

Minutes

Witham Area Committee

3rd January 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)	Yes	M C M Lager	Yes
K D Boylan	Apologies	Ms J S M Martin	Yes
Dr R L Evans (Chairman)	Apologies	R G S Mitchell	Yes
D M Finch	Yes	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	Yes

The Chairman opened the meeting by wishing everyone a Happy New Year.

61 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillors P R Barlow, M C M Lager and Mrs K E Tearle declared personal interests as members of Witham Town Council in Agenda Item 5 – Application Nos. 05/02143/OUT – Land Adjacent Mulberry, Maldon Road; 05/02341/FUL – Former Fire Station, Mill Lane; 05/02411/FUL – 3 Pondholton Drive, Witham.
- Councillor P A Heath declared a personal interest as he was a minor shareholder in BP in Application No. 05/01783/FUL – South Side BP Filling Station, London Road, Rivenhall End.
- Councillor J E Abbott declared a personal interest as a member of Rivenhall Parish Council in Application Nos. 05/01783/FUL – South Side BP Filling Station, London Road and 05/02060/FUL – 7 Oak Road, Rivenhall End.
- Councillor R G S Mitchell declared a personal interest as a member of Feering Parish Council in Application No. 05/01871/FUL – Herrolds Mead, Worlds End Lane, Feering.

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.

62 MINUTES

DECISION: The minutes of the meeting of the Witham Area Committee held on 29th November 2005 were approved as a correct record and signed by the Chairman.

63 PUBLIC QUESTION TIME

INFORMATION: There were five 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.

64 PLANNING APPLICATIONS REFUSED

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

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*05/02117/OUT (REFUSED)	Hatfield Peveler	A & J Robinson	Erection of building to be used for an MOT Testing Centre, Land Off Northbound Slip Road, Witham Road.

DECISION: That the undermentioned planning applications 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>
*05/02341/FUL (REFUSED)	Witham	Mr Chris Gill	Demolition of existing building and erection of 2 no. 1 bedroom flats and change of use from offices to residential dwellings, Former Fire Station, Mill Lane.

Reasons for Refusal

Policy RLP3 of the Braintree District Local Plan Review states that within town development boundaries residential development will only be permitted where it satisfies amenity, design, environmental and highway criteria.

The proposed development is considered to represent an overdevelopment of the site as evidenced by the lack of private amenity space and off-street car parking. Furthermore, the flats would have poor access arrangements for pedestrians. The cumulative impact of the deficiencies on this constrained site would result in a form of development that would relate poorly to its surroundings having an adverse impact on the character and amenity of this area.

65 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 given 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>
*05/02392/FUL (APPROVED)	Hatfield Peveler	Mrs S Clarke	Erection of stables, tack room, feed room and associated fencing, White Cottage, Wickham Bishops Road.

The above application was approved, subject to an additional Condition as follows:

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no form of external lighting or illumination shall be installed without the prior written consent of the local planning authority in accordance with full details to be submitted.

In any event, no illumination between the hours of 2200-0600 shall be permitted.

66 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>
*05/02188/FUL (APPROVED)	Bradwell	Mr D Hill	Erection of triple garage, The Old School, Church Road.

The Parish Clerk for Bradwell, Mr Hill, joined the table for the discussion of this item. Mr Hill referred to Policy RLP3 of the Braintree District Local Plan Review and noted that the reasons for refusal at the meeting on 4th October 2005 were that the garage would appear over dominant in the plot and detrimental to the setting and character of this sensitive rural edge locality. Mr Hill felt that the application, although new, had not been changed materially, nor had the officers and policy changed. He therefore requested that the views of the Parish Council, and local residents who objected to this application and the previous application, be taken into consideration. Mr Hill considered that the suggestion to site a double garage to the west of The Old School and a single garage to the east had not been considered. He felt the garages would have better access in this position and have less impact on the street scene. The Parish Council requested that the application be refused but should it be approved, asked that a Condition be added preventing any conversion to residential use.

The above application was approved, subject to an additional Condition as follows:
The building 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.

A motion to Refuse the above application was moved and seconded but on being put to the vote was declared LOST.

*05/01871/FUL (APPROVED)	Feering	Mr & Mrs D Camp	Erection of extensions and alterations to existing dwelling, Herrolde Mead, Worlds End Lane.
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*05/01783/FUL Rivenhall End BP Oil UK Limited Redevelopment and expansion of
(APPROVED) existing service station to provide forecourt, sales building, fuel and HGV canopy, underground tanks, parking and access, South Side BP Filling Station, London Road.

The above application was approved, subject to the amendment of Condition 2 as follows:
Hours of operation should be restricted to between 0600 and 2300 hours Monday to Sunday.
Outside of these hours no external illumination of the site shall be permitted.

