

ITEM 7 – 18/00521/FUL
72 HOCKLEY ROAD, RAYLEIGH

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1. Consultation response – Rayleigh Town Council

The Town Council has no objection to this application, however it has concerns regarding the access from Helena Road and recommends that conditions are implemented associated with large scale developments in relation to health and safety, zebra crossing, speed humps and being located adjacent to a public footpath. It was suggested that there is a designated route for site vehicles in order to alleviate the busy surrounding roads and that remedial works are undertaken to repair road surfaces at the completion of the project.

2. Second consultation response - Sport England (summarised)

No objection, subject to 7 planning conditions being imposed.

The proposed teaching block would have a significant impact on the school's playing field as an area of 1,934 square metres would be lost along the west side of the upper playing field to the proposed building. Further smaller areas immediately to the north and south of the proposed building would also be prejudiced from being used for playing pitch use by the siting of teaching block. In addition, a linear area along the southern part of the upper playing field would be temporarily lost to construction and car park related uses for the duration of the construction project.

While there would be no net loss of existing winter or summer playing pitches (if the mitigation proposals were implemented), there would be a net loss in the overall

playing field area available for marking out pitches which would reduce the potential to mark out larger pitches (than the existing pitches), reduce the flexibility of potential pitch layouts and reduce the potential for pitch rotation and re-alignment from season to season to address wear on pitches e.g. in goalmouths. The number of training squares would also be reduced as well as the spaces around the pitches available for training, informal sports and run-off areas.

Mitigation for the permanent and temporary playing field impacts is proposed including the provision for improving the quality of existing outdoor sports facilities on the school site. The benefits associated with the mitigation package would outweigh the permanent and temporary impacts of the development on the school's playing field. Securing community use of the football pitches (outside of school hours) would respond positively to Rochford District Council's evolving playing pitch strategy which has identified deficiencies of youth football pitches. Both Sport England and the Football Foundation consider that securing the community use of the playing pitches and the MUGA through a community use agreement should be a requirement of planning permission to help secure community access to the facilities in order to deliver the potential community sport related benefits of the mitigation proposals.

Conditions are recommended as follows;

"Prior to commencement of the playing field enhancement works, a detailed playing field specification based on the proposals in the submitted Agrostis Natural Turf Feasibility Study and an implementation programme, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority."

Reason: To ensure provision of adequate improvements to the quality of the playing field and to accord with Development Plan Policy (if applicable)"

"Prior to commencement of the multi-use games area enhancement works, a detailed multi-use games area enhancement specification based on the proposals in the submitted Agrostis MUGA Feasibility Study and an implementation programme, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The approved specification and implementation programme shall be complied with in full prior to the completion of the development unless otherwise agreed with the Local Planning Authority."

Reason: To ensure provision of adequate improvements to the quality of the multi-use games area and to accord with Development Plan Policy (if applicable).

"Prior to completion of the playing field enhancement works, details of the design and layout of the demountable ball stop netting, including details of the seasonal period that it will be erected for, shall be submitted to and approved in writing by the Local Planning Authority. The demountable ball stop netting will be erected in accordance with the approved details."

Reason: To ensure the cricket mat is fit for purpose and sustainable to accord with Development Plan Policy.

“No development shall commence until details for the phasing of the development hereby permitted, including the duration of the temporary proposals affecting the playing field and the delivery of the playing field and MUGA enhancement works, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The development hereby permitted shall not be carried out other than in accordance with the approved details.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use [phasing provision] and to accord with Development Plan Policy.

“No development shall commence until details of temporary playing field arrangements during the construction period, including interim playing pitch layouts and use of alternative facilities shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall be carried out in accordance with the approved details.”

Reason: To secure continuity of use of playing field provision for existing users during construction.

“The teaching block hereby permitted shall not be occupied until a scheme for the removal of the contractors' compound, access road and temporary car parking area and the reinstatement of the playing field has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The contractors' compound, access road and temporary car parking area must be removed from the site and the playing field restored in accordance with the timescales in the approved scheme.”

