



Town Hall | 61 Newland Street | Witham | CM8 2FE  
01376 520627  
witham.gov.uk

**NOTE EARLIER START TIME**

**AGENDA**

Meeting of: **Planning & Transport Committee**

Date: **Monday, 18th July 2022** Time: **6.00 p.m.**

Place: **Town Hall, 61 Newland Street, Witham, Essex**

**Members are hereby summoned to attend the above Meeting to transact the following business. Members are respectfully reminded that each item on the Agenda should be carefully examined. If you have any interest, it must be duly declared.**

To be present: Councillors:

J.	Goodman	(Chairman)
A.	Kilmartin	(Vice Chairman)
K.	Atwill	
P.	Barlow	
S.	Hicks	
C.	Jay	
C.	Lager	
M.	Lager	
T.	Pleasance	

**1. APOLOGIES**

To receive apologies for absence.

**2. MINUTES**

To receive the Minutes of the Meeting of the Planning & Transport Committee held 4th July 2022 (previously circulated).

**3. INTERESTS**

To receive any declarations of interests that Members may wish to give notice of on matters pertaining to any item on this Agenda.

**4. QUESTIONS AND REPRESENTATIONS FROM MEMBERS OF THE PUBLIC**

Members of the press and public will be invited to address the Meeting regarding any item on the Agenda.

*Order Note: A maximum of 30 minutes is designated for public participation time with no individual speaker exceeding three minutes unless otherwise granted an extension by the Chairman under Standing Order 3(F) & 3(G)*

**5. PLANNING OFFICER'S REPORT**

To receive a verbal report from the Planning Officer on any matters arising from previous Meeting.

**6. PART 1 APPLICATIONS**

To approve officer 'no objection' recommendations for applications listed under [Part 1](#) without debate. *Applications may be moved to Part 2 where Members are in disagreement with recommendations by giving 24 hours' notice to the Planning Officer.*

**7. PART 2 APPLICATIONS**

To consider applications in [Part 2](#).

**8. REVISED PLANS**

To consider any revised plans received by Braintree District Council that have previously been commented upon.

**9. DECISIONS**

To receive and note decisions on planning applications pertaining to Witham which have been received from Braintree District Council ([attached](#)).

**10. TREES AT GIMSONS**

To receive a report regarding the trees at Gimsons ([attached](#)).

**11. 22/00875/FUL – LAND TO THE REAR OF JACK AND JENNY**

To receive a report ([attached](#)).

**12. 21/00458/FUL – LAND TO THE REAR OF JACK AND JENNY**

To receive a Notice of Appeal against the District Council's decision to refuse the above planning application for the erection of 2 no3 bedroom detached dwelling and creation of a new access and to agree to send a letter in support of tthe District Council's refusal ([attached](#)).

**13. 22/00542/HH – THE VICTORIA PUBLIC HOUSE**

To receive a report ([attached](#)).

**14. COMMUTER PARKING RESTRICTIONS – HOMEFIELD ROAD**

To receive a report ([attached](#)).

**15. 20'S PLENTY – FREE WEBINAR**

An opportunity for Members to attend a free Webinar on the 20's Plenty campaign (details [attached](#)).

**16. SPEED SURVEY REQUEST FOR MALTINGS LANE**

To consider a request for a speed survey in Maltings Lane, Maldon Road end.



Nikki Smith  
Town Clerk

GK/12.7.2022

**PART 1**  
**APPLICATIONS WITH OFFICER ‘NO OBJECTION’**  
**RECOMMENDATIONS TO BE CONSIDERED “EN BLOC” WITHOUT**  
**DEBATE.**

**Applications Received:**

The following applications have been made to the District Council for planning permission under the Town & Country Planning Acts and referred to the Town Council as a statutory consultee. Copies of the applications and accompanying plans may be seen at the Planning Department Causeway House, Bocking End, Braintree or online at [www.braintree.gov.uk](http://www.braintree.gov.uk)

**PLEASE NOTE:** Under the Local Government (Access to Information) Act 1985, representations cannot be treated in confidence. Witham Town Council is not responsible for issuing planning decisions.

