

Minutes

Witham Area Committee

22nd May 2007



Present:

| Councillors | Present | Councillors | Present |
|------------------------------|-----------|----------------|-----------|
| J E Abbott | Yes | Mrs S Howell | Apologies |
| Miss L Barlow | Yes | P J Hughes | Yes |
| D Bebb | Apologies | M C M Lager | Yes |
| K E Bigden | Yes | S Lambourne | Yes |
| J G J Elliott | Apologies | A Meyer | Apologies |
| Dr R L Evans (Vice-Chairman) | Yes | R G S Mitchell | Yes |
| T J W Foster (Chairman) | Yes | Mrs J Money | Yes |
| Mrs M E Galione | Yes | R Ramage | No |
| J E B Gyford | Yes | B Rose | Yes |

Mr T J French, Chairman of the Standards Committee and Councillor G Butland, Leader of the Council, were also in attendance.

3 **DECLARATIONS OF INTEREST**

The following Declarations of Interest were made:-

- Councillor P J Hughes declared a personal interest as a member of Silver End Parish Council in Application No. 07/00350/FUL – 89 Boars Tye Road.
- Councillor T J W Foster declared:-
 1. a personal and prejudicial interest as he had business contacts with the applicant in Application Nos. 07/00185/OUT & 07/00186/CON - Railway Garage, Station Road, Kelvedon. Councillor Foster left the meeting during the consideration and vote on both these applications.
 2. a personal interest as an objector was known to him in Application No. 07/00373/COU – L'Anresse, Peverel Avenue, Hatfield Peverel.
- Councillor J E Abbott declared a personal interest as a member of Rivenhall Parish Council in Application No. 07/00538/FUL – The Rivenhall Hotel, London Road, Rivenhall.
- Councillor R G S Mitchell declared a personal interest as member of Feering Parish Council in Application Nos. 07/00185/OUT & 07/00186/CON – Railway Garage, Station Road, Kelvedon.

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

4 **MINUTES**

DECISION: The minutes of the meeting of the Witham Area Committee held on 24th April 2007 were approved as a correct record and signed by the Chairman.

5 **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.

6 **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> |
|-----------------------------|-----------------|---------------------|--|
| *07/00483/FUL (APPROVED) | Black Notley | Mr & Mrs Garvey | Erection of a first floor extension over existing garage to provide a one bedroom Granny Annex with an external staircase from the balcony, 213 London Road. |

The above application was approved, subject to the removal of the reference to a balcony.

| | | | |
|-----------------------------|---------------------|---------------|--|
| *07/00193/OUT (APPROVED) | Hatfield Peveler | Mr D Rollings | Erection of 2 no. 4 bed dwellings, 35 Sportsmans Lane. |
|-----------------------------|---------------------|---------------|--|

Councillor Jane Anderson of Hatfield Peveler Council joined the table for this item. Councillor Anderson referred to the Parish Council letter dated 23rd March 2007. The Parish Council objected to the application on the grounds that it was not in harmony with the existing surrounding development and did not respect neighbouring amenities. It was considered that the buildings would dominate the street scene and have a detrimental affect on the privacy of the neighbouring properties. It was requested that should permission be granted, a condition be included requiring a scheme of tree planting with a view to restoring those trees which had been removed prior to the planning application being made. Councillor Anderson considered that the eleven conditions set out in the report should be imposed on the applicant.

The above application was approved subject to the revision of Condition 2 as follows:

The development hereby permitted shall be carried out only in accordance with the approved plans and specifications as shown on Drawing Nos. 06.495.07rev A, 06.495.06rev A, 06.495.003rev P2, 06.495.004revP3, 06.495.006rev P1 except as follows:

i) Drawing No. 06.495.004revP3 shall be revised to show the proposed balcony to the rear omitted and replaced with a dormer or other, less obtrusive feature. This revision shall be submitted to, and agreed in writing by, the local planning authority, prior to commencement of development.

ii) The dwellings shall be finished with a white render and shall be so maintained at all times.