Reason: To ensure the site is restored to a condition fit for purpose and to accord with Development Plan Policy.

“No occupation of the teaching block hereby permitted shall commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields, multi-use games area and supporting ancillary changing and parking facilities and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement.”

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

If you wish to amend the wording of the conditions or use another mechanism in lieu of the conditions, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments. If your Council decides not to attach the above conditions, Sport England would wish to raise an objection to this application. Should the local planning authority be minded to approve this application without the above conditions, then given Sport England's subsequent objection and in accordance with The Town and Country Planning (Consultation) (England) Direction 2009, the application should be referred to the Secretary of State via the National Planning Casework Unit.

3. Additional neighbour response

Occupants of 15 Louise Road;

I am very concerned at the proposed access to the site, for heavy site traffic and staff via Louise Road, Victoria Road, Bull Lane and Helena Road. These roads are already short cuts and have high volumes of traffic throughout the day. At certain times of the day the area turns into a parking lot with parents wishing to pick up their children from school and the area is also full of walking school children getting home. This is a residential street which is already traffic heavy. My concern is for the residents of the roads and the safety of schoolchildren from FitzWimarc and Edward Francis whose safety could be greatly reduced.

4. Consultation response – Anglian Water

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water request that an informative is added to any Decision Notice the working of which is provided below under paragraph 5.

The foul drainage from this development is in the catchment of Rayleigh-East Water Recycling Centre that will have available capacity for these flows.

Development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable.

Evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building Regulations Part H, including infiltration tests. However, it is not clear as to whether the developer will require a surface water connection and if so, the discharge regime and final discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water. We request that the agreed strategy is reflected in the planning approval.

Conditions requiring the drainage strategies covering the issue(s) to be agreed;

'No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.'

'No drainage works shall commence until a surface water management strategy has been submitted to and approved in writing by the Local Planning Authority. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.'

5. Consultation response - ECC Archaeology

No archaeological features directly impacted by the proposed development.
Therefore no archaeological recommendation.

6. Further consultation response – ECC Highways

The use of the temporary construction access has been considered acceptable by the Highways Authority. The construction phase requires full adherence to a Construction Management Plan. This includes a routing strategy and banksman to control all delivery / traffic movements at the access. The impact on the network is temporary, associated with construction phases for the improvements to the school site. The developer has also investigated all alternative access strategies.

7. Agent comments

Materials - the applicants have asked if grey materials could be used on the rear of the proposed new extension (which would only be seen internally towards the existing school building). Having provision of grey bricks to the rear would help significantly in ensuring that the development is viable and able to be constructed within the available Education Funding Agency budget.

The agent has advised that they are in the process of sourcing red bricks for the development and whilst it is unlikely that an exact match to the existing school will be available the proposed sample can be provided in order to discharge the recommended condition.

Conditions- the applicant is keen to avoid pre-commencement conditions if at all possible. Several amendments to conditions are recommended as detailed in section 8 below.

8. Officer comments

Changes to the NPPF

The revised National Planning Policy Framework was published on 24 July 2018 and sets out the government's planning policies for England and how these are expected to be applied. The officer report was written prior to the publication of the revised Framework and therefore contains paragraph references to the old Framework.

Account has however subsequently been taken of the revised Framework in the consideration of the application. References are to be amended as follows;

- Paragraph 3.9 references paragraph 72 of the NPPF which is to be replaced by reference to paragraph 94 of the revised NPPF.
- Paragraph 3.30 references paragraph 103 of the NPPF which is to be replaced by reference paragraph 163 of the revised NPPF.
- Paragraph 3.36 references Section 11 of the NPPF which is to be replaced by reference to paragraph Section 15 of the revised NPPF.
- Paragraph 3.43 references paragraph 121 of the NPPF which is to be replaced by reference to paragraph 178 of the revised NPPF.
- Paragraph 3.66 references paragraph 93 of the NPPF which is to be replaced by reference to paragraph 153 of the revised NPPF.
- Paragraph 6.1 references paragraph 14 of the NPPF which is to be replaced by reference to paragraph 11 of the revised NPPF.

