



Mr Nick Eveleigh  
Chief Executive | Chelmsford City Council  
Civic Centre  
Duke Street  
Chelmsford  
Essex  
CM1 1JE

Our Ref: ZA51855

18 September 2018

Dear Mr Eveleigh,

**Planning Application 18/01476/FUL | Change of use of land to Gypsy & Traveller Site  
and provision of 9 pitches, site office and associated infrastructure | Land East Of  
Drakes Lane Industrial Estate, Drakes Lane, Little Waltham, Chelmsford**

This site, allocated in the draft Local Plan and currently subject to a planning application is located just outside of the Witham parliamentary constituency, approximately half a mile to the west of the boundary with Terling Parish.

Consequently, I have received representations from within my constituency and from local businesses concerned about the impact of these proposals, the sustainability of these proposals and the appropriateness of this location.

In relation to the current planning application, 18/01476/FUL, the proposals are inconsistent with existing local planning policies, emerging local planning policies and existing national planning policies. As such, the Council should refuse this application.

The Planning Statement submitted by Hastoe makes no significant references to how they believe that the application complies with the relevant planning policies. It lists the policies but does not relate them or link them to the proposals and how the proposals may comply with them. It makes no effort to give an account of how the application satisfies the requirements of those policies.

Indeed, the planning statement is merely a description of the proposals with details of the history for the selection of the site but gives not analysis on compliance with planning policies. The case they have put forward, therefore, for a change of use and for the site to be utilised for Gypsy and Traveller pitches is fundamentally weak.

When compared to planning policies, it is clear that the proposals are not compliant.

First, under Chelmsford City Council's current Local Plan, the Core Strategy 2008 and the

Focused Review of the Core Strategy 2013 provide under Policy DC34 – Gypsy and Traveller Accommodation – the material considerations that decision makers should apply when considering planning applications for Gypsy and Traveller sites. This stipulates that sites will be allocated:

"in accordance with the following criteria: i) the site would be readily accessible to local services and facilities, such as shops, primary and secondary schools, healthcare and public transport; and ii) the location of the site would not result in unacceptable living conditions for its occupants; and iii) the proposal would not harm the character and / or appearance of the area and / or result in unacceptable visual impact; and iv) the proposed accommodation on the site would not comprise more than 10 individual pitches; and..."

The policy then lists some exceptional criteria when planning permission may be granted. However, Policy DC34 contains four clear tests which must all be met for planning permission to be likely to be granted. In relation to the proposed planning application, it fails to meet three of those tests.

The proposed site is not located in the vicinity of local services and facilities and as such there are no shops, schools, healthcare facilities or public transport "readily accessible."

In terms of public transport, the attached maps feature information provided by Essex County Council's Public Travel Interactive Map and the distances from the proposed site to the nearest bus stops.

To the north-east, the nearest bus stop is at Terling, Hull Lane, listed as being 3.4km (2.1 miles) away by walking, where the SB21 bus stops. To the north, the nearest bus stop is Fuller Street, The Square and Compasses, listed as being 4.3km (2.7 miles) away by walking, where the SB21 and the 345 buses stop. To the south, the nearest bus stop is Boreham, The Cock, listed as being 3.7km (2.3 miles) away by walking, where the 71, 71A, 71C, 73, 594, 673 and 676 buses stop. To the west, the nearest bus stop is Broomfield, Chelmer Valley Park and Ride, listed as being 3.5km (2.2 miles) away by walking, where the park and ride and 703 buses stop.

As can be seen, there is no bus stop within two miles of the site and to access the nearest bus stops in each direction requires at least a forty minute walk along roads with poor quality pavements and not designed for regular pedestrian use. Moreover, not all of the bus services available are regular either.

Consequently, there is no public transport "readily accessible". In their planning statement the applicant has failed to address this issue.

