

Minutes

Witham Area Committee

12th September 2006



Present:

Councillors	Present	Councillors	Present
J E Abbott	Yes	P A Heath	No
P R Barlow	Yes (until 8.40pm)	P J Hughes	Yes
K E Bigden (Vice-Chairman)	Yes	M C M Lager	Yes
K D Boylan	Yes	Ms J S M Martin	Yes (from 7.28pm)
Dr R L Evans (Chairman)	Yes	R G S Mitchell	Yes
D M Finch	Yes (until 9.15pm)	Mrs J B Reekie	No
T J W Foster	Yes	Mrs K E Tearle	Yes
Mrs M E Galione	Apologies	R A G Tincknell	Apologies
J E B Gyford	Yes	P J R Turner	Yes

40 DECLARATIONS OF INTEREST

The following Declarations of Interest were made:-

- Councillors P R Barlow, K D Boylan, M C M Lager and Mrs K E Tearle declared personal interests as members of Witham Town Council which had commented on both items in Agenda Item 6 - Application No. 06/01087/REM – Pondholton Farm, Maltings Lane and Application Nos. 06/01281/FUL & 06/01282/LBC – 6 Newland Street, Witham.
- Councillor T J W Foster declared a personal interest as a member of Kelvedon Parish Council in Agenda Item 6 – Application No. 06/01503/FUL – The Cottage, Brockwell Lane, Kelvedon.
- Councillor K E Bigden declared a personal interest as a member of Hatfield Peverel Parish Council in Agenda Item 6 – Application No. 06/00883/FUL – Kissingate, Church Road, Hatfield Peverel.
- Mr Tony French, the Chairman of the Standards Committee, declared a personal and prejudicial interest as he was an objector in Agenda Item 6 – Application No. 06/00883/FUL – Kissingate, Church Road, Hatfield Peverel. Mr French left the meeting during the discussion of this item and the relevant part of Public Question Time.
- Councillor R G S Mitchell declared a personal interest as he was part owner of a property to the south of the proposed development in Agenda Item 6 – Application No. 06/01087/REM – Pondholton Farm, Maltings Lane, Witham.
- Mr Derrick Louis, the Essex County Councillor for the Witham South Ward, declared a personal interest as his son attended the nursery at Hatfield Peverel in Agenda Item 6 - Application No. 06/00883/FUL – Kissingate, Church Road, Hatfield Peverel.

In accordance with the Code of Conduct, all Councillors remained at the meeting, unless stated otherwise, and, apart from County Councillor Louis, took part in the discussion for all the above items and the vote thereon.

41 MINUTES

DECISION: The minutes of the meeting of the Witham Area Committee held on 15th August 2006 were approved as a correct record and signed by the Chairman.

42 PUBLIC QUESTION TIME

INFORMATION: There were nineteen 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.

43 PLANNING APPLICATIONS REFUSED

DECISION: That the undermentioned planning applications be refused in accordance with the reasons set out below.

(Mr Tony French left the meeting during the discussion of the following item)

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/00883/FUL (REFUSED)	Hatfield Peverel	Woodhill Property Developments	Erection of 8 no. 2 bed flats, Kissingate, Church Road.

Councillor Renow of Hatfield Peverel Parish Council joined the table for this item and circulated some photographs illustrating the visibility splay. Councillor Renow understood the area had already met the government requirement to provide homes on brownfield sites and was interested to know what return the eight dwellings would appear on. He noted the proposed amenity land was merely a strip along the side of the road. 1.5 car parking spaces per flat was inadequate as there was no other parking facility nearby. Councillor Renow also noted that several issues still required following up, e.g., metering and waste disposal.

Reasons for Refusal

Policies RLP3, RLP10 and RLP90 require proposals for residential development to be inter alia of a scale, design and intensity which is in harmony with existing surrounding development and where it satisfies amenity, design, environmental and highway criteria.

In this case it is considered that the proposed development, by reason of the character and density of surrounding residential development, the location of the site, and the scale, bulk form and density of the development proposed would be out of keeping with the prevailing character of the area and would represent over-development of the site, to the detriment of the street scene and the visual amenities of the locality. The proposal is therefore considered to be contrary to the abovementioned policies.

