

Minutes

Witham Area Committee

26th April 2006



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	P A Heath	Yes
P R Barlow	Yes	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Apologies	M C M Lager	Yes (until 7.40pm)
K D Boylan	Yes	Ms J S M Martin	Yes (from 7.30pm)
Dr R L Evans (Chairman)	Yes	R G S Mitchell	Apologies
D M Finch	Apologies	Mrs J B Reekie	No
T J W Foster	Yes	Mrs K E Tearle	Yes (from 8.05pm)
Mrs M E Galione	Yes	R A G Tincknell	Yes
J E B Gyford	Yes	P J R Turner	Yes

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

3 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillor P R Barlow declared a personal interest as a member of Witham Town Council in Agenda items 6 and 7 - planning application nos. 05/02506/FUL – land to the rear of 137 –141 Newland Street, Witham, 06/00345/FUL – 16 Epping Way, Witham and 06/00375/FUL – 15 Millbridge Road, Witham.
- Councillor J E B Gyford declared a personal and prejudicial interest in Agenda item 9 – Car Parking, Witham. Councillor Gyford left the meeting during the consideration of this item.
- Councillor P J Hughes declared a personal interest as a member of Silver End Parish Council in Agenda item 7 - planning application no. 06/00234/COU – The Old Slaughterhouse, Boars Tye Road, Silver End to which the Parish Council had submitted an objection.
- Councillor M C M Lager declared a personal interest as a member of Witham Town Council in Agenda items 6 and 7 - planning application nos. 05/02506/FUL – land to the rear of 137 –141 Newland Street, Witham, 06/00345/FUL – 16 Epping Way, Witham and 06/00375/FUL – 15 Millbridge Road, Witham.
- Councillor Ms J S M Martin declared a personal and prejudicial interest in Agenda item 4 – Public Question Time – Provision of community facilities at the Maltings

Lane site, Witham. Councillor Ms Martin left the meeting during the consideration of this part of Public Question Time.

- Mr A J French, Chairman of the Standards Committee, declared a personal and prejudicial interest in Agenda item 7 – planning application no. 06/00548/OUT – Kissingate, Church Road, Hatfield Peverel as he had objected to the application and he lived near the site. In accordance with the Code of Conduct, 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 at the meeting, unless stated otherwise, and took part in the discussion for all the above items and the vote thereon.

4 MINUTES

DECISION: The minutes of the meetings of the Witham Area Committee held on 28th March 2006 and 24th April 2006 were approved as correct records and signed by the Chairman.

5 PUBLIC QUESTION TIME

INFORMATION: There were six 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.

6 AIRBORNE DEBRIS, FREEBOURNES ROAD, WITHAM

INFORMATION: The Committee acknowledged the receipt of a petition signed by 106 employees of Tyco Electronics Limited of Freebournes Road, Witham expressing concern about particles being deposited on their vehicles when parked in the company's car park, and the District Council's response. The petition had been forwarded to the Council by Brooks Newmark MP.

Ms P Sharp attended the meeting to present this item. She advised Members that the Council's Environmental Services Department had been aware of the problem since the end of 2004 and Officers had been conducting investigations which were on-going in an effort to resolve the situation. The source of the contamination had not been proven. A possible source of contamination had been identified and the Council was pursuing this line of enquiry with the full co-operation of the company involved. A sample of the particles was circulated at the meeting. An analysis had shown that the particles were a vegetable type matter which was not toxic.

Members were advised that according to case law this type of problem did not constitute a statutory nuisance and formal action through the Courts was not an option. Instead, the Council proposed to pursue the matter on an informal basis. Copies of correspondence between

the Council, Brooks Newmark MP and Tyco Electronics, which explained the situation and the action taken, were attached to the Agenda. No other complaints had been received.

It was acknowledged that the investigation of this problem was on-going with a view to it being resolved satisfactorily.

DECISION:

- (1) That the receipt of the petition and the on-going investigation be noted.
- (2) That progress reports be submitted to Ward Members.