<b>22/01806/HH</b>	<b>1 Gimson Close, Witham, Essex</b>	<b>West</b>	<b>Single-storey side extension</b>
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## PART 2 APPLICATIONS FOR MEMBERS' DEBATE

### Applications Received:

The following applications have been made to the District Council for planning permission under the Town & Country Planning Acts and referred to the Town Council as a statutory consultee. Copies of the applications and accompanying plans may be seen at the Planning Department Causeway House, Bocking End, Braintree or online at [www.braintree.gov.uk](http://www.braintree.gov.uk)

**PLEASE NOTE:** Under the Local Government (Access to Information) Act 1985, representations cannot be treated in confidence. Witham Town Council is not responsible for issuing planning decisions.

22/01664/HH	6 The Avenue, Witham, Essex	Central	Two-storey side extension and alterations
22/01676/HH	13 Albert Road, Witham, Essex	North	Erection of balustrade, privacy screen, external stair and enlargement of existing first floor external roof terrace
22/01763/TPO	1 Wakelin Way, Witham, Essex	Central	Notice of intent to carry out works to tree protected by Tree Preservation Order 5/75 - Sycamore (T1)
22/01771/FUL	59 Rowan Way, Witham, Essex	North	Demolition of existing single-storey side extension and erection of a two-storey 2 bedroom dwellinghouse

## Witham Town Council – Planning Application Report

**Application No:-** 22/01664/HH

**Address:-** 6 The Avenue, Witham, Essex

**Ward:-** Central

**Proposal:-** Two-storey side extension and alterations

**Relevant Site History:-**

**Representations:-**

**Summary:-** This is a detached dwelling in a Conservation Area. The proposal is to extend to the side of the property, almost to the building line. This will result in the garage, in the garden, not being usable for parking nor the driveway to it. It is proposed to use the front of the property for parking. The proposed extension will be set back from the front of the house and subservient to it. All materials will be matching. The extension will be 2.6m wide and 6m long allowing for reconfiguration of the kitchen and a 4th bedroom which will be en-suite.

**Recommendation:-** The Avenue has an eclectic mix of properties. The extension will be close to the boundary and the neighbouring property but there have been no representations nor about any potential overlooking. Although parking will be lost there will still be parking available in the front garden. All materials will match existing so would suggest no objection subject to the Listed Buildings adviser being satisfied with proposed materials.

**Policy References:-**

## Witham Town Council – Planning Application Report

**Application No:-** 22/01676/HH

**Address:-** 13 Albert Road, Witham, Essex

**Ward:-** North

**Proposal:-** Erection of balustrade, privacy screen, external stair and enlargement of existing first floor external roof terrace

**Relevant Site History:-**

**Representations:-**

**Summary:-** This is a semi detached Victorian/Edwardian property comprising of four floors. The lower ground floor had a conservatory erected leading onto a small patio with steps leading up into the garden. Over the conservatory there was a timber balcony from the elevated ground floor matching the neighbours at a depth of 1.25m. The applicant says that the timber balcony has rotted and been removed and the roof to the conservatory has been replaced with a flat roof. They wish to make this flat roof into a raised terrace 3.6m in depth and approximately 4.5m across, adding a 1.8m high solid fence as a privacy screen. There will be a guard rail 1.1m high on the terrace and metal stairs into the garden, matching existing.

**Recommendation:-** There is potential for overlooking but there has been no representations from neighbours. No doubt the strength of the new roof will have been taken into account before the plans were submitted. Would recommend no objection subject to no representations from neighbours.

