

# Minutes

## Witham Area Committee

7<sup>th</sup> November 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	Yes	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Yes	M C M Lager	Yes
K D Boylan	Yes	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	No
T J W Foster	Apologies	Mrs K E Tearle	Yes
Mrs M E Galione	Yes	R A G Tincknell	Apologies
J E B Gyford	Yes	P J R Turner	Yes

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

### 52 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillor P J Hughes declared personal interests as a member of Silver End Parish Council in Agenda Item 5 – Proposed No Waiting Restriction – Valentine Way and School Road, Silver End and Agenda Item 8 – Application No. 06/01825/OUT – Land Adjacent 9 Carraways, Witham.
- Councillor M C M Lager declared personal interests:-
  - i. as a member of Essex County Council in Agenda Items 5 - Proposed No Waiting Restriction – Valentine Way and School Road, Silver End, 6 – Proposed No Waiting Restriction – Various Roads, Hatfield Peverel and 7 – Proposed Disabled Parking Bay – Rivenhall;
  - ii. as a Member of Witham Town Council in Agenda Item 8 – Application No. 06/01825/OUT – Land Adjacent 9 Carraways, Witham.
- Councillor P J R Turner declared a personal interest as a member of Black Notley Parish Council in Agenda Item 8 – Application No. 06/01571/OUT – Land Adjacent 181 London Road, Black Notley.
- Councillor K E Bigden declared personal interests as a member of Hatfield Peverel Parish Council in Agenda Items 6 – Proposed No Waiting Restriction – Various Roads, Hatfield Peverel and 8 - Application No. 05/02392/FUL – White Cottage, Wickham Bishops Road, Hatfield Peverel.
- Councillor P A Heath declared personal interests:-
  - i. as he was known by a number of objectors in Agenda Item 5 – Proposed No Waiting Restriction – Valentine Way and School Road, Silver End.
  - ii. as a member of Witham Town Council in Agenda Item 8 – Application No. 06/01825/OUT – 9 Carraways, Witham;

- iii. as the Chairman of the Forum in Agenda Item 9 – Maltings Lane Forum.
- Councillor J E Abbott declared:-
    - i. a personal interest as a member of Silver End Parish Council in Agenda Item 8 - Application No. 06/01685/REM – Former Joinery Site/County Warehousing, Boars Tye Road, Silver End;
    - ii. a personal and prejudicial interest as the applicant and some of the objectors were known to him and also as a member of Rivenhall Parish Council in Agenda Item 7 – Proposed Disabled Parking Bay – Rivenhall. In accordance with the Code of Conduct, Councillor J E Abbott left the meeting during the discussion of this item;
  - Councillor P R Barlow declared a personal interest as a member of Witham Town Council in Agenda Item 8 – Application No. 06/01825/OUT – 9 Carraways, Witham.
  - Councillor R G S Mitchell declared a personal interest as he lived in the vicinity and as a member of Feering Parish Council in Agenda Item 8 – Application No. 06/01191/FUL – Threshelfords Business Park, Inworth Road, Feering.
  - Councillors K D Boylan and Mrs K E Tearle declared a personal interest as members of Witham Town Council in Agenda Item 8 - Application No. 06/01825/OUT – 9 Carraways, Witham.

In accordance with the Code of Conduct, all Councillors remained in the meeting, unless stated otherwise and took part in the discussion for all the above items and the votes thereon.

## 53 MINUTES

**DECISION:** The minutes of the meeting of the Witham Area Committee held on 10<sup>th</sup> October 2006 were approved as a correct record and signed by the Chairman.

## 54 PUBLIC QUESTION TIME

**INFORMATION:** There were seven 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.

## 55 MINUTES FROM OTHER GROUPS AND PANELS

Witham Area Panel – 19<sup>th</sup> July 2006

**DECISION:** That the minutes be received and noted.

**PROPOSED NO WAITING RESTRICTION – VALENTINE WAY AND SCHOOL ROAD, SILVER END**

**INFORMATION:** The Committee considered a report on the objections received as a result of the advertising of the proposed No Waiting At Any Time on the Verges at Valentine Way and School Road, Silver End.