Post Meeting Note: Following the meeting, it was revealed that the applicant had appealed against non-determination of the application and a decision was not therefore required. However, in such circumstances the Committee is required to consider what decision it would have made had it been able to do so. The above minute is therefore a record of this decision.

<u>Plan No.</u>	<u>Location</u>	<u>Applicant(s)</u>	<u>Proposed Development</u>
*06/01503/FUL (REFUSED)	Kelvedon	Brand Developments (Essex) Ltd	Demolition of existing cottage and erection of 2 pairs of semi-detached cottages linked by carriage arch, The Cottage, Brockwell Lane.

Reasons for Refusal

Policies RLP3, RLP10 and RLP90 require proposals for residential development to be inter alia of a scale, design and intensity which is in harmony with existing surrounding development and where it satisfies amenity, design, environmental and highway criteria.

In this case it is considered that the proposed development would represent over-development of the site and would be unable to provide sufficient private amenity space in accordance with the standards of the local planning authority. Moreover, given the prevailing character of the area and the density of surrounding residential development, the scale, bulk form and density of the development proposed would be out of keeping with and detrimental to the visual amenities of the locality. The proposal is therefore considered to be contrary to the abovementioned policies.

At approximately 10.10pm it was moved, seconded and subsequently APPROVED that the meeting be extended until the remaining business had been completed.

44 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>
*06/01475/BDC (APPROVED)	Bradwell	Braintree District Council	Construction of vehicular access to properties 1, 2, 3 and 4 Hillary Close, Greensward at Hillary Close, The Street.

Mr B T Hill, the Bradwell Parish Council Clerk joined the table for this item. Mr Hill advised that the Parish Council were concerned that the proposal was not detailed enough and that some measures were necessary to prevent damage to the grassed area. The installation of grasscrete should provide a firm access route for vehicles to the properties, particularly in Winter. The Parish Council also considered that the route over the greensward should be defined and measures to prevent vehicles driving over or parking on other parts of the greensward should be included. Mr Hill questioned how the enforcement of notices installed on the Village Green at Rivenhall had been enforced.

The above application was approved, subject to an additional Condition as follows: 5 - A suitable landscaping scheme for the green shall be discussed with the Parish Council and submitted to in writing and agreed by the Local Planning Authority prior to the commencement of development.

*06/01087/REM (APPROVED)	Witham	Barratt Eastern Counties Limited	Erection of 90 no. 1-4 bedroom dwellings including associated groundworks – Land Parcel 12, Pondholton Farm, Maltings Lane.
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The above application was approved, subject to an additional Condition as follows: 17 - Prior to the commencement of development a scheme of lighting showing details and luminances of external street lighting shall be submitted to and approved in writing by the local planning authority.

*06/01281/FUL (APPROVED)	Witham	Mr And Mrs Paul Duvoisin	Conversion back to part residential, extension and alterations, 6 Newland Street.
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The above application was approved, subject to additional Conditions as follows: 6 - No pruning of the Yew tree which overhangs the site shall take place without prior permission from the local planning authority and an arboricultural method statement in accordance with BS 5837 2005 shall be submitted in writing to and approved by the local planning authority prior to the commencement of development. 7 - Full details of the foundations which shall be designed so as to avoid damage to the root system of any tree adjoining the site shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development. An Informative was also added as follows: The white painted brickwork is not likely to be approved – the brickwork shall be exposed to fit in with the rest of the building.

*06/01282/LBC (APPROVED)	Witham	Mr And Mrs Paul Duvoisin	Conversion back to part residential, extension and alterations, 6 Newland Street.
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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 commenced at 7.15pm and closed at 10.26pm.

