

UTT/12/5438/FUL - TAKELEY
(Referred to Committee)

PROPOSAL: The proposal is for variation of condition 4 on approved planning application UTT/1360/12/FUL

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: 23.11.2012

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 east and trees/shrubs to the south. The western boundary has post and rail fencing. Immediately adjacent at the rear is the Flitch Way and Hatfield Forest .To the east are three detached cottages and to the west 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 west 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 Flitch Way and Hatfield Forest.

3.0 PROPOSAL

3.1 The proposal is for variation of condition 4 on approved planning application UTT/1360/12/FUL to read " 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) (Amendment) (England)

4.0 APPLICANTS CASE

4.1 I cannot supply you with photographs of the intended units as these have not yet been acquired by my client.

The maximum intended size is 14 feet x 36 feet (4.26m x 10.97). The 5m x 10m hardstandings proposed are perfectly adequate for this size of unit. The width of the

units would be less than the width of the hardstanding so the 6m regulation separation distance would be maintained. There could be a little overlap at each end, but this would not compromise the layout. There is still plenty of parking space on the frontage of each plot.

We would accept a condition to limit the maximum size of units to the above, e.g. "The approved caravans/mobile homes shall not exceed 4.26m in width or 10.97m in length unless otherwise agreed in writing with the local planning authority."

My client has no objection to the condition being further varied, if you so wish, so as to permit the possibility of some touring caravans being brought on to the site in the future in addition to the eight static units, but this is not part of his proposal. I have been in discussion and correspondence by email with Nigel Brown, Development Manager, about the condition and the proposed variation, and I would refer you to his comments of 20 September 2012 that: -
With regards the variation of Condition 4 to remove the bracketed clause "of which no more than 2 shall be static caravans or mobile homes" I can confirm that in my opinion this would be acceptable.

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
UTT/1360/12/FUL change of use of land for the stationing 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 . Temporary permission with conditions approved.

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

Objection

Takeley Parish Council (TPC) objects most strongly to this application and would expect the Development Control Committee to uphold the conditions attached to approved planning application UTT/1360/12/FUL.

- When UTT/1360/12/FUL was approved it was on the basis of a temporary arrangement (4 years) and Condition 4 was put in place '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 Plan 2005'. Since the application circumstances are unchanged this condition should be upheld.
- TPC understands the legal definition of a mobile home is the same as that of a caravan. It covers 'any structure designed/adapted for people to live in which is capable of being moved (by towing or transporter) and any motor vehicle so designed' 'Twin units must be no more than 60ft (18.288m) long, 20ft (6.096m) wide & living accommodation no more than 10ft (3.048m high)' (Page 23 Mobile Home Act 1983). The site is 0.38 hectares in size. The original application states: 'for the stationing of 8 caravans for occupation by members of the applicant's extended family' and does not request a travellers site. It is noted that whilst the original application (Design & access Statement 3.3) specified that pitches would vary in size, each would contain a hard standing area of 10m x 5m (as indicated on plans). The minimum size of a mobile home is 10m x 5m. This does not include space for access steps. In short the approved plans appear too small for statics or mobile homes as there is insufficient hard standing. The Planning Committee should be satisfied that the dimensions of the proposed units will meet regulatory requirements in relation to proximity to each other, boundaries, parking provision, and proposed and existing soakaways.
- Development Manager, Nigel Brown, advised the applicant 'with regards the variation of Condition 4 to remove the bracketed clause 'of which no more than 2 shall be static

caravans or mobile homes' I can confirm that in my opinion this would be acceptable'. How can Mr. Brown reach this conclusion when he is not appraised of the dimensions of the proposed units?

- 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 Plan 2005 any variation of condition should specify:
 1. No more than 8 units
 2. Specify maximum size (10m x 5m) as per dimensions of hard standing on approved plans.
 3. No touring caravans permitted above the 8 units specified
 4. For occupation by members of the applicants' extended gypsy family (as per original application)
 5. No additional sheds or outbuildings

8.0 CONSULTATIONS

8.1 Natural England

We are satisfied with the findings of the Ecological Assessment, which generally concludes that the site is unsuitable for protected species. However, we understand that additional information brought to Natural England's attention led to the suggestion that a precautionary pre-construction check for protected species may be appropriate. Whilst Condition 15 alludes to this requirement you should note that a pre-construction survey is not the same as a full protected species survey and simply requires a walkover of the site, by a professional ecologist immediately prior to works commencing, to check that protected animals are not present and likely to be harmed by construction activities. We are unclear as to why a further species survey is requested through Condition 14 and, based on the findings of the Ecological Assessment and further comments from the applicant, we are satisfied that such a survey is not required as part of this proposal.

