

# Minutes

## Witham Area Committee

23<sup>rd</sup> May 2006



Present:

<b>Councillors</b>	<b>Present</b>	<b>Councillors</b>	<b>Present</b>
J E Abbott	Yes	P A Heath	Yes
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	Yes
Dr R L Evans (Chairman)	Apologies	R G S Mitchell	Yes
D M Finch	Apologies	Mrs J B Reekie	No
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	Apologies

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

### 11 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillors J E Abbott and Mrs M E Galione declared personal interests as ordinary members of Witham & Countryside Society in Planning Application Nos. 06/00393/FUL & 06/00394/CON – land bordering Coach House Way, Newland Street, Witham.
- Councillor P J Hughes declared a personal interest as a member of Silver End Parish Council in Planning Application no. 06/00495/FUL – 27 Western Road, Silver End.
- Councillor J E B Gyford declared a personal and prejudicial interest as the Treasurer of the Constituency Labour Party that runs a car park in Agenda item 3 – Minutes as he understood the accuracy of the minute relating to Car Parking was in question. Councillor Gyford left the meeting during the consideration of this item.
- Councillors Ms J S M Martin and Mrs K E Tearle declared personal interests as an objector was known to them in Planning Application Nos. 06/00393/FUL & 06/00394/CON – land bordering Coach House Way, Newland Street, Witham.

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.

12 MINUTES

**DECISION:** The minutes of the meeting of the Witham Area Committee held on 26<sup>th</sup> April 2006 were approved as a correct record and signed by the Chairman, subject to the amendment of Minute 10 – Car Parking, Witham – paragraph 3, third sentence to read: “Members discussed this issue looking at the town as a whole, including the possible provision of a multi-storey development at the Newland Street car park and improved public transport to reduce commuter parking.”

13 PUBLIC QUESTION TIME

**INFORMATION:** There were four 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.

14 PLANNING APPLICATION WITHDRAWN

**DECISION:** That the undermentioned planning application be withdrawn from the agenda as it had been included in error and should in fact be considered by the Braintree Area Committee.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/00581/ADV (WITHDRAWN)	Cressing	Whitbread Restaurants PLC	Display of externally illuminated display sign, Mulberry Tree, Cressing Road Bypass.

15 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>
*06/00433/FUL (APPROVED)	Fairstead	Prof M Alder	Landscaping to front and rear of building and erection of rear garden shed, The Old Stores, Fuller Street.

The above application was approved, subject to the following additional Informative: The applicant’s attention is drawn to the letters of representation received from the neighbouring resident who has alleged that the application as submitted does not show the correct position of the property boundary.

The applicant is advised that it will be necessary to carry out the development in accordance with the approved plans. If you wish to pursue a development that does not accord with the approved plans it would be necessary to submit a revised application for planning permission/ listed building consent to the local planning authority for consideration.

You are also advised that Members of the Witham Area Committee determined the application on its own merits, against the submitted plans and on the assumption that the correct position of the property boundary was shown on the submitted plans.

*06/00434/LBC (APPROVED)	Fairstead	Prof M Alder	Landscaping to front and rear of building and erection of rear garden shed, The Old Stores, Fuller Street.
*06/00495/FUL (APPROVED)	Silver End	Robert Gordon	Erection of single storey side extension, 27 Western Road.
*06/00393/FUL (APPROVED)	Witham	C W Dale & R J Rogers Property Partner	Demolition of existing two storey buildings and erection of 14 no. two and three storey timber framed apartments and retention and upgrading of 2 no. existing two storey brick commercial units, Land Bordering Coach House Way, Newland Street.

The above application was approved, subject to the amendment of Condition 2 to read:  
The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on the following Drawing Nos: CHW/PL/01, 01D, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15 and 16 and the application supporting statement unless otherwise agreed in writing by the local planning authority.

Condition 18 was also amended to read:

Before the use commences, the new dwellings shall be insulated from noise disturbance in accordance with a scheme submitted to and agreed in writing by the Local Planning Authority. that flat glass, low energy and controlled lighting be used and that the development is carried out in accordance with the sustainable construction statement that was made by the applicants.

Further Conditions were added as follows:

20. Before the development hereby permitted is commenced, details of a green travel plan, including monitoring arrangements and a time table for the implementation of its provisions, shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be approved shall be implemented in accordance with the timetable to be set out within the travel plan.
21. No floodlighting or other means of external lighting shall be installed except in accordance with the details of an illumination scheme (to include position, height, aiming points, lighting levels and a polar luminous diagram) which will have been submitted to and approved in writing by the Local Planning Authority and shall be retained and implemented as approved. All external lighting shall be from low-energy consumption light sources and the proposed details shall include sources of primary energy generation within the site.
22. The development hereby approved shall be carried out solely in accordance with the sustainable construction statements set out in the application supporting statement.

*06/00394/CON (APPROVED)	Witham	C W Dale & R J Rogers Property Partner	Demolition of existing two storey buildings and erection of 14 no. two and three storey timber framed apartments and retention and upgrading of 2 no. existing two storey brick commercial units, Land Bordering Coach House Way, Newland Street.
*06/00659/FUL (APPROVED)	Witham	Linda Jane Barlow	Erection of rear conservatory, 42 Pondholton Drive.