ACTION POINT: The Democratic Services Section to inform Brooks Newmark MP and Tyco Electronics Limited of the outcome of the Committee's discussion. The Environmental Services Department to keep Ward Members advised of progress.

7 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>
*06/00231/FUL (APPROVED)	Hatfield Peverel	Mr and Mrs Agombar	Loft conversion with front and rear dormers, 121 Church Road.
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*06/00548/OUT (APPROVED)	Hatfield Peverel	Mr P Wells	Erection of detached house – renewal of application no. 03/00034/OUT, Kissingate, Church Road.

Councillor M Renow, the Chairman of Hatfield Peverel Parish Council, joined the table for the consideration of this application. Councillor Renow indicated that there had been a substantial change to the site recently with respect to the removal of trees. The Parish Council considered that the removal of the existing hedge was not necessary and that no more than one dwelling should be developed on the site.

The Committee approved this application, subject to the amendment of condition 9 and to the addition of an Information to Applicant as follows:-

9. Prior to the commencement of the development further details shall be submitted to indicate visibility splays with dimensions of 2.4m x site maximum as measured from the back edge of the carriageway. The area within the splay shall be kept clear of any obstruction above a height of 600mm at all times following the first occupation of the development. Any trees within the visibility splay shall be cleared of growth for a height of not less than 2.5 metres above the adjacent carriageway level. Details of the extent of any works required as a result of the visibility splay to any of the trees/or hedgerows on the site shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Highways and Landscape Services.

Information to Applicant

The applicant is advised that when a reserved matters application or a full planning application is being prepared for the erection of a detached dwelling on this site, special consideration is given to the detailed design, siting and orientation of the dwelling, in view of the concerns raised by local residents, particularly in respect of overlooking. The applicant is also advised to have special regard to a high quality landscaping scheme in order to enhance the appearance of the proposed development. Full details should also be provided indicating the visibility splays as required by condition 9 on the decision notice.

*06/00234/COU (APPROVED)	Silver End	Steve Murphy	Change of use and external alterations, The Old Slaughter House, Boars Tye Road.
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The above application was approved, subject to two additional conditions as follows:-

8. Prior to the completion of the development a 2.4m x 120m visibility splay, as measured from the carriageway edge, with no obstruction above 600mm above the carriageway level within the area of splay, shall be provided on the site. Further details of which shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Highways and thereafter so maintained.
9. Prior to the commencement of the development details of the external lighting to the site including position, design, height, levels of luminance, hours of use and energy efficiency shall be submitted to the local planning authority for approval. Such scheme as approved shall thereafter be implemented and so maintained. No additional lighting shall be inserted at any time without the prior approval of the local planning authority.

*06/00345/FUL (APPROVED)	Witham	John Turnbull	Erection of two storey rear extension, 16 Epping Way.
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The Committee approved this application, subject to the amendment of condition 3 as follows:-

3. Within three months of the completion of the development the trees proposed to be removed, as indicated on the submitted plans, shall be replaced with mature specimens, further details of which, including their new position, shall be submitted to and approved in writing by the local planning authority.

Any trees or plants which die, are removed, or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

*06/00375/FUL (APPROVED)	Witham	C J Weller	Conversion of garage/workshop to living accommodation for dependent relative, 15 Millbridge Road.
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The Committee approved this application, subject to two additional conditions as follows:-

7. The annexe hereby permitted shall be used for domestic purposes only, incidental to the enjoyment of the dwelling, and not for any separate industrial, commercial, business, residential, or other use.

8. The annexe shall not be sold, transferred, leased, or otherwise disposed of except by way of a disposal comprising the whole of the site edged in red on the approved plans returned herewith.

8 PLANNING APPLICATION REFERRED TO THE 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 Part 5 of the Constitution (Code of Practice for Councillors and Officers Engaged in the Determination of Planning Applications - Paragraph 48) for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/02506/FUL (REFERRED)	Witham	Chelmsford Cars and Commercials Ltd	Proposed demolition of existing garage and erection of six no. two bedroom apartments with associated car parking, land to the rear of 137-141 Newland Street.

