



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

## AGENDA

Meeting of: **Planning & Transport Committee**

Date: **Tuesday, 5th September 2023** Time: **6.30 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:

P.	Barlow	(Chairman)	T.	Hewitt
J.C.	Coleman	(Vice Chairman)	J.	Martin
E.	Adelaja		R.	Ramage
J.M.	Coleman		A.	Sloma
L.	Headley		E.	Williams

Nikki Smith  
Town Clerk

GK/30.8.2023

**1. APOLOGIES**

To receive and approve apologies for absence.

**2. MINUTES**

To receive the Minutes of the Meeting of the Planning & Transport Committee held 21st August 2023 (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.

*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 note that there are no plans to consider under Part 1.

**7. PART 2 APPLICATIONS**

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

**8. REVISED PLANS**

23/01555/FUL - Phase 4 Land North East Of Rectory Lane, Witham

To consider the above 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](#) at page 10).

**10. TREE PRESERVATION ORDER 07/2023/TPO – OLD MAGISTRATES COURT, WITHAM**

To note that a provisional TPO has been made regarding the above trees and will remain in force until six months from 23rd August 2023 or until the date on which the Order is confirmed ([attached](#) at page 11).

## 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.

APPLICATION_NO	ADDRESS	WARD	PROPOSAL
23/01621/FUL	St Georges Nursing Home, 18 - 20 Avenue Road, Witham	Central	Proposed link extension
23/01887/HH and 23/01888/LBC	9 Home Bridge Court , Hatfield Road, Witham	Hatfield	Change front door to timber door and frame
23/02095/TPOCON	9 Old Magistrates Court, Witham, Essex	Central	Notice of intent to carry out works to trees in a Conservation Area:- Removal of tree
23/01840/ADV	Land at Conrad Road, Witham	North	Retention of 18 no. flags on 6m flagpoles, 2 no stack signs, 1 no. leaderboard sign
23/02050/HH	36 Avenue Road, Witham, Essex	Central	Proposed front porch

## Witham Town Council – Planning Application Report

**Application No:-** 23/01621/FUL

**Address:-** St Georges Nursing Home, 18 - 20 Avenue Road, Witham

**Ward:-** Central

**Proposal:-** Proposed link extension

**Relevant Site History:-**

**Representations:-**

**Summary:-** This is a small extension measuring 3.3m by 5m which will allow direct wheelchair access from the main lounge to the wing lounge/dining area. The one wall will have six glazed panels.

**Recommendation:-** Because of the nature of the application, Members might need to be aware.  
Recommend no objection

**Policy References:-**

## Witham Town Council – Planning Application Report

**Application No:-** 23/01887/HH and 23/01888/LBC

**Address:-** 9 Home Bridge Court , Hatfield Road, Witham

**Ward:-** Hatfield

**Proposal:-** Change front door to timber door and frame

**Relevant Site History:-**

**Representations:-**

**Summary:-** Home Bridge Court is a Grade II Listed Building. Members will remember that a similar application was considered for a neighbouring property on 7th August. The proposal is to change the front entrance door to hardwood timber as the existing does not conform to Listed Building requirements.

**Recommendation:-** Would recommend no objection subject to the Listed Buildings Officer being satisfied with the style and building materials.

**Policy References:-**

## Witham Town Council – Planning Application Report

**Application No:-** 23/02095/TPOCON

**Address:-** 9 Old Magistrates Court, Witham, Essex

**Ward:-** Central

**Proposal:-** Notice of intent to carry out works to trees in a Conservation Area:- Removal of tree

**Relevant Site History:-**

**Representations:-**

**Summary:-** Members will see later in the Agenda that the trees on the Old Magistrates Court site have been made subject of a TPO. The applicant says that the garden is tiny and the tree is only 3.7m from the bungalow.

**Recommendation:-** The advice of the Tree Warden has been sought as this tree should not be felled but managed.

**Policy References:-**

## Witham Town Council – Planning Application Report

**Application No:-** 23/01840/ADV

**Address:-** Land at Conrad Road, Witham

**Ward:-** North

**Proposal:-** Retention of 18 no. flags on 6m flagpoles, 2 no stack signs, 1 no. leaderboard sign

**Relevant Site History:-**

**Representations:-**

**Summary:-** The developer at Conrad Road wishes to retain the current advertising signs. This is usual until the development is complete and the last house sold.

**Recommendation:-** Whilst there are a plethora of signs, they are already in place. Recommend no objection subject to their removal once the last house is sold.

**Policy References:-**

## Witham Town Council – Planning Application Report

**Application No:-** 23/02050/HH

**Address:-** 36 Avenue Road, Witham, Essex

**Ward:-** Central

**Proposal:-** Proposed front porch

**Relevant Site History:-**

**Representations:-**

**Summary:-** This house is in the short stretch of Avenue Road which is part of the Conservation Area. The proposal is to bring the front door forward to line up with the front of the house and to create a porch. There will be oak supporting posts with a pitched tiled roof, materials matching existing.

