

UTT/1360/12/FUL- (TAKELEY)

*(Referred to Committee by Cllr Cheetham:
Reason Concern in community regarding number of caravans)*

PROPOSAL: The proposal has been revised and is now for change of use of land for the stationing of 8 caravans(reduced from 12) for occupation by members of the applicant's extended gypsy family, construction of hardstanding, access road, fences, alteration to existing access and associated hard and soft landscaping.

LOCATION: Land Adjacent To Cranwellian, The Street, Takeley

APPLICANT: Mr T Jones

AGENT: Hayhurst Town Planning Services, Ltd

GRID REFERENCE: TL 534-213

EXPIRY DATE: 29/08/2012

CASE OFFICER: MRS M JONES

1.0 NOTATION

- 1.1 Outside Development Limits. Countryside Protection zone. Within 500m SSSI. Within 57-66dB(A)leq. Within 6km Stansted Airport. Public Right of Way adjacent to site. Adjacent to Ancient woodland, Historic Landscape, , Historic Parks and Gardens, National Nature Reserve, County Wildlife site and Important Woodland.

2.0 DESCRIPTION OF SITE

- 2.1 The site is situated on the southern side of the B1256 opposite junction with Bury Lodge Lane in a rural location.
The size of the rectangular plot of land is 0.38 hectares. It is enclosed by close boarded timber fencing to the rear, mature hedging to the west and trees/shrubs to the south. The eastern boundary has post and rail fencing. Immediately adjacent at the rear is the Flich Way and Hatfield Forest .To the west are three detached cottages and to the east is a detached house (owned by the applicant). Access to the site is via a gated access to the front of Cranwellian House. To the east of Cranwellian are a stable building and beyond the boundary is a public right of way forming an access lane from the B1256 to the Flich Way and Hatfield Forest.

3.0 PROPOSAL

- 3.1 The proposal has been revised and is now for change of use of land for the stationing of 8 caravans(reduced from 12) for occupation by members of the applicant's extended gypsy family, construction of hard standing, access road, fences, alteration to existing access and associated hard and soft landscaping.
The application includes the widening of the existing access to 5.5m and repositioning the gates to 15m from the road.

4.0 APPLICANTS CASE

- 4.1 Submitted with the application are the following documents:
Planning Statement/ Design and Access Statement
Specification for soft Landscape works 5 year Maintenance Plan
Arboricultural Impact Assessment
Ecological Assessment
Essex Field Club Datasearch Report

5.0 RELEVANT SITE HISTORY

- 5.1 UTT/1906/08/FUL Erection of stable block and new entrance gates and railings - Conditional Approval - 2009
UTT/1274/99/FUL Erection of replacement dwelling and detached double garage - Conditional Approval - 2000
UTT/0008/05/REN Erection of replacement dwelling and detached double garage - Conditional Approval 2005
DUN/0096/51 Caravan site Refused 1951
DUN/0204/56 Construction of new access - Refused 1956
DUN/0060/52 Proposed bungalow - Conditional Approval - 1952
DUN/0319/72 Formation of new vehicular access - Conditional Approval - 1972
DUN/0146/69 Addition of playroom - Approved - 1969

6.0 POLICIES

6.1 National Policies

- National Planning Policy Framework
- Planning Policy For Travellers Sites
- Designing Gypsy and Traveller Sites – Good Practice Guide

6.2 East of England Plan 2006

- Policy H3 - Provision for Gypsies and Travellers

6.3 Essex Replacement Structure Plan 2001

- None relevant

6.4 Uttlesford District Local Plan 2005

- ULP Policy S8: The Countryside Protection Zone
- ULP Policy GEN2: Design
- ULP Policy GEN1: Access
- ULP Policy GEN3 Flood Protection
- ULP Policy GEN5 - Light Pollution
- ULP Policy GEN4: Good Neighbourliness
- ULP Policy GEN8: Vehicle Parking Standards
- ULP Policy GEN7: Nature Conservation
- ULP Policy ENV10: Noise Sensitive Development and Disturbance from Airport
- ULP Policy ENV7: The protection of the natural environment designated sites
- ULP Policy ENV8: Other landscape elements of importance for nature conservation
- ULP Policy ENV9: Historic landscape.
- ULP Policy ENV14 Contaminated Land

6.5 Supplementary Planning Guidance

6.6 Draft Local Plan 2012

Policy HO10 Sites for Gypsies, Travellers and Travelling Showpeople
This policy was revised following the consultation of Development Polices in January 2012.

7.0 PARISH/TOWN COUNCIL COMMENTS

7.1 Objection

The following objections will be detailed:

- 1. Land is outside development limits & within the Countryside Protection Zone**
- 2. The site is part of existing garden of Cranwellian**
- 3. The site is unsuitable Environmental Impact**
- 4. Vehicular access in unsuitable**
- 5. Loss of privacy for neighbouring properties**

POLICY:

Communities & Local Govt Planning Policy for Travellers Sites (March 2012)

Intro Pt 4/Policy B 9e): Local planning authorities to have due regard to the protection of local amenity & local environment

Policy B 11 e): provide for proper consideration of the effect of the local environmental quality (such as noise & air quality) on the health & well being of travellers that may locate there or on others as a result of new development.

Policy B 11 g): Do not locate sites in areas of high flooding given the particular vulnerability of caravans.

Policy C 12: When assessing the suitability of sites in rural or semi rural settings, local planning authorities should ensure that the scale of sites does not dominate the nearest settled community.

Policy H 20: Planning law requires that applications for planning permission must be determined in accordance with the development plan (unless material considerations indicate otherwise).

Policy H 22: LPA should consider the availability of alternative accommodation for applicants

Policy I 28: The policy set out in Para 25 only applies to applications for temporary planning permission for traveller sites made 12 months after this policy comes in to force (i.e. March 2013)

Model Standards 2008 for Caravan Sites in England/Designing Gypsy & Traveller Sites Good Practice Guide 2008

- Sites should be appraised given the same consideration as for conventional residential housing.
- Careful consideration must be given to the health & well being of children who live on the site.
- The greater noise transference through walls of trailers & caravans than through walls of conventional housing, & the need for design measures to abate the impact on quality of life & health.
- For practical reasons sites require a greater degree of land usage per household than for smaller houses.
- Minimum standards for density & car parking spaces.

- Roads shall be designed to provide adequate access for emergency vehicles & routes within the site for such vehicles must be kept clear of obstruction at all times.
- All roads shall have adequate surface water/storm drainage.
- On the site there shall be installed an electricity network of adequate capacity to meet safely all reasonable demands of the caravans & services within it.
- The electrical installation shall be subject to current relevant legislation.
- All pitches shall be provided with a water supply sufficient in all respects to meet all reasonable demands.
- All water supplies shall be in accordance with current legislation.
- Surface water drainage shall be provided to avoid standing pools of water
- All drainage & sanitation provision shall be in accordance with all current legislation
- Communal refuse storage will be housed within properly constructed bin store.
- One tenth of the total area of the site shall be allocated for recreational purposes.
- Fire points & fire fighting equipment and fire warning systems shall meet requirement of current legislation
- Sites must not be located on contaminated land
- Every effort should be made to ensure that systems are in place to provide services to individual households, for payment purposes, & not from a central distribution point.

1. Land is outside development limits & within the Countryside Protection Zone

Policy S7 – The Countryside

The countryside to which this policy applies is defined as all those parts of the Plan area beyond the Green Belt that are not within the settlement or other site boundaries. In the countryside, which will be protected for its own sake, planning permission will only be given for development that needs to take place there, or is appropriate to a rural area. There will be strict control on new building. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there.

Policy S8 – The Countryside Protection Zone

In the Countryside Protection Zone planning permission will only be granted for development that is required to be there, or is appropriate to a rural area. There will be strict control on new development. In particular development will not be permitted if either of the following applies:

a) New buildings or uses would promote coalescence between the airport and existing development in the surrounding countryside;

b) It would adversely affect the open characteristics of the zone.

- Cranwellian was granted planning permission in 2005 as a **replacement** dwelling following a fire that destroyed the original dwelling.
- The proposal provides for permanent pitches for the extended family of the applicant and as such should be viewed in the same way as that of a residential development proposal.
- TPC would challenge the 'need' as outlined in the proposal. There are existing facilities at Lt. Hallingbury (owned by applicant's family) & Takeley Mobile Home Park, which are both in close proximity to the applicant, which would provide more suitable and permanent facilities. The applicant also owns pitches at Roydon Hill.
3 caravans are sought for occupants currently living in flats/houses, a further 2 caravans are sought for occupants presently living in caravans on authorised sites; some less than 2 miles from the applicant. Having a nomadic way of life is a key determinant in establishing for planning purposes whether applicants fall within the definition of gypsies & travellers. As members of the applicant's family to be accommodated on site currently live in houses, and the applicant states that these are permanent pitches for these relatives, this nomadic characteristic can no longer exist.
- It is TPCs view that this application fails to suitably demonstrate an established need & is it not considered sufficient to allow the application purely on whether UDC can demonstrate an up to date 5 year supply of identified deliverable sites in the district. Para 28 of the Communities & Local Govt Planning Policy for Travellers sites stipulates that such material consideration only applies for applications made '12 months after this policy comes into force' & therefore only applies to applications submitted after March 2013'.
- A number of the intended occupants presently live a non-nomadic way of life, with alternative accommodation available to them, and that the applicant has therefore failed to demonstrate sufficient need to outweigh the negative impacts of the application.