**DECISION:** That the following item be taken in public session as it was considered to be in the public interest. Any exempt information had been removed from the report and an amended report was circulated.

16 ENFORCEMENT ITEM – THE OLD SCHOOL HOUSE, BRADWELL

**INFORMATION:** The Committee considered a report relating to a triple garage built at The Old School, Church Road, Bradwell. The original application was refused by the Committee however a subsequent amended application was approved. The approved plans showed a slope to the roof of around 35 degrees, giving an overall height of 4.8 metres above ground level. The building was subsequently constructed with a slope of around 45 degrees (as per the refused application) and the ground excavated giving an overall height to the structure of 5.8 metres. Officers considered that the building was acceptable and appropriate despite not being constructed in accordance with the approved plans.

Mr Hill, the representative of Bradwell Parish Council joined the table for this item. Mr Hill referred to the minutes of the meeting in October 2005 when the original application had been refused. He advised the Committee that the Parish Council was disturbed that the garage construction had reached an advanced stage without control from the Council's Planning Department, despite concerns raised by the Parish Council. Mr Hill questioned whether Building Regulations had been met and checked, the Parish Council was also concerned at the possible future residential use of the building. Mr Hill concluded by stating that the Parish Council strongly objected to the structure being higher than the 4.7 metres stated in the approved plans.

The Committee noted that a further external structure had been added to the building which did not form part of the approved plans.

**DECISION:** That it be **Recommended to District Development Committee** that enforcement action be taken against the applicant for the construction of a triple garage contrary to approved plans in respect of the height, materials used and external alterations. *[The application is referred to 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)].*

17 DATE OF NEXT MEETING

**INFORMATION:** The Chairman advised Members that the next meeting of Witham Area Committee coincided with an England World Cup match against Sweden. He therefore asked the Committee to consider the following three options:-

- (i) Hold the meeting on another date;
- (ii) Hold the meeting at the earlier time of 6.30pm;
- (iii) Leave the meeting as it stood at 7.15pm.

Members discussed the various options and in general, considered that holding the meeting at the earlier time would give the public the opportunity to participate in Public Question Time and then leave if they wished.

**DECISION:** That the next meeting of Witham Area Committee on 20<sup>th</sup> June 2006 commence at the earlier time of 6.30pm with the Democratic Services Officer making the necessary arrangements to ensure that this is achieved.

**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 commenced at 7.15pm and closed at 8.55pm.

K E BIGDEN

(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

23<sup>rd</sup> May 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 06/00659/FUL – 42 Pondholton Drive, Witham

Statement by Mr Andrew Barlow (husband of applicant)

Mr Barlow stated that he and his wife had taken on board the impact the proposal would have on both theirs and the neighbouring properties. It was therefore proposed to build a low pitch roof and to keep the conservatory back from the boundary. Mr Barlow noted that they had taken the trouble to give a set of drawings to their neighbours but had not had a response until the formal objection was made. He added that the proposed wall on the neighbours' side was full height to allow privacy on both sides.

2. Statement Relating to Application No. 06/00495/FUL – 27 Western Road, Silver End

Statement by Mr Robert Gordon (Applicant)

Mr Gordon stated that the main reason for the proposed extension was to construct a ground floor bathroom. He noted that both he and his wife were senior citizens and had various health problems. Their son-in-law, who was paralysed, also visited from time to time and required ground floor facilities. Mr Gordon noted that he had lived in Silver End all his life and would not like to move. He understood there had been an objection from the Parish Council as the proposal was too close to the public path. Mr Gordon produced a scale model of the proposed extension to illustrate how he had tried to fit the extension in to the available space whilst still allowing room for his son-in-law's wheelchair to manoeuvre.

3. Statement Relating to Application Nos. 06/00393/FUL & 06/00394/CON – Land Bordering Coach House Way, Newland Street, Witham

Statement by Mr Christopher Dale (Applicant)

Mr Dale noted that the application process had taken some four years, during which time he had consulted officers at Essex County Council and Braintree District Council planners. His architect had visited a similar site in Edinburgh and sought advice from other councils around the country. Mr Dale believed the design to be a sound ecological principle. He had carried out a traffic survey and added that the site encouraged the use of public transport. He noted that all amenities were within walking distance of the site.

4. Statement Relating to Application Nos. 06/00433/FUL & 06/00434/LBC – The Old Stores, Fuller Street, Fairstead

Statement by Mr Darren White, Willow Cottage, Fuller Street, Fairstead

Mr White objected to the proposal and disputed that it would make no difference to views

and overlooking. He considered that the structure would overlook his stables and block the view from the stables. He noted that the proposed brick wall had previously collapsed and Mr White was concerned about the safety of children and animals in the vicinity of the wall. He had suggested to the applicants that a structural engineer undertook test boards prior to the planning application being submitted but this had been ignored. Mr White emphasised that he had wanted to sort out any disputes prior to seeking legal advice or objecting but this had not been possible. He noted that the applicant had not informed him of the application and believed this did not satisfy planning application requirements.