The Essex County Council Highways Officer, Olive Cowell, read out the following statement:

“Joint concerns have been expressed by District Members, Officers and County Council Officers with regard to the problems being experienced throughout the District of vehicles being parked on verges/greenswards and causing damage to them. This has become an increasing problem which is having a detrimental impact on the District Council's Corporate priority to improve the appearance of the District.

Under the partnership, Essex County Council agreed to publish traffic regulation orders on verges that were identified by the District Council. It was agreed that the trial should cover the worst 'hot spots' across the whole of the District and not just clustered in one area. With the decriminalisation of parking, the enforcement would be covered by the Parking Attendants within Braintree District Council.

A list of the problem sites was received from Braintree District Council and the Traffic Regulation Orders were advertised. The report before you is for information and outlines the objections received. It is our intention to discuss this further with the relevant Braintree District Council officers and we would welcome your views on the proposals and the objections.”

Mrs Cowell explained that the old information signs stating “no parking on verges” were not enforceable hence this proposal.

Members raised the following issues and concerns:-

- Suggested staggering parking on the road to allow vehicles to pass easily;
- Lack of consultation with residents affected by the proposals;
- Residents advised they could not construct driveways;
- Cost effective offer from the Council to assist with the construction of driveways;
- The need to retain the existing character of the roads;
- Concern for potential flood risk if driveways constructed.

Mrs Cowell advised that the consultation process involved advertising the scheme in the local press over three consecutive weeks and placing notices on lamp posts.

**DECISION:-** That the proposal be deferred in order that further discussion can take place between the District and County Councils to seek a solution to the issues raised by the residents affected.

57 PROPOSED NO WAITING RESTRICTION – VARIOUS ROADS, HATFIELD PEVEREL

**INFORMATION:** The Committee considered a report on the objections received as a result of the advertising of the proposed No Waiting Monday to Friday 2.00pm to 3.00pm to Arthy Close, Beech Rise, Bennett Way, Chestnut Avenue, Garden Field, Laburnum Way, Mortimer Road, Rye Close, St Andrews Road, Stonepath Drive, Strutt Close, Toulmin Road and Willow Crescent in Hatfield Peverel. Members were advised that Baker Avenue and Willow Crescent had been withdrawn from the proposed scheme. Hatfield Peverel Parish Council had requested parking restrictions be implemented in various roads as they were blocked by commuters.

Members raised the following issues and concerns:-

- Commuter parking was a huge concern, particularly in St Andrews Road;
- Concern at the number of objections from local residents;
- Full report requested from the Parish Council detailing the reasoning behind the roads proposed to be restricted;
- Commuter parking a symptom of inefficient transport system. A commuter bus may alleviate the problem;
- Concerned that residents would have to move their vehicles for one hour of the day.

**DECISION:** That the proposal be deferred in order that a further report can be brought before Members detailing the evidence from the Parish Council for the roads proposed to be restricted.

58 PROPOSED DISABLED PARKING BAY - RIVENHALL

*(Councillor J E Abbott left the meeting during the consideration of the following item).*

**INFORMATION:** The Committee considered a report on the objections received as a result of the advertising of the proposed Disabled Parking Bay in Beech Road adjacent to 477 Rickstones Road, Rivenhall.

**DECISION:** That notwithstanding the objections set out in the report, an order be made subject to and in accordance with the County Council's standard order making procedures.

59 PLANNING APPLICATION WITHDRAWN

**INFORMATION:** The following application was withdrawn from the Agenda by the applicant.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/01191/FUL (WITHDRAWN)	Feering	Granville Developments	Erection of dining facility/ crèche associated with business park development, Threshelfords Business Park, Inworth Road.

