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MINUTES

PLANNING AND TRANSPORT COMMITTEE

Date: **Tuesday, 30th May 2023**

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

Present: Councillors

P.	Barlow	(Chairman)
J.C.	Coleman	(Vice Chairman)
J.M.	Coleman	
L.	Headley	
J.	Martin	
R.	Ramage	
A.	Sloma	
G.	Kennedy	(Planning Officer)
S.	Smith	(PA to the Council)

Councillor P. Heath and three members of the public were also present.

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Adelaja.

RESOLVED That the apologies be received and approved.

2. **MINUTES**

RESOLVED That the Minutes of the Meeting of the Planning and Transport Committee held 2nd May 2023 be confirmed as a true record and signed by the Chairman.

3. **INTERESTS**

Councillor Martin declared a non-pecuniary interest in regards to Minute 8, application 23/01113/VAR – Land rear of 59 Bridge Street, Witham as she had been involved with a neighbouring resident who was against the application. Councillor Heath declared a non-pecuniary interest in regards to Minute 8, application 23/00827/FUL - Land Opposite, The Old Pottery Kiln, Gershwin Boulevard, Witham as a relative lived close to this proposed application.

4. QUESTIONS AND STATEMENTS FROM THE PUBLIC

Firstly, Mr Wicks of Collar Way, Witham, spoke in regards to the proposed McDonalds (application 23/00827/FUL) at Minute 8. He informed members that he and many of his neighbours were against this application due to a variety of reasons including:

- An increase in anti-social behaviour
- An increase in litter
- Disruption to local residents who live close to the proposed development
- Disrupted vermin relocating to the nearby properties

Members also heard from Mr Green of Maltings Lane, who spoke in reference to Minute 10, Hatfield Road Speeding Concerns. He expressed his frustration regarding the subject, and informed members that this was also exacerbated by the existing issue of the narrow footpath, as pedestrians were having to walk in the road leading to safety concerns.

The Chairman thanked them for their comments.

5. A12 WIDENING

Members were asked to consider the draft Statement of Common Ground which needed to be agreed this evening.

Some Members had afforded themselves of the opportunity to meet with the National Highways team so were aware of the issues and a briefing note had also been circulated.

Members were concerned about the proposed bridge over the A12 linking Gershwin Boulevard to an existing public right of way. It was explained that these proposals had formed part of both the initial and subsequent consultations. The residents' complaints had been made to the Examiner and he would recommend whether the bridge should be built in this location, elsewhere or not at all.

Concern was expressed about the closeness of the A12 to residents in Market Lane and noise they would suffer. It was explained that the A12 would have an extra quiet surface in this location and at Whetmead. If the noise barrier needed to be removed, it would be for the shortest possible time and would be reinstated in its original position.

Number 1 – Loss of Land at Whetmead Nature Reserve.

RESOLVED That the Town Council accepts loss of land at Whetmead Nature Reserve.

Number 2 – Proposed Replacement Land is Inadequate for a Nature Reserve.

Members understood that the Town Council's concerns had now been addressed and a new section of land had now been identified.

RESOLVED That the Town Council accepts that the new replacement land is now acceptable.

Number 3 – Slow Moving Vehicles banned on the A12 and the alternative route through Witham Town Centre.

RESOLVED That the Town Council agrees that the volume of slow moving traffic is such as to cause concern.

Number 4 – Traffic during the A12 construction.

RESOLVED That it be agreed that traffic management during the A12 construction will be minimised.

Number 5 – Operational Noise.

RESOLVED That the Town Council is satisfied with the enhanced low level surfacing to reduce operational noise.

Number 6 - Construction Noise.

Members were concerned about the potential for high level of noise during piling, etc. Members were informed that there would be a meeting with officers and National Highways on 31st May 2023 and this issue would be raised.¹

RESOLVED That this point be agreed subject to clarification that local residents will be made aware of potential high level of noise, i.e. piling.