2. The site is part of existing garden of Cranwellian

- TPC has received information to suggest that the eastern boundary, adj No 1 Stanes Cottages, is incorrect on the plans.
- The proposed site is the garden area of Cranwellian to the east of the plot. The site is already significantly overdeveloped. Block plans fail to show a large stable block, hay store & tack room (UTT/1906/08/FUL), piggery & 3 large garden structures with brick built chimneys. The proposal is detrimental to amenity of the existing property.
National Planning Policy presumes against development in gardens since PPG3 was amended in 2010 to exclude gardens from 'brownfield' classification. This proposal is 'garden grabbing' that the Govt has sought to extinguish.
- Permission UTT/0008/05/REN condition 10 states:
 - All material arising from the demolition of the existing dwelling shall be completely removed from the site.
 - The site lies within an area where permission for new dwellings is not normally granted & the local planning authority would not be prepared to permit a second dwelling in this location.

3. The site is unsuitable

Policy GEN2 – Design

Development will not be permitted unless its design meets all the following criteria and has regard to adopted Supplementary Design Guidance and Supplementary Planning Documents.

- a) It is compatible with the scale, form, layout, appearance and materials of surrounding buildings;
 - b) It safeguards important environmental features in its setting, enabling their retention and helping to reduce the visual impact of new buildings or structures where appropriate;
 - c) It provides an environment, which meets the reasonable needs of all potential users.
 - d) It helps to reduce the potential for crime;
 - e) It helps to minimise water and energy consumption;
 - f) It has regard to guidance on layout and design adopted as supplementary planning guidance to the development plan.
 - g) It helps to reduce waste production and encourages recycling and reuse.
 - h) It minimises the environmental impact on neighbouring properties by appropriate mitigating measures.
 - i) It would not have a materially adverse effect on the reasonable occupation and enjoyment of a residential or other sensitive property, as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- The proposal is detrimental to the character of the area
 - Would have a materially adverse effect on the reasonable occupation and enjoyment of neighbouring residents as a result of loss of privacy, loss of daylight, overbearing impact.
 - The resulting amenity space is not adequate for 8 families and the existing house
 - The Communities & Local Govt Designing Gypsy & Traveller Sites Good Practice Guide states that to ensure fire safety it is essential that every caravan must be no less than 6 metres from any other that is occupied separately. The proposal raises the likelihood that some families will seek to supplement their accommodation with one or two additional small touring caravans on the pitch as separate sleeping accommodation, until their children are old enough to move onto a separate pitch. The application also suggests occupants may wish to station a small shed. The proposed density would create a serious fire risk.
 - Land to the south of Stanes Street near Thremhall Priory, of which this plot forms part, is subject to a legally covenant which says: 'only one detached dwelling or 2 semi detached dwellings shall be erected' on each plot. A planning condition of UTT/1274/99/FUL - Erection of replacement dwelling and detached double garage (on the original footprint) say: 'The existing dwelling shall be demolished and all the materials arising from such demolition shall be completely removed from the site within 1 month of the first occupation of the replacement dwelling hereby permitted. Reason: The site lies within an area where permission for new dwellings is not normally granted and the local planning authority would not be prepared to permit a second dwelling in this location.'

Noise & Disturbance

- **UDC Local Plan Page 1 states:** 'Ensuring that noise sensitive developments are located away from existing sources of significant noise'.
- This planning application contains a "Report on the assessment of background noise climate of this site dated 26 June 2012". The conclusions given in paragraph 4 of this planning application report state that

"By reference to Planning Policy Guidance 24 Planning and Noise, the site is deemed to be located within Noise Exposure Category B making the site suitable for residential development"

- UDC Strategic Land Availability Assessment 2009 discounted a proposed site 300m to the east of the application site because of aircraft noise. The proposed accommodation is considered to be of inferior acoustic construction; not insulated to mitigate the noise.
- Planning Policy ENV10 states: 'Housing & other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance'.

Aircraft noise

The site is very close to the southern edge of runway 22 which is the most used runway direction at Stansted Airport. Runway direction varies slightly from year to year, due to

weather patterns, but the latest 20 year rolling average (known as the modal split) is 71% to the south and 29% to the north. Thus for 71% of the time, all Stansted departing traffic takes off in a southerly direction very close to the site. For the remaining 29% of the time, aircraft land from the south onto runway 04 on the same track close to the site. Hence the site is continually affected by aircraft either taking off or landing. However it is the departing aircraft from runway 22 which provide the most noise exposure since aircraft are noisier on take-off compared with landing.

It is clear that the noise climate at the site is dominated by aircraft noise and there is also a contribution from road noise and other community activity. Aircraft noise has certain distinct characteristics compared with road and rail noise and general community noise. Firstly aircraft are intrinsically noisy machines. A modern jet on take-off still emits around 140 decibels of noise which is at the level of pain. Exposure to this level of noise would cause permanent hearing damage. Aircraft fly-over noise is heard as a series of discrete loud events each of which can have a duration of nearly half a minute. At the site, each individual aircraft noise event will be clearly audible and distinguishable above the background or ambient noise levels and this can be seen in Appendix 4, Figure (2) of the planning application noise report.

The planning application relies solely on PPG 24 Noise Exposure Category B for assessment of the noise at the site which states that *“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”*. While this statement is correct in itself, it is a wholly inadequate to rely on this to assess the adverse noise impacts at the site.

It is important to fully assess all the characteristics of the noise sources which in this case are predominantly from aircraft. And more guidance is given in:

- Planning Policy Guidance 24: Planning and Noise PPG 24
- World Health Organisation (WHO) Guidelines for Community Noise 1999 which protect the community from the adverse characteristics of aircraft noise in particular.

This further guidance has not been taken into account in the planning application and this is detailed in the following paragraphs.

Firstly PPG 24 clearly states in paragraph 6 that *“housing, hospitals and schools should generally be regarded as noise sensitive development”*

More importantly, PPG 24 provides guidance for *“noise sensitive development”* where this is exposed to an existing noise source. It particularly states in paragraph 12 that *“local planning authorities should consider both the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future, for example at an airport”*. The noise measurements provided in the planning application are for current day air traffic levels. When the noise measurements were taken at the site in June 2012, Stansted Airport handled about 134,000 movements per annum. The airport has permission to expand to 264,000 movements per annum, virtually double the number of aircraft. This will increase the noise exposure of the site, both in terms of noise levels and the nuisance caused by the increased number of clearly audible separate noise events. Additionally, while the Government does not currently support a second runway, the Department for Transport is presently consulting on the Aviation Policy Framework for future aviation growth and it should not be taken as certain that Stansted Airport will not expand further. The planning application ignores this increased noise exposure in the foreseeable future.

PPG 24 also states in paragraph 11 that *“sudden impulses or irregular noise or noise which contains a distinguishable continuous tone will require special consideration”*. This is typical of the characteristics of aircraft noise. The planning application has ignored this special consideration.

Secondly, the WHO Guidelines for Community Noise, 1999 has not been used in the planning application. Table 4.1 of WHO Guidelines provides values for community noise in specific environments and relevant extracts are reproduced below:

Environment	Critical health effect	LAeq (dB)	Time (hours)	LAmx (dB)
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Outdoor	Serious annoyance, daytime and evening	55	16	-
Outdoor	Moderate annoyance, daytime and evening	50	16	-
Outside bedrooms	Sleep disturbance, night-time, window open (outdoor values)	45	8	60

The measured values at the site given in the planning application noise report are:

- 57 dB LAeq 16 hour in the daytime and evening
- 51 dB LAeq 8 hour in the night
- LAmax values at night varying between 62 dB and 78 dB.

All these measured values at the site already exceed the WHO Guidelines, particularly the night-time values. Furthermore, WHO Guidelines state in paragraph 3.8 that *“large aircraft produce intermittent low-frequency noise”* and that *“health effects due to low frequency components in noise are estimated to be more severe than for community noise in general and A-weighting underestimates the sound pressure level of noise with low-frequency components”*.

The planning application has relied solely on A-weighted measurements. A-weighting treats lower frequencies as less important and so underestimates the impact of noise that has a large low frequency component. Aircraft engine noise is characterised by having a tonal (‘whine’) content and a large component of low frequency noise particularly on take-off. Both these characteristics exacerbate noise disturbance. Low frequency noise encounters less absorption than higher frequencies as it travels through the air and it persists for longer distances. Additionally, the amount of sound transmitted from the outside to the inside of buildings is greater at lower than at higher frequencies. Aircraft when taking off produce intense noise including vibration and rattle.