**Recommendation:-** Recommend no objection subject to the Listed Buildings Officer being satisfied with materials.

**Policy References:-**



## Witham Town Council – Planning Application Report

**Application No:-** 23/01555/FUL

**Address:-** Phase 4 Land North East Of Rectory Lane, Witham

**Ward:-**

**Proposal:-** Enabling infrastructure for the NE Witham Phase 4 development (approved under 20/02060/OUT), including: a priority junction and revised site access off Rickstones Road; section of spine road restricted to bus, taxi and motorcycle use only; sustainable drainage system; landscaping; and, all associated development

**Relevant Site History:-**

**Representations:-**

**Summary:-** This matter was last discussed on 7th August. Members raised major concerns over the proposed design for the junction with Rickstones Road which will have limited access and egress by buses, taxis and motorcycles. There are now detailed designs showing visibility splays for vehicles turning.

**Recommendation:-** Recommend that the original decision to offer no objection subject to concerns being raised with access and egress onto Rickstones Road.

**Policy References:-**

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Application & Address	Proposal	BDC Decision	WTC Decision	Agenda Item 9
23/01627/TPOCON - Cedar House 21A Collingwood Road Witham Essex CM8 2DY	Notice of intent to carry out works to trees in a Conservation Area:- Eucalyptus tree to be removed	Application Permitted	No objection subject to the advice of the District Council's Landscape Officer	
23/01464/HH - 32 Benton Close Witham Essex CM8 1JT	Proposed first floor side and rear extension	Application Permitted	No objection	
23/01036/FUL - 2 Perry Road Witham Essex CM8 3TU	Installation of 1No. Argon gas storage tank and 1No. propane gas storage tank	Application Permitted	No objection	
23/01706/TPO - 37 Barwell Way Witham Essex CM8 2TY	Notice of intent to carry out works to trees protected by Tree Preservation Order 5/75 :- Fell 3 sycamore trees T7, T8 and T9.	Part Granted Part Refused	Recommended refusal on the grounds that these healthy trees form an essential barrier between The Grove development and the Industrial estate, are subject to a TPO and play an important part in mitigating climate change and could be managed as in the past by pollarding and subject to the advice of the District Council's Landscape Officer. The Town Council would like to comment they would not be opposed to a crown reduction, or similar works.	
23/01656/HH - 17 Joslin Avenue Witham Essex CM8 1YU	Erection of single storey rear extension	Application Refused	Recommended refusal on the grounds of overdevelopment of site contrary to LPP36a and that the garden size would be below that required by the Essex Design Guide	

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Agenda Item 10



Our ref: 07/2023/TPO  
Your ref:  
Ask for: Ana Patriarca  
Dial: 01376 557743  
Ext:  
Date: 23rd August 2023

Sustainable Development  
Causeway House Braintree  
Essex CM7 9HB  
Tel: 01376 552525  
Fax 01376 557787  
[www.braintree.gov.uk](http://www.braintree.gov.uk)

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



Dear Sir/Madam

**BRAINTREE DISTRICT COUNCIL – TREE PRESERVATION ORDER NO:  
07/2023/TPO Old Magistrates Court, Witham, Essex CM8 2FT**

I enclose for your information a copy of the above-mentioned Tree Preservation Order.

A Direction has been included in the Order that Section 201 of the Town and Country Planning Act, 1990 shall apply. This means that the Order takes effect provisionally on the date it is made and continues in force until whichever occurs first:-

- (a) the expiration of a period of six months beginning with the date on the which the Order is made, or
- (b) the date on which the Order is confirmed.

Notice of the making of the Order has been served on the owners/occupiers of the land affected and I will advise you in due course whether the Order has been confirmed by the Council.

Yours faithfully

A handwritten signature in blue ink, appearing to read "C. Paggi".

On behalf of Christopher Paggi  
Planning Development Manager

PARISH

**THE TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012**

**Town and Country Planning Act 1990  
TPO 07/2023/TPO**

The Braintree District Council, in exercise of the powers conferred on them by sections 198 of the Town and Country Planning Act 1990 make the following Order: Old Magistrates Court, Witham, Essex,

**Citation**

1. This Order may be cited as TPO 07/2023/TPO

**Interpretation**

2. (1) In this Order “the authority” means the Braintree District Council.  
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012

**Effect**

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.  
(2) Without prejudice to subsections (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to the exceptions in regulation 14, no person shall—
- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
  - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

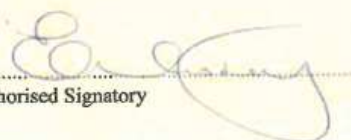
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provisions for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 23<sup>rd</sup> day of August 2023

"The Common Seal of BRAINTREE DISTRICT COUNCIL was hereunto affixed in the presence of:

