

Minutes

Witham Area Committee

27th March 2007



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 | Yes (from 7.25 until 10.07pm) |
| K D Boylan | Apologies | Ms J S M Martin | Apologies |
| 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 | Yes | R A G Tincknell | Yes (until 10.10pm) |
| J E B Gyford | Apologies | P J R Turner | Apologies |

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

98 **DECLARATIONS OF INTEREST**

The following Declarations of Interest were made:-

- Councillor P J Hughes declared a personal interest as a member of Silver End Parish Council in Application No. 07/00201/FUL – Land Adjacent 37 Western Road, Silver End.
- Councillor J E Abbott declared a personal interest as an ordinary member of Witham & Countryside Society in Application No. 04/01631/COU – Residential Caravan Site, Blackwater Lane, Witham.
- Councillor Mrs M E Galione declared:
 - (i) A personal interest as an ordinary member of Witham & Countryside Society in Application No. 04/01631/COU – Residential Caravan Site, Blackwater Lane, Witham.
 - (ii) A personal interest as a member of White Notley & Faulkbourne Parish Council in Application No. 06/02538/FUL – The Notleys Golf Club, Witham Road, White Notley.
- Councillor Dr R L Evans declared a personal interest as a constituent had asked him for advice and guidance in Application No. 07/00240/FUL – 10 Longfield, Witham.
- Councillor M C M Lager declared a personal interest as a member of Witham Town Council which was a consultee in all the planning applications relating to Witham.
- Councillor R G S Mitchell declared a personal interest as an indirect employee of Essex Police in Application No. 07/00067/FUL – Land Adjacent 75 Glebe Crescent, Witham (a member of the public who spoke in Public Question Time was an employee of Essex Police).

- Councillor Mrs K E Tearle declared a personal interest as the Chairman of a sub-committee of Witham Town Council (River Walk and Whetmead Committee) in Application Nos. 07/00257/FUL – Land Off Bramble Road, Previously Kingdom Hall, Powers Hall End and 04/01631/COU - Residential Caravan Site, Blackwater Lane, Witham.

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.

99 **MINUTES**

DECISION: The minutes of the meeting of the Witham Area Committee held on 27th February 2007 were approved as a correct record and signed by the Chairman.

100 **PUBLIC QUESTION TIME**

INFORMATION: There were fifteen 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.

101 **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> |
|-----------------------------|-----------------|---------------------|---|
| *07/00201/FUL (APPROVED) | Silver End | Mr Simon Pudney | Erection of a three bedroom detached dwelling, Land Adj 37 Western Road. |
| *07/00243/OUT (APPROVED) | Witham | Mark Plummer | Erection of 9 no. 1 and 2 bed flats with associated access, bin and cycle stores, parking and private amenity areas, 64 Braintree Road. |

The above application was granted, subject to additional conditions as follows:

15. No floodlighting or other means of external lighting, including street lighting, shall be installed except in accordance with details of a illumination scheme (to include position, height, aiming points, lighting levels and a polar luminous diagram) have been submitted to and approved in writing by the Local Planning Authority and shall be retained and implemented as approved.

16. Each dwelling shall be provided with renewable energy equipment as set out in the applicant's statement on the use of renewable energy. Before each unit is occupied, the renewable energy equipment related to that unit, whether individually or as part of communal provision, shall have been installed and the local planning authority shall be satisfied that their day to day operation will provide energy for the development, for so long as the development remains in existence. The carbon savings which result from this will be above the requirements of the Building Regulations.

| | | | |
|-----------------------------|--------|-------------------------|---|
| *07/00244/FUL (APPROVED) | Witham | Hutchinson 3G UK Ltd | Installation of 22.5m high telecommunications monopole, 1 no. 300mm and 1 no. 600mm transmission dishes, equipment cabinet and development ancillary thereto, Witham Town Football And Social Club, Spa Road. |
| *07/00240/FUL (APPROVED) | Witham | Mr O'Callaghan | Erection of first floor side and two storey rear extensions, 10 Longfield. |

102 **PLANNING AGREEMENT**

DECISION: That, subject to the applicants entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 containing the Heads of Agreement as set out in the report, the Development Director be authorised to approve the following planning application in accordance with the conditions set out in the report, and 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> |
|-----------------------------|-----------------|---------------------|---|
| *07/00238/OUT (APPROVED) | Witham | Mr N Blackie | Demolition of existing dwelling and erection of five dwellings, associated parking and landscaping. Amendment to 05/1676/OUT, Home Farm, Howbridge Hall Road. |

Heads of Terms

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.

The above application was granted, subject to additional Conditions as follows:

10. No floodlighting or other means of external lighting, including street lighting, shall be installed except in accordance with details of a illumination scheme (to include position, height, aiming points, lighting levels and a polar luminous diagram) have been submitted to and approved in writing by the Local Planning Authority and shall be retained and implemented as approved.

