



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

AGENDA

Meeting of: **Planning & Transport Committee**

Date: **Monday, 14th October 2024** 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: Councillors -

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
9/10/2024

1. APOLOGIES

To receive and approve apologies for absence.

2. MINUTES

To receive the Minutes of the Meeting of the Planning & Transport Committee held 7th October 2024 (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 there are no part 1s

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](#) at page 8).

10. TACKLING SPEEDING IN WITHAM/20s PLENTY

To receive an update.(Report to follow)

11. WITHAM TREE GROUP

To receive the Witham Tree Group's response to Braintree District Council relating to planning policy and protection of trees ([attached](#) at page 9).

12. MEETING WITH ESSEX COUNTY COUNCILLOR LOUIS

An opportunity for Members to request questions to be asked of Essex County Councillor Derrick Louis at a private meeting with Councillor P. Barlow.

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

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.

24/02087/LBC	118 Newland Street	Central	Reinstate damaged ceiling joists, laths and replaster in lime in the living room
24/02090/FUL	16 - 18 Freebournes Road	Central	Proposed new commercial unit with a flexible planning use of Class E(g)iii (for any industrial purposes), Class B2 (General Industry), and Class 8 (Storage and Distribution).
24/02105/VAR	Trading As Motus Trucks And Vans , Griggs Way, Witham	South	Application for the removal of condition 10 (Bund Slopes) of permission Application Reference 18/02251/FUL Decision: 12th June 2020 for Proposed commercial vehicle dealership with estate access road and associated infra-structure. Variation would allow a variation to the treatment of the bund slopes
24/02005/FUL	5 Wheaton Road Witham Essex CM8 3UJ	Central	Demolition of existing workshop bay and office and erection of single storey vehicle service building.

Witham Town Council – Planning Application Report

Application No:- 24/02087/LBC

Address:- 118 Newland Street

Ward:- Central

Proposal:- Reinstate damaged ceiling joists, laths and replaster in lime in the living room

Relevant Site History:- 21/02289/LBC Application Permitted

Representations:-

Summary:- Members may be aware that this is a Grade 2 listed building and the previous application in 2021 was for the installation of a log burner and flue to the main fireplace in the living room. This request is to rectify previous poor repair work, identified in a pre-purchase survey, which was carried out with cement, chicken wire and staples instead of lath and lime plaster/limewash. The cement was loose and was easily pulled down but could have fallen. It was also discovered that the joists were not joined to the wall. The new proposal is to reinstate the broken ceiling joists in oak with profiles to match the existing. Reinstatement of laths and lime plaster in line with the original materials so as to kept historical context and finish as per the current decoration in the room (plain white)

Recommendation:- Recommend approval subject to the Listed Building Officer

Policy References:-

Witham Town Council – Planning Application Report

Application No:- 24/02090/FUL

Address:- 16 - 18 Freebournes Road

Ward:- Central

Proposal:- Proposed new commercial unit with a flexible planning use of Class E(g)iii (for any industrial purposes), Class B2 (General Industry), and Class 8 (Storage and Distribution).

Relevant Site History:- 21/03030/FUL Application Permitted 23/02198/ELD Application Refused
24/00262/FUL Application Permitted

Representations:-

Summary:- Site 16 is currently vacant and has been demolished however the previous use was Class B2 (General Industry) and Class B8 (Storage and Distribution). The proposal is for the construction of a single 2,791sqm commercial unit (smaller than the previous unit which had been joined to unit 18) and yard with a flexible planning use of Class E (g)iii (for any industrial purposes, Class B2 (General Industry) and Class 8 (Storage and Distribution). It is thought that storage and distribution is the most likely occupier. There is also proposed vehicle parking for 50 cars (3 disabled) and 3 motorcycles and 10 cycles with 2 EV charging points and infrastructure for a further 20. Existing access to the site will be retained.

Recommendation:- This is on the Industrial Estate and will update a now demolished warehouse. The only comment to be made is that there are no solar panels on the building which is a missed opportunity. Would therefore suggest no objection subject to solar panels being installed on the roof and the existing trees and vegetation being retained and augmented.