Impact on Playing Field

Paragraph 97 of the revised NPPF requires that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless certain circumstances apply including that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

Following receipt of the second consultation response from Sport England the following additional planning conditions are recommended to ensure that equivalent/better provision in terms of quantity and quality are provided;

- (19) Prior to commencement of the playing field enhancement works, a detailed playing field specification (e.g. with the detailed proposals for regrading, drainage, surface preparation, initial maintenance etc) based on the proposals in the submitted Agrostis Natural Turf Feasibility Study and an implementation programme, prepared in consultation with Sport England, shall have been submitted to and approved in writing by the Local Planning Authority. The works as agreed, shall be completed within 1 year from cessation of the use of the temporary vehicular access onto Helena Road or as set out in any other timeframe as agreed in writing by the Local Planning Authority.

Reason: Details required as the submitted Agrostis Natural Turf Feasibility Study only sets out outline recommendations for the required works, to ensure that an appropriate scheme is implemented in practice within an acceptable timescale to compensate for the impact on the existing playing fields that would result from the approved development, to accord with paragraph 97 of the revised NPPF.

- (20) Prior to commencement of the multi-use games area enhancement works, a detailed multi-use games area enhancement specification (e.g. with the detailed proposals for replacing the porous macadam surface, line marking, erection of new nets/posts etc) based on the proposals in the submitted Agrostis MUGA Feasibility Study and an implementation programme,

prepared in consultation with Sport England, shall have been submitted to and approved in writing by the Local Planning Authority. The works as agreed, shall be completed within 1 year from first beneficial use of the new teaching block hereby approved or as set out in any other timeframe as agreed in writing by the Local Planning Authority.

Reason: To ensure provision of adequate improvements to the quality of the multi-use games area and to accord with paragraph 97 of the revised NPPF.

- (21) Prior to completion of the playing field enhancement works, details of the design and layout of the demountable ball stop netting, including details of the seasonal period that it will be erected for, shall be submitted to and approved in writing by the Local Planning Authority. The demountable ball stop netting will be erected in accordance with the approved details.

Reason: In the interests of visual and residential amenity.

- (22) No development shall commence which directly affects the existing playing fields until details of temporary playing field arrangements during the construction period, including interim playing pitch layouts and/or use of alternative facilities shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The development shall be carried out in accordance with the approved details.

Reason: To secure continuity of use of playing field provision for existing users during construction.

- (23) Prior to the first beneficial use of the extension to form the new reception hereby permitted a scheme for the removal of the contractors compound, access road and temporary car parking area accessed off Helena Road and for the reinstatement of the playing field shall have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The contractor's compound, access road and temporary car parking area must be removed from the site and the playing field restored in accordance with the agreed details and the timescales in the approved scheme.

Reason: To ensure the site is restored to a condition fit for purpose as a playing field and to accord with paragraph 97 of the revised NPPF.

- (24) No use of the teaching block hereby permitted shall commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields, multi-use games area and supporting ancillary changing and parking facilities at the school site and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority

in consultation with Sport England considers necessary in order to secure the effective community use of the facilities. The community use agreement shall be adhered to in perpetuity.

Reason: To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport to compensate for the loss of playing pitch provision resulting from the proposed development.

Sport England has confirmed that they would not raise an objection to the proposal if the conditions as above were recommended to be imposed. Further justification has been provided from Sport England to justify the imposition of condition 24 above on the basis that the community use agreement would ensure appropriate mitigation against the loss of sports pitch provision which would result. If this condition were not imposed Sport England have indicated that they would seek to refer the application to the Secretary of State.

