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MINUTES

PLANNING AND TRANSPORT COMMITTEE

Date: **Monday, 31st January 2022**

Place: **Council Chamber, Town Hall, 61 Newland Street, Witham, CM8 2FE**

Present: Councillors

J.	Goodman	(Chairman)
A.	Kilmartin	(Vice Chairman)
P.	Barlow	
S.	Hicks	(arrived 18.09 p.m.)
C.	Lager	
M.	Lager	

Also in attendance: Cllrs

S.	Ager	
R.	Playle	(Essex County – Northern)
R.	Wright	(Braintree District, Silver End and Rivenhall)
H.	Andrews	(Assistant Town Clerk)
G.	Kennedy	(Planning Officer)

And five members of the public.

209. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Livermore who had a hospital appointment, and Atwill and Rajeev who were isolating.

RESOLVED That the apologies be received and accepted.

210. MINUTES

RESOLVED That the Minutes of the Meeting of the Planning and Transport Committee held 17th January 2022 be confirmed as a true record and signed by the Chairman.

211. INTERESTS

Councillors Barlow, Goodman, Kilmartin, C. Lager and M. Lager all declared non-pecuniary interests in application 22/00034/LBC – The Old Vicarage, Chipping Hill, Witham, as they knew the applicant.

212. QUESTIONS AND STATEMENTS FROM THE PUBLIC

Mr Green was upset that the hedge along Hatfield Road at Ivy Chimneys had been removed particularly after he had raised his concerns when the other hedge alongside Augustus Way had been grubbed out. He considered that more could have been done to prevent its removal.

The Chairman thanked Mr Green for his comments and explained that the Town Council had been working with Braintree District Council.

Councillor Bob Wright explained that it was not just the cycleway but the 230 houses proposed in Phase 4, land north east of Rectory Lane, Rivenhall. He spoke of the badly thought-out bus gate on the development and the problems it was causing as lorries needed to unload in the road on a blind bend. He spoke about a proposed unnecessary cyclepath which would cut through a hedge. He then turned to the proposed cycleway to the town centre. He said that there would be an additional set of lights at the station for cyclists and the possibility of another set at Chipping Hill. He said that the proposed cycleway to station via Motts Lane had not yet been built. He added that a topography report had not yet been undertaken and the Rickstones Action Group were commissioning a report on the proposed cycleways.

The Chairman thanked Councillor Wright for his comments and assured him that the Town Council shared his concerns. He asked if the Town Council could be given a copy of the report in due course.

Councillor Hicks arrived at the Meeting.

Mr John Palombi, Witham and Countryside Society and Campaign for the Protection of Rural England (CPRE), was also concerned about the hedge at Ivy Chimneys but said that the CPRE had objected to the proposed buildings at Wethersfield Airfield on the basis of their height. It was considered that a four storey development would be too prominent and the buildings should be reduced to three storey. The remaining land around the site should be re-wilded or returned to arable land.

The Chairman thanked Mr Palombi for his comments.

Gillian Gillespie of Collingwood Road said that the proposed cycleway was badly thought out. A lot of the houses were old with no proper driveways and the residents were elderly, dependent on deliveries, and there would be nowhere to park causing disruption and gridlock on a main road through the town. She considered that the cycleway was totally unnecessary as there was the River Walk cycleway. She added that there was a number of small businesses along Collingwood Road which were dependent on clients being able to park.

The Chairman thanked Mrs Gillespie for her comments and assured her that the Town Council shares her concerns.

Councillor Ross Playle said that he had contacted both Sustran and the Cycling Organisation about the proposed cycleway in Collingwood Road which was dangerous and a risk to cyclists. No thought had been given how a cyclist would be able to turn right from Collingwood Road onto The Avenue. He suspected that no survey had been undertaken. He said that the proposal would cause aggravation and upset on this major route in Witham. He was disappointed that the developers had not worked with the Town Council to resolve this issue.

Councillor Ager said that she was vehemently opposed to this ill-conceived cycleway which would be particularly dangerous by Guithavon Valley. She said that cyclists would be directed into the town centre where there would be heavy traffic to contend with.

The Chairman agreed with Councillor Wright's comment that Rivenhall had not been included in discussions as the Town Council had been omitted in the past. He urged everyone to complete the consultation on the District Council's website.

213. PLANNING OFFICER'S REPORT

The Planning Officer advised that she had received information that application 19/00014/FUL for redevelopment of land at junction of Laburnum Way and Dorothy Sayers Drive will be considered by the District Council's Planning Committee on 8th February 2022. This Committee had offered no objections to the application subject to the proposed refuse collection arrangement being compatible with current waste strategy.