11. Prior to the commencement of the development hereby approved, details to indicate the means of storage of refuse containers, including for materials for collection for recycling, shall be submitted to and approved in writing by the local planning authority. Such details as may be agreed shall be made available for use prior to the first occupation of any of the dwellings hereby approved.

12. A sustainability statement shall be submitted prior to commencement of the development, which details the proposed level of energy and water use associated with the development. Such scheme as may be agreed by the local planning authority shall be implemented prior to the occupation of each dwelling.

103 **REFERRED TO DISTRICT DEVELOPMENT COMMITTEE**

DECISION: That the undermentioned planning application, which the Committee wished to refuse against the Officers' recommendation to grant be Referred to the District Development Committee in accordance with 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> |
|-----------------------------|------------------------|---------------------------------|---|
| *07/00257/FUL (REFERRED) | Witham | Persimmon Homes Essex Ltd | Demolition of existing buildings and redevelopment to provide 85 no. dwellings with associated parking and garages. New vehicular access, provision of new cycle path, Land Off Bramble Road, Previously Kingdom Hall, Powers Hall End. |

Recommendation of the Witham Area Committee

Policy RLP90 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 development, by reason of the size and location of the site, would result in over-development of the site, and would be out of character with its surroundings and the adjacent River Walk.

The Committee was informed that the Development Director had advised that the application would be referred to District Development Committee if a motion to refuse the proposal was carried. Members were disturbed that it appeared their decision had been pre-empted and wished it to be recorded that the refusal was considered to be in the best interests of this area of Witham.

104 **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> |
|----------------------------|-----------------|---------------------|--|
| *04/01631/COU (REFUSED) | Witham | Mr P J Ellis | Change of use of land for the storage of fairground equipment and vehicles, Residential Caravan Site, Blackwater Lane. |

DECISION: That the following planning applications be refused for the reasons set out below.

| <u>Plan No.</u> | <u>Location</u> | <u>Applicant(s)</u> | <u>Proposed Development</u> |
|----------------------------|-----------------|------------------------|--|
| *06/02538/FUL (REFUSED) | White Notley | Churchgate Leisure Ltd | Development of a practice golf range including covered range bays and associated mounding and landscaping, The Notleys Golf Club, Witham Road. |

Reasons for Refusal

1. The site lies within an area of Special Landscape Value in the Essex and Southend on Sea Replacement Structure Plan (Policy NR1) and the Braintree District Local Plan Review (Policy RLP79). It is considered that the proposed development would be detrimental to the character and appearance of this area by reason of its size, siting, and volume of materials.

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|----------------------------|--------|------------|--|
| *07/00182/OUT (REFUSED) | Witham | Mr A Kinch | Demolition of existing bungalow and erection of a block of 6 no. flats, with associated parking and amenity areas, Cerine, 105 Braintree Road. |
|----------------------------|--------|------------|--|

Reasons for Refusal

Policy CS4 of the Essex and Southend-Sea Replacement Structure Plan, and Policy RLP90 of the Braintree District Local Plan Review state that the scale of development must respect the character and environment of the locality, and there should be no unacceptable impact on the amenity of any nearby residential properties.

It is considered that the proposal would, by virtue of the intensification of the access to Templars Close, and the resultant additional traffic movements, have an unacceptable impact on the amenity of neighbouring dwellings through an increase in noise and general disturbance and is therefore contrary to the above mentioned policies.

Prior to the debate on this application, the Chairman read out a statement from Councillor Barlow who was unable to be present. The statement set out the Councillor Barlow's concerns relating to an unacceptable increase in traffic movements, inadequate parking and loss of residents' amenity, inadequate surface water drainage and the risk of anti social behaviour from the proposed access from Braintree Road.

| | | | |
|----------------------------|--------|-------------|---|
| *07/00067/FUL (REFUSED) | Witham | Mr D Bridge | Erection of one detached four bedroom house, Land Adjacent 75 Glebe Crescent. |
|----------------------------|--------|-------------|---|

Reasons for Refusal

Policy RLP3 of the Braintree District Local Plan Review states that within development boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway safety and where it can take place without detriment to the existing character of the settlement. The proposed detached dwelling would be out of character with the existing street scene because of the introduction of a detached dwelling in an area characterised by terraced and semi-detached dwellings.

105 **URGENT ITEM – Rivenhall Airfield**

INFORMATION: The Chairman indicated that he had agreed to take the following matter as an urgent item of business as it related to a planning application for a 50 acre waste site to be considered by Essex County Council on Friday 30th March 2007.