Foul Drainage

The consultation response received from Anglian Water requests that two additional conditions be imposed. One relating to surface water drainage has already been recommended, a further condition relating to the need for the developer to agree a foul water drainage strategy prior to commencement is also recommended as an additional condition as per the wording below;

- (25) No development shall commence in respect of ground works for the construction of the buildings hereby approved until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be used until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

REASON: To prevent environmental and amenity problems arising from flooding.

In addition the following informative is recommended;

‘Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.’

Construction Transport Management Plan

A Construction Transport Management Plan (CTMP) has been submitted with the application and describes the proposals for managing vehicles to the site during construction. The ability of large vehicles to use the proposed temporary access and not cause conflict with the footpaths was required to be investigated by ECC Highways and this has been considered as swept path analysis has been undertaken. It is considered that that construction vehicle movements can be adequately and safely accommodated, controlled with the use of a banksman for arriving and departing goods vehicles. The plan identifies that deliveries would be restricted to between 9am and 3pm Monday to Friday.

Additional Amendments to Conditions

- (6) Prior to first beneficial use of the detached building hereby approved, details shall be submitted to and agreed by the Local Planning Authority to demonstrate that the BREEAM rating achieved would be 'very good' as a minimum unless such requirements would have been economically unviable, in which case details to demonstrate this shall be submitted.
- (7) Prior to first beneficial use of the detached building hereby approved, details shall be submitted to demonstrate how at least 10 percent of the energy shall be secured from a decentralised and renewable or low-carbon sources, unless this is not feasible or viable, in which case details to demonstrate this shall be submitted alongside details of the provision that can viably be achieved. The building shall be constructed in accordance with the details as agreed.
- (15) The surface material for use on the temporary vehicular access hereby approved from Helena Road shall be tarmac unless otherwise agreed in writing by the Local Planning Authority prior to use of alternative. The hard surfacing for use in the temporary access and temporary compound/car park shall be removed in its entirety from the site and the area re-seeded with grass during the first planting season (October to March inclusive) following completion of the extension and new building hereby approved unless an alternative timetable is agreed in writing by the Local Planning Authority before this time, as per Dwg No. FWMS-WWA-XX-XX-DR-L-0026 Rev S8 CP03 contained in the Construction Transport Management Plan.
- (16) The development hereby approved shall be carried out in accordance with the Construction Transport Management Plan dated July 2018 and submitted with this application unless amendments are sought from and agreed to in writing by the Local Planning Authority. Details within this shall be adhered to throughout the construction period.

ITEM 8 – 17/01240/FUL
Land Opposite 2 Goldsmith Drive, Rayleigh

1. Additional Neighbour Comments

Mandalay, Montefiore Avenue

- Restrictions & Legislation were put in place by law to protect The Green Belt from spurious applications such as this and any illegal occupation, all the residents in this area of Goldsmith Drive, Montefiore Avenue & Vanderbilt Avenue have been required by RDC to comply within the guidelines in their entirety for many decades now, and have willingly obliged in order to maintain the benefits offered by Green Belt to the community and wildlife within.
- The applicant in July 2018 moved onto this site (that he owns) with complete disregard to the fact that no planning decision had been made at that time. RDC in response to this issued the applicant with a Planning enforcement notice to stop any further engineering works. Since the issue of this notice the applicant has continued with complete disregard and demolished significant Hedgerows with no concern for the welfare of the wildlife nesting etc within these hedgerows.
- The majority of the site (still designated Green Belt) has been changed from Green field area to rubble and road planning's, destroying any Green belt aspect whatsoever.
- Furthermore, apparently a septic tank has been installed – These are now no longer recommended by the EA nor RDC, notwithstanding this as well there are minimum capacity requirements for Septic tanks which have to be submitted for approval.
- The proposed cesspit is not acceptable under current guidelines, and would be inappropriate in this location due to the lie of the land
- All 3 previous similar applications for this site have been refused by RDC Planning Officers, your RDC development Committee & Central Government Inspector, so what has changed?
- The applicant is currently linked directly with the illegal occupation of land in Pudsey Hall Lane Canewdon, which is now subject to an appeal 18/00318/FUL/29/3/18
- The current Government definition of "Traveller" (August 2015) clearly does not apply to the applicant as he obviously has ceased to travel and therefore in any application made he has to be considered as Settled Community within National Planning Policy rather than Planning for Travellers Sites.