For aircraft noise, since A-weighting underestimates the sound pressure level of noise with low-frequency components, WHO Guidelines paragraph 3.8 says *“a better assessment of health effects would be to use C-weighting”*. The planning application did not provide C-weighted noise measurements. As a general rule where C-weighted measurements exceed A-weighted measurements by more than 10 dB, there is a significant low frequency sound content. And this is the case at this site based on earlier noise measurements undertaken by the National Trust close by in Hatfield Forest and presented to the Government Inspector at the Generation 1 Stansted Inquiry (see National Trust Proof of Evidence NT/3/a dated 30 March 2007, paragraph 10.23 at Stansted Airport Generation 1 Inquiry). Noise measurements for A-weighted and C-weighted values were taken in 2007 of a number of take-off events from the southerly runway 22 with 1/3 octave spectrum graphs showing low frequency content. The increase from LAeq (A-weighted) to LCEq (C-weighted) values in these measurements in Hatfield Forest was 13 to 14 dB. As a guide, an increase of 10 dB is equivalent to a doubling of loudness. This site suffers from a large component of low frequency aircraft noise which will be more easily transmitted through house facades.

The planning application does not mention low frequency effects of aircraft noise and the adverse impacts they can have and how this could be mitigated.

In summary the planning application noise report significantly underestimates the adverse noise climate at the site. It ignores guidance which specifically addresses aircraft noise, the predominant noise environmental harm. There are no proposals for any mitigation of this harm and in fact, in paragraph 3.2.2 of the planning application noise report, it acknowledges that none are possible.

It is entirely inappropriate to suggest that a decision to grant permission for a replacement dwelling should provide support for this application.

For the reasons given above, this planning application should be refused on the basis of adverse noise exposure and related health impacts.

4. Environmental Impact

- Hatfield Forest abuts the site to the rear. The forest is classified as a site of 'Special Scientific Interest'. As a medieval forest & is of National importance. UDC Local Plan says 'sites of SSI & National Nature Reserves have the maximum degree of protection from development'
- The application site sits adjacent to the Flitch Way public footpath, cycleway and bridle path, a designated Local Wildlife Site
- It is TPCs view that the stationing of 8/12 caravans & associated parking spaces would constitute a significant development of a site which is outside of an established settlement boundary and within a predominantly rural area directly adjacent to important amenity and wildlife areas & within an area specifically designated for protection of its open characteristics.
- The Ecological Assessment provided is a Desktop Study & does not include a full survey of all plant or protected species. It is not therefore a comprehensive list of species on the site. Given the scale of the application, adjacent to important local and national designated sites, as well as the impacts from the occupants, vehicles and on site foul drainage treatment, a full site survey should be provided to allow UDC to adequately assess the impacts on ecology & biodiversity.
- Tree Protection Plan submitted with the application indicating a number of existing trees to the front of the site would be directly affected by the application proposals. Several trees have crown spread and root protection areas that significantly overlap 2 of the proposed caravans. This could cause harm to the trees through installation of the required foundations & services as well as pressure to undertake works to the trees in order to improve visual amenity, daylight levels & to overcome safety & maintenance concerns of the occupants. The layout fails to respect the physical constraints of the site.
- A site of 8 homes would require a foul sewer connection (the nearest is some 400m from the site).
TPC questions the proposal to facilitate foul waste through the existing 'Klargester BioDisc' which is suitable for small domestic applications. The Design & Access Statement states: 'It is believed that the biodisc unit has the capacity to cope with the additional usage'. The disposal of foul waste is fundamental plank of environmental health. This proposal provides inadequate evidence of appropriate means of foul waste disposal.
- The original house on this site burnt down. The land occupies a site previously used to bury a demolished property. The matter was subject to an investigation by the Environment Agency whose soil samples found that controlled waste had been disposed of on the land in a manner likely to cause pollution in breach of [Environmental Protection Act 1990](#) sections 31a, b and c. This would potentially have a detrimental affect on occupants and those living in neighbouring properties when the soil is disturbed. There is evidence available to support this information. TPC recommends that UDC refer to existing Enforcement Team information (Sonia Williams) along with Environment Agency data (Peter Kirton) to verify the suitability of the site. TPC believes that it is unacceptable to allow occupants to reside on this site. The health & well being of all the proposed occupants, especially young children, is very important.
- The highway to the front of the site & Flitchway to the rear is higher than the application site which is prone to flood events. In 2007 the applicant made statements to UDC Enforcement to say that 'this land becomes severely waterlogged in wet weather and to combat this he brought in rubble and soil to improve the drainage'.
- The proposed shared water & electricity supply is inadequate. This coupled with the foul water treatment & drainage proposals provided insufficient evidence to demonstrate an adequate infrastructure capacity.
- The application makes no mention of the airports impact on air quality/pollution. Monitoring evidence shows the presence of aviation fumes which are frequently detectable in the location.

5. Vehicular access in unsuitable

- The site is within a few metres of a traffic light junction on B1256; in a 40mph zone. The proposed entrance/exit point is in fact within a section of the junction where an additional lane allows for vehicles to complete a right turn. The increased volume of traffic (including caravans, touring caravans, trucks) would provide significant risk to road users.

- Local businesses have also expressed serious concern in relation to the proximity of the site to the road junction, and the negative impact on road safety.
- Despite an increase to the width of the entrance the proposal does not provide adequate access for emergency vehicles in the event of a fire.
- The existing bus stop outside the property will be affected by this proposal.

IN CONCLUSION:

- TPC strongly objects to this application (reasons above).
- TPC requests that this application is determined by UDC Planning Committee; & that the date of determination of this application is notified to the Parish Council (via email) as soon as possible.
- TPC is disappointed that this application was advertised in the Dunmow Broadcast which is not available to a large proportion (the majority) of Takeley residents.

8.0 CONSULTATIONS

Essex County Council - Highways

- 8.1 The Highway Authority would not wish to raise an objection to the application as shown on drawing No 3225/3A subject to conditions.

Thames Water

- 8.2 With regard to sewerage infrastructure we would not have any objection. Surface Water Drainage - with regards to surface water drainage it is the responsibility of a developer, to make proper provision for drainage to ground, water courses or where available a suitable sewer.

Uttlesford Ramblers

- 8.3 I have not got an issue with the proposed use of the site I do however have concerns about its location close to rights of way. The Flitch Way is a trail used by walkers, riders and cyclists. It is very well used. I do not see a barrier provided to stop access from the site on to the Flitch Way. The same has to be said about the footpath from Dunmow Road to the Flitch Way which runs alongside the site. I am sure it is possible to set planning conditions to protect both of these right of way, but who will oversee these in the months and years head? We are being asked to agree that no problems will occur, that no damage will be done and local councils will not incur additional costs. It is difficult to accept this will not happen. The only way to ensure there are no problems is to refuse the application.

Essex County Fire and Rescue Services

- 8.4 The nearest fire hydrant is sited at the junction of Dunmow Road and Bury Lodge Lane. As the hydrant will be in excess of 140m from the furthest hardstanding accessible by a Fire Appliance, one additional hydrant on mains of not less than 100mm internal diameter will be required for the proposal at a position to be agreed with this Fire Authority

Access for fire service purposes is considered satisfactory.

Environmental Health

- 8.5 No comments. Site will need a site license with associated conditions if permission granted.

Internal Policy Section

- 8.6 National Planning Policy

Planning policy for traveller sites – DCLG March 2012

Adopted Local Plan
All GEN policies
Policy S8 – Countryside Protection Zone

Proposals for a Draft Local Plan June 2012
Policy HO 10 - Sites for Gypsies, Travellers and Travelling Showpeople
This policy was revised following the consultation on Development Management policies in January 2012.

Uttlesford Sustainable Community Strategy
The Sustainable Community Strategy is a long term vision for Uttlesford and its people. It aims to create a sustainable community by addressing economic, social and environmental needs. The vision, themes and priorities outlined in the Strategy have been developed through extensive consultation with partners and the local community. Ensuring adequate provision is made for Gypsy families will help meet many of the strategies themes of
Children & Young People – Every child matters
Staying Healthy – access to services
Feeling safe – young people and crime

Parish/Town Plan or Design Statement
None

Comments

There are currently in the District 1 socially rented gypsy and traveller site owned by Essex County Council providing 17 pitches (which can accommodate 35 caravans); 16 private permanent sites with planning permission providing accommodation for 42 caravans, and 1 site with temporary permission which can accommodate 5 caravans. There is 1 unauthorised tolerated site for 2 caravans and 1 un-tolerated site where 2 caravans occasionally parks up for periods of time.

It is the Council's responsibility to set a target for the provision of sites for gypsies; travellers and travelling show people based on a robust evidence of local need. The Essex Gypsy and Traveller Accommodation Assessment (GTAA) (Fordham Research 2009) suggests that in Uttlesford 24 permanent pitches and 7 short stay pitches and 2 additional plots for travelling show people will be required between 2008 and 2021.

