

GIMSONS DEVELOPMENT – A TRAGEDY FOR WITHAM

Introduction

In 2018 Bellway Homes submitted a planning application for the '*Demolition of existing dwelling and construction of 78 dwellings including access, landscaping, parking and associated works*' at Gimsons, Kings Chase, Witham. Since then, 857 (March 2021) documents have been lodged on the BDC website in association with this proposal. Of these 2 are Decision notices, 26 Consultees, 3 Committee Reports 146 other documents, leaving close to 700 objections. I have attempted here to summaries the application, the objections, and the subsequent legal challenge. As a background, Braintree District Council (BDC) abandoned their Area Planning Committees, including one for the Witham area, some time ago, and replaced them with a central committee for the whole district. This committee is made up of 13 members, only one of which is from a Witham ward.

The Site



The view above shows the site and the surrounding area. The green space to the top of the view is the Town Park, following round clockwise is the Cricket Club field, then the Sauls Bridge Sports Ground (cricket and hockey field), then Helen Court in the non-coloured section by the access road (River View) from Maldon Road (the boundary road on the right). Below, across the bottom of the view, from Maldon Road (bottom right) to Newland Street (far left) lies the River Walk despite the area adjoining the proposed development being coloured a slightly lighter green and not so marked, it is all River Walk. The non-coloured area to the left of the development are the Newland Street properties which back onto the development area on round to the park. The development is shown, as proposed, in the centre part including the area occupied by the house and its garden.



The view above is a satellite images of the site pre-development showing the area of the development site and the extent of its tree cover. Also, the proximity of the Town Park (top), the Cricket Field (middle right), Sauls Bridge Sports Ground (lower right), down to Helen Court can be seen in perspective. Across the bottom is the River Walk, directly from the site boundary to the housing bottom left. Gimson (house) and garden are not included in the development area in this image but can be seen clearly in the centre of the development area, with the garden filling the area to the River Walk not included in the original proposals. The house and garden were later included in the development proposals by the time the planning application was submitted as seen in the previous image. The three clearings where low rise apartment blocks could be built can be seen clearly in this image.

The view below shows a Google Earth 3D image with Helen Court to the bottom right, and the cricket fields above right, and the River Walk from the bottom going round to the left side.

