

Minutes

Witham Area Committee



28th February 2006

Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	P A Heath	Yes
P R Barlow	Apologies	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Apologies	M C M Lager	Yes (from 7.20pm)
K D Boylan	Yes	Ms J S M Martin	Yes
Dr R L Evans (Chairman)	Yes	R G S Mitchell	Yes
D M Finch	Yes (until 8.45pm)	Mrs J B Reekie	No
T J W Foster	Apologies	Mrs K E Tearle	Yes
Mrs M E Galione	No	R A G Tincknell	No
J E B Gyford	Yes	P J R Turner	Apologies

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

78 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillor M C M Lager declared a personal interest in Agenda Items 5 and 6 - Application No. 05/01676/OUT – Home Farm, Howbridge Hall Road, Witham and Application No. 05/02506/FUL – Land rear of 137-141 Newland Street, Witham as a Member of Witham Town Council.
- Councillor Ms J S M Martin declared a personal interest in Agenda Item 6 - Application No. 05/01991/FUL - Kissingate, Church Road, Hatfield Peverel as one of the objectors is known to her.
- Mr A J French, Chairman of the Standards Committee, declared a personal and prejudicial interest in Agenda Item 6 - Application No. 05/01991/FUL - Kissingate, Church Road, Hatfield Peverel as he has objected to the application. In accordance with the Code of Conduct, Mr French left the meeting both 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.

79 MINUTES

DECISION: The minutes of the meeting of the Witham Area Committee held on 31st January 2006 were approved as a correct record and signed by the Chairman.

80 PUBLIC QUESTION TIME

INFORMATION: There were ten 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.

81 PLANNING APPLICATIONS APPROVED

DECISION: That the under-mentioned 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>
*05/02524/FUL (APPROVED)	Kelvedon	Granville Developments	Erection of two storey rear extension to existing office and provision of additional car parking area to renew approval 01/00785/FUL, 213A High Street.
*05/01014/LBC (APPROVED)	Kelvedon	Mr Q and Mrs M Colborn	Alterations to first floor to provide new stair access and shower room, Easterford Mill, Swan Street.
*06/00030/FUL (APPROVED)	Kelvedon	Mr and Mrs P Jenkins	Erection of two storey and single storey rear extensions, 16 Kingfisher Way.

The above application was approved, subject to the deletion of Condition 5 (requirement for obscure glazing)

82 PLANNING AGREEMENT

DECISION: That, subject to the applicant entering into a suitable legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 containing the Head 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>
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The Committee approved this application, subject to condition 2 being amended to require that there are no deliveries to the site before 9.15am, and to an additional condition requiring the submission of a detailed arboricultural report and a landscaping scheme for the site.

83 PLANNING APPLICATIONS REFUSED

Councillor M Renow, the Chairman of Hatfield Peverel Parish Council, joined the table for the consideration of the following application. Councillor Renow stated that the application was for a development in a village settlement and he considered that density and Government guidelines referred to were mainly for urban areas. The site was part of the original village of Hatfield Peverel and he considered that the density of development proposed was very high. This would be even greater if the area of the site was to be reduced. Councillor Renow stated that the proposed development did not mirror the existing building on the opposite side of the road and that the footprint of the proposal was not the same as the original dwelling, particularly when considering the car parking which would be required. Councillor Renow stated that Woodhill Property Developments were not the registered owners of the site. He considered that the height of the proposed development was significant and that, as it had a third floor element, it could not be effectively screened by trees. Councillor Renow stated that the garden of the nearest listed building was only 25m away, with its front door being only 35m away. No reference had been made in the proposed conditions to the need for an archaeological survey. Councillor Renow considered that any hedges lost in order to provide a visibility splay should be replaced with mature specimens. Councillor Renow considered that the proposed development was not in harmony with the character of the area and that the replacement of one dwelling with ten dwellings would set a dangerous precedent.

DECISION: That the undermentioned planning application be refused under the Town and Country Planning Act 1990 for the reasons set out below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/01991/FUL (REFUSED)	Hatfield Peverel	Woodhill Property Developments	Erection of 10 no. 2 bed residential units, Kissingate, Church Road.

Reason for Refusal

Policies CS2, BE1 and H4 of the Essex and Southend on Sea Replacement Structure Plan and policies RLP3, RLP4, RLP9 and RLP90 of the Braintree District Local Plan Review, and supplementary planning guidance contained within the Essex Design Guide for Residential and Mixed Use Areas, require proposals for residential development to be of a scale, design and intensity which is in harmony with surrounding existing development and where it satisfies amenity, design, environmental and highway criteria.