Since April 2008 planning permission has been granted for - temporary consent for 5 pitches on a site in Little Hallingbury; and permanent consent for 8 caravans (5 pitches) at High Easter; Great Dunmow and Barnston.
A total of 5 permanent and 5 temporary pitches have been granted since 2008.

The Council does not have an adopted Core Strategy Policy or site allocations for Gypsy and traveller sites. The Council proposes to prepare a Gypsy and Traveller Site Allocations Plan. The Fordham Research is becoming out of date and therefore the Council is working with other Essex authorities to commission a new Countywide assessment. There will be a call for sites in October 2012 and consultation on the draft plan in September 2013. The aim is to have an adopted plan by the end of 2014.

This plan will need to identify a 5 year supply of specific deliverable sites. Using the requirement of the current assessment this requires 24 pitches to be delivered over the 13 year period 2008-2021 which equates to 2 pitches per year (figure has been rounded). A five year supply would therefore be 10 pitches.

Conclusion

The decision needs to be based on national guidance with specific reference to paragraph 22.

Environment Agency - Expiry date 30th July 2012

- 8.7 We have no objections to the planning application but do take the opportunity to advise the applicant as set out below, taking account of the environmental constraints of the site.

Foul Water Disposal

A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable. According to our records the proposed locations of the caravans are approximately 410 metres away from the main sewer network. The use of non-mains drainage would therefore appear to be appropriate in this case. The following advice is relevant to the use of a private treatment plant.

If it is proposed to discharge treated sewage effluent at a volume of either:

- 5 cubic metres per day or less to a river, stream, estuary or the sea from a sewage treatment plant, **or**
- 2 cubic metres per day or less to groundwater via a drainage field or infiltration system from a septic tank or sewage treatment plant,

then you may be eligible for a free Exemption rather than a Permit. If an Exemption is relevant then no Permit is required, only registration. Registration is free, with forms available on line at the following link:

<http://www.environment-agency.gov.uk/business/topics/permitting/116406.aspx>

If however you are over the volume specified a Permit will be required. For further information contact should be made with the National Customer Contact Centre on 03708 506 506.

It is an offence to cause or knowingly permit a water discharge activity (or groundwater activity) without a permit or registered exemption or to fail to comply with permit conditions.

The plant should be installed, operated and maintained in accordance with the manufacturer's instructions as updated from time to time.

Contamination

We consider that the controlled waters at this site are of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

In relation to the proposed development, in so far as it relates to land contamination, we only consider issues relating to controlled waters. The Local Authority can advise on risk to other receptors, such as human health.

The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework (NPPF). We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site.

3. Refer to our website at www.environment-agency.gov.uk for more information.

Pollution Prevention

Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. It is an offence to pollute surface or groundwater under the Water Resources Act 1991.

Flood Risk

The proposal site is situated within Flood Zone 1, classed as low probability risk in table 1 of the Technical Guidance to the National Planning Policy Framework (NPPF). From section 21 of the planning application form confirms the site area is 0.38 hectares. According to the Environment Agency's Flood Risk Standing Advice (<http://www.environment-agency.gov.uk/research/planning/82584.aspx>) development proposals classed as 'Operational development less than 1 hectare/ Flood Zone 1' fall outside of our remit. We offer surface water management good practice advice, which can be viewed at the link provided above.

Since issuing our letter, dated 2 August 2012, it has been brought to our attention that the application site has been subject to waste disposal over the past few years.

Section 12 of the application form advises that surface water will be discharged to a watercourse. The Design and Access Statement however advises that the preference would be to discharge to 12 individual soakaways, although it does acknowledge that a small retention facility could be accommodated on the site to regulate flow to a watercourse.

Given the contamination potential of the site we would prefer discharge to a surface watercourse. If soakaways are to be used, it would not be acceptable to discharge through contaminated land so the applicant would need to demonstrate, before commencement of development, that the soakaways will not be located in contaminated areas of the site. Further it must be shown that the discharges will not cause the mobilisation of any other contaminants at the site. The applicants should also be advised that this discharge would require an Environmental Permit.

The applicant should also ensure that any contaminated groundwater is prevented from reaching the watercourse. In particular we recommend that all services are laid in clean fill with wrapped joints.

Hatfield Forest

The proposed development site is located directly to the North of Hatfield Forest which is designated a Site of Special Scientific Interest (SSSI). We recommend that Natural England is consulted for their view on the proposed development in respect of the SSSI.

Natural England - Expiry date 3rd August 2012

8.8 No objection

This application is directly adjacent to Hatfield Forest SSSI and National Nature Reserve. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site subject to the proposal being carried out in strict accordance with the details of the application as submitted.

Natural England welcomes the submission of the Ecological Assessment and the recommendations therein. It is recommended that prior to the determination of this application your Authority should seek the advice of the Environment Agency on the suitability and sustainability of the Foul Sewage Treatment and surface water discharges

in order for your Authority to be satisfied that these measures are adequate and ensure no impact on the notified features of Hatfield Forest SSSI, NNR. Natural England requests that it is kept informed of any comments or advice from the Environment Agency with regards to this matter.

Given the proximity of the proposal site to the SSSI and the associated potential for *indirect* impacts as a result of activities such as storage or disposal of materials within the SSSI, should the Council be minded to grant permission, we advise that the following informative is appended to any consent:

The applicant is advised that should storage, access or encroachment within the Hatfield Forest SSSI be found to occur as a result of the proposals during or after the works, this will be considered an offence under Section 28 of the Wildlife and Countryside Act 1981 (as amended) whereby the applicant may be liable on summary conviction to a maximum fine of £20,000 or on conviction on indictment to an unlimited fine.

Essex County Council Ecology - Expiry date 30th July 2012

8.9 No reply received.

National Trust- Expiry 13th July 2012

8.10 No reply received.

Landscaping Officer

8.11 Verbal response: No objection

Essex County Council, Schools

8.12 According to our forecasts, there should be sufficient early years and childcare, primary and secondary places to meet the needs of occupants. However, the site is over 3 miles from the catchment secondary school; Essex County Council is therefore obliged to provide transport to the school. Currently the bus arrangement is not sufficient to accommodate the secondary children likely to be generated and there will therefore be an additional cost to Essex County council estimated to be £5.60 per secondary pupil per day for 195 days per year. It is the practice of Essex County Council to seek costs for a 5 year period. I request that any permission for this development is granted subject to a section 106 agreement to mitigate its impact on school transport in line with the costs stated above. The likely secondary transport cost would be £6,552 index linked from April 2012. If your council were minded to turn down the application, I would be grateful if the lack of transport provision in the area can be noted as an additional reason for refusal and that we are automatically consulted on any appeal or further application relating to the site.

Access and Equalities Officer - Expiry date 9th August 2012

8.13 With regard to the above application there are no irregularities identified, the provision of static caravans would not need to meet the requirements of the SPG on Lifetime Homes. A family member with a disability would be accommodated to meet their need within this design I would imagine. As per my telephone comment regarding other facilities, they might need to be accommodated at some time in the future.

Uttlesford Primary Care Trust - Expiry date 9th August 2012

8.14 No reply received.

Essex Police Architectural Liaison - Expiry date 9th August 2012

8.15 No reply received.

9.0 REPRESENTATIONS

9.1 A total of 89 letters of objection (consultation period expires 10th August 2012. have been received and a petition signed by 73 (some of these have also written in separately) people.

9.2 Following the receipt of revised plans the consultation period has been extended to 10th August 2012. The main concerns are as follows: Impact on amenity, affect on wildlife and biodiversity, noise, highway safety, lack of need, population density, and effect on the open character of the zone and character of the area and fear of crime.

A summary of the comments is as follows:

- We are unable to get planning for one dwelling on a piece of land not 500 yds from this site
- Out of keeping with the area.
- Contrary to everything we have been told by the Council
- Spoil local green area. Totally inappropriate site.
- Area already getting heavily populated
- Will push local prices down and put off potential buyers to the area.
- Too close to neighbouring properties
- Waterlogged site
- Allowing people to move their extended family to an area that homes disabled people, families, and people trying to buy their first homes, as well as people who work in stable jobs at Stansted Airport, it is unfair both to current residents, and the applicants themselves. Housing them through official East Herts Council housing procedures would be more beneficial to these people than allowing them to create semi-permanent housing, as at least the conditions can be regulated by the council themselves.
- Allowing a group that comes from a community that frequently complains about the British National identity to move near towns that have just celebrated the Olympics, The Queen and Olympic Torch going through with all the pomp it can muster is a bit offensive to some of the people who already live here.
- There are already numerous new houses being built.
- There are already heavy demands on local schools
- There are a few local shops which would mean more people driving and increasing carbon emissions.
- With such sites crime usually increases and the local police could not cope with this
- We live in a quiet rural area that is only blighted so far with aircraft noise.
- Will spoil views of the forest. Inappropriate development
- .There are no shops, schools, doctors in the immediate area, how will they integrate into the community
- What benefits would they bring to the area.
- Unnecessary blight on the village and fear the impact it would have on the community
- Gateway into the village of Takeley and would negatively impact upon the beauty of the village and be an unsightly and unwelcome addition to the surrounding area.
- My elderly parent s live adjacent to the proposed site, my father suffers with heart problems and high blood pressure and they feel this would increase their anxieties about security of the surrounding areas
- Backs onto the Flitch Way and Hatfield Forest
- I can't see as planning permission for this can be passed if permission for a private dwelling has been refused close by. With flitch Way and Hatfield Forest behind it, passing this application would compromise the planning laws. Or is it one planning rule for some and one for others.
- The village has had major issues with travellers in the past.
- Takeley has been blighted by the airport expansion and now we have the threat of another Dale Farm
- Fear extensions of the site will spread into the land adjacent to the sides and rear.

