

**Statement from Witham Town Council at BDC Planning Committee of 13.10.2020
Item 5a - application 18/02010/FUL**

The Town Council has no objection to new conditions 27 and 28 but considers 26 to be fatally flawed as set out in the email on file and sent to all Members. The reason your officers have proposed a condition that is intended to result in a different boundary treatment with the Park and cricket ground is the realisation that the consent approved in March 2019, but yet to be formally granted, simply cannot be implemented.

It can't be implemented because the railings the applicant proposes to remove are in fact owned by the Council and so are not on land under the control of the applicant. No notice to the Council or certificate about their removal is on file, and no proposal exists to sell them to the applicant. Disposal would involve publicity and a duty to get the best price reasonably obtainable, which could be substantial, together with consent under a covenant in favour of the National Playing Fields Association.

Contrary to what is said in the report, it is inconceivable that the railings lie "just outside" the Conservation Area, given their origin, the 2007 Appraisal and the inclusion of the Park and cricket ground in the Conservation Area. They are part of a heritage asset that the Council is under a duty to protect, and whose removal requires consent. Consent to fell trees could be required as well. The railings will have to stay, fundamentally altering the proposed layout and outlook for properties on this boundary, and hence the whole development.

The applicant cannot just do some of the development and ignore the rest.

There are numerous other defects in the original application pointed out to your officers: the ability to deliver an adopted access via River View in the space available in conformity with the Manual for Streets (Essex Highways are known to have relied on plans and not checked for themselves), the non-standard wildlife surveys, the absence of any assurance on access to the telephone network and ensuring the properties have a broadband connection.

(The Town Council is also waiting for the Council's planning officers to respond to the petition handed in in early June and signed by over 1100 residents, as this was considered to relate to this planning application. A reference of a single sentence in the report to something yet to be shown to elected Members is not sufficient.)

To sum up, given the defects and as no changes can make it deliverable, the safest path for the Council is to revoke the 2019 consent and invite a new application. This of course would be under planning law and guidance applicable today, and require a full suite of properly prepared supporting evidence, consultations and a considered planning report for the Committee to consider in due course.

MCML/11.10.2020