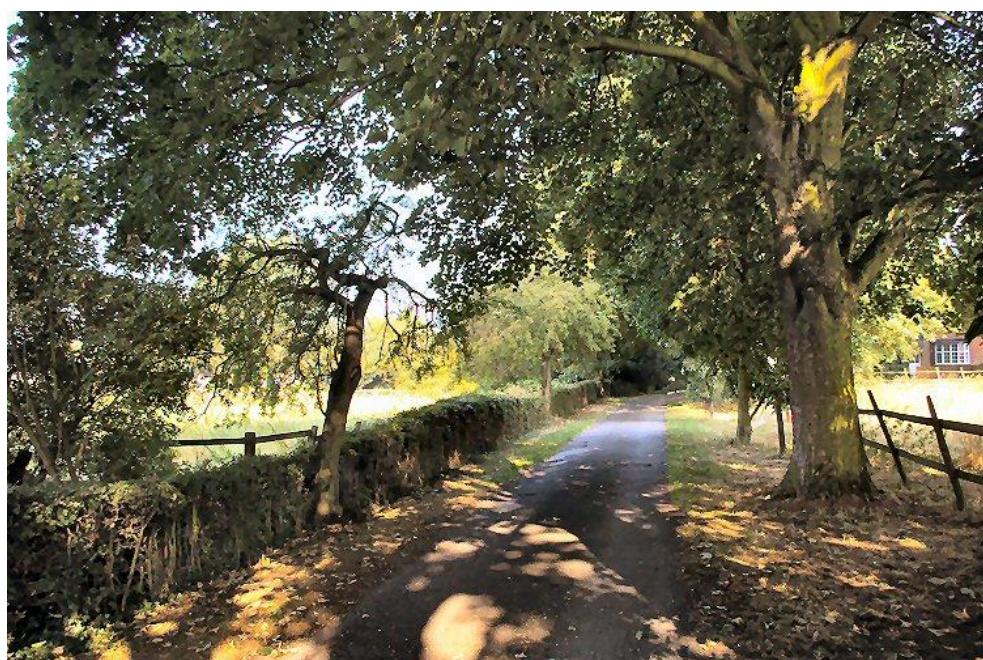


The site lies behind the buildings in Newland Street Conservation Area, and is bounded on the other side by the Town Park (also in the conservation area), the Witham Cricket Ground, Sauls Bridge Sports Field cricket and hockey fields, and then the Witham River Walk bordering the site back to Moorfields Court, off Newland Street. There is a footpath between the Town Park and the River Walk, alongside the cricket/hockey field, usually busy with young families with young children and dog walkers. The path provides a safe area between the recreational open spaces of the Town Park and River Walk without the need for parents to take children under close control and dogs may exercise off lead. The site has a good tree cover with substantial individual trees and wooded areas of trees and shrubs with open clearings where the paddocks were sited. As the land was paddocking it has never been developed and retains natural clearings easily available for development of low rise apartment blocks similar to Helen Court, adjacent to the site in River View (see satellite image above) using the existing access from Kings Chase. The boundary of the site from Helen Court back to Newland Street lies the other side of the River Brain from the public footpath providing a quiet tranquil area for wildlife to flourish with little disturbance.

In October 2020, Archaeology South-East carried out a historic building record for the house, a part reproduced here. *'The house is a fine Arts and Crafts style and included accommodation for a housekeeper, it would have provided a comfortable secluded home, in the manor of a small suburban country house. It was built for two local doctors, Gimsoms is a good example of a reasonably sized detached house, designed by the locally prolific architect W. J. Redhead in a traditional manner in the Arts-and-Crafts style. The central porch with its brick built ground floor with basket-arched opening and half timbered gable above, echoes the design of the architect's own, more diminutive, house in The Avenue, Witham. Being of good quality and having remained with just two families in its lifetime, Gimsoms has seen relatively little change and its original configuration generally remains legible. There is a good survival of original fixtures throughout, including doors, windows, mouldings, some fireplaces, and the main staircase, which convey much about the character'*

of the house when it was originally built. Changes have principally occurred in the former services areas of the ground floor, the original uses of which are chiefly understood from information provided by the present owner of the house.

'Nonetheless, despite these later changes, it is possible to understand the way the house functioned, with separate rooms provided for a live-in housekeeper. The house thus provides a good example of a secluded and comfortable home built for a prominent member of the Witham community to enjoy retirement, its detached location giving it the character of a small suburban 'country house'. The changes made to the ground floor to provide a larger living space and the repurposing of the areas which were traditionally the domain of the housekeeper reflect the subsequent use of the house as a family home during a period when there was a move away from domestic staff'. The two views below show the house and latter part of the drive from Kings Chase.'





Above: The boundary to the Town Park by the children's play area which will be cleared.



Below: The boundary to the Sauls Bridge Sports Field, most of these trees will be cleared.

The Development Proposal



The proposed development will clear almost all of the tree cover and provide 78 mainly semi-detached and detached houses. The houses are similar design and proportions to the nearly 2000 dwellings found on the many recent housing developments in Witham that have been given planning permission over the last decade. However, all of these are on estates surrounding the town centre and, in a setting more appropriate to these kinds of properties. A new access road will be developed extending River View from Helen Court to the site, crossing the footpath between the Town Park and the Witham River Walk, removing the safe access for families and animals between the two. This will result in all children then having to be kept on close control as they progress next to a roadway, and dogs will have to be kept on a lead. The tranquil space the other side of the river to the public footpath will become open to the residents of the development removing the wildlife habitat along this boundary which cannot survive alongside human activity. The boundary with the Town Park, in the conservation area, will become open to the houses adjacent to this area, very close to the children's formal play area., with the likely loss of the early 20th century railings currently separating the park from the site. The retention of these railing is still a contentious issue regarding the implementation of the development.

The Objections

Apart from objections from local residents, many local and national organisations also objected to the proposals. Sport England advised on 19th November 2018 that insufficient information had been received in order for them to make a substantive response to the consultation,

Braintree District Council Waste advised that '*If the lighter shaded roads on the site plan are private then the residents will need to bring their bins to a point to within 20 metres of where the private road meets the public highway. If this road is not private and therefore restricted access, then we will be able to collect from each property individually*'. The roads shown in light grey are private for this operation and would mean that many properties would have to move their bins some distance to the nearest collection point identified by the dark grey roads in the plan above.