- The close family is bigger than the general idea of a father, mother and siblings and has questionable intent, or justification.
- Out of keeping with the present rural fitting of older and recent housing in the curtilage.
- The site proposed will have an effect for local property owners to sell and to move away, within a short time. It is handy for Mr Jones to expand his caravan site.
- The cottages and houses adjacent and in close proximity will be subject to a loss of privacy.
- Mobile homes or caravans would be entirely out of character with general style of houses in the vicinity.
- Stansted Airport is on the other side of the road to the proposed site and as London's third airport would not benefit from a gypsy settlement welcoming visitors to London via Stansted.
- The National Trust says that Hatfield Forest is home to some of the oldest forest in the country. This particular character of this forest in this part of the countryside should be reason alone to ensure that the development in the form proposed is rejected as it will spoil an area on natural beauty.
- The Flitch Way which is a historic right of way enjoyed by many joggers/cyclists/horse riders and ramblers would run alongside one side of the proposed settlement and would scare the view and the amenity.
- Children playing and dogs barking causing a considerable nuisance to neighbours who live in the proximity of the site
- Travellers should live in an area away from existing houses and main roads.
- Takeley has had had significant housing and huge increase in population because of the airport and what was once a peaceful village has now increased in crime and is deteriorating quickly.
- Most local people will tell you that the previous house fire was started deliberately as the owners couldn't get planning permission to alter the old property. So now we have a mansion on the site, which was levelled /filled in apparently using contaminated waste that they have subsequently refused to clear. So what are the chances of a restriction/rules being observed of this new plan gets the go ahead. All we end up is a Dale Farm moving to Takeley and costing Uttlesford £millions
- A gypsy site would have an enormously detrimental effect on the character and countryside setting of the land. Any additional development would surely constitute backland development.
- This area has undergone considerable development and redevelopment in recent years but up to now you have exercised care to make sure that all such development is strictly within keeping of the area, its architecture and environment. In no way can such a development respect or follow the care the Council has previously taken here and we are disappointed it should even be considered seriously.
- We strongly object to this proposal on the grounds that Takeley is a small village with limited resources and we feel extremely strongly that should this application go ahead housing prices will suffer.
- As an employer of 36 we will consider vacating the area if permission is granted.

Highways

- It is already a dangerous location with traffic travelling at speeds well in excess of the designated 40mph. Traffic breaking to enter the site would create a further hazard as would vehicles accelerating slowly away , leaving the site.
- Dangerous access on and off the B1256.
- The new A120 was built to reduce the massive holdups and dangers on the present Dunmow Road. Development in the locality have become gross, since the introduction of the A120 by-pass. To increase the vehicular use by up to 24, plus working trucks and equipment is foolish and a retreat to the initial use pre- by-pass. Although relaxed, the Stansted increases are probable in the near future , too.

- To have an access of 5m onto the junction opposite Kearsley's hangar, on traffic lights requires the Highways Department, Essex County Council observations.
- The vehicles that this settlement would have to cope with would turn it into a semi-permanent car park.
- There are inadequate parking/loading/turning facilities for these proposed mobile dwelling.
- The noise and disturbance resulting from the use of vehicles to and from the proposed settlement would be unbearable
- Creation of excessive traffic onto highways creating a potential 48 additional traffic movements per day. This is based on 4 vehicular movements per unit per day and makes no account for visitors and serving arrangement.

Environmental

- Hazardous materials were tipped at this site during the redevelopment of the property after the fire.
- Noise pollution generated by the occupants of 12 caravans and associated machinery/generators etc
- Lack of foul drainage
- Increased litter
- A caravan site will add to various types of pollution
- Traffic noise -- increase
- The gypsy site up towards Felsted which is a disgrace, dirty and human faeces around the area which is dangerous and extremely unhygienic.
- The site is adjacent to National Trust property which is a site of natural beauty and a refuge for a wealth of wildlife species, dependent on this scarce habitat.
- Lack of sewerage provision
- We do not want the mess, aggro and all that comes with travellers.
- The fact there's a forest should ensure that no such fire hazard such as caravans should be permanently parked in proximity to the forest.
- Fear of crime
- The mess they leave is shocking, they have no respect for other people, crime reasons will increase, personal safety will be in question
- The ground is heavy clay that does not drain and the surrounding area lays in water for part of the year. This has been made worse by the increase in level of the proposed site.
- The site is within an area that suffers excessive air noise, and a number of sites along this road have been excluded as a suitable site with the SHLAA due to airport noise. I would raise questions as to the noise Exposure Category that this site falls under and feel the application should be judged against policy ENV10.
- Site backs onto the Flitch Way and Hatfield Forest - an area of natural beauty
- The children's play area is situated at the rear of the property. In my opinion, the noise from this could easily impact on the peace and tranquillity of this area of the Flitch way. As previously mentioned, the area is often flooded which makes the ground unsuitable for a play area.

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Safety

- I frequently use the Flitch Way as a running and cycling route, as many do, and always felt safe. With the introduction of a gypsy site in such close proximity to the Flitch Way I will be reluctant to use this route.
- Unfortunately gypsies have a bad reputation but the statistics do the statistics do back up peoples concerns, there is generally an increase in crime and mess.
- Why ruin the enjoyment of many for the sake of a few.
- The Flitch Way is a relief and rambling highway for many individuals and groups. It would cause an eventual impairment by perceived intimidation fears is unfavourable.
- Extra policing would drive up an already over inflated council tax.

Other

- The proposed development would be in stark contrast to the surrounding properties in the area. It would not be 'in keeping' with the rest of street, and again, would spoil the beauty of the area.
- This would be a very bad decision for the village of Takeley
- Reference to the circumstances of the likely relationships:
Joe and Shirley Jones have 3.5 acre smallholding in Sawbridgeworth, how are the close relatives supposed to care for a bad back, by introducing his experience in Scrap dealing and landscaping? To sell this land and purchase a brick built property is logical.
Josey Smith lives close to my home and is able to drive her Mercedes every day, so when does her daughter pick her up?
Luke & Bailey Jones are residing in a rented private flat. Child care provision required would doubtless involve Bailey in the Scrap business. The closest school would be in Dunmow, a lot further than his present location in Sawbridgeworth.
Gary & Michelle Cruise would have rights to apply for rented Council appropriated property. When do Michelle's close relationships wish to move onto an extended site. Excuses for relatives close living is no reason, as all of us wish a similar ideal.
Rachel & Dan Traveller can obviously afford a caravan, why not by having selective rented or council property renting.
Tommy & Becky Jones have been living in an unauthorised site (Where? 'Ebies', Sawbridgeworth?) to move onto a scrap dealing and landscaping business venture? Residents in Takeley do not need further scrap dealers, builders & landscapers, there are enough legitimate businesses already.
Gumbles, Jones, Blair Mailer, Smiths, Jones x2 are in the same vein. the emotional requests lack fabric and should be rejected. An old friend Blair Mailer is NOT a family member.
- If approved, then the vacant plots of land nearby could be used for general purposes, such as, parking of cars, live stock and temporary sites for other travellers. This could prove to be a danger to young children, forest walkers. It would also be an absolute eyesore.
- The proposed site will not fit in with the surrounding area and will be an eyesore. It does not fit within the local plan for expansion and is not within the area deemed suitable of the building/provision of dwellings. Permanent structures are not given planning permission outside of the local plan and therefore it would be unjust to allow such a development.
- All individuals have a right to a proper place to live, including those with an alternative life style. However, this needs to be a proper place. Takeley is a small village with very limited facilities and is not an appropriate location for a Traveller Site. Attempting to create one in Takeley is in fact in direct contradiction to government advice on the location of Traveller Sites that clearly recommends that they be situated away from existing settlements and that they should not overwhelm local services.
- The rationale for the development (providing accommodation for Mr Jones's relatives who would otherwise have nowhere to live) appears to be erroneous, if the data in the Herts and Essex Observer is accurate, with several of the relatives already owning homes and property in the area.
- There are no safeguards that would ensure that a) this site is not greatly expanded beyond the original vision in the future and /or that occupation of this site will in practice be limited to Mr Jones' relatives.
- I would like to question Uttlesford District Council's commitment to impartially in relation to this application. I note that according to the UDC website comments concerning this planning submission must be in by August 9th. However on the planning notices posted outside the property in question the date for submission of objections is actually nearly one month earlier namely end of July. This would seem to be at best confusing and at worst misleading.
- Uttlesford District council is currently considering a planning application in respect to 128 mobile homes in Takeley, surely this would be a better location for a traveller site than to create a new and inappropriate one