  
.....  
Authorised Signatory



**SCHEDULE**

**SPECIFICATION OF TREES**

**Trees specified individually**  
(encircled in black on the map)

REF. ON MAP	DESCRIPTION	SITUATION
T1	Silver Maple	Rear garden on 1 Old Magistrates Court, Witham
T2	Sweet Gum	Grassed area in front of 5 Old Magistrates Court
T3	Rowan	Grassed area in front of 7 Old Magistrates Court
T4	Sycamore	Rear garden on 7 Old Magistrates Court, Witham
T5	Oak	Rear garden on 7 Old Magistrates Court, Witham
T6	Sycamore	Rear garden on 9 Old Magistrates Court, Witham
T7	Silver Maple	Rear garden on 11 Old Magistrates Court, Witham
T8	Silver Maple	Rear garden on 11 Old Magistrates Court, Witham
T9	Oak	Northeast of 8 Old Magistrates Court, Witham
T10	Sweet Gum	Grassed area in front of 9 Old Magistrates Court
T11	Sweet Gum	Grassed area in front of 6 Old Magistrates Court
T12	Oak	Communal parking area south of nos 4 and 6

**Trees specified by reference to an area**  
(within a dotted black line on the map)

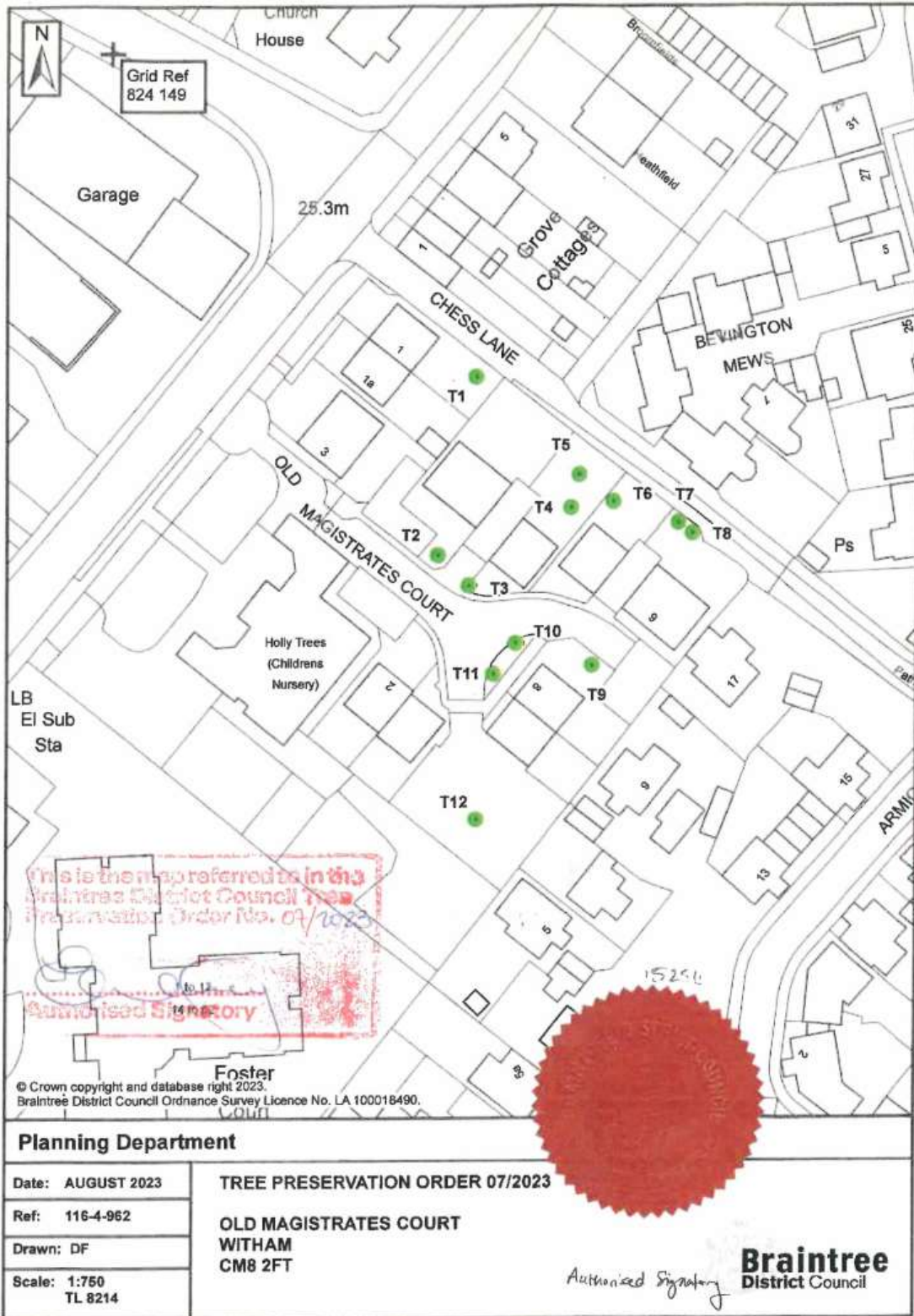
REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

**Groups of trees**  
(within a broken black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	

**Woodlands**  
(within a continuous black line on the map)

REF. ON MAP	DESCRIPTION	SITUATION
	NONE	



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