Connor Atkins (Highways England) said the application was unlikely to have a severe impact on the strategic road network, but without any supporting evidence.

The Witham & Countryside Society pointed out that the submitted *Design and Access 1, page 11*, is incorrect. The Witham Town Centre Newland Street Conservation Area was reviewed and extended in 2007, this resulted in the Town Park and Cricket Field being included in the conservation area. The plans submitted with the application were therefore out of date and inaccurate, and conservation guidelines should be followed, contrary to the proposals in the application. Development of the clearing between the trees only could result in much needed affordable accommodation in low rise developments and provide level access housing for mobility challenged residents very close to the town centre, or further care home facilities not otherwise current proposed in the Emerging Local Plan.

The Witham Town Council said '*Witham Town Council considered the above application on 15th May 2018 and recommends refusal on the grounds that the proposals would be contrary to LPP32 of the emerging local plan and RLP4 of the current Local Plan. Members believe that 78 dwellings would be an overdevelopment of the site and is not supported by housing need allocation. It is considered that the proposals would not retain the parkland setting of Gimsons and proposed landscaping is both inadequate and would fail to enhance the area. It is also felt that an excessive number of trees are earmarked for removal and significant concerns have been raised concerning the ecological surveys and data submitted as part of the application which does not fully recognise the habitats and species that frequent the site. Being adjacent to the River Walk, it is felt that inadequate consideration has been made for the ecological impact on both the site and the River Walk area. Members also raise concerns that the proposed access is wholly inadequate via River View and may not be compliant with the Essex Design Guide on road widths. Particular concern was raised by the committee concerning the safety for pedestrians and cyclists using footpaths which cross the development boundary. The proposals fall short of providing suitable footpath and cycling links with the River Walk and Newland Street areas. Members consider that the proposals would have a detrimental impact to the amenity of Helen Court residents through the significant increase in traffic movements. It was also suggested by Members that a more comprehensive survey concerning Japanese Knotweed should be undertaken during the Knotweed growing season. Members wish to see a consultation response from Essex Highways concerning these proposals in recognition of the additional pressure new traffic movements would place on the Maldon Road & Newland Street junctions, noting the position*

of Highways England who have been consulted. Furthermore, at request from members of the public in attendance at the Witham Town Council Planning Committee; the Town Council requests consideration be given to hosting the Braintree District Council planning committee at a venue in Witham when considering this application'.

Essex County Council Development and Flood Risk Waste & Environment said '*Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, at this moment in time we wish to issue a holding objection to the granting of planning permission'*

Natural England advised that that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). In the context of your duty as competent authority under the provisions of the Habitats Regulations, it is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects.

Witham Tree Group advised that the proposal to fell 11 individual trees, 1 section of woodland, 9 tree groups, part of 4 other tree groups and 1 hedgerow would be a substantial loss for the area. To avoid damage to the conservation area, all the trees and hedgerows on the site need to be retained, and retention of trees on the site would have the significant advantage of protecting the River Walk. If the development were restricted to the three paddocks, there would be no need to lose any of the tree cover and the neighbouring sensitive trees would be protected.

The RSPB objected to the application because of the loss of trees, hedgerows and other habitat. Also, they found that the surveys were flawed because the surveys carried out in 2017 on behalf of developers were carried out too late in the year, and too much late in the day, so the surveys needed to be repeated at more appropriate times, both year and of day, before the planning authority can safely rely on the findings.

The Essex Wildlife Trust objected to the proposal because of Loss of/damage to priority habitats (deciduous woodland and hedgerow) resulting in an overall net biodiversity loss and adverse impacts on protected species (bats, reptiles, breeding birds). Also, light pollution and disturbance as a result of the development will have adverse impacts on bats and it fails to demonstrate how a measurable net gain in biodiversity can be achieved. The Essex Wildlife Trust (EWT) later said they were concerned that 'a robust maintenance plan for the downstream defences in perpetuity (to cover the lifetime of the development) is a necessary requirement to protect biodiversity harmful impacts on a designated Local Wildlife Site.'