## Witham Town Council – Planning Application Report

**Application No:-** 22/01763/TPO

**Address:-** 1 Wakelin Way, Witham, Essex

**Ward:-** Central

**Proposal:-** Notice of intent to carry out works to tree protected by Tree Preservation Order 5/75 - Sycamore (T1)

**Relevant Site History:-**

**Representations:-**

**Summary:-** The applicant proposed to reduce crown to all aspects by 1-2m to suitable growth points, remove/stabalise deadwood >25mm and crown lift to 4m. The tree dominates the garden, causing excessive shading to dwelling also debris and honeydew cause a constant nuisance

**Recommendation:-** This is a small garden with a large tree. The work seems reasonable but I have sought confirmation from the Tree Warden.

**Policy References:-**

## Witham Town Council – Planning Application Report

**Application No:-** 22/01771/FUL

**Address:-** 59 Rowan Way, Witham, Essex

**Ward:-** North

**Proposal:-** Demolition of existing single-storey side extension and erection of a two-storey 2 bedroom dwellinghouse

**Relevant Site History:-** 21/02170/FUL - Application withdrawn. WTC recommended refusal on the grounds that the proposal would affect neighbouring amenity i.e. loss of parking provision contrary to RLP17.

**Representations:-** One objection complaining about parking issues

**Summary:-** The previous application which received 10 objections was withdrawn as access to the proposed dwelling meant loss of parking spaces in the adjacent Pine Grove. The new proposal is to demolish a single storey extension and build a two bedroom dwelling with parking accessed from Rowan Way. The new dwelling would be approximately 6m in width and materials matching the neighbouring house and have space to park one vehicle.

**Recommendation:-** The site is at the end of a cul de sac abutting Pine Grove. At the moment it is an open area of grass. The access to the one parking space for the new house is over the garden of the neighbours. The tree in Pine Grove would need to be protected and with the agreement of a third party since the tree is not within the ownership of the applicant. Would recommend refusal on the grounds of insufficient parking provision in line with Essex Parking Standards and loss of amenity.

**Policy References:-** RLP 17 and Essex Parking Standards

[Back to Agenda](#)

Application & Address	Proposal	BDC Decision	WTC Decision	Agenda Item 9
22/01302/HH - 146 Humber Road Witham Essex CM8 1TY	First floor rear extension	Application Permitted	No objection	
22/00855/HH - 127 Highfields Road Witham Essex CM8 2HQ	Single-storey side and rear extensions, new cycle store and fence.	Application Permitted	No objection subject to suitable screening of the 1.8m high aluminium fencing and gate	
22/00941/HH - Bona Vista Maldon Road Witham Essex CM8 1HX	Proposed first floor front extension.	Application Permitted	No objection	

[Back to Agenda](#)

**TREES AT GIMSON**

**Issue:**

A resolution was made at Minute 291 of the Planning & Transport Committee Meeting on 26<sup>th</sup> April 2022 that the proposal to apply for Tree Preservation Orders be placed on the remaining trees at Gimsons be agreed in principle and assistance be sought from the Witham and Countryside Society, Tree Group and Councillor Hicks.

The Planning Officer sought assistance from the Landscape Officer at BDC and the following reply has been received -

Further to your enquiry over the protection of the trees on the site at Gimsons – the site has had a tree preservation order for a number of years and the approved layout has given these trees (as individuals, groups and a woodland), sufficient space to continue to flourish. At the time of the application I felt the protected trees were the most valuable as the long term amenity trees; in addition to the protected trees there are a number of willows and poplars at the southern edge abutting the ‘wet’ woodland along the river corridor. Most of these trees are within the areas of open space and not owned by individual householders and I don’t consider them to be under any immediate threat since they will need to be managed according to the approved landscape and ecology management plan that the appointed management company will be required to comply with.

These willows and poplars will always grow at a faster rate than the other trees across the site and will need to be reduced, pollarded at intervals to ensure the branching does not become over extended and vulnerable to breaking out in strong winds; this concern notwithstanding I think the management company should be given the opportunity to manage the site post completion, including areas of new planting, before we consider any further tree preservation orders.