Greatoaks, Goldsmith Drive

- Moved to Goldsmith Drive because of the open space, this is being eroded as numerous traveller sites have been established.
- When the travellers move onto their plots and install their mobile homes, they are no longer travelling; therefore this application should be treated as one of the settled community. If a traveller lives on a site permanently, they should no longer be considered to be a traveller.

- There are mobile home sites in the area, e.g. The Dome and the sites at Hullbridge. When the travellers stop travelling they could seek to live there, rather than flout the law under the guise of being travellers.
- This application should be refused as there are no special circumstances.

Glenross, Goldsmith Drive

- The applicant and his family illegally moved onto this greenbelt site with three caravans putting in a fully dug out hard-core road.
- RDC were very slow issuing an enforcement notice and making sure it was adhered to. Even after the enforcement notice was issued to stop any further work, they erected a fence, and now a mobile home.
- The site has no water, no electricity, no main drains. The applicant has pestered local residents to connect to their water supply.
- Concerned that the travellers broke into and trespassed into their garden to lay a pipe from their land to connect to their water supply. They covered the pipe with asbestos (health hazard). This matter has been reported to the police.
- They hear a lot from your Council Planning Department about how travellers want to integrate into the community – this is not acceptable integration by any means.
- They are not biased against the travelling community. They already have four gypsy/traveller sites very close to their property, which has started to suffocate the local area.
- The area is not serviced very well by public utilities i.e. no water main in Goldsmith Drive, electric is old and haphazard leading to power cuts on a regular basis, no mains for sewage.
- If this application is approved even after all the illegalities, it will set a precedent. Another 'Dale Farm' perhaps.

Fairways Garden Centre

- Objects to the application due to; loss of green belt land, hard standing on the green belt, fencing and caravans intrusive to the eye, noise of generators 24 hours a day, no water supply near site for illegal cesspit, not in keeping with Green Belt policies.

McCalmont Drive

- Planning officer states that the hardstanding at the rear section of the site has an area of approximately 217 square metres. The actual area of the site under rubble is 1080 square metres, 5 times planning officers figure. In addition, the service road to the rear of the site totals approximately 360 square metres giving a total of 1440 square metres of Green Belt covered in rubble. All of the above engineering work commenced on 14 July and completed by approximately 16th July 2018.
- The planning officer states that opposite the site is a semi-detached pair of dwellings, when in actual fact they are two detached dwellings.
- The planning officer states in error that the adjacent poly tunnel is apparently in a state of disuse, when in actual fact it is part of a thriving nursery business, which appears to have been ignored.