CPRE Essex were concerned that site is a long established wildlife corridor which achieves protected and safe connectivity between wildlife areas and habitats.' *It is a part of open countryside adjacent to the urban environment of Witham, until enclosed by housing development in the 1960s, some considerable distance to the south. The RSPB comments have highlighted that the appropriate surveys have not been taken at the correct time, and we support their proposals that they should be taken again, at the appropriate time of day and season to properly establish the existing wildlife population. We feel that the need to remove so many trees has not been proven and note the tree warden has also not identified any need*

for their removal. We would support the Witham & Countryside Society proposals to revise the master plan to achieve a smaller development of higher density housing in the existing cleared areas between the trees, and within the 40 identified in Draft Local Plan. The proposed access road from River View will destroy the tranquillity of the local environment for wildlife and the local population alike.'

Essex County Council Historic Buildings comments are central to one of the main concerns about the site. In view of this they have been reproduced here in full, with the critical part highlighted in bold type. *'The application site abuts the Witham Town Centre, Newland Street Conservation Area. The settlement of Witham grew around the main arterial road to London which is similar to many of the settlement cores in this area, including adjacent Kelvedon. This is reflected in the existing settlement where the historic building stock fronting the B1389 makes the historic layout very much discernible. The proposed development site is one of the last locations where land to the rear of these historic buildings has not been later developed. In its undeveloped form, the proposed development site makes a positive contribution to the setting and significance of the conservation area and it one of the best means by which to understand and appreciate the historic linear form of the settlement core and understand its origin. Should the proposal be constructed this would completely remove this contribution to the significance of the designated heritage asset. The proposal would remove one of the last remaining plots of underdeveloped land, detracting of the landscape context and setting of the conservation area. As such I consider there will be 'less than substantial harm' to the conservation area (setting) and therefore paragraph 196 of the NPPF is relevant. The proposal will also alter the existing undeveloped area to the rear of a number of listed buildings. The applicant's Heritage Statement considers there will be 'negligible harm' to the following listed buildings: 117 and 119, 121 and 123, 125 and 127, and 129 Newland Street. The harm identified is to the setting of these designated heritage assets and would be considered as 'less than substantial harm' under the NPPF. As such paragraph 196 is also relevant in this regard. As part of this consultation, I have visited Gimsons House. To date the applicant has submitted no information pertaining to this building. Information contained in submissions by local residents suggest the building is of local interest because of the individual who constructed it and the architect who designed it. I recommend the applicant to update their heritage statement to validate these comments and understand more about the building.'*

Having visited the building, I certainly confirm this a non-designated heritage asset under the NPPF. The building was constructed in the inter-war period and externally is of architectural interest. The building has been subject to some historic extension, but this is not considered to have fundamentally harmed the significance of the building, especially given one of the extensions appears to have been constructed soon after the original core. Internally the building retains much of its original plan form and a significant amount of its original interior fixtures and fittings and a lot more than I would suggest is typical of a building of this age. Gimsons will be demolished as part of the proposal. Given the holistic quality of its architectural composition and its significance, both internally and externally, recommend this harm is given the highest weight under paragraph 197 of the NPPF. With regard to the harm identified under paragraph 197 above, I would support a revision of this proposed scheme which includes the retention of Gimsons and its sympathetic incorporation into the proposed development.'

Natural England have also registered grave concerns and are reproduced here in detail.
'Possible Wildlife crime: Several members of public have previously reported on-site activity to Natural England which relates to site clearance and the erection of TAF (reptile) fencing,

whilst the planning application is still live (and potentially before the Council have carried out their assessment of the survey documents). According to the Habitat Survey (dated October 2018), 2 waterbodies have been identified within the application site. Paragraph 5.29 of the Habitat Survey states that it is recommended that great crested newt surveys are undertaken on pond 1, 2 and 3 to determine presence/likely absence from mid-March till mid-June. The members of public have confirmed that TAF fencing has been erected within the application site. If great crested newts are indeed present at the site, this type of fencing has the potential to act as a barrier to great crested newt dispersal. For that reason, a European protected species licence (EPSL) is usually required before erecting TAF fencing in great crested newt habitat. The Council may therefore wish to investigate this matter further. As you will be aware, the Police are the enforcement body for wildlife crime (not Natural England). Our enforcement role is explained in more detail here. These barriers are still evident in 2021.'