60 PLANNING APPLICATION APPROVED

**DECISION:** That the undermentioned planning application 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>
*06/01571/OUT (APPROVED)	Black Notley	Bowergrange Estates Ltd	Erection of dwelling, Land Adjacent 181 London Road.

61 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>
*06/01685/REM (APPROVED)	Silver End	George Wimpey East London	Erection of 19 no. office/ commercial units, 6 no. live/ work units and 60 dwellings with associated access, parking and open space, Former Joinery Site/County Warehousing, Boars Tye Road.

Heads of Terms

1. On-site Affordable Housing Provision.
2. A financial contribution towards the provision of off site play equipment provision.
3. A financial contribution towards the provision of off site open space provision of public open space and the maintenance arrangements for this space.
4. Considerate Contractors Clauses.

The above application was approved, subject to additional Conditions as follows:  
19. The 4 no. bulkhead lights proposed within the Street Lighting Design statement received 15<sup>th</sup> August 2006 are not approved. Further particulars shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council prior to installation unless otherwise agreed in writing by the local planning authority.

20. The proposed 6 metre high 50 Watt SON columns, which are indicated with a 5 degree tilt as detailed within the Street Lighting Design Statement received 15<sup>th</sup> August 2006, are not approved. Further particulars indicating a 0 degree tilt shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council, prior to installation unless otherwise agreed in writing by the local planning authority.

21. The access spur road into the car park at the front of the development, as indicated on the submitted plans, is not approved. Revised plans indicating an altered access arrangement into the front car park with the spur road omitted shall be submitted to and approved in writing by the local planning authority in consultation with Essex County Council Highways, prior to the first occupation of the site.

It was emphasised during the presentation of this application that Braintree planning officers did not design the proposal, contrary to the statement in the document circulated by the agent to the developer.

## 62 PLANNING APPLICATIONS REFUSED

**DECISION:** That the undermentioned planning applications be refused in accordance with the reasons set out in the officer's report.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/02392/FUL (REFUSED)	Hatfield Peveler	Mrs S Clarke	Erection of stables, tack room, feed room and associated fencing, White Cottage, Wickham Bishops Road.
*06/01825/OUT (REFUSED)	Witham	Trustees of J R Wood	Erection of 5 no. flats, parking and amenity space, Land Adjacent 9 Carraways.

The above application was refused subject to the following amendment to the reason "...rear garden area of No. 19 Carraways...".

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).

At approximately 10.10pm, it was moved, seconded and subsequently APPROVED that the meeting be extended until the remaining business had been completed in accordance with paragraph 8 of Part 4 of the Constitution.

63 MALTINGS LANE FORUM

**INFORMATION:** At the meeting of the Witham Area Committee in August, the issue was raised of how best to organise a process for Members to discuss informally the Heads of Terms for a planning agreement to accompany the new Maltings Lane outline planning application.

A special meeting of the Maltings Lane Forum was suggested. However, Members agreed that a separate meeting be organised for Witham Area Members. The Head of Corporate Services advised at the time that such a meeting would be subject to the Members' Code of Conduct. The Development Director decreed that such a meeting would not be appropriate for reasons of transparency in the planning process and that the Maltings Lane Forum was indeed the correct meeting for any such discussion; it is open to all Members of the Area Committee together with other interested parties such as Witham Town Council and amenity societies.

**DECISION:** That a meeting of the Maltings Lane Forum be held on the 13<sup>th</sup> December 2006 between 7.00pm and 9.00pm at Witham Town Hall.

**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 3 of Part 1 of Schedule 12 (A) of the Local Government Act 1972.

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MATTER 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.*

64 ASSET MANAGEMENT – PROPOSED DISPOSAL OF LAND, WITHAM

**INFORMATION:** The Committee considered a report on the request to purchase some land at Mulberry Gardens, Witham.

**DECISION:** That the land be declared surplus to requirements and disposed of on terms to be agreed by the Asset Manager.