DR R L EVANS

(CHAIRMAN)

APPENDIX

WITHAM AREA COMMITTEE

12th September 2006

PUBLIC QUESTION TIME

Summary of Questions Asked / Statements Made During Public Question Time

1. Statements Relating to Application No. 06/00883/FUL – Kissington, Church Road, Hatfield Peverel

(Mr French left the meeting during the following statements)

(a) Statement by Mrs Donna Goddard, Chair of Governors, Hatfield Peverel St Andrews Junior School

Mrs Goddard introduced herself as representing Hatfield Peverel Infant School and Day Nursery. She reminded Members of the petition containing 418 signatures of governors, staff, parents and carers, together with the local MP, submitted at the previous meeting. The petition stated that the signatories objected to the building of flats on the grounds of the increase in traffic and parking hazards which would endanger children. Mrs Goddard was very disappointed that the petition was not included in the agenda report, she noted that the school was only a few metres away from the development site and generated severe traffic at school times. She was disappointed that Essex County Council Highways did not object and shocked that the traffic survey only took place for one hour late morning, not at the busy school opening or closing times. Mrs Goddard could not agree with the Highways recommendation and urged the Committee to refuse the application.

(b) Statement by Mrs Marion Westwood, Shrub Cottage, The Green, Hatfield Peverel

Mrs Westwood explained that her property overlooked the application site and fronted Coffin Path. She noted that this path was little used, mainly by parents walking children to and from school, but its existence meant the developer had avoided providing a footpath at the front of the site. Mrs Westwood stated that the path was unlit and unsafe as a cut-through and had no access to the proposed development. She considered that not much thought had been given to the development which would be huge, she felt it would be more sympathetic to have a terrace of cottages. She requested that the Committee protect residents from pollution and loss of privacy and should the application be approved, add a Condition requiring the construction of a 2m high brick wall. Mrs Westwood referred to the large number of objections and added she had moved to Shrub Cottage to enjoy some privacy.

(c) Statement by Mrs Kay Cross, Blackwater Cottages, Hatfield Road, Langford

Mrs Cross stated that this was an extremely dangerous road and she was

very surprised that the objections by the school were not included with the 19 letters of representation. Children were encouraged to lead a healthier lifestyle but this proposal would increase traffic and parents would not want to walk to school. Mrs Cross was also concerned that the hardstanding would increase the rainwater run off and lead to flooding. She sincerely hoped the Committee would reconsider approving the plans for the site.

(d) Statement by Mrs Aileen French, Ramley, The Spinney, Hatfield Peverel

Mrs French supported the concerns raised by other residents and urged the Committee to reject the application. She noted that the application had been deferred in order that further details of the pedestrian access at the rear could be presented, however this was omitted from the report, together with the petition from the school. She referred to the old Village Green, noting the current dwelling blended in with its surroundings and adjacent Grade II listed buildings. Mrs French considered that the proposed 8 flats would dominate the area and was sited much closer to the road, appearing 4 metres higher than the existing house. She stated that the building of 52 dwellings per hectare was four times the density of the surrounding private sector housing. She referred to the requirements of Highways and the traffic survey carried out in the middle of the morning and not during the dangerous opening and closing of school times. Mrs French stated that the road was dangerous and another part of the Highways department had considered installing traffic calming in the area. She referred to the Essex Design Guide which stated that no trees were permitted in a visibility splay. Mrs French noted that there were 24 conditions attached to the recommendation for approval but considered the application to be dominant, out of keeping, representing over-development of the site. She urged the Committee to comprehensively reject the application.

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

Mr Cooney referred to the previous reasons for refusal which he felt had not been considered by the planning officers nor the applicant. Mr Cooney raised concerns regarding density and concluded that the permission should be refused as the application contravened PPG3, RLP3, 4 and 10. He noted that the car park and hard-standing would take up the same amount of space as the block flats and the proposal would dominate the street scene and cause noise and light pollution. Mr Cooney concluded that the permission should be refused on the grounds of scale, density and mass. He also considered that the proposal would result in a loss of amenity.

(f) Statement by Mr Charles Mickelson, Peverel Cottage, The Green, Hatfield Peverel

Mr Mickelson noted that the site was not bounded by a private access road but by a rural lane giving access to two properties. He referred to the letters of objection and petition submitted and considered that the proposal would be detrimental. He felt that RLP90 was negated by the proposal and that the car park would result in a loss of amenity and cause light pollution. He questioned how the proposed conditions would be policed and noted there was no access to the development from Coffin Path.