RESOLVED That the information be received and noted.

214. IVY CHIMNEYS, HATFIELD ROAD

The Planning Officer explained that when looking at the new District Council Local Plan she noted that the land to the front of Ivy Chimneys had been designated as Visually Important Space. She read out the response she had received from Mathew Wilde, Senior Planner at Braintree District Council. He had explained that it was always envisaged that the hedge along Hatfield Road would be retained but that the developer was not in breach of the consent by removing it. Condition 14 had not been discharged and it enabled the Council to ensure suitable replacement planting in the form of a strong native species hedge along the front. He said that the hedgerow regulations only applied to continuous hedges of a much greater length but that the land being designated as Visually Important Space would assist the Council in securing suitable replacement planting.

Members noted that the application had been granted without protection for the hedge. It was considered that where a hedge was on development land it was important to ensure that a proper survey listing the variety of species, etc. should be obtained and with a strong condition for protection. It was hoped that negotiations would achieve a replacement hedge. Protection of hedges would form part of the proposed Neighbourhood Plan.

The importance of ensuring that the hedge is replaced in its original position with space at the front was stressed.

Members then discussed different ways the Town Council could protect hedges.

RESOLVED That the information be received and the District Council contacted asking that detailed information on trees and hedges should be obtained for all sites.

RESOLVED That the protection of hedges form part of the Neighbourhood Plan.

215. PART 1 APPLICATIONS

22/00135/HH

17 Pavelin Avenue, Witham

Single Storey rear extension

NO OBJECTION

22/00049/HH

3 Mersey Road, Witham

Erection of two storey side and single storey rear extension

NO OBJECTION

22/00128/T56

Station Maltings, Station Road, Witham

Remove 3 no antenna fixed at rooftop level to a maximum height of 36.4m to be replaced by 3 no antenna fixed in the same position to a maximum height of 36.4m together with installation of RRHs, new supporting steelwork and ancillary development thereto

NO OBJECTION

21/0234/ADV

BDC Car Park, Easton Road, Witham

2 no non-illuminated A1 frames and 2 no non-illuminated A2 frames mounted on boundary railings (adjacent to main entrance facing inwards towards parking area)

NO OBJECTION

216. PART 2 APPLICATIONS

21/03652/TPOCON

Land behind 14 Guithavon Street, Witham

Notice of intent to carry out works to tree in a Conservation Area – Acacia (T1) – reduce crown by 3m

The Tree Warden had made a site visit and explained that there was a group of three trees and he was unsure which one would be reduced. He therefore recommended refusal on the grounds of lack of information.

RECOMMEND REFUSAL on the grounds of lack of clarity of information and the advice of the District Council's Landscape Officer.

2103618/FUL

Gershwin Park land north east of Reid Road, Witham

Redevelopment of the site involving the erection of single storey building to provide 3 neighbourhood retail units (Class E), a three-storey building to provide a 70 bed Care Home (Class C2), and 44 residential dwellings (Class 3) comprising of 4 x 2 bed and 21 x 3 bed dwelling houses and a three storey building to provide 16 x 2 bed and 3 x 1 bed flats, alongside access, parking, landscaping and other associated works

Members considered that all new developments should include triple glazing, solar panels and air source pumps.

They wished to know where the affordable housing element would be on the site.

NO OBJECTION subject to triple glazing, solar panels and air source pumps being installed and that the affordable housing element being identified.

22/00034/LBC

The Old Vicarage, Chipping Hill, Witham

Installation of retractable awning on north side of modern extension to the house

Councillors Barlow, Goodman, Kilmartin, C. Lager and M. Lager had declared non-pecuniary interests.

NO OBJECTION subject to the views of the Listed Buildings Officer.

21/03747/FUL

14 Freebournes Road, Witham

Erection of 3 buildings to provide 10 commercial units (Use Classes E(g)(iii), B2 and B8) together with access, parking, landscaping and associated works

RECOMMEND APPROVAL

21/03480/HH

13 Medlar Close, Witham

Two storey rear extension

Members noted the risk of loss of light in the neighbouring property and that parking was a problem in this area with no designated bays for residents.

NO OBJECTION subject to no representations being received from neighbours.

22/00106/TPO

10 Hollybank, Witham

Notice of Intent to carry out works to tree protected by Tree Preservation Order 6/76 – Reduce the bigger of the Yew tree by 1.4m to reshape it

Members were informed that the Tree Warden had made a site visit and recommended no objection.

NO OBJECTION subject to the advice of the District Council's Landscape Officer.

