

HAWKWELL PARISH COUNCIL: RESPONSE TO PLANNING APPLICATION NO. 23/00497/FUL

Land west side junction of Magnolia Road and Lincoln Road, Rochford

The mixed use of the keeping of horses and stationing of caravans for residential use and laying a hardstanding and erection of dayroom ancillary to that use.

Hawkwell Parish Council (HPC) objects to this application on the following grounds:

Inappropriate development with the Metropolitan Green Belt

The site is within the Green Belt and Rochford District Council (RDC) has previously refused planning permission for applications at the site due to its Green Belt status. When the land was auctioned in 2021 RDC stated that no planning permission would be permitted. The legal pack stated “it is not lawful to undertake residential or commercial development and there is no prospect of planning permission for residential or commercial development being granted”. HPC believe there have not been any material changes that should alter RDC’s stated view regarding any development at the application site. The application does not adhere to the National Planning Policy Framework 2021.

The Government Policy Paper, Planning Policy for Traveller Sites (updated 2015) states:

‘Policy E: Traveller Sites in the Green Belt – Inappropriate development is harmful in the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.’

In this regard, the planning statement from Green Planning Studio submitted with the application states ‘the proposed application will demonstrate that there would, at worst, be limited or other harm to the character and appearance of the area’. This statement is an admission that some harm would be caused to the Green Belt if the application were permitted. HPC would expect RDC to explain what mitigations would be put in place to negate any ‘harm’. More importantly, no evidence has been provided with the application that ‘very special circumstances’ exist that would override the harm to the Green Belt.

Finally, the Planning Statement states that ‘the site layout has been determined to best meet the applicant’s requirements and although it has been withdrawn by Government, in the absence of any replacement document, the pitch has been designed with reference to the standards defined in ‘Designing Gypsy and Travellers Sites – A Good Practice Guide’. HPC believe this an ambiguous statement; what does “it has been withdrawn by Government” mean? HPC expect that RDC will scrutinise every statement made in the Planning Statement very carefully.

Setting a Precedent

RDC has failed to produce a five-year plan for the provision of traveller sites following the delay on a decision regarding the Michelin's Farm site as a proposed larger Traveller site. The RDC Local Plan Issues and Options Document 2017 stated 'different options for meeting the needs of Travellers; one option was to allocate a number of smaller Gypsy and Traveller pitches/sites to meet needs but it was concluded that these sites would have an impact on the purposes of the Green Belt, in particular openness.' Openness is one of the essential characteristics of the Green Belt and the application site can be seen on 2 sides from adjacent roads (especially in the winter months). HPC believe that the siting of caravans and permanent structures (Day Rooms) will harm the character and appearance of this rural site, which is currently a meadow with diverse habitats for wildlife in a peaceful natural area.

The new Local Plan due in 2023 is likely to include the Michelin Farm site as a preferred option for a Gypsy and Traveller site. The lack of a five-year plan may, in part, have led to the granting of some Planning Appeals for Traveller sites in the Green Belt (referenced in the planning statement by Green Planning Studio). These decisions should not set a precedent for the general granting of ad-hoc and piecemeal applications such as this.

The government's policy for Traveller sites refers to the need for 'local planning authorities to have due regard to the protection of local amenity and local environment' and 'to reduce tensions between settled and traveller communities in plan-making and planning decisions'. In this regard HPC believe the application fails to meet these tests and that RDC should consider the application with a wider provision for Traveller accommodation and any policy should be subject to public consultation.

HPC and many of the 100+ residents who object to the application are very concerned that such a development, if permitted, would set a precedent for similar applications in the Green Belt. Owners of Green Belt land in the nearby area could seek to profit by selling their land if they believe that planning permission will be granted for ad-hoc developments, including Traveller sites. There is also concern that there would be a lack of monitoring regarding the occupancy at the site. The applicant states a need to accommodate a gypsy lifestyle and as seen in other nearby sites, once the land is occupied there is little planning enforcement to prevent illegal expansion of the site (which has sufficient space for more than the 2 pitches stated in the application).