- 12 caravans with an average occupancy of 3 would mean 36-40 people moving onto a space currently open land or paddocks. Population density would be significantly higher than that of surrounding properties.
- It is a Greenfield site.
- Would have a detrimental impact on adjoining properties leading to a loss of privacy and visual amenity.
- The form and character of this proposal is not consistent with the rural setting, scale, form of the existing development located on the Dunmow Road. The road is currently made up of larger executive dwellings sporadically located along it, this proposal will be at odds with its environment and will sit uncomfortably in the street scene.
- Would over intensify the site and would create a dense population in an otherwise rural setting, running the form and character of the area.
- The materiality of the proposed static caravans is not in keeping with the traditional nature and character of the surrounding buildings
- Loss of important vistas into open countryside created by gaps in the street scene, which appear consistently along Dunmow Road, by filling in one of these gaps the rhythm of the street scene, will be lost forever.
- Local community would be demoralised.
- The site is on a main road which would be an eyesore to people in the village and passersby.
- Resources are already finely stretched with the significant recent increase in property in this area. Resources for children are virtually non-existent already with a majority hanging around streets with nothing to do and any increase would be disadvantageous.
- It goes against the local plan.
- Concern for growth of further traveller settlements on the adjacent land.
- It would have a negative effect on both our personal way of life as well as that of the community.
- I have no problems with the travelling community, good luck to them if they want to be on the move all the time and travel up and down the country and spend a few weeks in particular place and then move on - that's the gypsy spirit. But I object to any form of permanence and full-time occupation. Whenever and wherever I have seen any permanent gypsy sites around rural villages with concrete hardstandings for permanent living, 95% of them are a complete eyesore and ruin the outlook for people driving in and out of the area. It also spoils the outlook for living people living near or next to the site, devalues their homes and has an adverse effect to the economy of the local area.
- We don't want another Dale Farm.
- An immediate increase in schooling and doctor surgeries which are all at their maximum capacity with their long waiting lists etc.
- It will produce an unsightly semi-temporary development in an area that ought to have better protection for its landscape
- It has the potential to open the door to an unmanageable development with semi-temporary dwellings becoming permanently established and expanding beyond the remit of the application in future years.
- It will attract negative media coverage.
- My first objection must be on the basis of need. On the list of proposed tenants, some are the same age as myself, citing the argument that they cannot afford their own accommodation. This is not an unusual situation for people of this age.
- Buses between Bishop's Stortford and the airport, the only bus route passing through this part of Takeley, are hourly and do not run on Sundays or Bank Holidays. They also do not run late, making it difficult for those who do not drive. The lack of infrastructure also limits the ability of young people to get to school without getting a lift, and the same can be said for others accessing work or local amenities, who do not drive.

The petition signed by 73 people states: (summary)

Takeley already has a site for static caravans (some of which are available) which is only two miles from the application site. This would provide an alternative residence for the applicant's family if this is the type of property they wish to live in

The erection of 12 caravans on the land at Cranwellian is unacceptably dense, unacceptably cramped, and unsympathetic in scale and appearance and would be completely out of keeping with the rest of the street.

There is insufficient foul drainage provision for the site of this site which an environmental health hazard

The proposal would result in unreasonable disturbance and noise and have an overbearing effect on neighbouring properties.

The development would have a materially adverse effect on the reasonable enjoyment of neighbouring properties

The site is currently a garden and therefore development on such a site is contrary to national Planning Policy

No indication has been made that any sustainable drainage or energy measures will be taken to minimise the environmental impact of the development

No contributions towards local infrastructure are proposed which is unreasonable as the development would have a significant impact on local infrastructure

Hatfield Forest, which abuts the site, is a site of Special Scientific Interest and local planning policy dictates that such sites should be afforded maximum protection against inappropriate development, which we feel this proposal is

The type of development is contrary to recommendations that development near Historic Landscapes i.e Hatfield Forest, should not be permitted.

The development would have a detrimental effect on views of Hatfield Forest, a historic and nationally important landscape.

We feel that the Planning Committee should not be afraid to override the supposed need for gypsy accommodation where, as in this instance, the protection of the local environment, local character and local infrastructure are far more important. Many housing developments in the area have been refused planning permission because the schemes are contrary to policy, despite a recognised housing need.

10.0 APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the use of the land as a private gypsy site (ULP policy S8, ENV10, National Planning Policy Framework and Planning Policy for Traveller Sites)
- B Residential Amenity(ULP polices GEN2, and GEN4)
- C Highway issues (ULP policies GEN1 & GEN2)
- D Biodiversity (ULP policies GEN7)

The principle of the use of the land as a private gypsy site (ULP policy S8, ENV10, National Planning Policy Framework and Planning Policy for Traveller Sites)

The East of England policy H3 -Provision for Gypsies and Travellers states that Local authorities should make provision for sites/pitches to meet the identified needs of gypsies and travellers living within or resorting to this area.

The Planning Policy for traveller sites adopted March 2012 states:

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites, the existing level of local provision and need for sites, the availability of alternative accommodation for the applicants, other personal circumstances of the applicant, visual impact, ensuring the scale would not dominate the nearest settled community and that applications should be determined for sites from any travellers and not just those with local connections.

With regards to criteria above the current situation is there are currently in the District 1 socially rented gypsy and traveller site owned by Essex County Council providing 17 pitches (which can accommodate 35 caravans); 16 private permanent sites with planning permission providing accommodation for 42 caravans, and 1 site with temporary permission which can accommodate 5 caravans. There is 1 unauthorised tolerated site for 2 caravans and 1 un-tolerated site where 2 caravans occasionally parks up for periods of time.

It is the Council's responsibility to set a target for the provision of sites for gypsies; travellers and travelling show people based on a robust evidence of local need. The Essex Gypsy and Traveller Accommodation Assessment (GTTA) (Fordham Research 2009) suggests that in Uttlesford 24 permanent pitches and 7 short stay pitches and 2 additional plots for travelling show people will be required between 2008 and 2021.

Since April 2008 planning permission has been granted for - temporary consent for 5 pitches on a site in Little Hallingbury; and permanent consent for 8 caravans (5 pitches) at High Easter; Great Dunmow and Barnston.

A total of 5 permanent and 5 temporary pitches have been granted since 2008.

The Council does not have an adopted Core Strategy Policy or site allocations for Gypsy and traveller sites. It cannot therefore be demonstrated that the district has sufficient gypsy and traveller sites to meet the need in the assessment.

The Council proposes to prepare a Gypsy and Traveller Site Allocations Plan. The Fordham Research is becoming out of date and therefore the Council is working with other Essex authorities to commission a new countywide assessment. There will be a call for sites in October 2012 and consultation on the draft plan in September 2013. The aim is to have an adopted plan by the end of 2014.

This plan will need to identify a 5 year supply of specific deliverable sites. Using the requirement of the current assessment this requires 24 pitches to be delivered over the 13 year period 2008-2021 which equates to 2 pitches per year (figure has been rounded). A five year supply would therefore be 10 pitches. The proposed 8 pitches would significantly help to meet the required 5 year supply needed.

Paragraph 14 of the National Planning Framework states that Local planning should positively seek opportunities to meet the development needs of their area and for decision –taking this means where the development plan is absent or relevant polices are out of date, granting permission unless :

“Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed as against the policies in this framework taken as a whole or specified polices in this framework indicate development should be restricted.” The existing Uttlesford Local Plan adopted 2005 is silent on the issues of gypsies and travellers as such weight should be given to relevant polices in emerging plans (paragraph 216 of the National Planning Policy Framework)

Paragraph 216 of the National Planning Framework states that decision –takers may also give weight to relevant polices in emerging plans to:

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given), the extent to which these are unresolved objections to relevant polices and the degree to consistency of the relevant polices in the emerging plan to the polices in this framework (the closer the polices in the emerging plan to the polices in the Framework, the greater the weight that may be given)

It should be noted that the Uttlesford Local Plan polices were not adopted under 2004 Act, and as such the council do not have a years transition period and the National Planning Policy takes precedence now.

The existing adopted Uttlesford Local Plan (2005) is silent on the issues of gypsies and travellers, therefore some weight must be given to policy H1010 as this emerging policy is consistent with the NPPF and has been out to consultation. This states:

Sites for Gypsies, Travellers and Travelling Showpeople should be provided in sustainable locations, which are not at risk of flooding and have access to health, education, utility services and other community facilities. Sites should be connected to the sewer network where

reasonably possible. Funding for the provision of sites and plots may be sought as part of the developer contributions from strategic housing sites. The Council is unlikely to grant consent for commercial uses in the countryside.