In this case it is considered that the proposed residential development, by reason of the location of the site, the built form of the area and the density of development proposed, would represent overdevelopment of the site and would be out of keeping and detrimental to the prevailing character of the locality.

Furthermore, it is also considered that by reason of the size, height, number of storeys and bulk and form of the development proposed it would be out of keeping with the character of the area and would appear unduly conspicuous within the street scene, to the detriment of the character and visual amenities of the locality. The proposal is therefore considered to be contrary to the above-mentioned policies.

DECISION: That the undermentioned planning application be refused under the Town and Country Planning Act 1990 for the reasons set out below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/00070/FUL (REFUSED)	Kelvedon	October Homes Ltd	Revised amendment to previous proposal 05/01633/FUL to create an additional dwelling in the loft space, 168-168A High Street.

Reason for Refusal

Policies CS2, BE1, HC2 and H4 of the Essex and Southend on Sea Replacement Structure Plan and policies RLP3, RLP9, RLP90 and RLP95 of the Braintree District Local Plan Review, and supplementary planning guidance contained within the Essex Design Guide for Residential and Mixed Use Areas, require proposals for residential development to be of a scale, design and intensity which is in harmony with surrounding existing development and where it satisfies amenity, design, environmental and highway criteria.

In this case it is considered this revised application to increase the number of residential flats on the site from five to six and by reason of the size, height, bulk and form of the development proposed, would result in an unacceptable form of development that would be out of keeping with the character of the locality and would appear unduly conspicuous within the street scene to the detriment of the character of the Conservation Area and the visual amenities of the locality. Furthermore, it is also considered that the proposed development would represent overdevelopment of the site and would be overbearing in terms of height and scale to the detriment of the locality. The proposal is therefore considered to be contrary to the above-mentioned policies.

84 PLANNING APPLICATION DEFERRED

DECISION: That the under-mentioned planning application be deferred to allow Officers to discuss the suitability of access to the site with Essex County Council Highways.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/02506/FUL (DEFERRED)	Witham	Chelmsford Cars & Commercial Ltd	Proposed demolition of existing garage and erection of six no. 2 bedroomed apartments with associated car parking, land to the rear of 137-141 Newland Street.

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

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

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 involves the likely disclosure of exempt information as defined in paragraph 9 of Part 1 of Schedule 12 (A) of the Local Government Act 1972.

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.

85 ASSET MANAGEMENT – PROPOSED DISPOSAL OF LAND, SILVER END

INFORMATION: The Committee considered a report on two Council-owned properties at Magdalene Crescent, Silver End.

DECISION: That it be

RECOMMENDED to Cabinet:-

- (1) That the properties at Magdalene Crescent, Silver End as defined in the report be declared surplus to requirements.
- (2) That both properties be disposed of on the open market on terms and conditions to be agreed by the Asset Manager.
- (3) That an investigation be carried out with some urgency into the long term flooding problem in the area in order to secure the future protection of public and private residents.

The meeting closed at 9.43pm.

DR R L EVANS
(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

28th February 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 05/01991/FUL – Kissington, Church Road, Hatfield Peverel

(Mr A French, Chairman of the Standards Committee, left the meeting during the following statements)

(1) Statement by Mr Gordon Doel, 2 The Spinney, Church Road, Hatfield Peverel

Mr Doel read from a prepared statement as follows:-

I have read the planning report and I am concerned by possible omissions, contradictions and inaccuracies as follows:-

Consultations

‘Essex County Council’s Historic Management Branch has recommended a full archaeological condition in respect of the proposed works’. This is omitted in the report’s recommendations and there has been no consultation with respect to the Grade 2 listed buildings. Government policy on listed buildings, set out in the guidance document PPG 15 – Planning and the Historic Environment, requires local authorities considering applications for works which affect listed buildings to have special regard to certain matters, including the desirability of preserving the setting of buildings. Local authorities are required under Section 67 of the Town and Country Planning Act 1990 to publish a notice of all applications, which in their opinion affect the setting of a listed building.

2. Design and Layout

The site area is stated as 0.18 hectares. The proposed number of units is 10. This equates to a density figure of 55.5, which is approximately 55 units per hectare, not approximately 50 as per the report. This density is 10% in excess of the ODPM recommendation of 30 to 50 units per hectare.

Both Land Registry and Ordnance Survey state that the Kissington site is 0.15 hectares. The report states that the difference in area is a civil matter between respective landowners, but when this is resolved, and if the applicant is unable to prove title to the extra area of land which is in dispute, the density of construction would become 66.6 units per hectare, 33% over the recommendation.