8.2 Consultant Ecology

The requirement for the additional surveys by NE seems to come down to the fact that the EA advised (on 6th Aug) that there is a new GCN haven in Hatfield Forest about 500m from the site. I don't know whether more GCNs have been brought into the site (and what the population levels are across the site) or whether there has simply been some habitat manipulation. There are GCN records in the area and according to the NBN (National Biodiversity Network) there is a GCN record for Hatfield Forest on the west side of the site.

I know that you have already requested further advice from NE and we will have to wait and see what they say and follow their advice. Given that they are a statutory consultee you will need to adhere to their advice and retain their recommended conditions unless they subtract their recommendations. Subject to the above, I have no objections on UTT/12/5438/FUL, providing that the recommendations in the Ecological Assessment (June 2012) for this site are followed.

9.0 REPRESENTATIONS

9.1 Sixteen representations of objection have been received.

A summary of the comments is as follows:

- I cannot see how you can now approve that all eight pitches should be static (or mobile homes) for such a short time and I can see in four years time when the planning permission expires they will not want to be moved on. As I understand gypsies (travellers) are people who are always on the move and do not remain in one place for any length of time. This proposal does not provide for people who are travelling, which I believe is what the governments policy is intended to do.
- It is apparent that the response to this latest application is less than before, which appears to be due to that UDC has failed to notify everyone who opposed the original application and that many people feel it is a waste of their time saying anything, after the farce of the original decision where there were so many valid objections overlooked. It is quite obvious that UDC is like all other governing bodies and do what is best for them, with no regard to the community it is meant to serve.
- It is noted the original application for 12 caravans had a total of 27 occupiers and these caravans were "designed to meet the specific requirements of the intended occupiers". Given the application was revised to only 8 caravans, has/did UDC ever receive a revised list of occupiers (for example for council tax collection purposes) or is it still intended that the same number of occupiers will be present but in less available space? If a revised list was supplied, why is this not available to the public?
 2. There has been significance mention of "Uttlesford's shortage of gypsy and travellers sites" throughout the applicant's submitted documents. It would seem that the shortage is (in the applicant's opinion) the main argument and justification for his application. However if this is truly an attempt to address UDC's shortage of gypsy/travellers sites why is UDC allowing a site where:
 - a. the dwellings on the site are of a 'fixed' nature? This appears to contradict the site shortage requirement that UDC is presumably trying to address in granting this application i.e. a shortage for land/pitches for the temporary use of gypsies/travellers who live a nomadic lifestyle moving around the country?
 - b. the site used to address UDC's shortage of gypsy/travellers sites is in effect a "private" site that will not in fact available to the general gypsy/traveller community - access to the site being decided by the landowner alone and not UDC.In my opinion, if UDC wishes to truly address the shortage of gypsy/travellers sites, condition 4 should in fact be varied to make clear that none of the caravans at the site can be static or mobile homes i.e. all should only be tourers. Only then can the applicant or UDC genuinely claim that they are addressing the shortage the applicant has stated needs to be addressed in all his submissions to UDC. Or is the real intention behind the whole application the desire to open a private caravan park in Takeley whilst claiming to be addressing the gypsy/travellers site shortage?
- 1. Many significant and valid objections appear to have been completely disregarded by the council when considering the previous application.
 2. This application and the previous one do not address the shortage of gypsy and travellers sites in Uttlesford - this land remains privately controlled (not by the council) with any occupants decided by the applicant (not the council). It is not therefore land for use of the general gypsy community and has not

addressed the councils failure to provide sufficient gypsy/travellers sites (upon which the whole application is based).

3. To now consider allowing the stationing of static caravans or mobile homes merely reinforces my view that the 'gypsy site shortage' argument is a red herring. The main intention seems to be to push through an application that would not be allowed if it were just presented as a person wishing to put 8 static caravans on his land for permanent residential purposes.

4. What legally enforceable plans does the council have (or what legally enforceable undertakings has the council received from the applicant) to ensure that condition 1 on approved planning application UTT/12/1360/FUL (restoration of the land to its former condition) will be met in August 2016 without cost to existing council tax payers?

