

## **UTT/15/0623/FUL – (HENHAM)**

*(Referred to Committee by Cllr Morson: Reason: Unsuitable of the development on the Countryside Setting and the application pre-empts the wider discussion on allocation of Travellers sites throughout the district)*

**PROPOSAL:** Proposed change of use from haulage yard to gypsy site for 5 no. pitches with toilet block

**LOCATION:** Land Rear of Hill Top Yard, Mill Road, Henham

**APPLICANT:** Mr M Moloney

**EXPIRY DATE:** 28<sup>th</sup> April 2015

**CASE OFFICER:** Sarah Marshall

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### **1.0 NOTATION**

1.1 Outside development limits.

### **2.0 DESCRIPTION OF SITE**

2.1 The application site is a long narrow piece of land which is approximately 0.2 ha in area and approximately 500 metres south of the settlement of Henham and 1 kilometre from Elsenham. The lawful use of the land is a haulage yard with the stationing of two residential mobiles on the land. The adjoining properties to the northern boundary are a residential property and a commercial nursery. To the land which adjoins the southern and eastern boundaries is open agricultural land.

### **3.0 PROPOSAL**

3.1 The application is for the change of use of part of the site as a haulage yard for the siting of five gypsy and traveller pitches with associated wash rooms and a play area. The gypsy pitches are being proposed towards the rear most area of the site behind the existing buildings which are on site. Access to the gypsy pitches will be via the existing access onto Hill Road.

It should be noted that the 20. No street lights and one of the porta cabins do not form part of this application and are subject to an ongoing enforcement investigation by the Council's Corporate Enforcement Team.

### **4.0 APPLICANTS CASE**

4.1 The applicant has provided a location plan and a block plan which shows where the caravans and mobile homes will be placed on the land, where the amenity block will be and where the children's play area will be located. The plan also shows where the five pitches will be located in relation to the haulage business which is outlined in blue on the plan.

## **5.0 RELEVANT SITE HISTORY**

- 5.1 UTT/15/0231/FUL Installation no. 2 no. Portacabins in conjunction with yard and retrospectively for the installation of 20 no. street lights. This application was refused on the 26<sup>th</sup> March 2015. This is still an ongoing investigation by the Council's Corporate Enforcement Team.
- 5.2 UTT/0099/11/OP for Outline planning application with all matters reserved for the erection of 11 no. dwellings was refused on the 21<sup>st</sup> April 2011
- 5.3 UTT/0889/03/FUL for the Erection of dwelling to replace existing yard was refused on the 2003.
- 5.4 UTT/0180/02/FUL for Resitting of two mobile homes and erection of replacement building for storage and repair of commercial vehicles was approved conditionally on the 26<sup>th</sup> July 2002.
- 5.6 UTT/0082/01/FUL for the Change of use from haulage/plant hire yard to residential and erection of two detached dwellings and associated garaging was refused on the 20<sup>th</sup> March 2001.
- 5.7 UTT/0927/96/CL Proposal: Application for certificate of lawfulness for haulage yard and plant hire issued on the 25<sup>th</sup> March 1997.
- 5.8 UTT/0575/93/CL Application for Certificate of Lawfulness for the stationing of two existing mobile homes for residential was issued on the 20<sup>th</sup> July 1993.
- 5.9 UTT/0021/88 Outline application for conversion of a redundant barn into residence and alteration of an existing access was refused on the 21 Mar 1988
- 5.10 UTT/0633/86 for Outline application for erection of a dwelling and alteration of an existing access was refused on the 30<sup>th</sup> July 1986
- 5.11 SWR/0669/72 for Demolition of existing house and construction of 5 detached houses and garages was refused on the 14<sup>th</sup> December 1972.
- 5.12 SWR/0024/69 Development of land for 3 dwellings was refused on the 6<sup>th</sup> March 1969.
- 5.13 SWR/0187/68 for a dwelling was refused on the 15<sup>th</sup> August 1968.

