

**Defined Settlement Boundary Great Leighs (map 16)
Pond View, Banters Lane, Great Leighs**

SUMMARY

This property is a mixed use residential/commercial, approx 20% residential and 80% commercial. Current planning permission 98/00798/FUL indicates residential house & garden, commercial building & car park with no degree of separation and further land relevant to the commercial building. Change of use to full residential has been previously refused.

In the submitted local plan Chelmsford Council have applied residential methodology for the settlement boundary and the defined settlement boundary line now goes through this land, excluding the car park and associated land. The commercial building is only included due to where it is sited on the land. Mr Potter of Chelmsford City Council states this does not take away the commercial element of the property. So whilst it is not being taken away it is not being taken into account either. If the correct methodology was applied the boundary would go around the entire of the property. This is relevant as this property also adds value to the local plan as planning permission has been refused for live/work units, which now appear in the Local Plan.

The SA objectives support meeting the employment needs of rural locations to reduce out-commuting. Strategic Policy S1, SP9 & 10 seek & encourage the use of sites in well connected sustainable locations. Evidence used for public consultation Appendix 2 item 5.4.15 states development of brownfield land in a growth area results in a positive use of land & item 5.5.11 notes the lack of suitable sites. Therefore, in principle, the council support the re-use of land.

The land at Pond View is not of high environmental value and lies within a growth area but it has been incorrectly assessed resulting in incorrect methodology applied and therefore overlooked. With the correct methodology applied this property adds value to the plan and the local area.

The methodology used is not appropriate, justified or inline with National Policy & should be considered for alteration.

DETAILS:

Defined Settlement Boundary Great Leighs (map 16) Pond View, Banters Lane, Great Leighs

In Great Leighs (map 16) the Defined Settlement Boundary has been extended to cater for the allocation of houses in the emerging local plan. On page 290 of the preferred options document it states that the boundary includes the properties 'Corner Cottage' and 'Pond View'.

To clarify, Pond View is a mixed use residential and commercial site that is one enclosure with a clearly defined garden area behind the house. The remainder of the land is commercial land associated with the commercial building that has its own entrance along with a car park that has no degree of separation. Planning history confirms that it has been commercial land for decades and even in periods of non-use this land has not blended into the landscape and it has not been incorporated or blended into garden area.

The standard methodology used to distinguish the extended DSB refers to open land or a large garden of a residential house and, as such, the boundary on the submitted local plan goes through the land instead of around it. NPPF supports the re-use of brownfield land and where a potential site also includes greenfield land local planning authorities should still consider the site to be included on part 1 of the Brownfield Register. This does not appear to have happened which is against policies in the NPPF.

The strategic Policy S1 refers to the need to maximize the use of brownfield land in well connected sustainable locations. Other supporting documents (Appendix 2 item 5.4.15) state development of brownfield land in a growth area would result in a positive use of land and (item 5.5.11) notes the lack of suitable sites and that SP9 & 10 seek to make the best use of previously developed land.

Therefore, in principle, the council appears to support the reuse of brownfield sites yet 'Pond View' - which is not of high environmental value and lies within a Key Defined Settlement and considered a well connected sustainable location - appears to have been overlooked.

Although this land is on the edge of the settlement the landscape is changing significantly as the defined boundary has been extended to allow for a major

allocation of houses on both sides of the road, all in sight of this land. In addition to this planning permission for live/work units was refused although there is a need for these as they now appear in the submitted local plan. Therefore it could be viewed that existing residents and the status of existing residents properties have been overlooked in favour of major developers.

The Neighbourhood Planning Guidance Note 20 'Guide to Settlement Boundaries' (June 2015) states that for village enhancements settlement boundaries should include buildings and associated land that make up the village form. In some edge of village areas boundaries may need to include areas of land and/or buildings which offer the opportunity for improvements to the entrance of the village or ensure infrastructure improvements or a general enhancement to the village. It has already been noted in the pre submission documents that Pond View is in a prominent position with regards to the new developments and extension to the village. It is also a site that with the correct methodology applied can be an advantage to the local plan. The vision for Chelmsford includes solutions for housing and employment opportunities. Integrated economic activity provide conditions and opportunities to cater for different working patterns and to exclude a commercial brownfield site that is currently suitable to cater for mixed use will limit the future choice of flexible opportunities. To exclude this in a growth area will limit viable local systems of economy and opportunities for business & social enterprise. This is against local strategies and the national framework.

It appears that incorrect methodology has been applied and as such the potential to include the entire land of Pond View within the DSB in the submitted local plan has been overlooked. In short, the principles of the Strategic Policy S1 should be reflected more closely in other policies of the Plan to ensure consistency with respect to future development of all appropriate sites. This should be reviewed and amended and in this case ensure that the defined settlement boundary includes all of the land of Pond View.

Should this remain as it is, then the plan cannot be considered positively planned and the plan would not be consistent with local policy or the national framework.

TS1 Drakes Lane & Travelling Showpeople site Great Leighs

Lack of scope and robustness of evidence base

SUMMARY

There appears to be no definitive or clear assessment of need established and the figures produced do not appear to be substantiated with any robust evidence. Whilst it is a legal requirement to make provision for travellers sites making assessments or allocations without merit should not be considered a sound basis of evidence to present to the public.