(g) Statement by Mr Derrick Louis, 10 Priory Farm Road, Hatfield Peverel

Mr Louis introduced himself as the Essex County Councillor for Witham South. He noted that he had been contacted earlier in the year by the Chair of Governors who had expressed concern about the development. He considered that a number of issues required amplification. The reason for deferring the application had not been adequately covered in the report. The site was opposite a school however the petition was also not included in the report. Essex County Council Highways had changed their restrictions five times, the justification for the visibility splay had been based on a traffic survey carried out mid-morning. 52 dwellings per hectare would equate to twice the surrounding properties. Mr Louis considered that the development did not fit in with local character and would dominate the skyline, representing over-development. He concluded that the people of Hatfield Peverel had conveyed their disapproval and he hoped this application would be refused.

(h) Statement by Mr Robert Hill, Henley, Maldon Road, Hatfield Peverel

Mr Hill stated that he was speaking as a resident of Hatfield Peverel, not as a Parish Councillor, and noted that he did not live close to the site. He stated that the car park would be built on a lovely copse and noted there were 24 conditions attached to the recommendation for approval. He urged the Committee to raise questions.

(i) Statement by Mr Peter Wells (Applicant)

Mr Wells stated that the application fitted PPG3 like a glove. He found it hard to believe that the Committee did not see this and only saw the negative points. He was very disappointed that the application was deferred at the previous meeting considering the amount of professional people present to answer questions. He noted that no objections had been raised by the consultees. Mr Wells was disgusted by Councillor Bigden's conduct at the previous meeting and asked Councillor Bigden not to repeat this performance.

(j) Statement by Mr Russell Forde (Agent)

Mr Forde considered that if optimum use of land in towns and villages was not made, this would prejudice the future of the countryside. He felt there was a need to get the balance right. The Highway Authority had not objected to the proposal and had lowered its standards after further details emerged. Mr Forde noted that the building would appear less dense than the building across the road which consisted of thirteen dwellings. With regard to the objection on over-development, he noted there was sufficient car parking and an excess of amenity space. He concluded that the consensus of opinion was that planning permission should be granted and commended the scheme to the Committee, adding that the 24 conditions were enforceable.

2. Statement Relating to Application Nos. 06/01281/FUL & 06/01282/LBC – 6 Newland Street, Witham

Statement by Mr Paul Duvoisin (Applicant)

Mr Duvoisin noted that the proposed extension to the rear of the building could not be seen from the front. He had had many discussions with the Historic Buildings Adviser who was in full approval of the plans. Mr Duvoisin stated that the building dated back to 1828 and commended the application to the Committee.

3. Statements Relating to Application No. 06/01503/FUL – The Cottage, Brockwell Lane, Kelvedon

(a) Statement by Mr Steven Noble, 31 Brockwell Lane, Kelvedon

Mr Noble lived 25 yards from the development site. He noted that the road was a single width carriageway, ending in a footpath where cycling was prohibited as it would endanger pedestrians. At its widest point the lane was 7' wide. The buildings in the area were predominantly bungalows and chalet bungalows, most of which were occupied by elderly residents, many of whom used motorised wheelchairs. Mr Noble considered that the calmness of the area was important to residents. He noted that historically there had been no vehicular access to the site, the applicant proposed a total of 14 bedrooms; both previous similar applications had been refused on the grounds they were too large for the site, over-development and out of keeping, detrimental to the amenity of local residents. Mr Noble was astounded that the latest application was to be of an even larger scale. He noted that inadequate amenity space was cited in the report and concluded the application was not acceptable to local residents and would have a detrimental impact on local amenity. Mr Noble considered the application should be refused on the grounds of size, scale and being out of character.

(b) Statement by Mrs Joyce Eady, 27 Brockwell Lane, Kelvedon

Mrs Eady had lived at the property for 30 years and had been very happy there but was worried this would change. She stated that the site would completely overlook the front, side and back gardens of her property and would bring additional noise and increased traffic. Mrs Eady used the footpath every week to visit the shops as this was the safest and shortest route, however, if the development went ahead, the lane would not be safe to use any more.

