

Minutes

Witham Area Committee

20th June 2006



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	P A Heath	Apologies
P R Barlow	Apologies	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Yes	M C M Lager	Apologies
K D Boylan	Yes (until 7.50pm)	Ms J S M Martin	Yes
Dr R L Evans (Chairman)	Apologies	R G S Mitchell	Yes
D M Finch	Yes (from 6.58pm until 7.50pm)	Mrs J B Reekie	Yes
T J W Foster	Yes	Mrs K E Tearle	Yes
Mrs M E Galione	Yes	R A G Tincknell	Apologies
J E B Gyford	Apologies	P J R Turner	Yes

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

18 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillor P J R Turner declared a personal interest as a Member of Black Notley Parish Council in Planning Application No. 06/00890/FUL – 7 Hospital Field, Black Notley.
- Councillor J E Abbott declared a personal interest as a member of Rivenhall Parish Council in Planning Application Nos. 06/00635/COU – Land At Rose Cottage, Braxted Road, Rivenhall and 06/00758/REM – 31 St Mary's Road, Rivenhall.
- Councillor Mrs K E Tearle declared a personal interest as the Chairman of River Walk & Whetmead Committee in Agenda item 8 – Enforcement Item – Property Situated in 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.

19 MINUTES

DECISION: The minutes of the meeting of the Witham Area Committee held on 23rd May 2006 were approved as a correct record and signed by the Chairman.

20 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.

21 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>
*06/00491/FUL (APPROVED)	Bradwell	Mr P Holmes	Erection of two storey side extension and porch, 3 Riverside.
*06/00696/FUL (APPROVED)	Hatfield Peverel	Mr W Bailey	Demolition of existing bungalow and erection of a detached dwelling and garage, Elmcote, London Road.
*06/00839/REM (APPROVED)	Hatfield Peverel	Mr And Mrs R Bruckman	Erection of 1 no. 1 bedroom detached bungalow, Land Adjacent 8 Bennet Way.
The above application was granted subject to additional Conditions 5 (CONS7), 6 (CONS9) and 7 (CONS10).			
*06/00609/FUL (APPROVED)	Hatfield Peverel	Mr & Mrs R Crisp	Erection of two storey rear extension and detached garage, Lawsoniana, Peverel Avenue.
*06/00635/COU (APPROVED)	Rivenhall	Witham Woodchips	Change of use of redundant farm building to B2 use, Land At Rose Cottage, Braxted Road.

The above application was granted, subject to the amendment of Condition 3 "... Rose Cottage and Garden Cottage ..." Additional conditions were added as follows:
13. No lighting shall be provided on the buildings or within the areas for the turning, loading, unloading and parking of vehicles unless a scheme of external lighting showing design, siting and degree of illumination has been previously submitted to and agreed in writing with the local planning authority and the lighting provided accords with such approved details.

14. Details of any hedgerows, trees or shrubs proposed to be faced back or removed within the area of the visibility splay as required by Condition 10 shall be submitted to and approved in writing by the local planning authority and shall be replaced in accordance with a scheme of landscaping to be submitted to and approved in writing by the local planning prior to the commencement of the development.

*06/00758/REM (APPROVED)	Rivenhall	Mrs J E Kelly	Erection of detached bungalow and double garage, 31 St Mary's Road.
-----------------------------	-----------	---------------	---

The above application was granted subject to the addition of the following sentence at the end of Condition 3: "In accordance with a scheme to be submitted to and approved in writing by the local planning authority prior to the commencement of the development".

*06/00370/COU (APPROVED)	Witham	S Arunan	Change of use from automatic car wash to hand car wash bay, Harcog Garage, Save Service Station, Maldon Road.
-----------------------------	--------	----------	---

The above application was granted subject to the amendment of opening hours on a Sunday to 10.00 hours to 16.00 hours.

*06/00753/FUL (APPROVED)	Witham	Mrs Jenkins	Erection of single storey rear extension and new roof for entire dwelling to accommodate additional living accommodation within roof space, 49 Hatfield Road.
-----------------------------	--------	-------------	---

22 PLANNING APPLICATION REFUSED

DECISION: That the undermentioned planning application be refused for the reasons set out below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/00890/FUL (REFUSED)	Black Notley	Mr P Crowe	Erection of two storey rear extension with room in roof, 7 Hospital Field.

Reasons

Policies RLP3 and RLP17 of the Braintree District Local Plan Review state that within towns and villages proposals for the extension of an existing dwellinghouse will be permitted provided that inter alia there would be no over-development of the plot when taking into account the footprint of the existing dwelling and the relationship to plot boundaries; the siting, bulk, form and materials of the extension would be compatible with the original dwelling; there would be no unacceptable adverse impact upon the amenities of adjoining residential properties, including on privacy, overshadowing and loss of light and there would be no material impact on the identity of the street scene or the scale and character of the area.

In this case it is considered that the size and height of the rear extension proposed would have an unacceptable overbearing and overshadowing impact upon adjoining residential properties, to the detriment of their amenity. The proposal is thereby contrary to the abovementioned policy criteria.

23 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 Paragraph 48 of Part 5 of the Constitution (Code of Practice for Councillor and Officers engaged in the determination of planning applications) for the reasons stated below.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/00685/FUL (REFERRED)	Hatfield Peveler	Mr & Mrs R Goodall	Demolition of existing dwelling and erection of a replacement house, Rose Cottage, 2 Sportsmans Lane.

Reasons for Refusal

Out of scale, setting and character in accordance with RLP3.