- The Officer's report states that the site is located approximately 105 metre from another traveller site, the nearest boundary distance between the two sites is actually approximately 20 metres. Also, the other site mentioned is in fact owned by a gypsy not a traveller.
- Application 08/00173/FUL should not be included in the site history as it relates to the adjacent site, not the application site.
- Previous applications for the site, 16/00679/FUL and 13/00118/COU were refused . On of the reasons for refusing the applications was that the: 'The proposal, by way of the significant amount of hardstanding proposed would be considered visually intrusive and detrimental to the relatively open and underdeveloped plot land character of the Green Belt area'. Continuity is lacking for this application, which has to date approximately 1440 square metres of Green Belt under rubble, when the two previous applications proposed 1416 square metres and 1900 square metres of hardstanding respectively. Why can approval now be recommended? What has changed from the previous applications?
- Quotes para 27 of Officers report: "The proposed day room is not to be considered to be excessive in term of its scale, similar in terms of its external dimensions to nearby buildings." And quotes para 29 of Officers report: "the substantial distance of the proposal to any neighbouring residential dwellings." – Confused what buildings planners say are nearby when occupied when occupied dwellings are said by planners to be a substantial distance away – when they are not. Are the planning officers referring to the small log cabin situated on the nursery adjacent measuring width 5m x length 5.5m x ridge height 3m – this is approximately half the size of the proposed application day room. There are also three sheds in the residential garden of the house Woodville. All these will be dwarfed by the proposed day room.
- Applicant and family have been harassing neighbours, asking if they can make an illegal connection to their water supply. A member of the family visited Fairways Nursery Café asking to connect to their water supply, when refused, they became abusive and defaced a toilet.
- The applicant laid a pipe across adjacent land which they do not own. Police were called, but dropped the investigation after a member of the applicants family impersonated the owner of the adjacent land. The owner of the adjacent land, when discovering the pipe, which connects to their water supply, they cut off supply. This caused the applicant to be verbally abrupt and rude to one of the occupants of 'Glenross'.
- It has been ascertained that the applicant used a landscaping company based in Romford to install his fences and gates. The applicant states that he and his family travel for a living as landscape gardeners. If travellers cannot produce evidence authenticated proof of earnings from various locations around the country, they should not be afforded the criteria of 'special planning privileges', as they are obviously not travelling travellers. To obtain special planning privileges, applicants should prove travelling employment history. If he cannot prove this, the application must be refused , as they have not proved they meet the government criteria of travelling travellers.
- It has been found that the applicant's Green Belt field is Title obsolete from the Land Registry: (01.07.2016). Proprietors are: Jermiah Paul O'Connor, Martin

O'Brien, William Anthony O'Brien of Hobgar Farm, Lower Bedfords Road, Romford.

- Planning Officers were made aware of Havering Council's enforcement notice against travellers living illegally at Hogbars Farm. Planning Officers state they cannot confirm that Mr O'Brien lived at Hogbars Farm "lack of details relating to their date of birth". However, applicant gives his address at the land registry as Hogbars Farm. Jeremiah O'Connor also owns land at the east side of Pudsey Hall Lane.
- An evidence report has been submitted by objectors and circulated to members and summarised as follows;
- The applicant moved on to the Green Belt site on 14th July 2018 prior to any planning decision. Three touring caravans have been installed with accompanying vehicles. The enforcement notice to stop further reengineering works has been ignored.
- The hedgerow around the site has been significantly demolished with no concerns for nesting birds or wildlife.
- The Green Belt field has now mostly been covered with rubble and road plannings.
- Without Planning permission the applicant has installed a septic tank which are not now generally recommended by the Environment Agency or the Council due to presence of heavy clay. A Klargster or similar sewage plant are acceptable.

Site history:

- In 2012 Application No. 11/00741/COU Change of use of land to form site for travelling show people was refused planning permission by officers. Applicant Mr G White.
- In 2016 Application No. 16/00679/FUL Change of use for stable building and tack room and hard standing Applicant Jeremiah O' Connor .

Recommended for Approval by RDC Planning Officers

Refused by Councillors at Development Committee meeting.

Planning Appeal not defended or attended by persons from RDC Planning Dept. as noted by the inspector in his report that "...the Council has not provided an appeal statement ." We are appalled that after the planning officers had recommended this application for approval they did not furnish the government inspector with a clear appeal statement. The neighbours sent statements and information heavily defending the reason to refuse the appeal. The government Inspector upheld neighbours objections. Appeal refused 11th July 2017.

Reason for contacting RDC Planning Development Committee regarding planning application 17/01240/FUL

We understand that this application will be before the Development Committee on Thursday 23 August. We would like to make the following case that the planning officers and planning committee should mark this application for refusal.