The Committee considered that Essex County Council Highways had not provided adequate information with regard to the access to the site, that the access would not meet the County Council's standards, and that there would be a potential conflict between vehicles gaining access to and from the proposed flats and the existing Doctors Surgery.

A motion to approve this application subject to a condition requiring the provision of a passing bay within the access road, was moved and seconded, but on being put to the vote it was declared LOST.

9 APPOINTMENT OF REPRESENTATIVES

(1) Rivenhall Playing Field Association

DECISION: That Councillors J E Abbott and P J Hughes be appointed to the Rivenhall Playing Field Association for the 2006/07 Civic Year.

(2) Silver End Memorial Gardens Management Advisory Group

DECISION: That Councillor P J Hughes be appointed to the Silver End Memorial Gardens Management Advisory Group for the 2006/07 Civic Year.

(3) Witham Community Association (Executive Committee).

DECISION: That Councillors J E Abbott and P R Barlow be appointed to the Witham Community Association Executive Committee for the 2006/07 Civic Year.

(4) Witham Age Concern

DECISION: That Councillor Mrs J B Reekie be appointed to Witham Age Concern for the 2006/07 Civic Year.

(5) Braintree District Sports Development Forum

DECISION: That Councillor R A G Tincknell be appointed to the Braintree District Sports Development Forum for the 2006/07 Civic Year.

(6) Braintree District Leisure Community Association - Consultative Board

DECISION: That Councillors P J Hughes and R A G Tincknell be appointed to the Braintree District Leisure Community Association – Consultative Board for the 2006/07 Civic Year.

(7) Witham Area Panel

DECISION: That Councillors K E Bigden, Mrs J B Reekie and R A G Tincknell be appointed to the Witham Area Panel for the 2006/07 Civic Year.

(8) Witham Traffic Management Liaison Panel

DECISION: That Councillors J E Abbott, P R Barlow, K D Boylan, Mrs J B Reekie and P J R Turner be appointed to the Witham Traffic Management Liaison Panel for the 2006/07 Civic Year.

(9) Witham United Charities

DECISION: That Councillors P R Barlow, K D Boylan, Mrs M E Galione, Mrs J B Reekie and Mrs K E Tearle be appointed to Witham United Charities for the 2006/07 Civic Year.

10 CAR PARKING, WITHAM

INFORMATION: The Committee discussed public car parking in Witham and, in particular, the provision of a multi-storey car park at Cut Throat Lane, Witham.

Members were reminded that an application for a multi-storey car park had been submitted in 2002 and had been approved by the Regulatory Committee subject to a Section 106 Agreement. However, the applicant had not been able to implement the proposal due to his inability to purchase a ransom strip of land. Consequently, the application had been officially disposed of on 3rd April 2006 and it would be shown as withdrawn on future land charge searches.

Members queried whether the District Council could use compulsory purchase powers, possibly in conjunction with Essex County Council, to provide the required access to the site whilst at the same time improving the local road network to take traffic away from the residential areas around Albert Road. It was acknowledged that there was generally insufficient car parking in Witham for shoppers, workers and commuters and severe congestion, particularly at the railway station, at peak times. Members agreed that there was a need to address this issue looking at the town as a whole, including the possible provision of a multi-storey development at the Newland Street car park.

The Head of Planning Control advised Members that whilst the Council had compulsory purchase powers their implementation would require considerable discussion and investigation. He advised that car parking capacity in the town in general should be dealt with through the Local Development Framework process.

The Committee agreed that this matter should be addressed as soon as possible.

DECISION: The Head of Planning Control be requested to submit a report in private session to the next meeting of Witham Area Committee on options for the provision of improved public car parking in Witham.

PLEASE NOTE: The full list of standard conditions and reasons can be viewed at the Office of the Development Service 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 closed at 9.52pm.