In relation to schools, the nearest schools are The Belsteads School (a special school 1.8 miles away), New Hall School (1.8 miles away), Little Waltham Primary School (1.9 miles away), Terling Primary School (2.3 miles away) and Boreham Primary School (2.3 miles away). As New Hall School is a coeducational independent, therefore, the nearest state primary schools are Little Waltham, Terling and Boreham. None of those schools has nursery provision. Furthermore, the nearest secondary school is Chelmer Valley High School (2.7 miles away), which I understand is already over-capacity with the Department

of Education listing it as having 1,191 pupils on the school roll with a capacity lower than that of 1,168.

Consequently, it is evident that not only is there no "readily accessible" primary, secondary, nursery or early years provision locally, no assessment has been made of the impact of additional pupil numbers on local schools and whether and how that can be mitigated. As such, the applicant fails to satisfy the requirements of Policy DC34.

Moreover, there is also an absence of "readily accessible" healthcare provision in the vicinity of the proposed development site. The nearest GP surgeries are Little Waltham and Great Notley (1.9 miles away) and the Owls Hill Surgery in Terling (2.2 miles away). However, in their planning statement, the applicant has made no reference to the impact on these GP surgeries and their capacity levels.

In addition, there are no shops and other amenities and facilities locally or "readily accessible". Consequently, the application is not compliant with Policy DC34.

Second, the application and proposals do not comply with DC34 as it would result in "unacceptable living conditions for its occupants." As noted above, the site does not have "readily accessible" services and facilities. Furthermore, the site is located next to a significant industrial area, the Drakes Lane Industrial Estate. The Industrial Estate contains many businesses and as a result there are commercial and HGV vehicular movements along Drakes Lane.

This level of industrial use calls into serious question the suitability of this site for housing and Gypsy and Traveller accommodation. It is important to note that there is no habitable accommodation in the vicinity of the industrial estate and as such the Gypsy and Traveller accommodation proposed will be an isolated site.

Although the applicant in their planning statement comments on the possible North East Chelmsford Garden Village development being located around one mile away, this development site has not been through the Local Plan examination in public stage and has not therefore been adopted as policy. Moreover, even if adopted, the North East Chelmsford Garden Village is not scheduled to be developed until the period 2022/23 to 2035/36; and with development in phases it is not at all clear when there will be a significant community, including new schools and healthcare provision, in this location.

Consequently, the living conditions would be unacceptable and the proposal is therefore not policy compliant. Moreover, the applicant has not sought to address this issue in their planning application or in their planning statement.

Third, the application does not comply with Policy DC34 as it would harm the character and the appearance of the area. As noted already, the site is in the immediate vicinity of an industrial estate. It is also in a rural area. Therefore, the presence of an isolated residential development comprising of nine Gypsy and Traveller pitches is incongruous with the surroundings.

Furthermore, the application contravenes the additional content to Policy DC34 added

through the Focused Review of the Core Strategy 2013. The position statement added to Policy DC34 stipulates that:

"4.2 In the intervening period up to the adoption of a new Local Plan, the City Council will use the National Planning Policy for Traveller Sites and the National Planning Policy Framework as material considerations in the determination of planning applications for Traveller accommodation."

It is important to note that the proposed development and planning application contravenes the current national Planning Policy for Traveller Sites (2015) adopted by the Government.

In the introduction to the Government policy, it stipulates that sites for Travellers should provide "suitable accommodation from which travellers can access education, health, welfare and employment infrastructure" (para 4.j). As already noted above, the proposed site fails to be located in an area where such services, facilities and provisions are available to be easily and readily accessed.

Furthermore, Government policy stipulates that applications for Traveller sites should be determined in a way that avoids "the impression...that a site and its occupants are deliberately isolated from the rest of the community" (para 26.d). It also states that when making decisions on planning applications, Councils should "very strictly limit traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan" (para 25).

It is clear from the location of the proposed site at Drakes Lane that the development would leave the occupants "deliberately isolated from the rest of the community" and is "in open countryside that is away from existing settlements" as there are no other residential dwellings (aside from the occasional isolated rural dwelling/farm house) and community facilities in the immediate locality.