The meeting commenced at 7.15pm and closed at 10.22pm.

DR R L EVANS

(CHAIRMAN)

## APPENDIX

### WITHAM AREA COMMITTEE

7<sup>th</sup> November 2006

### PUBLIC QUESTION TIME

#### Summary of Questions Asked / Statements Made During Public Question Time

1. Statement Relating to Application No. 06/01685/REM – Former Joinery Site, Boars Tye Road, Silver End

#### Statement by Mr John McLarty, Agent

Mr McLarty introduced himself as the planning consultant acting on behalf of George Wimpey East London. By way of background information, he noted that discussions with the Local Authority and County Council commenced in early March 2006. Meetings had also taken place on site with the Ward Member and Parish Council. He confirmed that the application had been prepared in conjunction with the officers of the Local Authority and County Council and was grateful for their assistance. Mr McLarty noted that the developer had also entered into a dialogue with the general public, writing to 100 local residents.

2. Statement Relating to Agenda Item 6 – Proposed No Waiting Restriction – Various Roads, Hatfield Peverel

#### Statement by Mr Ed Cannon, 15 Stone Path Drive, Hatfield Peverel

Mr Cannon was opposed to the parking restrictions in Hatfield Peverel which he believed would not solve the problems and were not in the best interests of the majority of residents as commuters would simply migrate to other roads creating similar problems in these roads. He considered that the whole of the village should be involved in the restrictions or none at all. He noted that the majority of households had small driveways and limited space. The restrictions would cause problems for those at home during the day, for example mothers with young children would have to go out during the restrictions or move their vehicles. Mr Cannon was not aware of any problems with commuter parking in Stone Path Drive which was a quiet cul de sac. He considered that the restrictions would make the property less attractive to potential buyers and felt that the implications had not been fully considered. He questioned why parking permits had not been offered allowing for two or three visitors.

3. Statements Relating to Application No. 06/01825/OUT – Land Adjacent To 9 Carraways, Witham

#### (a) Statement by Mrs Silvia MacDonald, 20 Clayshotts Drive, Witham

Mrs MacDonald was concerned about the parking of trucks and vans and noted there was not enough space for the flats. She considered that the road was not wide enough and the sewerage works were already struggling to cope.

(b) Statement by Mrs Nhung Wan, 32 Swan House, Carraways, Witham

Mrs Wan referred to her letter dated 28<sup>th</sup> September 2006. She noted that one of her neighbours had twice found newts in their garden. She questioned why the plans had been changed from town houses to flats and asked why she had not been informed of this change. She noted that her property currently enjoyed the evening sunshine but the proposal would affect this enjoyment. She was concerned that the already limited green land would be lost and that property values would be affected. Mrs Wan pointed out that the approach to Carraways was very narrow and could become very slippery in the winter months.

(c) Statement by Mrs Teresa Manguzi, Witham Lodge Estate

Mrs Manguzi noted that she was a visitor to the area and considered the development would be a private and public nuisance. The proposed works would be disruptive and obstruct the right of access to Carraways. She noted the area already suffered from a foul smell at times and the proposed development would add to the sewerage and asked how this would be addressed. Mrs Manguzi also questioned the accuracy of the report pointing out there were windows to the side of No. 63 both upstairs and downstairs.

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

Mr Wood was concerned about the serious problem of parking availability in the area, noting there were only six spaces marked on the plans.

4. Statement Relating to Application No. 06/01571/OUT – Land Adjacent To 181 London Road, Black Notley

Statement by Mr Gregor Rickford, 179 London Road, Black Notley

Mr Rickford stated that he lived next door to the proposed site and had sent representations objecting to the application. He did not object in principle but opposed the current application. Mr Rickford considered that a visually cramped house would be created and felt it would be better to erect the proposed dwelling behind the existing house. He did not believe that the proposal complied with RLP19.