DR R L EVANS

(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

26th April 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 06/00548/OUT – Kissinggate , Church Road, Hatfield Peverel

(i) Statement by Mr A Cooney, Windsong, Church Road, Hatfield Peverel

Mr Cooney read from a prepared statement as follows:-

‘Mr Chairman, Councillors, I objected to the application to erect a detached house in my letter dated 30th March. I have now read the Planning Officer’s report and wish to comment on that and reiterate some of my original objections.

This is not the renewal of an existing outline planning permission. This is a new consideration given that rules, regulations and standards have changed in the past few years. This is the purpose of an outline having a lifetime. Criteria changes.

Errors and Omissions

The Officer’s report states that the outline plan has been renewed on 3 previous occasions but no substantive changes warrant a different approach to the principle of the development. As mentioned, the rules, regulations and standards have been improved and the focus on sustainability and the environment have only been included for consideration.

The site history omits a major development proposal, namely the erection of a block of 10 dwellings.

The background in the Officer’s report states that the Church Road boundary is close board fence. This is not the case. The border of the property to be developed, in the majority of approximately 23 metres, is established hedgerow and the remainder, in the minority, is close board fence.

The site characteristic has changed with the removal of some substantial trees on the Coffin Path boundary.

Highways have advised that a visibility splay is now a condition whereas this was not previously considered in renewals of the outline plan.

Condition 9 states that the visibility splay is to be 2.4 by 90 metres. The Church Road boundary is only 75 metres maximum. The distance between the current entrance and the end of the property is approximately 45 metres. The visibility splay can only be 45 metres long to the South and 25 metres to the North.

All remaining trees enjoy provisional TPOs.

Highways/Trees/Hedgerow

The Officer's report states that a visibility splay should be constructed from the Kissingate entrance, 2.4 metres from the edge of the carriageway, tapering to the end of the property ie. the driveway of 'Windsong'. This would inevitably remove the hedgerow that forms the boundary of the property with Church Road. The taper would also include the whole trunks of all the high amenity TPO'd trees on the Church Road boundary. Firstly, the hedgerow is a pleasant natural feature of the property and was commented on positively in the previous full application as affording screening of the development. You can't satisfy the Highways condition AND leave the hedgerow at the same time. Secondly, the taper includes the mature trees and exposes them directly to traffic, the trunks would obscure visibility. Visibility and 4 in-a-line mature tree trunks do not equate. Please see the map attached marked 1.

Loss of Privacy

I have enjoyed 10 years of complete privacy from overlooking by other properties. Likewise, my property does not overlook any other.

I have a copy of the original outline planning application, 2500/88 submitted by Hey and Croft in 1988 showing windows to the South of the property. These windows will give views over my property into my back garden, lounge and a bedroom. Overlooking was mentioned in the Officer's report and not denied or addressed. In respect of overlooking, the Essex Design Guide states that there should be a minimum of 25 metres between habitable rooms facing towards each other to enable privacy to be maintained. The distance between the outline plan and my property (lounge/bedroom) is 18 metres. This is quoted in tonight's papers for application 06/00231/FUL in another Church Road development. If this is a rule and the Kissingate development does not meet the rule, it cannot be approved.

I attach a tracing of the original Hey and Croft submission for outline permission dated 1988 for your reference, marked 2.

Thank you for your time and attention.'

(ii) Statement by Mrs A French, Ramley, The Spinney, Church Road, Hatfield Peverel

Mrs French stated that she was speaking on behalf of herself and also Mr and Mrs Dole who were unable to attend the meeting.

Mrs French said that there had been significant changes to the site recently with respect to the removal of trees. Mrs French indicated her support for Mr Cooney's statement regarding overlooking. However, she pointed out that if the position of the proposed house was to be moved it would be nearer to protected trees on the site. Conversely, if the trees were not to be affected the property would cause overlooking to 'Windsong'. Mrs French referred to the proposed conditions requiring the protection of trees on the site and she queried how the house could be constructed and how visitors could access the site without contravening these conditions. Mrs French requested that if the application was approved that conditions should be imposed regarding overlooking and the retention of the

existing hedge.