The Committee was advised that the application was contrary to the Waste Plan and the decision could therefore be called in by the Secretary of State. The application would have an enormous impact on the people of Rivenhall. Witham Area Committee had previously recommended refusal and there were trees preserved at the site which would be destroyed if the application was granted. It was considered that a public inquiry should be held.

DECISION: That the Development Director writes to the Secretary of State requesting that should Essex County Council resolve to approve the application for Rivenhall Airfield the decision be called in and a public inquiry is held.

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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12 (A) of the Local Government Act 1972, as amended.

MATTERS DISCUSSED IN PRIVATE SESSION

Whilst the following item of business was discussed in private session, it does not contain any confidential information and is therefore admissible in the public domain.

106 URGENT ITEM - LOCAL OMBUDSMAN – COMPLAINT

INFORMATION: The Chairman advised that the complaint concerning Mr E Dersley had been resolved and the hedge had now been cut down to the approved height. Mr Dersley had received a written apology from the Chief Executive.

At 10.10pm, 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 10.37pm 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 10.45pm.

DR R L EVANS
(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

27th March 2007

PUBLIC QUESTION TIME

Summary of Questions Asked/Statements Made During Public Question Time

1 Statement Relating to Application No. 07/00240/FUL – 10 Longfields, Witham

Statement by Mr Michael Fyfe, 2 Whitehouse Road, South Woodham Ferrers

Mr Fyfe stated that this was the third time the application had come before the Committee. He advised that the first floor portion had been reduced dramatically and the neighbours' concerns had been taken on board. He had thought they had reached a verbal agreement and was therefore shocked that another professionally written letter of objection had been received by the Council. The first extension had a total volume of 75.72m², the proposal before the Committee was now 51.0m², a total reduction of 32%. Mr Fyfe felt that no more could be done to make the proposal acceptable. He did not consider the neighbours' objection a valid reason for refusal.

2 Statements Relating to Application No. 04/01631/COU – Land at Blackwater Lane, Witham

(i) Statement by Mr Andrew Wood, Wood End Farm, London Road, Witham

Mr Wood stated that he was unwilling to transfer the land to Braintree Council without a firm undertaking that the River Walk would be implemented. He was aware that Witham Town Council had cleared the brambles further down the road and considered that an extension to the River Walk would be of great value to the town.

(ii) Statement by Mr Graham Wright (Agent)

Mr Wright introduced himself as representing the Applicant, Mr Ellis. He stated that negotiations had been ongoing with the Council since January 2005 and the last correspondence had been in October 2005 to which he had not received a reply. His client felt he was "piggy in the middle" between the landowner and the Council. His business had expanded and he therefore required a little more storage space which he needed close by. The area could be effectively landscaped and Mr Wright considered that the application should be granted.

3. Statement Relating to Application No. 07/00067/FUL – Land adjacent 75 Glebe Crescent, Witham

Statement by Mr Terence Hill, 77 Glebe Crescent,

Mr Hill stated that his family would be affected by the application. Mr Hill worked at night as a police dog handler and therefore spent a lot of time sleeping in the day. He did not consider that a four bedroom detached house would fit in well. He

added that the application was for the same footprint as the one that was previously refused. Mr Hill stated that the proposal would have a major impact as it would be like living on a construction site for six months. He understood the foundations would have to be piled but would be within 3m of the boundary and he had not received anything from the developer regarding the Party Walls Act. His other concerns were security, a clay sewer running beneath the properties and the water pressure was already low.

4 Statements Relating to 07/00182/OUT – 105 Braintree Road, Witham

(i) Statement by Mr David Peck, 13 Templars Close, Witham

Mr Peck referred to the refusal of the previous application, the current application being a reduction of two flats which should not warrant a reversal of the refusal of planning consent. The Council had refused to adopt Templars Road and Mr Peck considered it most unfair that a further five properties could be erected with no responsibility for the upkeep of the road. He hoped the committee making the decision tonight had seen the location of Templars Close.

(ii) Statement by Mrs Ruth Ponder, 5 Templars Close, Witham

Mrs Ponder hoped the members of the Committee had visited the Close and seen the narrow access to the site which would be too narrow for large lorries. She was concerned where the contractors would park, residents parked on driveways but it was not always possible for two vehicles to pass each other. Mrs Ponder was totally opposed to a pedestrian and cycle thoroughfare which would destroy the quiet ambiance of Templars Close, allowing groups of youths access making it ideal for anti social behaviour with its block of garages and large tree areas. Mrs Ponder hoped Councillor Barlow's statement would be read out.

(iii) Statement by Mrs Susan Field, 10 Templars Close, Witham

Mrs Field was concerned that the proposal would introduce further traffic on to a private road which had only just been resurfaced. It was considered that the development would be totally out of character with the existing street scene and incompatible with other dwellings. Mrs Field felt that the pedestrian access to Braintree Road would become a short cut and create security fears. She argued that the application was totally contrary to policies RLP90 and RLP10 and requested that Members adhere to these policies.