'Protected species: In determining a planning application, it is the responsibility of the Local Planning Authority to ensure that protected species issues are fully considered and that ecological surveys have been carried out where appropriate. Natural England has issued Standing Advice to assist Local Planning Authorities and developers in deciding whether there is a reasonable likelihood of protected species being present on a proposed development site. It provides detailed advice on those protected species most often affected by development to enable an assessment to be made of the suitability of a protected species survey and, where appropriate, a mitigation strategy to protect the species affected by the development. The members of public have queried the robustness/lateness of the bat activity surveys, particularly the fact that they commenced in June (exact date not given). The standing advice for bats states that the active season for bats is May to September. This should be considered in light of the regional variations in weather and temperature (e.g., warmer springs can encourage earlier bat activity). They have also commented about the faulty equipment impacting the overall results. The members of public have highlighted that great crested newts' surveys won't be completed until mid-June 2019 (according to the Habitat survey documents). The standing advice states that you can refuse planning permission, or ask for a survey to be redone, if: it isn't suitable it carried out at the wrong time of year you don't have enough information to assess the effect on a protected species. The members of public have also highlighted the lack of tree inspections, quoting paragraph 2.9 of the applicant's Phase 2 Ecological survey which states that the trees inspected were those identified as likely to be impacted by the proposed development. The standing advice for bats does state that tree surveys should be carried out if there are trees with features that bats tend to use nearby (this is regardless of whether they are to be felled).'

Sport England considered the application in light of the National Planning Policy Framework and states: '*Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of all or any part of a playing field, or land which has been used as a playing field and remains undeveloped, or land allocated for use as a playing field unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.*' The development access road cuts across one corner of the sports field.

In relation to the railings, the ECC Built Heritage Consultant said '*The railings are indicative of the time and add a municipal, formal feel to the park. However, in themselves they are not high quality and from the photos you provided, seem to be suffering from poor maintenance, rust etc meaning some sections require a significant overhaul. I feel the railings are a small contributor to the character of the area, the physical loss of which would not be particularly*

harmful, if an appropriate replacement was found that retained the character and appearance of the park. The replacement of the railings in a material which is easier to maintain and in a similar design would retain the appearance of the park, maintaining the setting of the Conservation Area.'. The plans as submitted require the removal of the railings, possibly because there are no open spaces or any form of amenity land in the proposals.

The Heart of Witham Group, set up to fight the development plans, found serious inaccuracies in the Transport Assessment from Conisbee, the consultant appointed by Bellway Homes. They objected on a number of grounds against the assessment of the potential traffic hazards at the junction of River View and Maldon Road. They also expressed concern that Essex Police could not comment due to lack of information. Another objection was made regarding the inaccuracies in the Wildlife Assessment, another asking for an air quality monitoring.

Witham MP, Priti Patel said '*...The proposed development for the Gimsons site is wrong and goes against the character of this part of Witham. The size and scale of the development is excessive, and the number of dwellings proposed is too many for this site. A development of this size and scale would create additional traffic and safety concerns, as well as harming the amenity of local residents, including those who live at Helen Court. Witham Town has experienced considerable housing growth over the last decade with more new developments taking place already...*'.

The BDC Committee Report considered at the Planning Committee Meeting 8TH November 2018, at Causeway House, Braintree.

The BDC committee report starts with the position of the Draft Local Plan at that time, continuing with National Planning Guidance and goes on to the site description. This description includes '*The River Walk (PROW 121_90) runs parallel with the site but on the opposite side of the River Brain. The River Walk is not therefore included within the site boundary and is instead approx. 95m away at the closest point, and an average distance of approx. 120m from the site*'. This is clearly incorrect. The River Walk adjoins the site boundary for the whole length from Helen Court (see the plan) to Moorfields Court, and most of this boundary is the currently tranquil area for wildlife without formal public access, but an open boundary with the housing development is proposed. The boundary also abuts the backwater channel developed by The Essex Wildlife Trust to provide a haven for fish of the River Brain. The report then goes on to describe the development proposal and gives a brief summary of consultations, including Sport England (having discussions), Highways England (no objection), Historic England (Conservation Area and Archaeological advice should be followed), Natural England (no objection but recommend financial contribution to Blackwater estuary), a number of other agencies who offered no objection, and on to ECC Historic Buildings Consultant (a short statement stating less than substantial harm to the conservation area and highest possible harm to the loss of Gimsons house but did not recommend any mitigation). The report mentioned that Anglian Water were asking for discussions to avert the possibility of an '*unacceptable risk of flooding*'). In terms of the BDC Council Waste Services, they simply noted that private roads require a maximum of 20m bin pull distance from adopted highway, not mentioning the significant number of properties proposed in the development with 'bin pull' distances significantly greater. The report did mention the Essex Wildlife objections and summarised the Witham Town Council objections and gave a summarised view of the residents' objections (then 473) which included brief