## **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 Uttlesford District Local Plan 2005**

ULP Policy S7: The Countryside  
ULP Policy GEN2: Design  
ULP Policy GEN1: Access  
ULP Policy GEN5 - Light Pollution

ULP Policy GEN4: Good Neighbourliness  
ULP Policy GEN8: Vehicle Parking Standards  
ULP Policy ENV10: Noise Sensitive Development and Disturbance from Aircraft  
ULP Policy ENV14 Contaminated Land

## 7.0 PARISH COUNCIL COMMENTS

- 7.1 A Letter on behalf of the Henham Parish Council (PC) has been submitted by Gardner Planning objecting to this planning application. Attached to the letter is the planning history of the site, a record of unauthorised waste disposal to this letter. The following is the conclusion of the letter.

*“The application proposals are clearly contrary to the Development Plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004) Policies S7 (protection of the countryside); GEN1 (lack of pedestrian access), GEN2 (lack of protection or retention of environmental features and impact on the adjoining dwelling); and possibly GEN7 (protection of ecology). It is also comprehensively contrary to Government Policy in ‘Planning Policy for Traveller Sites’ (March 2012). It is contrary to the criteria of Policy HO11 of the 2014 Local Plan. It is not a site identified, assessed or consulted on as part of the emerging Local Plan. At the very least consideration of the application site in isolation without similar assessment to the sites already considered would be unreasonable, and premature to the plan process. Consideration of need and provision of such proposals (which can be very controversial) should properly be on a District-wide basis.*

*31. There can be no claim that the location of the site and the proposals are sustainable in any meaningful way. Isolation and lack of pedestrian access alone underline this point. The Framework (paragraph 17) says that “planning should be genuinely plan-led, empowering local people to shape their surroundings”. Some 450 letters of objection have been submitted.*

*33. The application makes no attempt to seek to justify the proposals in the light of this policy context, indeed it does not seem to be aware of it. There is no analysis of need and supply; no assessment of landscape impact, land contamination (a likely consideration given the history of the site), transportation, connectivity, or potential ecological impact.*

*34. The only (implied) claim seems to be that this is a haulage yard with 2 caravans already sited on it, so it is suitable for such development. The Inspector in 2001 was dismissive of such a claim, pointing out that rural areas sometimes accommodate a historical anomaly which is no justification for further development. That argument still holds true.*

*35. The site is likely to be contaminated both because of its former use and the evidence of unauthorised waste disposal with imported material. This needs to be the subject of a contamination report before the application can be considered and case law requires that in such circumstances an EIA is required.*

*36. Based on current site conditions and breaches of planning control, there must be some doubt about the willingness or ability of the applicant to conform to the terms or conditions of a planning permission, and thus a permission only acceptable with conditions would be unacceptable if not complied with.”*

## **8.0 CONSULTATIONS**

### **8.1 Highways**

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following:

The proposed development shall not be occupied until the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided. The above condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

### **8.2 Natural England**

Statutory nature conservation sites – no objection

### **8.3 Thames Water**

#### Waste Comments

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Reason: To ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company.

### **8.4 UDC Environmental Health**

The site is potentially contaminated due to past usage as a haulage yard.

A condition as set out below should be applied to ensure risks to all receptors on and off site including human health, controlled waters and building services, are minimised.

1. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning

Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination  
(ii) an assessment of the potential risks to: human health, service lines and pipes, adjoining land, and the water environment  
(iii) an appraisal of remedial options, and proposal of the preferred option(s).  
The assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and with the Essex Technical Guidance for the redevelopment of land affected by contamination third edition.

2. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the above receptors has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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. The remediation scheme shall be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.
4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

### **8.5 ECC Ecology Advice**

Thank you for consulting us on the above application. The site appears to be dominated by hard standing with few natural features other than overhanging boundary trees.

I therefore have no objections.

### **8.6 National Air Traffic Services**

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NERL in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

### Aerodrome Safeguarding

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We, therefore, have no objection to this proposal.

We would, however, make the following observation:

### Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [www.aoa.org.uk/policycampaigns/operations-safety/](http://www.aoa.org.uk/policycampaigns/operations-safety/)).

## **9.0 REPRESENTATIONS**

The Council received 610 representations which object to this application. Many of these representations include standard wording which is echoed in the PC's objection.