(c) Statement by Mr Frederick Clewer, 20 Brockwell Lane, Kelvedon

Mr Clewer circulated some photographs and stated that his bedroom window was 11' from the rear boundary of the proposed development. He had chosen the bungalow for his retirement as it was away from traffic in a secluded spot. He noted that a mature 8' yew hedge had been removed from the boundary by the developer a few days after the last application was refused. His property was now completely exposed to the site, the car park would be just a few feet from his bedroom window. The manoeuvring of cars would cause an unacceptable level of noise and pollution. The height of the proposed house would be 7' taller than the existing cottage, all surrounding buildings will be dominated by the structure which would be 83' long. Mr Clewer concluded that all the neighbours were extremely distressed about the proposed development.

(d) Statement by Mrs Michelle Jay, Pippins, Brockwell Lane, Kelvedon

Mrs Jay stated that she intended to grown old here. The proposed development would change the residents' lives and the peaceful location. She noted that nine first floor windows would look onto the lane, resulting in an unacceptable lack of privacy. The house deeds stated strict guidelines on sight lines, the area consisted predominantly of bungalows and not a mix of dwellings. Mrs Jay was very concerned about access during the construction of the houses, the lane was barely 8' wide and could not accommodate heavy vehicles. Indeed it had been damaged in the past by a dustcart. Mrs Jay considered that the possibility of an additional eight vehicles would have serious safety implications and also that eight doors opening directly on to the lane were an accident waiting to happen. Mrs Jay concluded that the development went against Council policy and urged the Committee to refuse the application.

(e) Statement by Mrs Ivy Tovey, Grey Gables, Brockwell Lane, Kelvedon

Mrs Tovey was concerned about the extra vehicles the development would generate and the impact this would have on the sight lines for leaving the entrance to her bungalow; the extra traffic would make safe exiting almost impossible. Mrs Tovey noted that a Land Registry document stated that no building other than 1 bungalow could be erected and questioned whether this also applied to The Cottage.

(f) Statement by Mrs Elizabeth Noble, 31 Brockwell Lane, Kelvedon

Mrs Noble had three additional points regarding access. She noted this was a public footpath used by mainly schoolchildren and elderly residents. Allowing access at the narrowest point would compromise their safety, cyclists were already requested to dismount and Mrs Noble questioned how such a proposal allowing eight vehicles along the footpath would be any less dangerous. A lorry had blocked the footpath the previous day, she was concerned that large lorries would obstruct the lane during the construction of the houses. Residents had been granted a deed of easement over the lane, she was very concerned that this access would be compromised, particularly for emergency vehicles. She quoted Council policy which stated that land and buildings were to be used for the benefit of the whole community. Mrs Noble concluded the proposal constituted an irreversible change to the detriment of Kelvedon.

(g) Statement by Mr Ian Menzies, 10 Brockwell Lane, Kelvedon

Mr Menzies circulated a sketch plan of the development. He was concerned about parking and considered the developer had a total disregard for the amenities of future occupiers and the current neighbours to the site. He noted that two previous proposals were for far less density and these were both refused. Mr Menzies considered that the scale of the 2 storey development was not in keeping and totally out of scale with neighbouring bungalows. The density of the site would be very cramped and was already congested, on street parking was limited in the lane and increased vehicular movements would exacerbate this parking problem. Mr Menzies supported the replacement of the original cottage with two dwellings but was unable to see any redeeming features in the current

proposal. He urged the Committee to refuse planning permission.

(h) Statement by Mr Russell Forde (Agent)

Referring to the sketch plan circulated by Mr Menzies, Mr Forde stated that he could not verify its accuracy as he had not seen it and it would be unfair if Members were influenced by it. He agreed that there were bungalows around the site, but there was no particular prevailing character or style, indeed there was a very large two storey dwelling at the end of Brockwell Lane. He noted that the character building had been placed close to the street scene and a terrace of four properties was in the style of the Essex vernacular. Mr Forde commended the proposal to Members.