The information to the public has, in parts, been incomplete and the plan appears to have been prepared or presented with a lack of scope and robustness of evidence base with regards to assessment of need, planning for additional numbers of pitches & sites and location of individual sites & close proximity of overall proposed sites. Should this result in an over assessment of need for traveller pitches then this is contrary to the National Planning Policy Framework and Planning Policy for Travellers Sites

DETAILS

There is no clear defined evidence to suggest that either site (TS1 or Great Leighs) should be located where proposed in the plan. Other councils discourage concentration of sites and should Chelmsford Council consider their planning alongside models set by other districts, they could have considered a self identified alternative location in a similar growth area in North East Chelmsford to avoid this. On Strategic Growth Site 4 North East Chelmsford the comments on the preferred document page 171 include that 'no provision has been made for a Travelling Showpersons site'. The councils response to this comment (page 181 &182) states 'the need for a Travelling Showpeople site is clearly evidenced'. The Drakes Lane travellers site (reference TS1) and the Travelling Showpeoples site at Great Leighs are close enough in proximity to share amenities and infrastructure alongside an existing site at Cranham Road and as positive planning should take into account NPPF and the Planning Policy for Travellers Sites alongside the needs of a community, it is therefore reasonable for Chelmsford Council to consider other locations.

The supporting evidence in previous public consultations under Local Plan Gypsy & Traveller Trajectory 2016-2036 describes the site identified as North East Chelmsford Site Allocation Policy Growth Area 2 Drakes Lane

Gypsy & Traveller site as having 9 pitches 'travelling show peoples' plot. This was repeated in the table reference for Strategic Policy S9 in the Local Plan Preferred Options document (p66). The questionnaire for the consultation identified this in Growth Area 2 North Chelmsford Strategic Growth Site as Gypsy & traveller site Drakes Lane (TS1). On page 272 of the latest preferred options document which formed part of the submitted local plan, the gypsy and traveller trajectory has been amended to make reference to refer to site TS1 as a specific site allocation. However, it should be noted that prior to this the supporting evidence on two previous consultations this has not been the case and the intention has not been clear to the public. This site (TS1) also increased in size to ten pitches without any further assessment or supporting evidence to substantiate this. I understand this has now been amended back to nine pitches without any explanation or supporting evidence. The intentions of the Council should have been made clear to the public previously and not just at the last consultation. Any reason for change should be explained and supporting evidence should be provided. No clear definition has been provided and to simply change definition and amounts without justification or evidence is not reasonable.

Assuming the Drakes Lane site is now identified as a traveller site and not a travelling showpersons site then the GTAA report 2017 identifies that only 6 pitches are needed up until 2033. This Local Plan Preferred Options Document (second consultation) under Strategic Policy S9 The Spatial Strategy (p71) states that 'a 2016 Gypsy and Traveller and Travelling Showpeople Accommodation Assessment identified a requirement for 9 Gypsy and Traveller pitches and 24 Travelling Showpeople plots up to 2036' - although it is still in excess of need of the most recent GTAA report in this instance it even fails to state which GTAA report was even used. Incomplete information should not form evidence for this local plan.

With regards to the gathering of evidence and data collected, The Essex 2017 GTAA identifies eight households that meet the planning definition for travelling show persons. It further states that taking into account projected needs it was identified that a household base of 18 (8 current households plus 10 from a five year need) will result in a need for 7 addition plots (4.32 GTAA 2017). This is then further identified as a 16 plots that will be required up until 2033 (4.34 GTAA 2017). This projected growth rate is estimated with no statistical supporting evidence, therefore, is it reasonable for 7 addition plots to increase to 16 plots from a base of eight households? These figures are open to question as they change frequently. On Policy S8

this figure of 16 plots is now identified as 24 plots, without any further explanation for this increase and on the supporting evidence Local Plan Preferred Option document at 6.15 this is now identified as 20 plots. There appears to be no robust evidence base to substantiate the figures or changes of figures and there is no clear intention to the public.

The projection of need appears to only include growth rates and this may contribute to the inconsistency of figures as this does not provide a full picture of need. Examples of how estimating without a sound evidence base can affect a local plan could be that it does not take into account family members who may not wish to be involved in or may not continue within the industry, for example those that will retire (travelling show people), or those that move in or out of the area and mortality rates are not considered in this equation.

In the supporting evidence of the public consultation Chelmsford City Council state they take 'unknown households' of the travelling community into consideration. The council also state they have provided opportunities to the travelling community to respond and also actively encouraged engagement on several occasions for the purpose of an assessment of need, although this was not taken up. The council does not appear to have provided evidence that they have actively included 'unknown households' within the settled community in this plan. Although a council may have a good knowledge of the number of hostels and HMOs in its area, it does not feature information about 'unknown households' which would mean those sharing or living with family or friends or 'sofa surfing' i.e. the 'hidden homeless'. Whilst provision will be made for homeless within the plan the 'hidden homeless' do not appear to be considered. To address the balance the Council should seek information on and take into account the community of hidden homeless in the settled community and ensure they are catered for in this plan.

In the supporting evidence Chelmsford City Council state they accept self identification by verbal response for the travelling community as the only method of reply. As a guideline for qualification of assistance or assessment of need this may not provide a full picture of need. It should also not be the evidence used for planning definition as without supporting evidence this can only be considered a snap shot of household characteristics. It cannot be substantiated beyond reasonable doubt that using this method of response has provided robust evidence to ascertain eligibility for assistance, or indeed

those that were included, remained eligible for assistance. No reason has been provided by the council why this method of response should be the only response accepted. There is also no evidence provided on how the council verifies information given to them verbally. There is also no explanation that this method is the best method to collate responses. There is no reference to how this information or register of information gathered is maintained and it is reasonable to assume that this information can fluctuate or change completely, due to travelling.

Overall there appears to be a clear lack of scope and robustness of the evidence base used for this local plan.