1. Mr O'Brien is not a resident of Rochford nor has any connections with the area. We have been informed Mr O'Brien has been living with his family on

an illegal traveller site Hogbars Farm Havering where he and others, including Mr J O 'Connor (who is currently living on an illegal traveller site in Pudsey Hall Lane), Canewdon) have been receiving enforcement orders since 2001.

2. Has the Council checked that Mr O'Brien meets the required government definition of Traveller?

Briefing Papers October 2017 (incorporated in Rochford Council Gypsy and Traveller Accommodation Assessment)

"In September 2014 The coalition government published; Consultation :Planning and Travellers, which proposes to change the definition of "traveller " for planning related purposes so that it would exclude those who have permanently ceased form travelling. This change came into force from August 2015 following a revised version of planning policy for traveller sites being issued. Another change now makes intentional occupation of land without planning permission a material consideration in any retrospective planning application for that site."

Change in definition

The Government has changed the definition of "traveller" or planning related purposes so that it would exclude those who have permanently ceased form travelling. In the consultation response to the changes the government said that it believed "it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national planning policy rather than Planning Policy for Traveller sites."

If a traveller intentionally moves onto a site prior to gaining planning permission it would be a material consideration in any retrospective planning application for that site.

"For the avoidance of doubt, this does not mean that retrospective applications should be automatically refused but rather failure to seek permission in advance of occupation will count against the application. It will, the government hopes, encourage al applicants to apply through proper planning processes before occupying land and carrying out development"

Also;

"The Government has also changed planning policy to make clear that (subject to the best interests of the child) unmet need and personal; circumstances are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. This change applies equally top the settled and traveller communities"

Because of this change in definition Mr O ' Brien should be asked to furnish HMRC approved accounts as proof that he is still indeed working as a traveller. A non – traveller seeking similar permission would have to furnish such information. As planning policy dictates now that only travellers who work can seek any permissions

this should be a fundamental requirement , verbal confirmation is open to abuse of colossal proportions.

3. Number of traveller sites within and including 400 metres of Goldsmith Drive Rayleigh total 5 (only 2 legal) approx. 15 – 20 people. If Mr O'Brien's application is approved we the settled residents of Goldsmith Drive become a minority – against government guidelines. This area is becoming a “go to place” for travellers to purchase Green Belt land. Further to the above traveller sites within ½ mile radius – 3 (1 legal) amounting to approx. 40 + people (detailed on RDC GTAA summary) there are in fact more pitches.
4. Briefing paper 2 Temporary sites harm to the Green Belt.

“In relation to temporary sites, in response to a PQ in October 2012 the Government made clear “where local planning authorities cannot demonstrate an up – to – date-five year supply of deliverable traveller sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission for traveller sites.” In effect this means that if a local authority has not planned for permanent traveller sites, it may be more difficult for them to justify reasons for refusing planning permission for temporary pitches.

However,

“Following revisions to planning policy made in August 2015, this policy has now been changed for sites in land designated as Green Belt, sites protected under the Birds and Habitats Directives , sites designated as Sites of Special Scientific Interest , Local Green Space ,an Area of Outstanding Natural Beauty, or within a National Park or the Broads. The change now means that the absence of an up – to date five year supply of deliverable sites would therefore no longer be a significant material consideration in favour of the grant of temporary permission for sites in these areas. It would remain a material consideration , but its weight would be a matter for the decision taker.

It would appear that RDC planning Officers are adhering to old policy just because they have not demonstrated an up – to date five year supply...

Extract from the Government Briefing paper October 2017.

In a further written ministerial statement to parliament on 17th January 2014 communities and Local Government Minister Brandon Lewis stated the Government position that unmet need for traveller sites and housing was unlikely to justify development in the Green Belt.

“I also noted the Secretary Of States policy position on unmet need , whether for traveller site or for conventional housing, is unlikely to outweigh harm to green belt and other harm to constitute the “very special circumstances” justifying inappropriate development in the green belt. The Secretary of state wishes to re – emphasise this policy point to both local planning authorities and planning inspectors as a material consideration in their planning decisions.”