217. REVISED PLANS

20/02060/OUT

Phase 4 Land North East of Rectory Lane Rivenhall

(a) Plans

Members considered that this was a piecemeal development and that had a Master Plan been in place from the outset better infrastructure would have been provided. It was important to re-iterate the planning objections and to add those comments in regard to the proposed cycleway.

Members spoke about the meeting with Bellway, Essex County and Braintree District Councils. There had been a suggestion of a cycle lane on one side of Collingwood Road but this had not been discussed and the original scheme had been submitted. The alternatives of linking up with existing cycleways and the Motts Lane link to Eastways and onto the Blackwater Rail Trail which was part of the District Council's Cycle Action Plan 2018 would be a better route.

RECOMMEND REFUSAL on the grounds of –

- Severe impact upon local highways infrastructure and non-conformity with various Essex County Council Highways Policies as identified by other parties including Rivenhall Parish Council
- Lack of amenities in Witham North including health facilities, a supermarket and employment opportunities
- No clear boundary between Witham and Rivenhall
- Damage to the green buffer separating the two communities
- Section 106 monies should be spent in Witham North/Rivenhall
- Provision of a community facility with combined varied uses
- The lack of a Master Plan has led to piecemeal development and insufficient infrastructure
- Statement of community involvement is incorrect as Witham Town Council had not been consulted
- This development should have been a single, phased development with a proper development brief
- Contrary to RLP10
- The proposed cycleway would increase congestion with two sets of lights at the station and with the possibility of a further set at Chipping Hill
- Narrowing of carriageway on a busy bus and HGV route
- Loss of car parking for residents who do not have off-street parking
- Loss of car parking which would affect small businesses in Collingwood Road
- Lack of cycle parking in the town centre
- Shared cycleway paths are not recommended
- Suitable alternatives which are included in the Cycle Action Plan should be considered
- The pavements at the railway station and adjacent to the Labour Club are of insufficient width to allow for safe cycleway.

(b) Proposed Cycleway

Information was received from Bellway Homes regarding the proposed cycleway which has been sent to residents of Collingwood Road.

RESOLVED That the information be received.

218. DECISIONS

The decisions on Planning Applications pertaining to Witham were received.

RESOLVED That the decisions be received and noted.

219. TRAFFIC REGULATION ORDERS

(a) Hatfield Road

The Public Notice to introduce a no right turn onto the southwest bound carriageway of the B1389 was received.

RESOLVED That the Public Notice be received and noted.

(b) Allectus Way and Porter Way Bus Gate

The Public Notice to introduce restrictions on the Bus Gate between Allectus Way and Porter Way was received.

RESOLVED That the Public Notice be received and noted.

(c) Gershwin Boulevard

The Public Order introducing parking restrictions on Gershwin Boulevard from 31st December 2021 was received.

It was noted that the location was cited as being in the City of Chelmsford.

RESOLVED That the Public Notice be received and the error in the prohibition notice be drawn to the attention of Essex County Council.

220. ELM TREE, HATFIELD ROAD

A response was received from Gavin Jones, CEO of Essex County Council, in regards to the proposed felling of the Elm tree at Hatfield Road for the creation of a new roundabout.

The Planning Officer explained that she had also informed the arboricultural team at Essex County Council of the proposals.

It was agreed that it would be ascertained whether planning consent had been given for the development at Woodend Farm and a letter written to Braintree District Council making them aware of the situation.

RESOLVED That it be ascertained whether application - 19/01896/OUT – Woodend Farm, Hatfield Road, Witham had yet

been decided and a letter written to the Planning Department at Braintree District Council.¹

221. WETHERSFIELD PRISONS

An email was received making the Town Council aware of potential traffic issues when two large prisons are built at Wethersfield.

Members whilst having sympathy with Mr Easton and the increase in traffic the proposal would bring recognised that this development would be outside the Parish and unlikely to impact on the town. It was agreed that a response should be made explaining that an active representative and CPRE member was following the application and impact on the neighbourhood.

RESOLVED That the email be received and a reply sent to Mr Easton explaining the Town Council's limitations in this matter but that it was understood that the CPRE had made representations on the application.

222. MALDON DISTRICT COUNCIL'S LOCAL DEVELOPMENT PLAN

Details of Maldon District Council's Consultation on its Local Development Plan were received.

Members agreed the importance of registering an interest in the consultation.

RESOLVED That the details be received and the Town Council's interest be registered.

There being no further business the Chairman closed the Meeting at 7.30 p.m.

Councillor J. Goodman
Chairman

GK/2.2.2022

¹ The application has still to be decided. A letter was sent on 13th January 2022 to the Planning Department expressing the Town Council's deep concerns regarding the proposed removal of the tree and asking the Planning Authority to refuse the application until such time as the road layout can be achieved without affecting this important tree.