Issues with the Planning Application Form

HPC questions the accuracy of some information on the submitted Application Form:

Trees and Hedges – The applicant has provided a 'no' response to the Q. 'Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?'

HPC manage the adjacent Designated Magnolia Park Nature Reserve which provides a quiet and tranquil habitat for many species of reptiles, mammals and birds including several protected and rare species; a colony of Great Crested Newts is present in a pond approximately 27m away from the application site boundary. It is likely that the hedgerows surrounding the application site provide havens for the Newts and nesting birds including the Bullfinch, which is categorised as having an amber conservation status and are protected under the Wildlife & Countryside Act 1981. Therefore, HPC believe the 'No' response is incorrect and that a Full Tree Survey should have been provided with the application. HPC ask that RDC request a survey before a decision is taken by the Development Committee.

Assessment of Flood Risk – The applicant has provided a ‘no’ response to the Q. Is the site at risk from flooding?

The Parish Council is aware that the application site floods severely in the winter months and the surface water runs from Ashingdon Heights down Lincoln Road and Durham Road which have no drainage onto Magnolia Road. The site sits in standing stagnant water at times and although the application form references the Government Flood Map which says low flood risk, Essex County Council is the Flood Authority for the area and on its map the site is categorised as High Risk of flooding.

The addition of a considerable area of hardstanding at the site will exacerbate the flooding issue and HPC has concern for the welfare of horses on the site (one of the main uses indicated in the application). HPC believe there is insufficient detail in the application about how the drainage issues will be addressed.

Biodiversity and Geological Conservation – The applicant has provided a ‘No’ response to the Q. Is there a reasonable likelihood of Protected and Priority species on land adjacent to or near the proposed development?

This is incorrect as Magnolia Nature Reserve borders Lincoln Road, a narrow private road maintained by the residents. There are numerous rare and protected species in the Nature Reserve including Great Crested Newts, Badgers, Muntjac Deer, Hedgehogs and numerous bird species. Foxes and snakes are also in the reserve. HPC are concerned that the development could have a negative impact on the wildlife in the Nature Reserve and surrounding areas. It is also widely reported that Badgers are active on the application site.

Foul Sewage – Applicant has indicated that a Package Treatment Plant would be installed at the site. HPC are aware that this requires an electrical supply and also a licence (Consent to Discharge) from the local Environment Agency or SEPA office. HPC query whether this consent has been obtained prior to the application? HPC also question which watercourse would any discharge be into, or is the discharge proposed to go into a soakaway?

Waste Storage and Collection – The application form indicates a ‘No’ response to the plans incorporating areas to store and aid the collection of waste and recyclable waste. HPC believe such an important environmental factor as waste collection needs to be addressed by RDC in determining the suitability of the application. The plans show a map legend for bins, but it is not clear from the plans where these will be situated on the site.

Planning Use - Keeping horses

HPC cannot identify on the plans any area for the stabling of horses, which is one of the primary uses for the land listed on the application title. HPC would ask that RDC explore why this matter has been omitted in the application details/plans.

Essex County Council (ECC) Highways

HPC has noted that ECC has not yet submitted a response to this application. It is hoped that they will do so before any decisions are taken by RDC as this is an important consideration.

HPC and many local residents have safety concerns about the extra traffic movements associated with the caravans and associated visitors moving in and out of the site onto a narrow private road (Lincoln Road) on a sharp bend which joins the already busy Magnolia Road. There is a well-used Scout Hut and Day Nursery at this junction which already has parking issues. Many residents use Magnolia Road and Lincoln Road including school children, joggers, dog walkers, cyclists, mountain bikers, horse riders and Park users. There are no pavements, minimal street lighting and there is an existing issue with cars passing one another on the narrow road.

General Objections

To summarise HPC objects on the following grounds: increased Noise and Disturbance to local residents and users of Magnolia Nature Reserve; Wildlife and Nature Protection (negatively impact the wildlife and biodiversity in the Reserve and adjoining areas); Policy Objection; Site Design and Layout and Highway/Traffic generation.

25.7.23