- None of the reasons for why this condition was attached have changed since August until pre-planning advice in Sept regarding this application. This condition was in the officers report prior to the committee meeting yet did not appear to be questioned at that time.
The plans are totally misleading and fail to give any specifications of the static caravans. They fail to illustrate if they are bungalow style or freestanding. Can we expect the same number of occupants to be living on site if so this would cause serious overcrowding and be a risk to health.
Everything in the application points towards this being a caravan park and not a gypsy and traveller site. There is a perfectly adequate caravan park in the village just over 2 miles from the site.
Legislation states touring caravans can be stationed along statics therefore the remainder of this small site at just over half an acre might accommodate up to 16 caravans each with a small shed that is mentioned in the original statement. This is notwithstanding the internal road, 16 vehicle spaces, a 5m buffer along the entire eastern boundary and a possible launderette as suggested by a member of the planning committee. A development of this scale on a site this small is plainly illogical.
- 1 The original planning conditions state that no more than two static caravans should occupy the site. This was deemed an appropriate number when the original planning permission was granted, therefore, there appears no reason why it should be changed only a matter of weeks after the planning committee made the original condition.
2. I notice that the occupancy list has not been revised since the original application regarding twelve caravans. I believe this to be a misrepresentation of information relating to the site. Either the occupancy list is obsolete, or there is a significant chance of severe over crowding.
3. Allowing a further six static caravans to be stationed on the land next to Cranwellian will significantly disrupt the variety of species associated with the area. Bats are regularly seen along the hedgerow bordering the neighbouring property. A further six static caravans will lead to a significant increase in damage to the environment, threatening this rare and protected species.
4. The current suggested pitches for eight static caravans also include space for a smaller, touring caravan. This would allow the applicant to effectively increase the total number of caravans to sixteen.
5. The current plans do not provide detailed measurements of the size of pitches, nor the total occupancy for each caravan. Therefore, it is hard to see how the Planning Committee would be able to make an informed decision regarding the outcome of this application.
I would further like to state that in my opinion, Uttlesford District Councils handling of this application has been far from transparent, and has on many

occasions appeared deliberately misleading to local residents a matter which I feel ought to be investigated promptly.

Furthermore, despite there being an application to remove two more planning conditions, Uttlesford District Council do not appear to consider these an issue for discussion- made clear by the lack of facilities to enable local residents to object to these discharge of conditions. I have stated my objections to these below regardless. Application to Discharge Condition 12 (Remediation Scheme) relating to UTT/1360/12/FUL The details of this condition have not been met. There has been no full, remedial scheme submitted. This condition is extensive and was put in place to ensure that the ground was in a satisfactory condition for habitation. Were this the case, the Planning Committee would not have applied this condition in the first place. Furthermore, to the untrained eye, the report is confusing and difficult to understand. I suspect that those making the decision will find it very difficult to interpret the technical details. Remedial work should be insisted upon to remove waste and debris from the site.

Application for the discharge of conditions 10 (Foul Water) and 11 (Surface Water)

The application to remove the above condition and allow soakaways should not be approved. As the Planning Committee are already aware, the local drainage system is already overloaded and exceptionally prone to flooding. The applicant has already removed an existing drainage ditch from the site, leading to increased serious flooding in the area around the property. The stench of foul water is likely to become unbearable at times, especially in the heat of summer. Furthermore, in periods of heavy rain, surface water near the soakaways is likely to become contaminated. This, coupled with a significant increase in localised flooding is a serious health and safety issue to occupants and neighbouring residents.

- I object to the above application on the following grounds:
 1. This was thoroughly considered in the original application and significant grounds have not been demonstrated to allow for variation of this condition.
 2. There will be a significant increase in damage to the environment, which provides a natural habitat for a variety of species of flora and fauna, including a number of bats, if a further six static pitches are permitted on the site. As the permission granted is only temporary, there seems little point in disturbing the land to lay the hard standing required for this number of permanent structures on the land, as the restoration period for the land once permission has ceased will increase significantly if this condition is overturned.
 3. The list of occupants has not been revised since the original application for 12 caravans. This is misleading, particularly as touring caravans are traditionally smaller than static caravans or mobile homes.
 4. The plans submitted in the original application specifying the positioning of the eight caravans do not give detailed measurements, stating the size or expected occupancy of each caravan. It cannot be expected that an informed decision can be made without these measurements.
 5. Pitches for static caravans should also provide space for a tourer. This would provide opportunity for the applicant to almost double the number of caravans for which permission has been granted.Furthermore, I feel that Uttlesford District Councils handling of this entire application has been abhorrent, misleading both applicant and local residents, and should be subject to inquiry. Although opportunity has not been provided to comment on the two further applications to discharge conditions, I would like to make the following comments:

Application to Discharge Condition 12 (Remediation Scheme) relating to UTT/1360/12/FUL The details of the condition have not been fully met. The conditions are extensive and the only submission to fulfil this condition so far, has been a soil report that does not fully meet the requirements of the condition. Furthermore this report is confusing to the lay person who does not have experience in reading such reports, as I suspect those making the decision will be. No fully detailed remediation scheme has been submitted, again meaning a fully considered decision cannot be made by the Council. Application for the discharge of conditions 10 (Foul Water) and 11 (Surface Water)

The documentation submitted again lacks detail. Soakaways will do little to improve the already over loaded drainage system, and, besides the unpleasant aroma, surface water will become contaminated if these soakaways become over-full during periods of heavy rain. This has potential to lead to health issues for occupants and neighbours.

Furthermore, during periods of wet weather a significant amount of surface water flows across to the rear of all four properties at present, leading to localised flooding. There is a concern that the amount of extra water created by eight caravans will overload the already struggling drainage system.

- My comments from the previous application utt/1360/12/ful still stand. I am appalled that this application was even considered as this is an unsuitable site, as a planning officer had previously quoted. I understand the council have to help provide sites for travellers but don't understand why we have to make do with an unsuitable site
- Possible reduction in property value
Overcrowding of a confined area
Insecurity fears of residents due to historic experience of gypsy presence
Downgrading of current locality
Media coverage
Possible lack of respect for forest land from gypsy occupation
Further to the above and despite approval given with conditions, the views of residents who expressed concern relating to the original plan are as follows:
We feel let down by our representatives from the council.
It is an insult to everyone opposed to the approval who pays council tax.
Land allocated by law for gypsy occupation doesn't rightly qualify in this instance as it is solely for the use of the landowners families.
Any other planning application that received so much objection would have been rejected. Residents will be forced to move from
- I was somewhat surprised to receive your letter requesting our views on this proposal, given the apparent scant regard to the myriad of objections to the original application. Several independent examinations of the original proposal were conducted and submitted, all of which recommended that the proposal was detrimental to all aspects of the surrounding area. These were completely ignored. Further, no comment was made at all in regard to the traffic safety of the B1256 with the introduction of this development so close to the junction and our facility. Kearsley Airways Ltd maintain that, with the introduction of a traveller site with fixed or otherwise accommodation in the location indicated is a mistake and the potential risk to public safety on the B1256 will be significantly increased.

- I have heard this application has been caught in the crossfire of some national legislation that appertains to Gypsy caravan sites- and it appears that this approval was granted in the panic of a vacuum of ideas about how to cope with this legislation?

If there is a five year plan to supply amenities for travellers that is required - then cannot this application be suspended until the 5 year plan is drawn up? Is the applicant exploiting the situation that exists whereby Primary Legislation is coming into effect and Uttlesford Council do not have a plan that complies with this legislation?

The original application made reference to " extended family" Given that the applicant already has a similar amenity in Little Hallingbury, could one be called cynical if it was thought that this is a business through and through and that money will be changing hands? If this were to be the case would different rules apply? Would there be a business rate levied? Would the Health and Safety threshold be higher? Would their need to be a business registration certificate? Would they need to be a VAT registration number?

The people who have objected to this application all pay Council Tax and vote. It appears that this application is caught between the local Parish Council who oppose the application and Uttlesford District Council who appear to be caught with their " trousers down" with regards to looming Primary Legislation and the lack of a plan needed to fulfil this looming legislation.

Can the residents that oppose this application assist the District Council by putting pressure on Central Government, via our Members of Parliament, if the legislation is onerous, unworkable or just unfair?

I think that I, like many of my neighbours, would like to know exactly what is going on here as the speed and convenience of this application being granted does make appear that there is something else going on in the background. Perhaps you can point me in the right direction to seek clarification about whether this application is some sort of political football being played out between three teams - the District Council vs. the Parish Council vs. National Government and being exploited to the hilt by the applicant?

10.0 APPRAISAL

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

Consent was granted in August 2012 for change of use of land for the stationing of 8 caravans for use by Gypsies and Travellers under planning application UTT/1360/12/FUL. Condition 4 was attached to that approval which stated:

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.