There is a bus stop immediately outside the property and Essex County Council, Schools, Children Families Directorate state that there should be sufficient early years and childcare, primary and secondary places to meet the needs of the occupants. A request by Essex County Council for costs for a 5 year period towards transport provision to schools is considered to be unreasonable in this instance. This requirement forms part of a Essex County Council document, however, Uttlesford District Council have not adopted this document as we are producing our own CIL document. Representation has been received that states that the site suffers from flooding, however the site is situated within Flood Zone 1, classed as low probability risk any drainage issues can be overcome by suitable conditions. The site is in relatively close proximity to health and other community services. The Flitch way provides good opportunities for footpath and cycle access to Takeley and local village services, although there is also a pavement for pedestrians along The Street.

Policy HO10 - Sites for Gypsies, Travellers and Travelling Showpeople

The Council will identify sites for Gypsies, Travellers and Travelling Show People in the Site Allocations DPD, or through the planning application process in accordance with the following criteria:

- a. sites should be located, designed and landscaped to minimise any impact on the natural, built and historic environment;
- b. sites should have safe pedestrian access, and safe vehicular access to and from the public highway and allow for parking, turning and servicing of vehicles on site;
- c. sites should not be located within areas at risk of flooding;
- d. sites should be capable of being provided with drainage, water supply and other necessary utility services
- e. sites should be of an appropriate size to provide the planned number of caravans together with amenity blocks, play areas, access roads and structural landscaping; and
- f. in addition the plots for Travelling Showpeople should be large enough for the storage and maintenance of rides and equipment.

Representations have queried that the need and that the suggested occupants to the site are not gypsies and /or already have accommodation elsewhere. The case of Massey and others V Secretary of state (2008) is cited as relevant in that "it has established that having a nomadic way of life is a key determinant in establishing for planning purposes whether applicants fall within the definition of gypsies or travellers" The Parish Council also states that having a nomadic way of life is a key determinant in establishing for planning purposes whether applicants fall within the definition of gypsies & travellers however, the definition of a gypsy and traveller for the purpose of planning is "persons of nomadic habit of life whatever their race or origin, including such persons who on grounds of their own or their family's or dependents educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such" Any approval would be subject to the residents of the site meeting this definition. The application is not for a personal permission and therefore the residents may change over time.

It is considered that within the Design and Access statement submitted with the application that a need has been demonstrated. The intended occupiers of the proposed pitches are members of the applicants or his wife's immediate or extended family. Several of the intended occupants are living on unauthorised sites.

However, planning policy also states that (Paragraph 23 Planning policy for Travellers) Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure. Much of the Uttlesford District is rural in nature. In an attempt to respect the scale

of the nearest settled community, the scheme has been revised and reduced in number from 12 caravans to 8. The site is located within the Countryside Protection Zone, outside development limits and policy S8 of the Uttlesford Local Plan adopted 2005 states that there will be strict control on new development and that planning permission will only be granted for development that is required to be there or is appropriate to a rural area. The proposal does not therefore comply with policy S8. It should be noted however, that the site is screened from the road by landscaping and because of the caravans height in comparison to dwellings the visual impact on the street scene would be lessened. It is true that dwellings would not be allowed in this location; however, this application is not for dwellings and therefore falls to be dealt with under different policies.

Policy GEN2 states that development will not be permitted unless it is compatible with the scale, form, layout, appearance and materials of surrounding buildings. The development in the vicinity is sporadic with wide gaps of openness between. The development would therefore be contrary to this policy.

When considering applications, weight will be attached to the following matters,

- a) effective use of previously developed brownfield, untidy or derelict land (The piece of land in question does not fall under any of these headings)
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The piece of land forms part of the curtilage of Cranwellian, and is a flat, open grassed area, however it is not previously developed brownfield, untidy or derelict land.

It has been planned and will be soft landscaped to protect the environment and its openness, and a play area has been provided for children. The play area is located as far as possible from the nearest residential property.

The landscaping has been designed so as to balance the need to protect the neighbouring residential properties amenity, the character of the area and also so as not to enclose the site so that its occupants are deliberately isolated from the rest of the community.

The site is located within 57-66dB(A)leq and within 6km of airport. The National Planning Policy Framework document states that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy ENV10 states that housing and other sensitive development will not be permitted if the occupants would experience noise disturbance. In addition the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution. As the site would consist of mobile homes/ caravans the achievable mitigation by design and sound proofing features would be minimal, however advice from internal Environmental Health is that the likely harm caused by noise would not have a significant adverse impact on their health and quality of life of the occupants of the site. It is felt however, this is a good reason to only allow a temporary permission on the site until a more suitable site is allocated/found.

The design of the site does not conform with guidance in the Designing Gypsy and Travellers Sites Good Practice guide, however, this guidance does not apply to private sites. The design will however have to meet the requirements of the Caravan Site and Control of Development Act 1960 in order to obtain a site license.

Residential Amenity (ULP policies GEN2, and GEN4)

Although, there is an existing substantial hedge running along the western boundary to the site, (adjacent to residential properties), revised plans have been submitted, showing additional landscaping to this boundary. There would be no overlooking of the neighbouring properties caused. In view of the outdoor lifestyle associated with Gypsies and Travellers, together with the intensification of vehicular movements to and from the site the resultant noise could be an issue to neighbours amenity. However, in view of the sites close proximity to the road and airport and their resultant noise levels and taking into account the extra protection given by the provision of additional boundary treatment (landscape buffer to the east of the site widened to 5m), it is not considered that this will be materially detrimental to neighbours amenity to warrant refusal of the scheme.

Any issues relating to the disposal of waste in inappropriate locations would be dealt with under Environmental Health legislation. The applicant has shown the provision of refuse bins adjacent to the site. The ill health of the neighbouring resident has been noted, however this is not a material planning consideration. The effect on house prices that the proposal may cause is not a material planning consideration.

Highway issues (ULP policies GEN1 & GEN2)

The site is situated on the old A120 which is likely to be capable of carrying the traffic generated by the development safely. Essex County Council Highways department have no objections to this proposal. The access road has been widened and the gates moved further from the road so as to improve highway safety. Adequate sight lines would be provided. In addition Essex County Fire and Rescue Services state that access for fire service purposes is considered satisfactory. The Parish Councils views regarding the existing bus stop being affected by this proposal, however, the position of the bus stop would be unchanged by this proposal.

Biodiversity (ULP policies GEN7)

In addition to biodiversity and protected species being a material planning consideration, there are statutory duties imposed on local planning authorities. Section 40(1) of the Natural Environment and Rural Communities Act 2006 states "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity." This includes local authorities carrying out their consideration of planning applications. Similar requirements are set out in Regulation 3(4) of the Conservation (Natural Habitats &c) Regulations 1994, Section 74 of the Countryside and Rights of Way Act 2000 and Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010. Recent case law has established that local planning authorities have a requirement to consider whether the development proposals would be likely to offend Article 12(1), by say causing the disturbance of a species with which that Article is concerned, it must consider the likelihood of a licence being granted.

The tests for granting a licence are required to apply the 3 tests set out in Regulation 53 of the Habitats Regulations 2010. These tests are:

The consented operation must be for "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment"; and

There must be "no satisfactory alternative"; and

The action authorised "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range".

Natural England is satisfied that there is not likely to be an adverse effect on this site subject to the proposal being carried out in strict accordance with the details of the application as submitted. However, in view of the sites close proximity to the Flitch Way and the SSSI Hatfield Forest any provision of drainage or foul sewage must not have any detrimental impact to the

adjacent land or watercourse. An environmental Permit is required and this however also can be controlled by the appropriate condition.

The proposed locations of the caravans are approximately 410 metres away from the main sewer.

It is suggested that because the play area is located to the rear of the site that trees along the Flitch Way are likely to overshadow this play area and that would provide pressure to undertake works to the trees to enable greater light which in turn would cause significant impact upon the setting of the Flitch Way and the edge of Hatfield Forest. However, the play area is 40m by 10m and the trees are the other side of the timber fencing to the southern boundary of the site. It is unlikely that the whole area would be overshadowed and some overshadowing of the play area would be beneficial. The trees along the boundaries of the site pay an important contribution to the character of the countryside and visual amenity. The proposal only requires the removal of three insignificant trees on the site. All retained trees are intended to be protected throughout the duration of the development. The Council's landscape officer has no objections to the landscape proposals.

The site area to be developed is mainly mown grassed and it is not considered that the proposal would have any material detrimental impact to any protected species.

Representations received have identified that there may be slow worms present on the land. In addition the ecological assessment paragraph 6.4.4 states that the very small size of the rural habitat, together with its separation from any other potential reptile habitat indicates that reptiles are very unlikely to be present. It is therefore considered that the impact of the development upon reptiles would be neutral. If the application were to be approved Natural England states notwithstanding the contents of the ecology report submitted with the application, because of the site's close proximity to a SSSI a condition should be attached to ensure that survey and mitigation measures are carried out prior to development.

Other material considerations:

Appeal decision APP/C1570/C/09/21149, 35,36,38 & 39 relating to EN/238/09/A allowing temporary permission for change of use in land from agricultural in the Green Belt to be used as a gypsy site.