Condition 5 to be revised as follows:

All existing trees, shrubs and hedges within the area(s) marked green on the approved plans of whatever species shall be retained and shall not be felled, lopped or pollarded without the previous written consent of the local planning authority. If any existing trees or shrubs (including hedges) are removed without such consent; or if any become dead or dying or seriously diseased or are severely damaged, they shall be replaced with others of a species, number, size and in positions to be agreed in writing with the local planning authority. Any lopping or pollarding which may prove necessary shall be carried out to the satisfaction of the local planning authority. Any mature trees which were removed during the site clearance shall be replaced with species capable of reaching a similar height and width.

The following Condition was added:

12: Prior to commencement of the development, the applicant shall submit a scheme of measures to secure recycling of rain water and other devices to ensure the more efficient use of water within the completed dwellings. Such scheme as may be agreed by the local planning authority shall be implemented prior to the occupation of each dwelling.

Action: The Head of Development Control to bring a report to a future Witham Local Committee meeting on the growing trend for developers to clear sites prior to planning applications being submitted.

| | | | |
|-----------------------------|---------------------|------------|--|
| *07/00373/COU (APPROVED) | Hatfield Peveler | Mr R Frost | Change of use of front two rooms to counselling practice, L'Anresse, Peveler Avenue. |
|-----------------------------|---------------------|------------|--|

The above application was approved, subject to the amendment of Condition 4 as follows: The premises shall not be used for the counselling business before 09.00 hours or after 17.00 hours Monday to Friday, and not at all on weekends or Bank Holidays.

(Councillor T J W Foster left the meeting during the consideration of the following application. The Vice Chairman, Councillor Dr R L Evans took the Chair for this item).

| | | | |
|-----------------------------|----------|------------------|---|
| *07/00186/CON (APPROVED) | Kelvedon | Deal of Kelvedon | Demolition of existing garage buildings, erection of mixed use development, including split level commuter car park and formation of new access road, |
|-----------------------------|----------|------------------|---|

| | | | |
|-----------------------------|------------|-----------------|---|
| *07/00350/FUL (APPROVED) | Silver End | Mr Ian Matthews | Erection of 1 no. wind turbine, 89 Boars Tye Road. |
|-----------------------------|------------|-----------------|---|

The above application was approved, subject to the amendment of Condition 5 as follows: The maximum height of the turbine, including mast and blade height will be restricted to 3.5m above the ridge height of the roof of the existing property.

7 **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> |
|-----------------|-----------------|---------------------|-----------------------------|
|-----------------|-----------------|---------------------|-----------------------------|

(Councillor T J W Foster left the meeting during the consideration of the following application. The Vice Chairman, Councillor Dr R L Evans took the Chair for this item).

| | | | |
|---------------|----------|------------------|---|
| *07/00185/OUT | Kelvedon | Deal of Kelvedon | Mixed use development comprising 32 no. two bedroom apartments, split level commuter car park (215 spaces), 2 no. two storey (B1) office buildings, single storey retail unit (A1/A2/A3), vehicle repair workshop, associated parking and formation of new access road, Railway Garage, Station Road. |
|---------------|----------|------------------|---|

Heads of Terms

- Payment of £75,000 towards off-site highway works;
- Payment of £87,095 towards education;
- Provision of affordable dwellings within the development;
- Construction work to be carried out in accordance with the considerate, contractor scheme;
- Provision and longer term maintenance of a children’s play area;
- Provision of Green Travel Plan for commercial units, and the implementation of an approved transportation marketing strategy to include transportation marketing pack.

The above application was approved, subject to the addition of the following Conditions:

32. All access to the site, including pedestrian access, shall be via Station Road. Boundary treatments should ensure that no future access can be made from Trews Gardens.

33. Hours of operation of the proposed A1/A2/A3 unit, indicated as Block F on the approved plans, shall be agreed in writing with the Council prior to occupation of the development.

An Informative was also added as follows: Further details relating to additional sustainability measures and primary energy sources must be submitted with a reserved matters application.