The reason for the condition was given as:

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.

The sole consideration of this application is **only** whether it is acceptable to remove the part of the condition 4 that stipulated " of which no more than 2 shall be static or mobile homes"

and the reason given for imposing that condition. It is not for the Council (as part of this application) to revisit the other concerns raised in the previous application.

The definition of a caravan (section 29(1) of the Caravan Sites and Control of Development Act 1960) is any structure designed/adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted' 'Twin units must be no more than 60ft (18.288m) long, 20ft (6.096m) wide & living accommodation no more than 10ft (3.048m high)'

This definition was modified by Section 13 (1) of the Caravan sites Act 1968 which deals with twin-unit caravans. Section 13 (1) provides that " a structure designed or adapted for human habitation which:

- a) Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices and
- b) Is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or not having been) a caravan within the meaning of part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled"

Section 13(2) of the 1968 Act prescribes the following maximum dimensions for twin-unit caravans"

- a) length (exclusive of any drawbar) 60 feet (18.288m)
- b) Width; 20 feet (6.096m)
- c) Overall height of living accommodation(measured internally from the floor at the lowest level to the ceiling at the highest level) : 10 feet (3.048m)

It is therefore necessary to consider whether the removal of the bracketed part of the condition would have a greater impact in regards to visual and residential amenity. Through the use of appropriate conditions, the size of the caravan/ mobile homes can be restricted to the size as defined by the description above. Another important factor to consider is that a tourer could have more impact on the visual/ residential amenity of the site in that the size and type can vary without any control by the Council. Therefore, altering the condition (as requested by this application) would result in a greater level of control over the site by the council than had been proposed previously. This would provide greater clarity and certainty to the local community.

Concern has been expressed that if mobile homes/static units are allowed there would be greater pressure for tourers on the site (in addition to the eight caravans). It is considered that this would intensify the use of the site to an unacceptable level (this is why the previous approved application UTT/1360/12/FUL was revised from 12 caravans to 8). This could be controlled by an appropriate condition of allowing only eight caravans/tourers on the site at any one time. The application is for eight caravans, **not** eight pitches (which could accommodate a caravan and a tourer)

The sizes of the hard standings approved within UTT/1360/12/FUL were 8 x 10m by 5m and 16 car parking spaces. The caravans applied for would not require any change to the layout of the site or size of the hardstandings already approved. The agent has confirmed that the maximum intended size of the caravans would be restricted to 4.26m x 10.97m and that the previously approved 5m x 10m hardstandings proposed are perfectly adequate for the size of this unit. This size is considerably smaller than that would fall under the definition of a caravan. It is proposed to include a condition restricting the size of the units to that set out above.

Representations make reference to the nature of future occupants of the site not being of nomadic lifestyle and that this site is in effect a private site. Concern has been expressed that this would not address the shortage of Gypsy/Travellers sites.

The previous approval restricted the occupancy of the site to Gypsies and Travellers as defined in paragraph 1 Annex 1: Glossary of planning Policy for Travellers Sites 2012 to ensure the site continues to meet an identified need for Gypsy and Travellers accommodation. It is considered that a repeat of this condition would control the use of the site and as such the approval of the site would contribute to reducing the shortage of sufficient sites to meet the identified need for Gypsy and Travellers sites in the district. The definition of a Gypsy within the Communities and Local Government policy document "Planning policy for traveller's sites" states that for the purposes of planning policy Gypsies and Travellers means

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only 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. The application is not for a personal permission and therefore the residents may change over time. Details of occupiers are not required to be included as part of this submission.

The proposal is therefore considered to be acceptable.

11.0 CONCLUSION

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

- The removal of the bracketed part of the condition 4 attached to planning approval UTT/ 1360/12/FUL would result in a greater level of control over the site by the Council than had been proposed previously. This would provide greater clarity and certainty to the local community.

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 be 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 in accordance with National Policy Document Planning Policy For Travellers Sites.

4. No more than 8 caravans/mobile homes of no more than a maximum size of 4.26m x 10.97m 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. 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.

7. 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.

8. 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.

9. 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 in accordance with polices GEN 2 and GEN3 Uttlesford Local Plan (adopted 2005)

10. 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 in accordance with polices GEN 2 and GEN3 Uttlesford Local Plan (adopted 2005)

11. 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

12. 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.

13. Prior to development commencing a pre-construction survey by a professional ecologist of the application site shall be carried out to establish the presence or otherwise of any protected or rare species.

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