Witham Town Council – Planning Application Report

Application No:- 24/02105/VAR

Address:- Trading As Motus Trucks And Vans , Griggs Way, Witham

Ward:- South

Proposal:- Application for the removal of condition 10 (Bund Slopes) of permission Application Reference 18/02251/FUL Decision: 12th June 2020 for Proposed commercial vehicle dealership with estate access road and associated infra-structure. Variation would allow a variation to the treatment of the bund slopes

Relevant Site History:- 18/02251/FUL Application granted with S106 18/02302/ADV Application Permitted 20/01879/DAC Part Granted Part Refused 20/02077/NMA Application Permitted 21/00429/NMA Application Permitted : 21/00552/DAC Application Permitted 21/01637/DAC Pending Consideration 22/03361/P14JPA Prior Approval Required and Given 23/01640/DAC Status: Pending Consideration 24/01561/ADV Status: Application Permitted

Representations:- A resident in Collar Way, who also objected to the original application says "The reduction in the size on the banking will increase many different types of pollution including noise, particulate, smell as the highly polluting diesel lorries will come closer to the estate. In addition, as noted in the planning the bank is already very poorly maintained with dead trees and poorly managed weeds. I have very little faith that the proposed improvement done to mitigate the increased noise and pollution will come to fruition. Therefore, I am wholly against the granting of this approval."

Summary:- Permission was granted for development in 2020 subject to a number of clauses including clause 10 "The bund along the Hatfield Road frontage shall be constructed prior to the first beneficial use of the building hereby permitted, with the associated scheme of soft landscaping, and the native species hedge to be planted on the north western boundary, as identified upon the approved plan P04F, carried out during the first available planting season thereafter. The trees and plants shall be watered in accordance with the outline specification on that plan and any trees or plants which die, are removed or become seriously damaged, or diseased within a period of five years from the completion of the development shall be replaced in the next planting season with others of a similar size and species. Reason: To enhance the appearance of the development and in the interests of amenity. "

Motus have since spoken to over 15 landscapers to price the works to deal with the bund face and replace dead trees in accordance with the approved details. All of the contractors declined to quote on the basis that the scheme in relation to the bund was impractical health and safety wise to carry out and that any planting stood little chance of succeeding. The application is for a variation to the approved planting to the bund slope with a potential reduction in height of no more than 3 meters. Instead of hedgerows and shrubs, the variation is for replacing 8 dead trees and planting 12 new trees, planting spring bulbs and wildflower turf on the steep bund slopes

Recommendation:- When this site was agreed there had been lots of concerns about this facility which is opposite the new Redrow estate and the condition included the bund being built. To keep the bund at the same height would need a bigger base. I would suspect as well that the soil in the bund is poor. I am tempted to therefore suggest that this application be refused and another solution found so that the bund can remain at the same height so as not to affect neighbouring amenity.

Witham Town Council – Planning Application Report

Application No:- 24/02005/FUL

Address:- 5 Wheaton Road Witham Essex CM8 3UJ

Ward:- Central

Proposal:- Demolition of existing workshop bay and office and erection of single storey vehicle service building.

Relevant Site History:- 21/03147/FUL Application Permitted 23/01102/FUL Application Permitted

Representations:-

Summary:- Members will remember that Witham Town Council approved the application in June 2023 for the partial demolition of an existing two-storey workshop bay and remodelling to create new office and admin support areas, alterations and re-roofing of the attached factory and service bays and the removal of a single storey later addition to existing workshop and service bay building. The applicant is now wanting to demolish the existing workshop bay and office suite and erect a single storey small vehicle service building which will be more economic than conversion of the existing.

Recommendation:- This is on the industrial estate. A modern building will be more cost effective but in offering a recommendation of approval, we might wish to suggest solar panels on the roof.

Policy References:-

Application & Address	Proposal	BDC Decision	WTC Decision	Agenda Item 9
Ref. No: 24/01561/ADV Trading As Motus Trucks And Vans Griggs Way Witham Essex CM8 1ZR	Installation of 1No. non illuminated sign.	Application Permitted	No objection subject to the position of the sign not having an adverse effect on the existing foliage	
Ref. No: 24/00923/HH 27 Powers Hall End Witham Essex CM8 2HE	Demolition of existing stand-alone garage and conservatory, proposed single storey side and two storey rear addition with integral garage	Application Permitted	No objection subject to no further damage being made to the Tudor wall and a recommendation that this is repaired during the work	
Ref. No: 24/01628/HH 88 Highfields Road Witham Essex CM8 2HH	Erection of single storey replacement outbuilding in rear garden.	Application Permitted	No objection subject to a new boundary fence at the bottom of the garden and that the outbuilding would not be used as living accommodation	
Ref. No: 24/01365/VAR 111 - 115 Newland Street Witham Essex	Application for removal of Condition 2 (Approved Plans) of planning permission 20/00808/FUL and Appeal reference: APP/Z1510/W/22/3293210 granted 15/12/2022 for: Residential Development comprising of 4no. Dwellinghouses and 3no. Flats, together with associated works and demolition of Single Storey Outbuilding. Variation would allow: Change site boundary	Application Refused	No Objection	

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Agenda Item 10



35 Barwell Way
Witham
Essex
CM8 2TY
e-mail: withamtreegroup2@gmail.com

28 August 2024

Mr Christopher Paggi
Landscape Services
Braintree District Council
Causeway House
Bocking End, Braintree
Essex, CM7 9HB

By e-mail: christopher.paggi@btaintree.gov.uk

Dear Mr Paggi

Re. Witham Tree Group observations on planning policy in relation to trees

Thank you for your letter of 14 August 2024, your comprehensive comments and for sharing with us your concern for the need for change.