8 **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> |
|----------------------------|-----------------|-----------------------|---|
| *07/00538/FUL (REFUSED) | Rivenhall | And Architects Ltd | Erection of 95 bedroom hotel building including restaurant, 4 storeys adjacent to existing hotel complex, additional parking and landscaping, The Rivenhall Hotel, London Road. |

The Committee were advised that there had been a change in the recommendation set out in the report as it had not been demonstrated that the proposed development would not have an adverse impact on highway safety and was contrary to Policies T3 and T8. It was also not demonstrated that the development would not have an adverse impact on the flood plain contrary to Policy RLP66.

Reasons for Refusal

1. It has not been demonstrated that the proposed development will not have an adverse impact on highway safety, in the absence of which, the application is considered contrary to policies T3 and T8 of the Essex and Southend-on-Sea Replacement Structure Plan.
2. It has not been demonstrated that the proposed development will not have an adverse impact on flood risk, in the absence of which, the application is considered contrary to policy RLP66 of the Braintree District Local Plan Review.
Informative:

The LPA would not seek to defend these reasons provided both the Highways Agency and Environment Agency were to withdraw their objections and reasonable conditions.

APPOINTMENT OF REPRESENTATIVES

(1) Rivenhall Playing Field Association

DECISION: That Councillors J E Abbott and P J Hughes be appointed to the Rivenhall Playing Field Association for the 2007/08 Civic Year.

(2) Silver End Memorial Gardens Management Advisory Group

DECISION: That Councillor P J Hughes be appointed to the Silver End Memorial Gardens Management Advisory Group for the 2007/08 Civic Year.

(3) Witham Community Association (Executive Committee).

DECISION: That Councillors K E Bigden and B Rose be appointed to the Witham Community Association Executive Committee for the 2007/08 Civic Year.

(4) Witham Age Concern

DECISION: That Councillor Mrs S Howell be appointed to Witham Age Concern for the 2007/08 Civic Year.

(5) Braintree District Sports Development Forum

DECISION: That Councillor B Rose be appointed to the Braintree District Sports Development Forum for the 2007/08 Civic Year. (Councillor Miss L Barlow was also nominated but not elected).

(6) Braintree District Leisure Community Association - Consultative Board

DECISION: That Councillor A Meyer be appointed to the Braintree District Leisure Community Association – Consultative Board for the 2007/08 Civic Year.

(7) Witham Area Panel

DECISION: That Councillors Miss L Barlow, K E Bigden and Mrs J Money be appointed to the Witham Area Panel for the 2007/08 Civic Year.

(8) Witham Traffic Management Liaison Panel

DECISION: That Councillors J E Abbott, Miss L Barlow, K E Bigden, Mrs S Howell and R Ramage be appointed to the Witham Traffic Management Liaison Panel for the 2007/08 Civic Year.

(9) Witham United Charities

DECISION: That Councillors J G J Elliott, Mrs M E Galione, J E B Gyford, Mrs S Howell and S Lambourne be appointed to Witham United Charities for the 2007/08 Civic Year.

10 **URGENT BUSINESS – West Area Waste Management Joint Committee**

INFORMATION: The Chairman indicated that he had agreed to take the following item of business on the grounds that it concerned a meeting to take place the following day.

Councillor Abbott advised the Committee that the West Area Waste Management Joint Committee would be meeting on 23rd May to progress the joint waste strategy between the County and District Councils. One of the items on the agenda was to consider an energy plant at Rivenhall Airfield. Councillor Abbott was concerned that an energy plant would burn waste produced by this District and also that of Basildon however there had been no consultation with the Parish Council or local members. He proposed that the Council's representatives on the WAWMJC report back to the Witham and Coggeshall members at the earliest opportunity on (1) the County Council proposals; (2) why this proposal was not part of the original application and (3) what the District Council's arrangements are for developing a waste strategy.

DECISION: That the District Council's representative on the West Area Waste Management Joint Committee be requested to report back to the Witham and Coggeshall members on the issues outlined above at the earliest opportunity.