**Advice:**

In view of the comments made by the Landscape Officer at Braintree District Council, would suggest that the information be received and no further action taken at this time.

GK/6.7.2022

[Back to Agenda](#)

**Officer Report: 22/00875/FUL – Land to the rear of the Jack and Jenny**

**Issue:**

Planning History to the Site

18/01293/FUL - Residential development comprising one detached 3 bedroom dwelling and creation of a new access – Application permitted.

The Town Council made the following response –

Witham Town Council considered the above application on 1st October 2018 and considered that as the original objections have not been addressed, the decision to recommend refusal on the grounds of the proposed hedge removal remains an unacceptable loss of character and detriment to the street scene still stands. Additional concerns were raised over the viability of the development due to the proposed access and the need for the hedges’ removal to create an access point. It was further considered that the removal of the hedgerow and subsequent replacement would also cause a lack of security and amenity to the proposed dwelling and any such future proposals would need to take steps to ensure the preservation of this asset.

21/00458/FUL - Erection of 2 No. 3 bedroom detached dwellings and creation of new access – Application refused.

The Town Council made the following response –

Members of Witham Town Council’s Planning & Transport Committee have had the opportunity to consider the above planning application and recommend refusal on the grounds that the proposed access for two households onto a busy road would be unsafe and lack of private and secure amenity space for the house tucked under the trees, contrary to RLP10.

22/00875/FUL - Erection of 1 x 3 bedroom two-storey detached dwellinghouse and creation of new access – Application granted

The Town Council made the following response –

Members of Witham Town Council’s Planning & Transport Committee have had the opportunity to consider the above planning application and raise no objection subject to the District Council carrying out a careful survey of the trees on site to ensure that those worthy of retention are not felled.

**Subsequent Information:**

Members had made a decision earlier in the year following the problems at Ivy Chimneys that detailed information on trees and hedges should be obtained for all sites (Minute 214 of Planning & Transport Committee held 31.1.2022 refers) and that protection of hedges form part of the Neighbourhood Plan.

At the Meeting on 9<sup>th</sup> May 2022, Members discussed the most recent application. Members recognised that the hedge would need to be removed to allow for a footpath to be built along that side of Hatfield Road and Members were divided as to whether this was justified. A motion was put to offer no objection subject to the District Council carrying out a careful survey of the trees on site to ensure that those worthy of retention are not felled. The Chairman of the Meeting, Councillor Kilmartin gave a casting vote and the motion was carried.

At the following Meeting correspondence was received from a member of the public which explained that the hedge was at least 100 years old and had formed an extensive hedge as far as Lynfield Motors but long lengths had been destroyed during the development of Maltings Lane estate. To change the Town Council's decision to recommend refusal of the application would have meant a rescission notice and instead it was agreed to make the following resolution –

That the Planning Authority be informed that further information has been received indicating that the hedge was at least 100 years old and had formed part of an extensive hedge to Lynfield Motors but long lengths of which had been destroyed during the development of Maltings Lane estate; and in light of the new information a detailed survey should be carried out of the hedge, that consideration should be given as to the need of a 2m wide footpath particularly as there was none close to the neighbouring Spa Shop and that the hedge be retained.

The Town Council has just received information that an appeal has been lodged against the decision to refuse the planning application 21/00458/FUL – Erection of 2 Mo.3 bedroom detached dwellings and creation of new access.

**Advice:**

The Planning Authority has now made its decision to grant the application. It would be unethical for the Town Council to approach developers, as suggested at the last Meeting, to ask them to reconsider the footpath element.