Mr Bob Hill, representing Hatfield Peveler Parish Council, joined the table for this item. The Parish Council objected on the basis that the application was out of character with the area and would like to see the building listed. Mr Hill referred to RLP3 and considered RLP15 could be used in conjunction with this policy. He considered that the application did not meet RLP15 on two points. He acknowledged the Committee could not stop the demolition but felt it had the power not to build on the grave of Rose Cottage.

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).

EXCLUSION OF PUBLIC AND PRESS

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 6(b) of Part 1 of Schedule 12 (A) of the Act.

Whilst the following item was considered in private session, the minutes do not contain any confidential information and are therefore admissible in the public domain.

24 ENFORCEMENT ITEM – PROPERTY SITUATED IN WITHAM

INFORMATION: Members considered a report that set out details of a breach of planning control in Witham.

The meeting commenced at 6.30pm and closed at 8.58pm.

K E BIGDEN

(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

20th June 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 06/00890/FUL – 7 Hospital Field, Black Notley

(a) Statement by Mr Leo Foulger, Representing 3 Hospital Field, Black Notley

Mr Foulger introduced himself as representing 3 Hospital Field and the residents of 5 Hospital Field, the residents of which had not had a letter informing them of the meeting. His main reasons for objecting were the size and proximity of the proposed extension which would block his amenity, during the summer months the hours of sunshine would be detrimentally reduced. Mr Foulger would be faced with a wall along the majority of his back fence within 650mm of the fence line. He noted there had already been three planning applications at this property and he considered it to be overdeveloped. Mr Foulger felt the proposal would reduce his family's enjoyment of the outside amenity of their garden which had been carefully planned to make the most of the available sunlight. He noted that the property already had five bedrooms and dormers in the roof.

(b) Statement by Mr Peter Crowe (Applicant)

Mr Crowe stated that he had two children using the top floor of the house but there were no toilet facilities or bathroom on this level. He had a growing family, the children were settled in school, they liked the area and did not want to move away. He noted that the objectors were to the north of his property and planners had advised that there would be no adverse effect on natural light.

(c) Statement by Mr Gary Ledwell, 1 Hospital Field, Black Notley

Mr Ledwell considered that the site was already overdeveloped and the proposal affected three neighbouring houses with the skyline in the garden being greatly affected. He noted that as he had no front garden, his only amenity space was to the rear, however, No. 7 had a large front garden as well as rear. Mr Ledwell felt that the application was an invasion of private and personal space and questioned the need for so many bathrooms in one property. He acknowledged this may increase the value of No. 7 but this would be to the detriment of Nos. 1, 3 and 5. No. 7 was also at a higher level than these three houses. Mr Ledwell noted that no one had visited the objectors to see the situation from their point of view.

2. Statements Relating to Application No 06/00685/FUL – Rose Cottage, 2 Sportsmans Lane, Hatfield Peverel

(a) Statement by Mr Reg Holborn, Grey Tiles, Nounsley Road, Hatfield Peverel

Mr Holborn stated that he owned the property which abutted Rose Cottage and had a common boundary with the applicants. He considered that a number of

statements in the report and the plan were inaccurate. If the application was granted, it would destroy Nounsley, replacing an innocuous building with a modern building. Mr Holborn stated that he would lose daylight and privacy, one low level frosted glass window would be replaced with three windows overlooking his garden. He noted that the buyers of Rose Cottage had not commissioned a survey and in their application referred to a rat infestation and dark interior. He could not understand why they had paid £345,000 for such a house. Mr Holborn considered that the application should be rejected.

(b) Statement by Mr Bill Perry, Cosy Cats Cottage, 5 Sportsmans Lane, Nounsley

Mr Perry stated that he lived opposite Rose Cottage which was in a unique position between two existing listed buildings, all of a similar age and was shown on a map dated 1837. Once demolished the cottage would be lost forever to the detriment of the character of the area and in contradiction of Planning Policy RLP3. The proposed new property would overlook properties to the rear. The majority of residents did not want to see the cottage destroyed and would rather see it restored which could be done for around £20,000, a modest sum compared to the purchase price of £345,000. Restoration would also make use of existing materials. Mr Perry noted that in addition to 23 letters of objection, a further 5 residents had submitted written objections but these did not appear on the planning file.

(c) Statement by Mrs P Buckmaster, 8 Station Road, West Hornden, Brentwood

Mrs Buckmaster noted that she now lived in Brentwood and was the previous owner of Rose Cottage, having lived there for 22 years. She referred to Planning Policy RLP3 which she considered the application to be contrary to. She acknowledged there were problems with the building, as with all old buildings but these were superficial and could be rectified at a small cost. Mrs Buckmaster failed to understand why the purchasers had bought an old house and not called in the relevant companies to rectify the problems. She considered that a new building would stand out like a sore thumb and was firmly against the move to destroy this cottage. Mrs Buckmaster was also concerned that the height was intended to accommodate a third storey in future years.

(d) Statement by Mr Rick Windibank, 1 Sportsmans Lane, Nounsley

Mr Windibank stated that he had lived in his property for the past 38 years and noted there were a lot of farm cottages in Sportsmans Lane, people liked the village environment. The proposed property was 6m higher than the current Rose Cottage, Mr Windibank questioned what was to stop the applicants putting more rooms in the roof space in later years. Ways of rectifying the problems associated with old properties could be found. He found it difficult to believe the people buying this property wanted to knock it down. Mr Windibank appealed to the Committee to have some commonsense, retain Rose Cottage and refuse the application.