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

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

The meeting commenced at 7.15pm and closed at 9.58pm.

T J W FOSTER
(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

22nd May 2007

PUBLIC QUESTION TIME

Summary of Questions Asked/Statements Made During Public Question Time

1 Statements Relating to Application No. 07/00193/FUL – 35 Sportsman Lane, Hatfield Pevere!

(i) Statement/Questions by Mrs Janet Assar, Brook Farm, Wickham Bishops Road, Hatfield Pevere!

Mrs Assar introduced herself as one of the Hatfield Pevere! tree wardens and expressed her shock and anger at the loss of the trees, particularly in the northern part of the site. Mrs Assar reported that machinery had decimated the hedges and trees with the works being carried out well before any planning application had been submitted. Only one Silver Birch tree remained. Mrs Assar referred to the officers' report and the five conditions relating to landscaping. She considered that it was inaccurate for the agents to say that most of the vegetation consisted of Leylandii as many immature trees had been removed, including some Oaks. As a result of the clearance of the site, Mrs Assar asked how the landscape value would be adhered to, whether the application was passed or not. She asked what measures the Committee proposed to address these issues.

(ii) Statement by Mr Kevin Dale, 31 Sportsman Lane, Hatfield Pevere!

Mr Dale circulated some illustrative plans and photographs. He referred to each figure in turn and considered that Policy RLP3 clearly applied. The building materials and proposed design clashed with the hamlet of Nounsley. He noted that the balcony had generated the most objection and observed that a number of the plans were inconsistent and that such inconsistencies should be resolved before the Committee could make an informed decision. Mr Dale considered there were simple conditions that could be applied to make the application acceptable, such as moving the chimney, removing the balcony, and moving the building line forwards.

2 Statements Relating to Application No. 07/00538/FUL – The Rivenhall Hotel, London Road, Rivenhall

(i) Statement by Miss Maria Tourvas, 10 Foxden, Rivenhall End

Miss Tourvas considered that the report was not detailed and did not address all the concerns raised, both by the Parish Council and local residents. She felt that the report pre-empted any response by the Environment and Highways Agencies, was written too early and that the recommendation was uninformed. She noted that the report did not mention a flood risk assessment nor any effect on the flood plains and the impact on traffic had not been fully assessed. Miss Tourvas considered that the slip roads on the A12 would be unable to cope with any more traffic

and a Green Travel Plan would not address the inadequacies of the slip roads. She felt that the application was not in accordance with policies RLP78, RLP90 or RLP146. The inclusion of the terrace exacerbated the potential overlooking issue. Miss Tourvas repeated that the recommendation was grossly premature and uninformed.

(ii) Statement by Mr Jeff Wilson, Indigo Planning

Mr Wilson noted that the application was for the demolition of a number of accommodation buildings to be replaced with sustainably designed buildings. The application was a direct response to a requirement in the area for additional hotel accommodation and included rooms for families and those with special needs. Mr Wilson advised that local jobs would be created. The application was made following significant consultation with planning officers and a public exhibition held last summer. Further traffic surveys had been submitted as requested but it was considered that there would be no significant impact on the A12 or junctions and no further representations were anticipated from the Highways Agency. Mr Wilson cautioned Members that if they were minded to refuse on the grounds of information not yet received, he suggested they defer the application and reconsider when further information became available.

(iii) Statement by Mr Oliver Brown, And Architects Ltd (Agent)

Mr Brown advised that negotiations had been ongoing for over a year to develop a scheme beneficial to the local community and sympathetic to the local environment. Significant alterations had been made to the initial scheme to reduce the impact of the building in terms of height and massing. The restaurant had been reduced in size to assist in subordinating the new building to the retained reception building. Mr Brown did not feel there was an issue of overlooking given the distance of 90m over the A12 to the nearest residential properties. The restaurant had been set back 10m to overcome any overlooking. The orientation of the building had been designed in order to reduce visibility from the A12. The materials, such as timber, would be from sustainable sources and the brick used to echo the retained building. The applicant was aware of the sensitivity of the site being in a Special Landscape Area and steps had been taken to minimise the building and enlarge the green areas, including the use of grass paviours in the car park and the retention of all but one of the existing trees with additional planting to the boundary of the site.