GK/7.7.2022

[Back to Agenda](#)

Agenda Item 12

Our ref: 22/00040/REF  
Your Ref:  
Direct Dial: 01376 552525 ext. 2501  
Ask for: Ellen Cooney  
Date: 06.07.2022



Development Management  
Causeway House Braintree  
Essex CM7 9HB

Tel: 01376 552525  
Email: [appeals@braintree.gov.uk](mailto:appeals@braintree.gov.uk)

Witham Town Council  
Town Clerk's Office  
61 Newland Street  
Witham  
Essex  
CM8 2FE

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990  
APPEAL UNDER SECTION 78**

**Site Address:** Land To Rear Of The Jack And Jenny Hatfield Road  
Witham Essex CM8 1EE  
**Description of Development:** Erection of 2 No. 3 bedroom detached dwellings and  
creation of new access.  
**Planning Application Ref:** 21/00458/FUL  
**Appellant's Name:** Mr R Kingsley  
**Planning Inspectorate Ref:** APP/Z1510/W/22/3295620  
**Appeal Start Date:** 6 July 2022

I refer to the above details. An appeal has been made to the Secretary of State following Braintree District Council's refusal of the above application/s.

The appeal will be determined on the basis of **written representations**. The procedure to be followed is set out in Part 2 of The Town and Country Planning (Appeals) (Written Representations Procedure)(England) Regulations 2009, as amended.

We have forwarded all the representations made to us on the application to the Planning Inspectorate and the appellant. These will be considered by the Inspector when determining the appeal.

If you wish to make comments, or modify/withdraw your previous representation, you can do so online at <http://acp.planninginspectorate.gov.uk/>. If you do not have access to the internet, you can send your comments to:

The Planning Inspectorate  
Team East 1  
Room 3B  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

You could also email them to [EAST1@planninginspectorate.gov.uk](mailto:EAST1@planninginspectorate.gov.uk).

**All representations must be received by 4 August 2022 and sent directly to the Planning Inspectorate.** Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the appeal reference, APP/Z1510/W/22/3295620.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection online at [www.braintree.gov.uk/pa](http://www.braintree.gov.uk/pa). Once online, click the **Appeals** button and then search for the reference number at the very top of this letter. If you do not have access to the internet you can visit the Council's office at Causeway House, Braintree or libraries at Halstead or Witham to view the details online. Please note, no paper copies of the application are available to view at the Council's office or libraries.

For further information on the appeals process, you can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

When made, the decision will be published online at <http://acp.planninginspectorate.gov.uk/>.

Yours faithfully

Ellen Cooney  
For Planning Development Manager

[Back to Agenda](#)



ITEM NO: 13

**Officer Report: 22/00542/HH – VICTORIA PUBLIC HOUSE**

**Issue:**

Members asked that this matter be discussed at the next Planning Committee Meeting.

The above application was permitted by the District Council and received as a decision.

A Member had pointed out that the land forming the forecourt to the public house was in fact public highway and not in private ownership.

On 23<sup>rd</sup> July 2019 a previous application 19/01196/FUL had been heard for the construction of two dwellings and this point regarding ownership had been made at that time to the Planning Authority. The developer seeing our comments on the BDC portal had sent a land registry document to the District Planning Officer and we were advised accordingly. Unfortunately, the land registry document was not put on the planning portal but the Planning Officer was content.

**Advice:**

To receive the report and to take no further action.

GK/8.7.2022

[Back to Agenda](#)

**Officer Report: COMMUTER PARKING RESTRICTIONS – HOMEFIELD ROAD**

**Issue:**

A Member has asked that this matter be put on the Agenda.

In February a Member asked that I make enquiries on their behalf as a resident of Homefield Road had complained that she was finding it difficult to move her vehicle for the one hour commuter parking restriction due to a disability. Apparently in Chelmsford a resident could ring the South Essex Parking Partnership, give an index number and their vehicle would not receive a parking ticket.

I therefore asked the North Essex Parking Partnership whether they operated a similar system and the response was -

We do not offer exemptions to residents to park during restricted hours without valid reasons.

If a customer calls and present a valid reason for being unable to move the vehicle, we can offer a temporary permit on a case by case basis.

It would seem that the resident has now come back and asked again why she cannot be given an exemption.