statements such as ‘Site only allocated for 40 dwellings in Emerging Local Plan (which is not yet adopted)’ and ‘Contrary to Witham Town Plan’ also ‘Conservation Area drawn incorrectly’. Also, a detailed account of **one** letter in support. The report also contains details of a letter of support from the residents of Helen Court, but subsequent investigation with the residents found that they had not sent the letter. In terms of Witham’s organisations (Witham & Countryside Society, Witham Chamber of Trade, Witham Chamber of Commerce, RSPB, Witham Tree Group, Campaign for Rural England, Witham Scout Club and Heart of Witham Group – as stated) ‘*it is considered these concerns are encompassed in the resident’s concerns above*’, and therefore given no additional weight or detail of these specialist concerns (described in a little more detail above). The report also states that the River Walk would be screened by boundary trees, which seems impossible if the development site boundary is directly adjacent to the Walk, but states again (incorrectly) that the River Walk is on average 120m from the development, again blatantly against the fact that the distance from the River Walk to the site is 0m, they seem to rely totally on visibility from a formal footpath and not the Walk itself. The report also gives details of existing boundary vegetation, ‘*Poplars pose a health risk*’ (without giving any evidence of this – however, I have heard it said that Lombardy Poplars are not good neighbours for housing, to which the simple reply is ‘so don’t build houses close to Lombardy Poplars!’) and a ‘*simple pallet of hard landscaping*’ all disregarding the adjacent River Walk. The report also states that only trees protected by a TPO will be retained and even then, they report proposes to remove a group of Lombardy poplars that are subject to TPOs., meaning the clearance of all other vegetation on the site, without mentioning the effect on the surrounding Town Park, Cricket Field, cricket and hockey pitch and, of course, the River Walk.

The report also promotes an illuminated link between the Town Park and Maldon Road, notwithstanding that the Town Park already has an entrance to Maldon Road. It does not mention that the current open space between the River Walk and Town Park will have a road crossing. The report then goes on to house types. In terms of Gimsons (house) the report states the building is not formally designated heritage asset and has no formal means of protection. The comments of the ECC Historic Buildings Consultant that the loss of the house ‘*Given the holistic quality of its architectural composition and its significance, both internally and externally, recommend this harm is given the highest weight under paragraph 197 of the NPPF. With regard to the harm identified under paragraph 197 above, I would support a revision of this proposed scheme which includes the retention of Gimsons and its sympathetic incorporation into the proposed development.*’ were omitted from this part of the report with only ‘*less than substantial harm*, (on the conservation area)’ mentioned. It should be noted at this stage that the house was included in a submission of buildings to be given ‘Local Heritage Asset’ status was submitted to BDC some years earlier and still has not been progressed by the authority. The report then goes on to described River Walk improvements which, as far as I know, have not been discussed with the Town Council through its Open Spaces Sub-Committee. It also advises improvements to the Town Park footpath to be widened to 3m to allow for cyclist, although there is currently a cycling ban in the park for the safety of playing children. The report then goes into a lot of detail regarding the financial advantages of the development. It then moves on to a conclusion. Here the fact that the development goes against the current published Adopted Local Plan, and there would be ‘some harm’ due to the loss of landscape but they could be ‘mitigated’. Again, the loss of the house is treated as ‘*would result in less than substantial harm to the area*’, disregarding the ECC Historic Building Consultant’s advice. After discussing the harm to the environment, the development would cause, the report goes on to detail the economic ‘and social’ factors in favour of the development disregarding the heavy weight of public opinion in Witham

against the development. The report then advises that planning permission should be granted. To add insult to injury, one of the members of the Planning Committee at that meeting said that Witham Town Council had no right to complain as they had agreed the housing development in their response to the Draft Local Plan, although a simple glance at the minutes of the WTC meeting where this was discussed shows that the Town Council made it clear that any housing development of the site would only be appropriate if the total housing was no more than 40 dwellings and access should only be via Kings Chase.

