, Feering

Statement by Mrs Katherine Evans, 64 Feering Hill, Feering

Mrs Evans stated that she was originally in favour of the application but now objected as the application on the website was legally incorrect. The land was owned by the Parish Council but the planning notice had not been displayed for the required period. Mrs Evans considered that the site was not partially enclosed and the view from Coggeshall Road would be more than a passing glimpse. Furthermore, Mrs Evans felt that policies RLP90 and CS23 would not be met. She noted that Environmental Services recommended that the area be supervised to prevent anti social behaviour but there would be no caretaker/supervision outside of school hours. Mrs Evans also raised concerns regarding drainage, overflow car parking and considered there was no community need for the Multi Use Games Area.

4 Statement Relating to Agenda Item 21 – Anti Social Behaviour - Petition

Statement by Mr Seng Yee Yong, New Eastern Chinese Takeaway, 27 Wolvesford, Witham

Mr Yong circulated photographs illustrating the damage to his shop. He referred to abuse which deterred customers. He stated there were at least 12-15 teenagers hanging around abusing customers of his and neighbouring shops. The matter had been taken up with the Police and Council but nothing was being done. He also questioned whether a 7.5 tonne restriction was in force as lorries were tearing up the grass verges.

*The Chairman advised Mr Yong that as the item was to be considered in private session, he would be informed of the views of the Committee. The Area Manager advised Mr Yong that he could not confirm the weight restriction but any such restriction would be enforced by the Police.*

5 Statement Relating to Application No. 06/02532/FUL – North Side BP Filling Station, London Road, Rivenhall

Statement by Mr Russell Ford (Agent)

Mr Ford stated that the garage previously operated 24 hours a day, used by cars, vans and lorries at all times of the night. He accepted it was difficult to find suitable re-use of redundant filling station sites but considered this application to be a best fit solution. Mr Ford advised that the hours of operation applied for were 8am to 6pm Monday to Saturday and 10am to 4pm on Sundays, equating to 14 hours less than when the site was used as a filling station. Mr Ford referred to the previous refusal and noted that a compromise had been sought, with a comprehensive scheme of lighting control agreed. Mr Ford hoped Members agreed the application was a good compromise and they would grant the application.

6. Questions Relating to Anti Social Behaviour in Witham

Questions by Mr Michael Smith, 8 Tiberus Gardens, Lodge Park, Witham

Mr Smith raised two questions concerning anti social behaviour. He asked what was being done about stopping vandalism and intimidation particularly by youngsters, (some of the perpetrators he alleged were as young as 8 or 9) of people visiting shops in Allectus Way. Mr Smith also asked why action was not being taken by the police to stop vandalism to residents' property. Mr Smith was concerned that vandalism was now escalating to intimidation of residents and was getting out of hand. His property backed on to a footpath near the Jack and Jenny Public House and the fences were regularly kicked in.

7. Statement relating to Agenda Item 11 – Local Ombudsman - Complaint

Statement by Mr Edward Dersley, 63 Glebe Crescent, Witham (read by the Chairman)

“Thank you Members for the interest many of you have taken in my complaint since I last addressed you. I won't take up much of your time but would just like to make a couple of points.

I understand that the report called for at the last Area Committee will be given by a Council Officer in the Private Session of this meeting – this means of course that I will not be able to see the report or hear the report or the discussion that may follow it. I think it is quite unbelievable that I cannot hear a report which is all about me and my complaint. But I am told these are the rules.

I sincerely hope the Officer's report tells the Committee why my complaint was not properly progressed when first raised in June 2004 – and even now the hedge continues to grow – 3 months after the Ombudsman's ruling against the Council. Is not just natural justice that I be given answers of what went wrong and why it went wrong and also when things will be put right?

I have also been told that a discussion on this statement may not be allowed because of the report in the Private Session so I draw to a conclusion by saying: The Council has for months agreed to the Ombudsman's terms to redress the “injustice to me” and also agreed the crystal clear terms about “enforcement” i.e., “to resolve the complaint through enforcement – and – to do this as soon as possible”.

However, the Council's latest letter dated 22.2.07 – a copy of which I will circulate to Members when I finish this statement – advises me that a “significant snag” could delay the enforcement for months”.

This is devastating news to my wife and I when we think of more prevarication and more delays. Can I therefore ask Members – **please** do all you can to help me !!”