Number 7 – Loss of mature trees and shrubs

Members were concerned about the loss of mature and semi-mature trees.

RESOLVED That this point be agreed subject to the assurance that wherever possible no mature or semi-mature tree will be removed unnecessarily.

Number 8 – Loss of Access to Local Nature Reserve during construction.

RESOLVED That the Town Council agreed that it would be unsafe for the general public to access Whetmead during construction work on the A12 but understands that the Outside Team will be able to carry out ongoing maintenance.

Number 9 – Whetmead Nature Reserve is a Historic Landfill site.

Members were informed that the National Highways had undertaken to share data from the surveys.

RESOLVED That this point be agreed.

Number 10 – Whetmead used as a Translocation Zone

RESOLVED That it be agreed to work with the National Highways to create ecological and environmental enhancements in the nature reserve.

¹ National Highways have confirmed that piling work will predominately be undertaken during daytime working hours but there is likely to be a small percentage of piling work during the night but the Community Liaison Team will give upfront information.

6. PLANNING OFFICER'S REPORT

The Planning Officer advised Members that the Appeal against the District Council's decision to refuse the application for Gershwin Park which included the care home, retail units and housing, would be held on Wednesday, 7th June 2023 at Howards Hall, Braintree. This Committee had recommended the application for no objection subject to triple glazing, solar panels and air source pumps being installed and that the affordable housing element be identified on the plans but unfortunately no one was available to attend the Appeal but letters had been sent in support of the Appellant.

RESOLVED That the information be received and noted.

7. PART 1 APPLICATIONS

23/01121/HH

2 The Paddocks, Witham

Proposed first floor side extension and single storey rear extension

NO OBJECTION

8. PART 2 APPLICATIONS

23/00836/FUL

Land South Of, Gershwin Boulevard, Witham

Erection of 18 no business and light industrial units (Use Class E(g)) with servicing, associated car parking, landscaping and infrastructure.

Members commented that proposals for this employment land have been a long time coming.

RECOMMEND APPROVAL subject to noise mitigation if any of the units are operational 24/7. Where possible water harvesting should be installed to allow for watering the new trees on the estate which should be nurtured during dry spells and any that fail within ten years be replaced; and efficient heating systems installed in accordance with LPP71 and LPP72.

23/00827/FUL

Land Opposite, The Old Pottery Kiln, Gershwin Boulevard, Witham

Erection of 3No. retail units (Class E (a or b)), a drive thru restaurant, (McDonalds, Class Sui Generis) and a drive thru coffee shop (Class E), and an electric vehicle charging station with associated access, parking and landscaping.

Councillor Heath declared a non-pecuniary interest as a relative lived close to this proposed application.

Members were informed that the parcel of land was originally designated for retail warehousing but marketing over the years had proved to be unsuccessful.

Members discussed the benefits and drawbacks of the application at great lengths, and agreed that this was an extremely controversial application and must be decided carefully.

NO OBJECTION subject to the Planning Authority being satisfied that sufficient investigation had taken place to prove that the change of use from warehousing was necessary; acknowledge the negative impact that this development would have on local residents regarding noise and antisocial behaviour, that McDonalds maximum opening hours should stay at the proposed 6 a.m. to 11p.m. and that steps be taken to limit the effect of littering through using bar codes on receipts and that the Town Council be involved in the Section 106 process.

23/00873/ADV

Land Opposite, The Old Pottery Kiln, Gershwin Boulevard, Witham

Installation of: 2NO. Custom letter fascia signs, 3NO. Booth Lettering Signs, 1NO Digital Booth Screen

NO OBJECTION

23/00875/ADV

Land Opposite, The Old Pottery Kiln, Gershwin Boulevard, Witham

Installation of a freestanding totem sign

NO OBJECTION Subject to the sign only being lit during opening hours.