3 Statement Relating to 07/00373/COU - L'Ancrese, Peverel Avenue, Hatfield Peverel

Statement by Mr Mike Duckett, Ashcroft, Peverel Avenue, Nounsley

Mr Duckett spoke on behalf of local residents to strongly object to the proposed change of use. He noted the recommendation for approval as the application complied with Policy RLP11. Mr Duckett disagreed as the site was not the applicant's main residence and was purchased solely to operate a business. He considered there would be a 12-18% increase in traffic which would have an adverse impact on Peverel Avenue which was an unadopted highway, maintained at the expense of the local residents. Mr Duckett questioned the authority of the Council to allow increased wear and tear on an unadopted road and considered

that the Council should accept responsibility for the maintenance if permission was granted. He requested that the conditions be amended, particularly with regard to opening hours. Mr Duckett suggested that the hours should be limited to 9am to 5pm Monday to Friday with no opening at weekends or bank holidays and that traffic movements be limited to five per day. He also requested that the road maintenance issue be clearly defined. Mr Duckett urged the Committee to reject the application or defer until a proper consultation process had been carried out.

4 Statement Relating to 07/00483/FUL – 213 London Road, Black Notley

Statement by Mrs Jennifer Garvey (Applicant)

Mrs Garvey advised that the property had three bedrooms and housed five adults. She wanted to provide her elderly mother with private facilities. It was never intended to build a balcony, only a walkway to the staircase. Doors to the rear were proposed to provide light into the lounge area. The roof configuration had been altered to make it less imposing. Mrs Garvey noted that prior to purchasing the property in December 2006, it was known that planning permission had been granted to extend the property several years previously but this was never carried out. Mrs Garvey added that several other properties nearby had been extended in a similar way.

5 Statements Relating to 07/00185/OUT – Railway Garage, Station Road, Kelvedon

(i) Statement by Mr Richard Horley (Agent)

Mr Horley considered that Policy RLP48 had been fully adhered to. The comments of planning officers, Railtrack, the Environment Agency and local residents had been taken on board. The flats had been sited along Station Road within the conservation area where they would benefit from views over the river but were away from the mobile phone mast. The flood risk assessment indicated that this was the best place for the development. The footprint of the car park had been reduced and sited as close as possible to the station. Mr Horley also referred to the proposed landscaping buffer.

(ii) Statement by Jeffrey Field, Cluttons on behalf of G. Crowe & Son (Holdings) Ltd, Park Farm, Inworth, Nr Colchester

Mr Field spoke against the proposal but advised that he was not against the principle of development as redevelopment offered great opportunities for Kelvedon, however, he considered that this application did not grasp these opportunities. Mr Field believed that a two level car park would be alien to Kelvedon and inappropriate in a conservation area. He was also concerned at the potential noise and pollution and loss of privacy that could be suffered by the residents of Trews Gardens. He considered that planning policies justified refusal of the application and urged the Committee to take the opportunity to create something special and achieve a development that would lead to the extension of the conservation area. Mr Field observed that no design changes had been made in response to the Committees' comments.

(iii) Statement by Mr David Cope, 19 Trews Gardens, Kelvedon

Mr Cope noted that the response from the applicant had been omitted from the report. He was concerned that the siting of the houses was away from the phone mast and questioned what was a safe distance. Mr Cope referred to the proposed A3 use which he understood to be for a takeaway – he noted that there was no such use on this site currently and felt that other retail units in the High Street should be protected. He considered that a take-away would adversely impact the High Street and existing station units and create a potential anti social behaviour environment. If multi storey car parking was approved, Mr Cope was concerned this would set a precedent and suggested that the top level should be no higher than ground level. He strongly objected to any access via Trews Gardens as the noise and litter would be intolerable and not easily managed.

The Area Planning Manager advised that A3 use was classified as restaurant/café and not take away.