(iii) Statement by Mr R Forde, Smart Planning Ltd, Old School House, Rettendon Turnpike, Battlesbridge

Mr Forde stated that he was speaking on behalf of the applicant. He indicated that the original planning permission was 17 years old, that it had been renewed three times, and that it was extant. The site had been identified as one of many in the District which could accommodate additional housing.

Mr Forde stated that works had been undertaken to trees on the site recently. These works had been carried out responsibly and legally and had not affected trees which were subject to a Tree Preservation Order. In his view, the work had not affected the character of the site. Furthermore, the Council's Landscape Officer was satisfied that the proposed development could be accommodated on the site.

In response to the statements made by the previous speakers, Mr Forde stated that it had been accepted for some time that the principle of development was okay. If trees were to be trimmed this should not affect visibility at the site and the Highway Authority should not therefore have any objection. Mr Forde pointed out that Mr Cooney had moved to his property 10 years ago whereas the outline consent dated back 17 years. If the application was to be refused by the Committee the applicant could submit an application for the approval of reserved matters, or an appeal.

2. Statement Relating to Application No. 06/00345/FUL – 16 Epping Way, Witham

Statement by Mrs Schofield

Mrs Schofield stated that she was speaking on behalf of her daughter and her daughter's partner who were the owners of 40 Epping Way, Witham. Mrs Schofield indicated that if the proposal went ahead it would mean that there would be a solid brick wall in front of 40 Epping Way.

3. Statement Relating to Application No. 05/02506/FUL – Land to the rear of 137-141 Newland Street, Witham

Statement by Mr R Forde, Smart Planning Ltd, Old School House, Rettendon Turnpike, Battlesbridge

Mr Forde stated that this application had been deferred at a previous meeting of the Committee for further information to be obtained from Essex County Council Highways. Mr Forde indicated that this information had now been provided and reiterated that the County Council did not object to the proposed development. Furthermore, the County Council supported the proposed provision of a lay-by in the access road to enable two cars to pass and a widened access within the site. Mr Forde stated that he would accept a condition being imposed on the grant of planning permission to require the provision of the lay-by.

4. Statement Relating to the Provision of Community Facilities at the Maltings Lane Development, Witham

Statement by Mrs A Goold, 26 Collingwood Road, Witham

Mrs Goold read from a letter, which had been submitted to the Council in advance, as follows:

‘Churches Together in Witham are concerned about the lack of progress over the community facilities at this development. There is a large and growing population on the development, and the land for community facilities and the religious site should have been released for them more than two years ago. There are no shops there either. The people already living on this site are a long way from the centre of town with its shops and other facilities and have no way to develop their community as could be expected.

Please could you tell us what plans you have for the development of much needed community facilities and when the land for these facilities and the religious site are to be released. Will there also be shops there and when?’

In response, Mr Paggi, Senior Planning Officer, explained that an application had been submitted to vary the original outline planning permission. The current application related to the final stage of the development, including the provision of community facilities, a school and commercial property. Negotiations were on-going with the applicant’s agent with respect to the detail of the application. A special meeting of the Maltings Lane Forum had been held recently at which the revised proposals had been considered. Discussions at the meeting had been positive and it was anticipated that the application would be amended to reflect these. If approved, the application would be subject to a new Section 106 Agreement.

Mrs Goold queried whether the new Agreement would combine the proposed sites for community and religious facilities.

Mr Paggi explained that this point had been discussed at the Forum and that the revised plan designated a site with a split purpose. This provided flexibility and would enable either a separate, or a combined building to be developed depending on the outcome of discussions and the availability of finance. In considering this matter, Members suggested that discussions should take place at an early stage with District Council Officers who have community responsibilities and with representatives of the churches in Witham to determine the best way forward for the benefit of all.

ACTION POINT: Mr Paggi to invite Braintree District Council Community Officers and representatives of churches in Witham to discuss the provision of community and religious facilities at the Maltings Lane site.