23/00874/ADV

Land Opposite, The Old Pottery Kiln, Gershwin Boulevard, Witham

Installation of: 3NO Double 1NO Single - Freestanding internally illuminated digital menu signs, 2NO. Banner units, 1NO. internally illuminated play land sign, 18NO. Dot signs comprising of: 2NO Accessible bays, 2NO Parked order bays, 3NO litter, 2NO No entry, 2NO Pedestrian crossing, 2NO Give way, 3NO Look left and 2NO Look right

NO OBJECTION

23/01068/FUL

The Swan Public House, 153 Newland Street, Witham

Demolition of single storey function room and proposed 1No. two bed roomed unit to provide holiday accommodation

RECOMMEND REFUSAL on the grounds that access to the site was inadequate.

In view of the time, it was agreed that in line with Town Council policy the Planning Officer in consultation with the Chairman of Planning and Transport Committee would make delegated decisions on the remaining plans in line with her recommendations on the Agenda.

23/00995/FUL

Land Rear Of 95 Newland Street, Newland Street, Witham

Erection of 7No. 1-bedroom flats in a two-storey building including occupied loft building, with associated parking and hard and soft landscaping

RECOMMEND REFUSAL on the grounds of potential for overlooking and access contrary to LPP52c, m and n.

23/01089/VAR

Witham Power Generation Plant, Cut Throat Lane, Witham

Variation of Conditions 2 (Approved Plans) and 5 (Landscaping) of approved application 21/03355/VAR granted 09.02.2022 for: Variation of Condition 2 (Approved Plans) of permission 19/02196/FUL granted 30/04/2021 for: Development of a standby gas-powered generation facility, incorporating improved access provision, internal access tracks, security fence, gas generators and associated infrastructure. Variation would allow for:

- Changes to the orientation and footprint of the welfare cabin
- Changes to the positions of other ancillary equipment
- Changes to the site access

NO OBJECTION subject to concerns regarding shading of allotment plots and would therefore ask that the boundary be kept clear of landscaping.

23/00992/ADV

82 Newland Street, Witham, Essex

Refurbishment of shopfront including replacement of fascia sign and hanging sign, and repainting of front elevation

RECOMMEND REFUSAL on the grounds that materials are inappropriate in a Conservation Area contrary to LPP55g but there would be no objection to the design.

23/01178/TPO

1 Nicholas Court, Collingwood Road, Witham

Notice of intent to carry out works to trees protected by Tree Preservation Order TPO - 18/76 - Pollarding of Lime Trees

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

23/01102/FUL

5 Wheaton Road, Witham, Essex

Partial demolition of existing two-storey workshop bay incorporating ground and first floor admin and office suites and remodelling to create new office and administrative support areas. Alterations and re-roofing of attached factory and service bays. Removal of single-storey later addition to existing workshop and service bay building. Associated landscaping reinstatement and operational development. Application follows earlier part implemented scheme under 21/03147/FUL.

RECOMMEND APPROVAL

23/01113/VAR

Land Rear Of, 59 Bridge Street, Witham

Variation of Condition 2 (Approved Plans) of approved application 21/00318/FUL granted 12.12.2022 for: Erection of a single-storey two bedroomed detached dwellinghouse. Variation would allow for: - Addition of Velux window at front of roof

Councillor Martin had declared an interest in this application.

RECOMMEND REFUSAL on the grounds that a Velux window would be unacceptable in the Conservation Area and to the Environment Team's letter of 22nd March 2021 and contrary to LPP53.

9. REVISED PLANS

There were no revised plans.

10. HATFIELD ROAD SPEEDING CONCERNS

Due to time constraints this item was deferred to the next meeting.²

11. DECISIONS

The decisions on Planning Applications pertaining to Witham were received.

RESOLVED That the decisions be received and noted.

There being no further business the Chairman closed the Meeting at 7:33 p.m.

Councillor P. Barlow
Chairman

GK/SS/1.6.2023

² It was agreed after the Meeting that Councillors Heath and T. Williams, District Councillors for Central and South Wards would have a site visit with Mr Green and Mr Tompsett to discuss their concerns.