It has been reported that the site may be contaminated from waste material which potentially could have a detrimental effect on the health of future occupants and if the proposal is to be approved, a condition should be attached, prior to development a full contamination survey and its implementation shall be carried out.

11.0 CONCLUSION

The following is a summary of the main reasons for the recommendation:

It is acknowledged that a large number of objections have been received and the issues raised have been taken into account in determining the application.

Notwithstanding the objections received however, the district does not have sufficient sites to meet the identified need for gypsy and traveller sites. This was a key consideration in the appeal allowing the temporary use of land at Hallingbury.

Although the site is within the Countryside Protection Zone and the proposal is likely to have some effect upon its open character, it is considered that the need for more gypsy and traveller sites within the district and the likely timescale within which the identified need could be met outweigh the effect of development in the countryside protection zone.

In view of the location of the site it is considered that a temporary planning permission should be granted with the expectation that it should be possible to find sufficient sites to meet the needs for gypsies outside the Countryside Protection Zone and noise 57-66dB(A) leq contour in the future.

RECOMMENDATION CONDITIONAL APPROVAL

1. The use hereby permitted shall be for a limited period being the period of four years from the date of this decision. At the end of this period the use hereby permitted shall cease, all materials and equipment brought onto the land in connection with the use shall be removed, and the land restored to its former condition.

REASON: The site lies within the Countryside Protection Zone and therefore at this at stage a permanent consent would to contrary to Policy S8 of the Uttlesford Adopted Local Plan 2005.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule unless otherwise required by a further condition.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in accordance with Policies ENV3, ENV9, GEN1, GEN2, GEN3, GEN4, GEN5, GEN7, GEN8 and S7 of the Uttlesford Local Plan (adopted 2005).

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 1 Annex 1: Glossary of planning Policy for Travellers Sites 2012.

REASON: To ensure the site continues to meet an identified need for gypsy and travellers accommodation.

4. No more than 8 caravans as defined in Part I of the Caravan Sites and Control of Development Act 1960 and section 13 of the Caravan Sites Act 1968 as amended by Statutory Instrument 2006 No, 2374: The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendments) (England) Order 2006 (of which no more than 2 shall be static caravans or mobile homes) shall be stationed on the site at any time.

REASON: In the interests of visual and residential amenity and to ensure that the use of the site remains compatible with the site and surroundings and to comply with policy GEN2 and to Uttlesford Local Plan 2005.

5. No commercial activities shall take place on the land, including the storage of materials and no more than two commercial vehicles are to be kept on the site at any time.

REASON: In the interests of visual and residential amenity and to ensure that the use of the site remains compatible with the site and surroundings and to comply with policy GEN2 and the Uttlesford Local Plan 2005.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order with or without modification) no development within classes A to F of Part 1 of Schedule 2 and Class A of Part 2 of Schedule 2 of the Order shall take place without the prior written permission of the local planning authority. REASON: To avoid the proliferation of buildings, fencing and other means or enclosure at the site, in the interests of protecting the visual amenities of this rural site and to comply with policies GEN7 and S7 of the Uttlesford Local Plan..

7. There shall be no floodlighting or other form of external lighting constructed within the application site without the prior written consent of the local planning authority.

REASON: To ensure the development does not adversely affect the rural character of the area and to comply with policies GEN7 and S7 of the Uttlesford Local Plan.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

9. Each vehicular parking space shall have minimum dimensions of 2.9 metres by 5.5 metres.

REASON: To ensure adequate space for parking off the highway is provided in the interests of highway safety and to comply with policy GEN1 of the Uttlesford Local Plan 2005.

10. Before development commences details indicating the foul drainage works' exact position and course, manufacturer's specifications, type and discharge of final effluent into a specified watercourse, shall be submitted for the written approval of the local planning authority. Thereafter the approved treatment plant shall be installed in line with manufacturer's instructions and maintained and retained in perpetuity.

REASON: To protect the surrounding countryside and prevent pollution of the water environment.

11. Before development commences details of the surface water disposal arrangements shall be submitted to and approved in writing by the local planning authority. These should encompass sustainable principles and arrangements for their ongoing maintenance. The drainage shall be constructed as approved prior to the construction of any building on the site and maintained in the same condition thereafter.

REASON: To control the risk of flooding and prevent pollution to the development and adjoining land.

12. Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 5 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The

scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

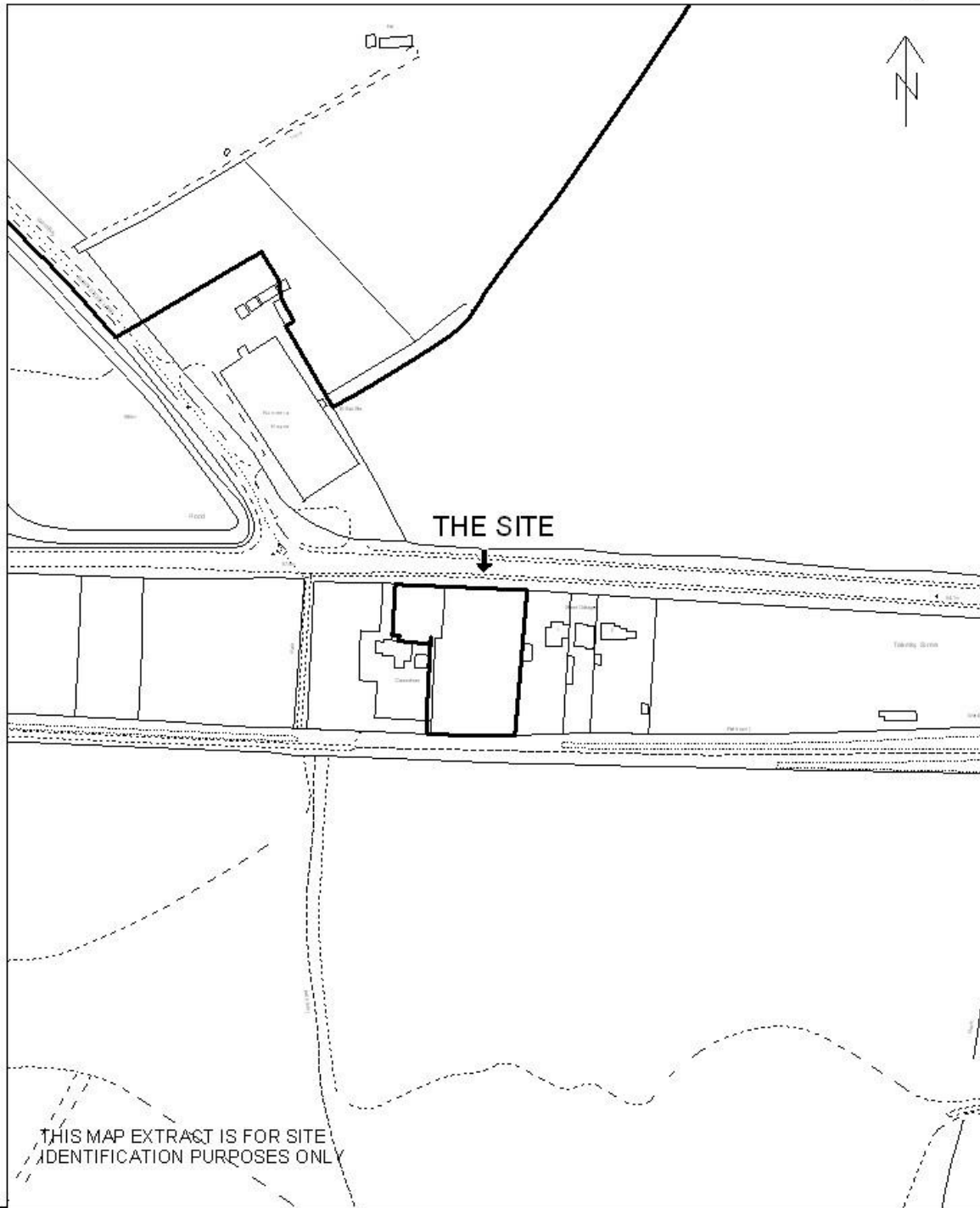
REASON: Representations received indicate that the site may be contaminated as such a preliminary contaminated land survey is required in accordance with Uttlesford Local Plan ENV14

13. Surface water from roads and impermeable vehicle parking areas shall be discharged via trapped gullies. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer. It is an offence to pollute surface or groundwater under the Water Resources Act 1991.

Reason: To prevent any pollution of the adjacent SSSI in accordance with Uttlesford Local Plan policy (adopted 2005) GEN7.

14. Before development commences a survey of the application site shall be carried out to establish the presence or otherwise of any protected or rare species. Before the commencement of the survey, details of the methodology shall be submitted to the local planning authority for approval in writing. The findings and conclusions of the survey shall be submitted to the local planning authority for approval in writing within one month of the completion of the survey. The plan shall be carried out as approved, unless otherwise approved in writing by the local planning authority.

REASON: To provide protection to legally protected or rare species in accordance with Uttlesford Local Plan policy GEN7



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