Consequently, the application does not comply with national planning policy in its own right and the national planning policy effectively transposed into local Policy DC34 through the Focused Review of the Core Strategy 2013.

With respect to the emerging draft Local Plan currently with the Planning Inspector, this has not yet been examined in public and no judgement has been made on the soundness of the Plan overall nor on the soundness of the proposed 'Policy HO3 - Gypsy, Traveller and Travelling Showpeople Sites'. However, the site does not comply with Policy HO3.

In respect of new sites, Policy HO3 stipulates a number of criteria which must all be met for planning permission to be granted. This includes the requirement that:

"ii. adequate community services and facilities are within reasonable travelling distance"

"v. there is no significant adverse impact on the intrinsic character and beauty of the countryside"

"viii. the site provides a suitable living environment for the proposed residents and there is no significant adverse impact on the amenity of nearby residents"

Moreover, the reasoned justification for the Policy states:

"8.21...Planning permission will not be granted for a site that would be detrimental to the character and appearance of the countryside and where it would adversely affect the amenities of existing residents or result in unacceptable future living conditions for occupiers of the proposal."

For the reasons previously mentioned, the proposed application site fails to satisfy the criteria in the emerging Policy HO3.

Therefore, the planning application should be refused as it does not comply with national planning policies, does not comply with local planning policies, and the applicant has provided no evidence to justify departure from these policies and for planning permission being granted as an exceptional circumstance.

It is also important to note that the application is premature as this site in question is soon to be subject to examination in public as part of the Local Plan process.

In respect of the proposal in the emerging Local Plan for Travellers Sites, the Drakes Lane site is designated as the only Gypsy and Traveller site in the draft Local Plan under Policy Travellers Site GT1. However, this proposal is not sound and the site does not comply with national policy for a number of important and significant material reasons.

In relation to the decision to allocate this site, a robust consideration of alternative sites and locations was not undertaken. Indeed, given the relationship which has led to the site being given to the Council through a Section 106 agreement, it could be concluded that there is a degree of pre-determination in this allocation. The perusal of other, perhaps better located sites, has in effect been foregone by the Council in favour of the Drakes Lane site.

Moreover, in terms of national policy, the site is inadequate.

National policy in the Government's Planning Policy for Traveller Sites document stipulates that during the plan making process, a robust evidence base is required with traveller sites being "sustainable economically, socially and environmentally" (para 13). This includes promoting access to health services with commissioners, taking action to support attendance at school on a regular basis, reduce the need for long distance travelling and avoid placing sites in areas of high risk of flooding.

In relation to Drakes Lane, the area simply does not have access to the services and facilities that are needed to sustain a community. From a transport perspective, there are no public transport facilities in the vicinity. The nearest bus stops are more than two miles away across terrain and roads which are largely not designed for pedestrian use.

Access to schools and education facilities is also problematic from this site. There are no nurseries within a two-and-a-half mile radius, the nearest secondary school is already over-capacity and the three nearest primary schools are 1.9, 2.3 and 2.3 miles away.

In terms of healthcare, the two nearest GP surgeries are 1.9 and 2.2 miles away respectively.

Given the lack of infrastructure, services and facilities in the vicinity of Drakes Lane, the site cannot be viewed to be sustainable and therefore does not comply with national policies.

In addition, the Council are on record stating that they believe the Drakes Lane site to be sustainable because of its proximity to the proposed North East Chelmsford Garden Village scheme. The Council has stated that "there are 3,000 new homes proposed less than one mile to the south of the [Drakes Lane] site as part of the North East Chelmsford Garden Village proposals contained within the Local Plan which will include new community services and facilities. This includes new schools, GP services, sports and recreation facilities and improved public transport links to the area" (letter to Rt Hon Priti Patel MP from Mr Nick Eveleigh, Chief Executive, Chelmsford City Council, 26 July 2018).