Further Conditions were added as follows:

9. Prior to the commencement of development, a scheme detailing the proposed external lighting shall be submitted to and approved in writing by the local planning authority. Only such lighting as approved shall be installed.
10. The boundary fence as shown on drawing no. 10604/57 RevB shall be constructed to height of 1.8m.
11. Detail of the pedestrian control measures at the crossing points and bus stop shown in Drawing No. 10604/20C shall be submitted to, and approved in writing by, the local planning authority (via the appropriate Committee).
12. All planting, seeding or turfing contained in the approved details of the landscaping scheme shall be carried out in the first planting and seeding seasons after the commencement of the development unless otherwise previously agreed 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 5 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.

*05/02060/FUL Rivenhall End Kevin Cornwell Erection of conservatory, 7 Oak
(APPROVED) Road.

*05/02143/OUT Witham Mrs N Vert Erection of one chalet style
(APPROVED) dwelling, Land Adjacent Mulberry, Maldon Road.

The above application was approved, subject to the amendment of the description of the development to read "erection of one dwelling". A Condition was also added as follows:

6. The development shall be limited to one single storey bungalow only. Any other type of development would require a separate consent.

*05/02411/FUL Witham Mr and Mrs Eves Erection of two storey front and
(APPROVED) rear extensions and single storey side extension, 3 Pondholton Drive.

67 MINUTES FROM OTHER GROUPS AND PANELS

Witham Area Panel – 21st September 2005

INFORMATION: The Area Manager noted the Panel's disappointment at the lack of elected representatives attending meetings. Members considered this may be due to the lack of notice of meetings. The Area Manager confirmed that this would be resolved. The Area Manager also noted that the Panel discussed commuter parking on housing estates.

INFORMATION: Councillor Heath referred to the Recommendation made to Cabinet at the previous meeting regarding a dedicated telephone line for members of the public to report enforcement and other parking issues. Councillor Heath noted that Witham Area Committee had been promised an update on this request. Councillor Lager responded that training would be provided to staff in the Contact Centre to deal with these issues rather than an additional dedicated telephone line being set up.

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 9.51pm.

K E BIGDEN
(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

3rd January 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statement relating to Application No. 05/02117/OUT – Land off northbound slip road, Witham Road, Hatfield Peverel

Statement by Mr Alan Robinson, Old School House, Ulting

Mr Robinson stated that he had been running an MOT testing centre in Hatfield Peverel for the past four years. The land where the centre was sited was sold three years ago and the new owner had indicated that he wished to develop the land and Mr Robinson had since been granted yearly leases. The proposed site was very small and could not be developed further. It had been taken over in the past by travellers and a mobile telephone mast was also on the site. Mr Robinson felt that his small family business would benefit the village for years to come and noted there would be a maximum of eight vehicle movements per day. He stated the application was fully supported by the Parish Council and the landowner together with many people in the village. Mr Robinson had looked for an alternative site but this was the only suitable location. He felt the village should not lose yet another amenity, particularly one so vital to the environment.

2. Statement relating to Application No. 05/01783/FUL – South Side BP Filling Station, London Road, Rivenhall End

Statement by Mr Nigel Ozier (for Agent)

Mr Ozier emphasised a few of the points outlined in the officer's report. He considered the application to be an improvement on an important trunk road. The alterations to the layout and site entrance and exit would improve safety and visibility. The new bus stop and shelter would also improve safety together with a number of environmental improvements. Mr Ozier noted that the shop would also be sited at a greater distance from local residents.

3. Statements relating to Application No. 05/02188/FUL – The Old School, Church Road, Bradwell

(a) Statement by Mr David Hill (Applicant)

Mr Hill stated that his previous application had been for a much larger garage and had been withdrawn after discussions with the Council's Planning department. He was happy to go back to the original plan if this would make the Parish Council happy. He noted there were other garages in the village with 45° pitch garage roofs. Mr Hill required a garage as there was no storage space in his property. He had followed the requirements of the Committee to the letter and added that no other garage in the village had been built to these stipulations. He noted that a 3m high hedge separated the garage from the adjacent farmer's field. Mr Hill was

happy to answer any questions from the Committee and circulated some photographs to illustrate his points.

(b) Statement by Mr Kevin Collett, 1 Church Road, Bradwell

Mr Collett stated that this was the first time he had objected to anything. He lived opposite the application site and had no objection to a garage being built, merely the siting of it on the edge of the countryside. Mr Collett considered that the size of the bungalow as in the region of a small bungalow and could be better sited to preserve views of the open countryside, for example, gable end on rather than front on. Mr Collett also felt that the new garage would be out of balance with one of the oldest properties in the village.

4. Statement relating to Application No. 05/01871/FUL – Herrolds Mead, Worlds End Lane, Feering

Statement by Mrs Beryl Heard, Lee House, Worlds End Lane, Feering

Mrs Heard objected to the extension next to her property. She noted that the report stated that a 2.6m gap between the properties was not unreasonable, however, Mrs Heard pointed out that this would be a two storey extension and would result in considerable loss of light to her kitchen and utility room.