(iv) Statement by Mr Stuart Rowe (Agent)

Mr Rowe stated that the prime reason for the previous refusal was the development consisted of eight flats and the vehicular impact. The current proposal reduced the development by two units and was of fairly low density. He commended the officer's report to Members and understood the objectors' concerns. He confirmed that the applicant would contribute to the upkeep of the road and clarified there would be no pedestrian access through Templars Close. Contractors' vehicles would be parked on site. Mr Rowe concluded that the applicant was a reasonable man and would manage the process.

5. Statement Relating to Application No. 07/00238/OUT – Home Farm, Howbridge Hall Road, Witham

Statement by Mr Keith Lomax, 28 Olivers Drive, Witham

Mr Lomax stated that the report contained factual errors. There was a window on the side of the house, midway up the stairs. His house was less than 1.5m from the boundary and not 5m as stated. The layout plan was also incorrect. Every document referred to a footpath running to the south of the development but several attempts had been made to reinstate this but had not succeeded. He suggested that plot 1 should have no windows facing his property. Mr Lomax had not objected to the applicant but requested that certain conditions be imposed.

6. Statement relating to Application No. 07/00243/OUT – 64 Braintree Road, Witham

Statement by Mr Mark Plummer (Applicant)

Mr Plummer considered the site to be very sustainable, reducing reliance on motor cars. Sustainability measures included reducing water and energy use and encouraging recycling. He considered the proposed building fitted in with the street scene without being dominant or overbearing. The site was flat, 2.5m lower than Braintree Road. The proposed flats were small, aimed at single people or young couples. The car parking was the same as that for the Butchers Bar & Grill site. Sight lines would be improved. Mr Plummer stated there were no residential properties adjoining the site and therefore no overlooking or loss of outlook amenity. He concluded the proposal was very sustainable and fitted in with the street scene.

7. Statements Relating to Application No. 07/00257/FUL – Land off Bramble Road, Previously Kingdom Hall, Powers Hall End, Witham

(i) Statement by Ms Nolita Werrett, 29 Bluebell Close, Witham

Mrs Werrett considered the application would have a negative impact on the area, both the existing blocks of flats were of two storeys and blended in. She felt the proposal would be visually intrusive, resulting in a loss of outlook and there was insufficient parking, resulting in parking on surrounding roads. Mrs Werrett referred to the Council's aims and considered three were contradicted: Clean and Green District; Make the District a Better Place to Live, Work and Play; Helping People Feel Safe and Well.

(ii) Statement by Mr Marc Kingston, 33 Bluebell Close, Witham

Mr Kingston recognised the plans had been reduced from 124 to 85 dwellings however a large number of issues remained unresolved. His main concern was road safety as Bramble Road was often double parked. He also considered that the proposed 3 storey building would result in a loss of privacy and the development would affect the natural habitat. Mr Kingston concluded that any development should be in keeping with the existing properties and restricted in height.

(iii) Statement by Mr Ray Ricks (Agent)

Mr Ricks emphasised the care and attention that had been taken in formulating the application, including extensive discussions with the planning officers on the design and layout of the scheme. He noted that the Environment Agency raised no objections and that Natural England was satisfied there were no implications for wildlife. The scheme also achieved a high level of sustainability in terms of the ecohomes standard, including equipment for renewable energy. Mr Ricks concluded that the development was lower than the residential development to the rear and reflected the local vernacular.

8 Statement Relating to Application No. 06/02538/FUL – The Notleys Golf Club, Witham Road, White Notley

Statement by Mr Robert Jones, Elms Farm, Green Lane, White Notley

Mr Jones spoke on behalf of the majority of residents who lived on the green facing the golf course. Since the inception of the golf course in the 1990s, Mr Jones stated that various owners had rode roughshod over the Council and local residents. He opposed the application as it would alter the profile of Brain Valley, a special landscape area. Tonnes of earth had been deposited the previous year and considerably altered the profile of the valley. Mr Jones also felt that the number of lorry movements was misleading; soil could be transported from up to a 20m radius of the golf course. He could not understand why the traffic survey had been conducted half a mile away from the golf course entrance at Pole Lane. He considered the practice golf range would a blot on the landscape, adding that the scheme was rejected by both Black and White Notley Parish Councils.

9 Statement Relating to Conservation Areas (not on Agenda)

Statement by Mr John Palombi, Witham and Countryside Society

Mr Palombi referred to the conservation area of Newland Street and proposed that this be extended to include Collingwood Road and The Avenue. He was concerned that developers may acquire some of the properties and redevelop them into flatted units, leading to the demolition of the existing houses and possible clearance of front gardens. Mr Palombi was anxious that this area was protected to ensure the atmosphere and character was retained.