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MINUTES

PLANNING AND TRANSPORT COMMITTEE

Date: **Monday, 17th January 2022**

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

Present: Councillors

J.	Goodman	(Chairman)
A.	Kilmartin	(Vice Chairman)
K.	Atwill	
P.	Barlow	
S.	Hicks	
C.	Lager	
M.	Lager	
C.	Livermore	
S.	Rajeev	
N.	Smith	(Acting Town Clerk)
G.	Kennedy	(Committee Clerk)

And two members of the public.

199. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jay who was unwell.

RESOLVED That the apologies be received and accepted.

200. MINUTES

Councillor Livermore said that he had given his apologies for the last Meeting as he had a hospital appointment.

RESOLVED That the Minutes of the Meeting of the Planning and Transport Committee held 4th January 2022, to include Councillor Livermore's apologies, be confirmed as a true record and signed by the Chairman.

201. INTERESTS

No interests were declared at this time.

202. QUESTIONS AND STATEMENTS FROM THE PUBLIC

Mr John Palombi, Witham and Countryside Society, referred to application 22/00016/FUL – Newland Court, Witham and the replacement of timber framed windows with UPVC ones. He said that as this building is in a prominent position in the Conservation Area, traditional materials should be used. He then spoke about Agenda Item 12 – Wethersfield Prisons, and the potential for additional traffic. He said that there had been lots of opposition to the development but as a brown field site the land if not used for prisons would be residential which could create more traffic. He stressed the importance of any development being triple glazed, with solar panels, ground heat pumps and having electric charging points.

The Chairman thanked Mr Palombi for his comments.

Mr Green spoke passionately about the loss of the hedge adjacent to Hatfield Road on the Old Ivy Chimneys' site. He said how the loss of the hedge by Allectus Way had raised concerns only for the hedge along Hatfield Road to be reported as grubbed out at the Meeting on 14th December 2021. He understood that the hedge was to be retained and was cross that no action had been taken to protect it. He considered that the District Council took no heed of the Town Council. He asked what was being done to ensure that the hedge was replanted albeit that this old hedge and subsequent habitat had been lost.

The Chairman thanked Mr Green for his comments and assured him that the Town Council was taking action. He reiterated Mr Green's comments that the developer had acted disgracefully.

203. PLANNING OFFICER'S REPORT

There was nothing to report.

204. PART 1 APPLICATIONS

There were no applications to be considered under Part 1.

205. PART 2 APPLICATIONS

21/03680/FUL

14 Rickstones Road, Witham

Erection of 1 x 3 bedroom three storey detached dwelling house

Members were mindful of the eclectic mix of housing and ridge heights in Rickstones Road and agreed to offer no objection.

NO OBJECTION

ESS/95/21/BTE

Land at Colemans Farm Quarry, Little Braxted Lane, Witham

Continued use of the Ready Mixed Concrete Plant facility without compliance with Condition 3 (Approved Details) of Planning Consent ESS/11/20/BTE that was for the erection and use of a Ready Mixed Concrete Plant (RMX plant) with Ancillary Facilities to now accommodate a revised site layout and design of plant

Members agreed that in line with the Town Council's policy this application should be refused until such time as all vehicles accessing or egressing the quarry use the adjacent A12. Comment was made that three HGVs in convoy from the quarry had driven over the weight restriction in Bridge Street.

RECOMMEND REFUSAL until such time as all the HGVs accessing or egressing the quarry use the adjacent A12.

21/00059/VAR

Morrisons Supermarket, Braintree Road, Witham

Variation of Condition 11 'Trading Restrictions' of permission 20/00014/VAR for: Variation of Condition 2 Approved Plans of permission 12/01569/FUL (allowed under appeal reference: APP/Z1510/A/13/2198996) granted 11/2/2014 for erection of extensions to existing supermarket with associated works to existing car park. Variation would allow: The opening created following the demolition of the section of wall shall be kept open for pedestrians and cyclists only, and shall not prejudice the formation of future vehicular access through the opening.

Members spoke about the Planning Appeal and how the Inspector had stressed that the conflict of traffic in Albert Road and Cut Throat Lane would be resolved by opening up a new access road and give the opportunity to achieve one way traffic in Albert Road. This was not just part of the Conditions but had been included in the emerging Local Plan.

RECOMMEND REFUSAL on the grounds of –

- Non-compliance with LPP48 in the emerging Local Plan for a new road link from Cut Throat Lane/Albert Road, Witham and the protected route across the car park;
- Failure to alleviate anticipated additional traffic congestion following the store extension;
- Failure to provide a safer and more convenient access to the store from Cut Throat Lane;
- The need to relieve conflict points at the junction of Cut Throat Lane and Albert Road, which is a bus route;
- That no conflict of traffic would be caused in Cut Throat Lane as the level crossing had been closed to vehicular traffic for many years.
- It was also pointed out that the store was now trading in the extension despite the condition and in contravention of Section 106.

RESOLVED That the Chairman of the Planning and Transport Committee should contact the Cabinet Member at Braintree District Council seeking

enforcement action as Morrisons had not complied with the terms of the planning consent.

22/00016/FUL

Newland Court, Newland Street, Witham

Replacement of timber sash framed windows to front elevation with double glazed (UPVC) casement profiles to match existing

Members were mindful of the precedent it would cause but considered that good quality UPVC double glazed windows should be allowed albeit that this modern building had a prominent position in the Conservation Area. Comment was made that this point would be considered as part of the forthcoming Neighbourhood Plan and that the District Council should be reminded of its own policy in the use of traditional materials in a Conservation Area.

NO OBJECTION subject to good quality UPVC window being used which would be in keeping in a Conservation Area.

206. REVISED PLANS

There were no revised plans.

207. DECISIONS

The decisions on Planning Applications pertaining to Witham were received.

RESOLVED That the decisions be received and noted.

208. IVY CHIMNEYS, HATFIELD ROAD

The Planning Officer reported that contact had been made with the officers at Braintree District Council who had dealt with the two applications at Ivy Chimneys, the latter application being recently withdrawn. The officer dealing with the original application was currently on annual leave but the other officer had explained that there had always been an intention for the hedge to be retained however there had been no mechanism for it to be protected. Whilst it was considered that there had been no breach of planning conditions the officers were concerned at the loss of established planting and compensatory planting would be required.

It was noted that four trees were to be retained on the site but limited protection of the hedgerow. Comment was also made that there had been no officer's report on file. It was agreed with hindsight that protection should have been requested.

It was agreed to await further information from Braintree District Council and to ask Braintree District Council to look into the regulations and take any further appropriate action.

RESOLVED That Braintree District Council be asked to consider whether there had been a breach in the Hedgerow Regulations 1997 and whether any action would be appropriate against the developer.

RESOLVED That the information be received and the matter discussed at the next Meeting.

In view of the time it was agreed that Agenda Items 11 – Traffic Regulation Order – Hatfield Road, and 12 - Wethersfield Prisons, be deferred to the next Meeting.

There being no further business the Chairman closed the Meeting at 7.34 p.m.

Councillor J. Goodman
Chairman

GK/19.1.2022