Subsequent Legal Challenges

Witham Town Council have produced a press release which sums there their position at the present time, while waiting for the formal judgment.

'At a hearing in the High Court in London this week, Witham Town Council has been refused permission for a Judicial Review of the decision by Braintree District Council to grant consent for Bellway Homes to build 78 homes on land at Gimsons, including the demolition of the house itself. The Town Council had argued that Braintree's Planning Committee had been misled by their officers about planning policy for the site, in that neither the existing Local Plan nor the new Local Plan, currently with a planning Inspector, allowed for as many as 78 dwellings but considerably fewer. The case turned on the considerable discretion for local planning authorities to take an overall view of the application of development policies, and on strict Court rules to avoid legalistic and technical arguments in appeals.'

'Speaking after the hearing, Councillor Michael Lager, Leader of the Town Council, expressed disappointment with the decision, saying: "Even the government realise the need to reform a broken planning system, as proved here where the sole representation in favour came from the site owners, planning policy as we read it being clearly against, and a final decision reached only after nearly 2½ years. Hundreds of local residents forwarded their views on traffic impact and access, heritage, recreation, and bio-diversity, to Braintree but saw them put to one side.'

'Our town has grown a lot over the past half century and has kept its essentially friendly and local character. With the shortage of homes at affordable cost, we recognise the need to build, but it's as important to provide the infrastructure - jobs, transport and highways, doctors, schools, transport, sports and leisure. With the pace of development, the challenge is to welcome and integrate our new residents.'

'Braintree Council stand to receive some £1.8m for access rights from Maldon Road, and the Town Council will expect this to be re-invested in the town."

'The Judge's decision means that Bellway can go ahead with the development. Witham residents were united in their opposition to the application, with hundreds joining a march and even more expressing objections to Braintree Council, with an active Facebook page and action group in support. The Town Council decided to seek a court hearing after examining the information and advice given to the Planning Committee, and how the application was handled. It will look at the formal judgement when issued and decide if there are any further steps to be taken'.

Braintree & Witham Times reported on 1st April 2021 that the Town Council legal bid has been 'thrown out'. Witham Town Council has been refused permission for a judicial review of the decision by Braintree Council, which gave consent for Bellway Homes to build 78 homes on land at Gimsons. The town council claimed the planning committee had been

misled by officers about planning policy for the site. Speaking after the hearing, town council leader Michael Lager said '*Hundreds of residents had voiced their opinion on the development. Braintree Council stand to receive some £1.8million for access rights from Maldon Road, and the town council will expect this to be re-invested in the town.*'. The High Court decision means that Bellway can go ahead with the development. A Braintree Council spokesman set to rub salt into Witham's wounds by saying: "*Braintree District Council's planning committee granted planning permission for a development of 77 homes on a site in the centre of Witham known as Gimsons. Witham Town Council sought to challenge the decision in the High Court by way of a judicial review. However, it was refused permission by the High Court to challenge the decision, with the judge noting that none of the three appeal grounds put forward by the council were valid and awarded costs against Witham Town Council. Despite this, it sought a renewal hearing in an effort to further bring their judicial review challenge. This has again been dismissed by the High Court following a hearing this week. Braintree District Council takes its responsibility as local planning authority extremely seriously and operates a professional and transparent planning service. The process for determining this planning application was robustly challenged by Witham Town Council and the High Court judges on two separate occasions have found that Braintree Council had operated in the correct manner in determining this application. Fighting these appeals has cost taxpayers thousands of pounds.*". This, if anything, confirms the view that Witham Town Council were forced to spend large amounts of money defending Witham's precious amenities against a district council determined to put 'economic advantage' for the district as a whole above the wishes and wellbeing of Witham residents. This statement will only lead to confirm the widely held view in Witham that the district council is overwhelmingly concerned about Braintree often to the detriment of Witham's needs and requirements.

I have attempted to summarise the 52 page BDC committee report here as accurately as possible, but at the same time demonstrate the considerable concerns that Witham Town Council, and so many residents of Witham, that the report distorted the facts in the favour of the developer and contravened the district council's planning policy. Witham residents will now have to live with the loss of amenity and destruction of 'The Heart of Witham' for generations to come, long after any economic benefit has been forgotten. These are, of course, my own views and do not necessarily represent the views of CPRE.

John Palombi