However, the case put forward by the Council in favour of approving the Drakes Lane site because of the possibility of the establishment of the North East Chelmsford Garden Village has a number of significant flaws in the argument and their case is illogical.

In the first instance, the Council's case in support of Drakes Lane and the facilities and services the occupants would be able to access is based on the North East Chelmsford Garden Village proposals being approved. That assumption is questionable and dubious and unsound. Until the Garden Village proposals have been through the examination in public and been found to be sound, this argument from the Council is very weak.

Secondly, there is a significant inconsistency between the phasing of the Drakes Lane site and the phasing of the North East Chelmsford Garden Village. The Council advocate that Drakes Lane is sustainable as the occupants would benefit from the Garden Village. However, it may be the best part of two decades before the occupants of Drakes Lane, should the site be allocated in the Local Plan or a planning application, be granted consent be able to make use of those facilities. This is because the Drakes Lane site and the Garden Village have different build out rates.

The emerging Local Plan states, in relation to Drakes Lane, that:

"7.301 Development will provide a permanent site for 10 Gypsy and Traveller pitches to be delivered between 2017/18 and 2020/21. The site should be delivered through a comprehensive approach, such as with a registered housing provider." (page 164)

In respect of the Garden Village, it states:

"7.209 The development is expected to be delivered between 2022/23 and 2035/36." (page 145)

Moreover, no details are given of when the services and facilities upon which the assumptions relating to the Drakes Lane site will be delivered. Consequently, if Drakes

Lane were to be delivered by 2020/21, it may take a generation until 2035/36 for the facilities and services its occupants should benefit from to actually become available to them.

This therefore makes the proposals in the Local Plan unsound as no services and facilities will be available to occupants of Drakes Lane for many years if at all.

Thirdly, notwithstanding the delivery and the delivery timescale of the Garden Village, with there being no clarity over the location of new education, healthcare and public transport facilities, it remains the case that the distance between Drakes Lane and services and facilities could still be too far.

In effect, the proposals in the draft Local Plan are unsound as they still leave the occupants of the proposed Traveller Site at Drakes Lane isolated and without access to key services.

Fourthly, while the Council has sought to link the sustainability of Drakes Lane with the Garden Village, this approach is unsound as the Local Plan proposals contain no provision to improve access between Drakes Lane and the Garden Village. For example, there are no proposals for enhanced public transport links between the two sites or improved footpaths, highways and public real between the two sites.

Consequently, the arguments used by the Council to state that Drakes Lane is sustainable due to the Garden Village proposals is illogical and unsound.

Furthermore, the draft Local Plan policy for Traveller sites proposed by the Council, Policy HO3, is unsound as it does not seek to support or promote the provision of private Traveller sites. It only, when read in conjunction with proposed Policy 'Travellers Site GT1 - Drakes Lane Gypsy and Traveller Site', advocates for a single site to provide for the Council's Gypsy and Traveller accommodation needs with a "registered housing provider." In essence, the Council is developing social housing for members of the Traveller and Gypsy community.

However, national policy is clear that Councils should promote private traveller site provision. The Government's Planning Policy for Traveller Sites document stipulates that it is an aim: "to promote more private traveller site provision" (para 4e).

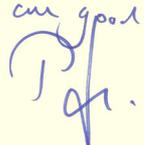
In view of the fact that the Council's proposed Local Plan policies do not promote "private traveller site provision" and that there is no evidence that the Council has sought to do this in the Local Plan, it is clear that the Local Plan policies in relation to Gypsy and Traveller accommodation are unsound.

Consequently, for the reasons outlined above, the Drakes Lane site proposals in the draft Local Plan are unsound and should be reviewed and revisited.

There are, therefore, no substantive material planning grounds upon which this development proposal can be granted planning permission. The application should be refused.

I trust that all of these points will be fully considered by the Council as part of the decision-making process on this application and I look forward to receiving a response to the issues I have raised.

Yours sincerely,

*with our good wishes*  


**Rt Hon Priti Patel**  
**Member of Parliament for Witham**