The report correctly states that ‘whilst the local built form is predominantly 2 storey, there are other local examples of 2½ storey development, where a third storey is facilitated within the roof plain’. There are exactly three such properties in the vicinity of this proposal that have one attic window each, but they are not blocks of flats and do not contain bathrooms, toilets, kitchens etc. on their third

floor and therefore cannot be compared in any way with the current application, which has 15 windows in the third floor.

The proposed building height is approximately 3.7 metres (12 feet) taller than the adjacent houses and a row of cottages, two of which are Grade 2 listed. The report states ‘ that in terms of overbearing, overshadowing and overlooking the proposal will not have a demonstrable impact upon adjacent residential amenity.’

The overhead projection photographs and hard copies completely contradict the above statement in the report.

3. Highway Implications

The report states that ‘a total of 15 car parking spaces will be provided’. Looking at the plan, two of the spaces are unusable as there is no room to reverse. Should the site be reduced to 0.15 hectares the available space will be less than the standards of the local planning authority.

4. Amenity

To reach one of the main areas of amenity space would require crossing a car park. This is dangerous and is contrary to Braintree Council policy.

5. Trees

Trees that have been in full leaf last Summer will be destroyed in this development.

Conclusions

I therefore conclude that the scale, density and mass of the proposed three storey block of flats amounts to overdevelopment entirely in contradiction to policies RLP 3, 9, 10, 15 and 90 and would have a detrimental impact on the locality.

(2) Statement by Mr Charles Nicholson, Peverel Cottage, The Green, Hatfield Peverel

Mr Nicholson referred to the reference in the report to urban areas, and he pointed out that the site was in a rural area. He stated also that the access to the site was not private, but common land. He disputed the claim that the development would not be detrimental to the area. Mr Nicholson considered that the Highways Authority was not aware of the on-road parking which occurred near the site every day, particularly at school start and end times. He indicated that there was no footpath on the Kissingate side of the road. Mr Nicholson went on to quote from some of the policies of the Braintree District Local Plan Review which, inter alia, supported the enhancement of an area; required that new buildings should be visually satisfactory and relate to their surroundings; and that the street scene and historic character of an area should be protected.

(3) Statement by Mrs Teresa Henry, Rosemary Cottage, The Green, Hatfield Peverel

Mrs Henry stated that she had three main concerns regarding the proposed development. These were parking and traffic, noise, and impact on the local environment. She felt that visitors to the new development would use Coffin Path to park their cars and would cause an obstruction to other properties. Furthermore, the proposed development being in close proximity to a school was not considered desirable. It was considered that the intensification of the use of the site would result in a noise nuisance. Mrs Henry concluded by stating that the proposed development was near the oldest part of Hatfield Peverel and that any new development should be sympathetic to the area. She considered that the proposal

was totally out of character with existing development and would have a demonstrable effect. A change from a single dwelling to ten flats was considered to be totally unacceptable.

(4) Statement by Mrs Lisa Garner, 3 The Spinney, Church Road, Hatfield Peverel

Mrs Garner stated that she lives opposite the proposed development and that she has four children, two of whom attend the local school. Mrs Garner pointed out that the area is highly congested at school start and finish times and that that children have to walk in the road. More development would mean more congestion. Coffin Lane was used by children and their mothers. Mrs Garner stated that she had experienced some near accidents when entering and exiting from her own property. She indicated that the new development would be 12 feet higher than her own property and that she did not want to look out onto it. She considered that the development would be totally out of keeping with the area, particularly set against the listed buildings nearby.

(5) Statement by Mr Andrew Cooney, Windsong, Church Road, Hatfield Peverel

Mr Cooney read from a prepared statement as follows:-

Bulk and Character

The report states that the building is ten two-bedroom units. The plan actually shows eight flats, plus two attached houses. One of the flats is not two, but three bedrooms.

The report compares the development with a number of policies. In particular, RLP3 which considers to 'protect the character of the existing street scene', it also states to 'seek to protect the character of the locality'. For your reference, the current street scene is a four bedroom house with a 22 degree pitched roof, over two storeys, with mature hedgerows and trees. There are two Grade II listed buildings, three further small cottages each of more than 100 years old, one newer cottage and one of more than 300 years old that is floodlit at night to show its aesthetically pleasing value, all within sight of Kissingate to the south and east boundary known as the Coffin Path. Essex County Council have been approached by Hatfield Peverel Parish Council to adopt the Coffin Path, including some land assumed by Kissingate, as a public right of way. This path is referred to in the report as a private road, which it is not. There are five detached houses on the west boundary, Church Road. In the wider area there are indeed other buildings with loft conversions and smaller dormer windows, but this is not a direct comparison with the mass of this proposal.