In response to Mr Justice Gilbert judgement regarding the Secretary of States recovering of appeals planning minister Brandon Lewis was quoted as saying:

“This government makes no apologies for seeking to safeguard green belt protection and trying to bring a sense of fair play to the planning system. The government’s planning policy is clear that both temporary and permanent traveller sites are inappropriate development in the green belt. today’s judgement does not question that principle.”

5. Communities and Local Government- Designing Gypsy and Traveller sites
Good Practice Guide

The application site does not reach the bare minimum as laid out in the above guide for emergency services access. If a problem were to occur and fatalities happened because of poor access, etc. following applications approval would RDC and Planning officers be liable?

6. What is RDC’s own evidence base for Gypsy and Traveller needs in their area?

“While the government March 2012 Planning Policy for traveller sites does not provide targets for LPA’s on the number of pitches required for Gypsies and travellers, it does encourage LPA’s to formulate their own evidence basis for gypsy and traveller needs in their area and then to use this evidence basis to set their own pitch targets in the area’s local plan. Specifically, the planning policy directs”.

Because of RDC’s delay and procrastinating, problems have and will continue to occur. However, the briefing paper appears to give a reason for planners to say no in our green belt area.

Michelins Farm has been discussed for so long with naïve presumptions that business (to recoup revenue for RDC) will agree to be sited adjacent to a traveller site(businesses have pulled out of the scheme). Michelins Farm in the short term might appear to be an expensive site. However, in the long term the money and time spent on inappropriate traveller site applications, appeals, meetings, etc. council tax payers money would be saved.

Land at the back of MAKRO is being ear marked for housing – could not some of this go for a traveller site?

Last and by no means least there is a traveller site on the A1245 which has been illegal for years. It is run cleanly, it is not in a residential area so does not impact on housing and the settled community. I do not think it is right that these travellers should be compensated for being illegal but of RDC made the site legal, with certain conditions, it would alleviate the damaging problem that we all have.

RDC waste so much time and money on meetings, planning man hours, going to appeal etc. One quick, non – political decision could save so much.

In summary the briefing paper says:

“Protecting the green belt in planning policy for Traveller sites the government has now changed the weight which can be given to any absence of a five year supply of permanent sites when deciding planning applications for temporary sites in land designated as green belt, sites protected under the Birds and Habitats Directive, sites designated as Sites of Special Scientific Interest, Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park or The Broads. The consultation explained “the absence of an up – to date five year supply of deliverable sites would therefore no longer be a significant material consideration in favour of the grant of temporary planning permission for sites in these areas. It would remain a material consideration but its weight would be a matter for the decision taker.” The government has also changed planning policy to make clear that (subject to the best interests of the child) unmet need and personal circumstances are unlikely to clearly outweigh harm to the green belt and any other harm, so as to establish very special circumstances. This change applies equally to the settled and traveller communities.

Unauthorised occupation of land: Another change to policy is intended to deal with the intentional unauthorised occupation of sites. From now on , if a site it intentionally occupied without planning permission, this would be a material consideration in any retrospective planning application for that site.

The consultation explained: For the avoidance of doubt, this does not mean that retrospective applications should be automatically refused but rather failure to seek permission in advance of occupation will count against the application. It will, the government hopes, encourage all applicants to apply through the proper planning processes before occupying the land and carrying out development.

I appeal to you to refuse this application. To approve this application would be a clear signal to al that by breaking and ignoring existing planning law, can be rewarded.

2. Letter From Member Of Parliament

Mark Francois MP

- Lodges a formal objection to the application
- States that the application has in effect become retrospective, seeking permission for works which have already been undertaken on site, without official planning approval.
- The application does not meet the test of “exceptional circumstances” which is normally required to permit development in the Green Belt and they therefore believe that the application should be refused.