Effective enforcement is of course key to ensuring compliance. However, it is recognised that providing the levels of enforcement needed is resource intensive and a drain on today's limited budgets. In relation to new tree planting therefore our proposals contain an element of self-imposed enforcement on the developer or land management company who may have taken over the landscaping liabilities of the developer. In relation to protection of existing trees the threat of financial penalties guided by CAVAT or similar tree valuation tools would provide, we believe, an element of effective enforcement, absent at present, to back up Tree Preservation Orders.

A recent example illustrates, we believe, a case for the use of CAVAT based penalties in support of TPOs. An area proposed for housing development in central Witham, opposed by many people including our MP, contained many mature trees. Among them was a group of mature Sycamores. They lined the drive to the house known as Gimsons. They were likely planted at about the time the house was built, in the 1920s. They are probably the best examples of this species in Witham. It was not surprising therefore that before the development commenced, they were given TPO status and requirements imposed for their protection against the development activity that would be going on around them.

Last summer it became apparent that two of these majestic giants had not leafed up. I could only observe the area from a distance, it being a hard hat restricted area. But I could see extensive activity very close to the trees including the siting of what looked like a silo for cement. The soil around them would have become very compacted and likely contaminated.

The developer applied to fell the trees providing evidence that they had died of sooty bark disease. We understand that sooty bark occurs naturally at times of stress and is more prevalent in Acers in hot and dry conditions which of course we have experienced lately. Andrew Digby visited the site and found some storage of materials within the trees RPA. However, there was, I understand, nothing else to report which could have been pinned on the developers for their demise. He had no doubt that the changes in surroundings had been a contributor factor to the trees' stresses but did not think that Planning Enforcement would have a strong enough case to proceed with legal action.

Permission to fell the trees was granted on condition that they were replaced. The cost to the developer would have been minimal therefore compared to a penalty based on a CAVAT or similar assessment of the asset value of these two trees that had at least another two or three hundred years of beneficial life expectancy.

In a case such as this, early monitoring to ensure compliance with the conditions relating to the trees' protection during construction might have prevented their loss. Earlier this year Suzanne Armstrong of your Enforcement Team provided a very useful link to published material on planning enforcement. It shows that active monitoring of development sites is provided by the Enforcement Team. However, the link also revealed how dreadfully under resourced planning enforcement is with just 1.87 full time equivalent enforcement officers. No doubt those officers are fully occupied reacting to reported breaches to be able to carry out unannounced visits to check that developers are applying required tree protection measures.

An example of poor maintenance of new trees planted by developers can be found on the development known as Rivenhall Park. One of our members is now resident on this development. He has been taking a keen interest therefore in seeing that the fees he pays for open spaces maintenance is well spent and has been monitoring the success rate of new tree planting. In April 2023 his survey found that of the 280 trees planted on Phase One and Two of the development 44 were dead. A year later that figure of dead trees had risen to 106, a clear indication of the need for change.

These findings were shared with the developer, Bellway, who had been carrying out their own survey that confirmed not only a large number of dead trees but a catalogue of problems with the original plantings. These included trees missing, presumably trees never planted in the first place in accordance with the approved landscape plan, and trees not planted in the position shown on the original plan, together with numerous trees that had failed to establish. They drew up a comprehensive plan for rectifying the situation and we learned that the work was to start in late May this year. The work, we believe, was to be carried out by the firm Envirocare. However, it appears, perhaps not

surprisingly, to have been delayed. On completion responsibility for ongoing maintenance will be transferred, we understand, to Remus Management Company with Bellway accepting no responsibility for dead or missing trees after this point. We were not informed of the ongoing maintenance plans of Remus.

It is perhaps some comfort to learn that the developer has acknowledged that there has been a serious problem with tree planting on the development and it is to be hoped that things will now improve. Having got this far perhaps the Tree Group should bow out and allow the Council to make the further enquiries necessary to ensure that the re-planting plan is carried out and the land management company Remus has adopted an appropriate plan for ensuring that the trees thrive.

I trust that you will find these further thoughts and information helpful.

Yours sincerely

Allan Waight
Deputy Chairman
Witham Tree Group

cc Witham Town Council

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