The new building is compared to the old building footprint including current hard surface. This is not comparing like with like as regards bulk and character, as can be seen on the prepared drawing.

Density – RLP10

The property correctly bounded as per the Land Registry entry is 0.381 acres. Ten dwellings on this gives a density of 66 units per hectare. The property as bounded incorrectly in the proposed plans, describes an area of 0.18 hectares. This gives a density of 55 units per hectare. Both are outside the recommendation of 30 to 50 units per hectare.

I note that in the BDLPR, the Proposal Map suggests reference to RLP2, 3 and 4. RLP4 is prevention of town cramming and this is not noted, or referenced in the policy considerations of the proposal.

Highways

Recommendation 22 in the report asks for visibility splays from the entrance to the kerb dropping south and the entrance to Maldon Road, north. This implies loss of the mature hedgerow bounding with Church Road. This is contrary to the principle of the report that the site is screened and the majority of trees and hedgerows will be maintained. Between the splay and the car park is designated as private amenity space complying with minimum standards of the local planning authority.

Highways recommend the hedgerow is removed to accommodate the splay. This private amenity space will therefore be between the car park and the tapered splay in the narrowest area of the site, instead of the car park and the hedgerow in the narrowest area of the site.

There are five trees that grow within the proposed splay closest to the vehicle entrance. Highways have verbally suggested that if you cannot see through the trees, as they are within the suggested splay, the development cannot go ahead.

Omissions

The specialist archaeological advice included two recommendations. I note that these are not included in your report.

I note also that Essex County Council Historic Buildings have not been consulted on this proposed development.

(6) Statement by Mrs Jane Smith, Mariswood, Maldon Road, Hatfield Peverel

Mrs Smith stated that she lived in Maldon Road and, although she was not directly affected by the proposed development, she was concerned about its impact. Mrs Smith considered that the proposal was not in harmony with the surroundings and that it would detract from the appearance of the discreet historic buildings. Furthermore, the site was in a prominent part of the village and she considered that any development should enhance the area.

(7) Statement by Mr Andrew Pipe, Andrew Pipe Associates Ltd. 14-15 The Bardfield Centre, Great Bardfield

The Mr Pipe, as the Agent for the applicant, stated that the concept of the development had been subject to early preliminary discussions and that the application had been subject to lengthy consideration by Officers whose recommendation was clear. The proposal had been designed to fit on the footprint of the existing dwelling. The scheme proposed that the development should front both Maldon Road and Church Road. It met the standards for parking and amenity space and the requirements of the Highways Authority. Detailed discussions had taken place regarding the landscaping of the site. Government guidance required high density development. Smaller houses would have a greater impact on the site due to the need to provide private parking and gardens. The open character of a development of flats was considered to be more acceptable than enclosed gardens.

Mr Pipe stated that there was already an outline approval for the erection of another detached dwelling on the site. Mr Pipe queried the accuracy of the

photographs shown earlier in the meeting by an objector and he stated that the proposed building would be only 4' 6'' higher than the existing. Mr Pipe stated that the site was not common land and that legal issues were being taken up by the applicant with his Solicitor.

(8) Statement by Mrs Donna Goddard, 2 Yew Tree Close, Hatfield Peverel

Mrs Goddard stated that she was the Chairman of the Governors of St Andrew's School and that she wished to reiterate the views which had already been expressed in writing by the head teachers. She stated that the school was only yards from the proposed development and that additional vehicles entering and exiting the site and parking on the road would make the area more hazardous for the children. Mrs Goddard requested the Committee to refuse the application.

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

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

Mr Forde as Agent for the applicant stated that there were currently garages located on the site which was in an untidy and derelict state and a place for youths to congregate.

Mr Forde stated that the development would provide small units of accommodation which would be suitable for older and younger people. A passing bay could be provided in the access to the site.

3. Statement Relating to Application No. 06/00030/FUL – 16 Kingfisher Way, Kelvedon

Statement by Mrs Gail Jenkins, 16 Kingfisher Way, Kelvedon

Mrs Jenkins stated that she wished to have a window located in the ground floor part of the extension. This side of the house faced a brick wall where a car was regularly parked and the window would not cause overlooking to the adjacent property. She requested that the condition requiring obscure glazing for the window be removed.