I therefore asked the North Essex Parking Partnership whether she would qualify for an exemption and the response was –

Unfortunately, there are no exemptions we can offer in these circumstances. I note that you have advised the resident to apply for another disabled badge- this is the advice we would have given in this instance.

**Advice:**

To receive the report and to consider whether any further assistance can be given.

GK/8.7.2022

[Back to Agenda](#)

Agenda Item 15

**From:** Pearl Willcox <[pearl.willcox@ealc.gov.uk](mailto:pearl.willcox@ealc.gov.uk)>  
**Sent:** 08 July 2022 14:16  
**To:** Pearl Willcox <[pearl.willcox@ealc.gov.uk](mailto:pearl.willcox@ealc.gov.uk)>  
**Subject:** 20s Plenty Webinar

Dear Clerks, Chairman & Councillors

Adrian Berendt of the NGO 20's Plenty for Us has kindly agreed to present a webinar to Parish & Town Councils in the County on the awareness of speed through the villages of Essex.

They campaign for a **speed limit of 20mph to be normal** on residential streets and in town and village centres, unless full consideration of the needs of vulnerable road users allows a higher limit on particular streets

If you would be interested in attending the webinar that is an hour long, please complete the attached booking form and return it back to me.

There are two dates and times available & the webinar is FREE.

Kindest Regards

*Pearl*

Pearl Willcox CiLCA  
Executive County Training Officer

EALC 42B High Street, Great Dunmow, Essex, CM6 1AH  
Tel: 01371 879722



**Why villages need 20mph and how to campaign for it: a webinar briefing for Parish Councillors.**

Please send a completed booking form to Pearl Willcox at the Essex Association of Local Councils to reserve a place.. Open to all Essex Parish Councillors & Clerks. There are two available webinars as follows:-

- 1) 27<sup>th</sup> July 2022, 13:00-14:00
- 2) 28<sup>th</sup> July 2022, 19:00-20:00

We have a road safety risk in rural parishes caused by too many, too large vehicles travelling too fast. Villages are often seen as annoyances, getting in the way of travelling between two places, rather than communities in their own right. While, as parish councillors we are not the Highway Authority, we can influence lower speed limits as a risk mitigation measure.

There is clearly a risk to neighbours when walking or cycling, and especially to children. While harm from an impact is increased by heavier vehicles, speed is a greater factor because harm is proportional to the energy in the vehicle ( $E = \frac{1}{2}mv^2$ ). The risk that a pedestrian is fatally injured in a crash if they are hit at 30mph is about 7x greater than at 20mph.

While we are unlikely to return to the age when cars were smaller and had to be driven slowly to protect fragile suspension, we have to do what's within our control to minimise the risks from vehicle drivers to pedestrians. We can influence road signs via ECC, we can influence visibility via hedge maintenance, and we can influence the speed of traffic.

It is more effective for groups of neighbouring communities to apply for a reduced speed limit for all their villages, so that it becomes normal for drivers to slow down in all villages, instead of just one.

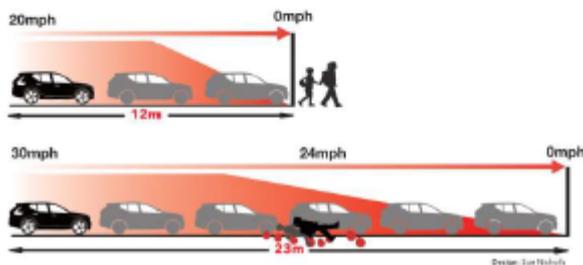
This webinar will help parish councillors in Essex to overcome the barriers, real and imagined, to securing safer lower speed limits in their communities, and thus to increase road safety for pedestrians and cyclists and thus also to encourage walking and cycling, to make the rural roads safer places, to encourage people to get outside and use the street spaces as part of the community rather than a hazardous place where only cars can go.

The webinar will be presented by Adrian Berendt of the NGO 20's Plenty.

<https://www.20splenty.org/>



**Thinking Distance + Braking Distance = Stopping Distance**



[Back to Agenda](#)