- little information has been provided on this application
- The application is contrary to Policy S7
- Government's framework in para 17 is relevant- planning should be genuinely plan led empowering local people to shape their surroundings
- This site has not been fully assessed in the same manner as other G&T sites in the district
- Policy states that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan
- Residential development has been refused on the site previously
- Rural areas sometimes accommodate historical anomalies which is no justification for further development
- The site is poorly connected to facilities in Henham
- The application makes no attempt to seek to justify the proposals in the light of this policy context with no justification
- The road on the top of the hill is actually quite dangerous and if a lot of traffic is coming in and out of the site.
- The site is located in close proximity to a pond and two properties
- The development is not appropriate for Henham or the rural location
- The site is not suitable for travellers due to its prominent location
- A travellers site would be particularly intrusive for the neighbouring house

- The use of lighting would be required which would be an obtrusive feature in the rural environment
- The site could accommodate more than 5 pitches and there is the prospect of further applications being submitted to the Council
- The fact that works to the property has been carried out should not influence the decision of the council on the application
- Similar considerations are taken for residential applications and travellers sites and there have been a number of applications refused for residential on this site which have been upheld at appeal
- The increase in traffic will have an impact on the traffic safety on top of the hill
- Hill Top Yard has already been found to be unsuitable for commercial vehicles because of its position and is unsuitable for a community or group to live in
- The lights are unnecessarily bright and appear like the end of a runway
- The fact that the mobile homes will be permanent makes this application no different to those which have been refused
- The size of the village is not suitable for this type of development
- Village life in rural community not suitable for a gypsy site
- Conditions have been put in place for new builds in the village to protect its character and allowing this development would undermine the character of the village
- Lack of pavements and services in this area
- Mains drainage has been over the years proved insufficient to deal with current demand
- Henham school is not under subscribed so where will the children attend
- No doctors nearby
- The site is the gateway to the village
- Henham has already been spoiled by harsh lighting and concrete and gravel expanse installed
- Just because there are already caravans on site it does not make it a gypsy or travellers site
- The presence of travellers will tarnish the scenic quality of the village
- Communities should be involved with helping locate new traveller sites
- The application does not address the contamination matters
- The Government's Framework for Traveller and Gypsy sites advocates that planning should be driven by a coherent plan so that local people can shape their surroundings. This application seeks to circumvent that framework by unilateral development.
- The Planning Policy for Traveller Sites, Policy H, 24d. states that "When considering applications, local planning authorities should attach weight to the following matters:
  - 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 fencing surrounding this site and the extensive use of lighting in such a rural environment gives the appearance of a prison camp and will inevitably give the impression that the occupants are indeed deliberately isolated.
- The site has been used for commercial and not redevelopable brown field site for housing
- This site has an overbearing impact on the adjacent property in terms of loss of privacy, noise and light pollution due to its close proximity and is contrary to planning policy GEN 7
- If the application was approved the village will have lost a business site and therefore potential employment
- As this site is not, to my knowledge on a traveller route why would it be a useful or appropriate stop for nomadic people.

- The landowner has gone ahead with substantial preparations on this site before seeking planning permission - something which seems to be on the increase and makes a mockery of Planning.
- There has been no mention of Community Infrastructure Levy (CIL)
- It is not clear whether the haulage part would be fenced off or not. I question whether these two uses of the site are compatible without boundary measures. Is it acceptable to have children playing within an area used by haulage vehicles? The fenced off children's play area would only be suitable for toddlers.
- The Removal of the green boundary was a mistake as this obscured the haulage yard from the entrance to the village.
- It is totally out of keeping with the nature of the rest of the village. It is anomalous to have a commercial operation of that sort in the village and the present application will make things worse.
- The high metal fence surrounding the site gives the impression that the occupants are deliberately being isolated thus not complying with Planning Policy for Traveller sites Policy H, 24d
- The danger to the health of occupants of the site (especially children in the open fenced play area) as a result of being so close to agricultural land regularly sprayed with insecticide, weed killer and fertiliser.
- The lack of infrastructure consideration raises the risk that the parish council; Uttlesford or ECC will become liable for retrospective costs in addressing infrastructure issues. This is clearly unfair on local ratepayers a
- There is historical precedent that development is not permitted on this site b) the application is poorly rendered and clearly does not address planning matters that would be expected on such a development c) the local community do not approve this application and, indeed, the councils that manage our money
- The hugely negative impact a development of this type will have on this small rural community.

#### **Issues which are not valid planning matters**

- The applicant is an outsider who is flouting planning legislation
- The nursery next door is reliant upon high standards of cleanliness and appearance
- The view from a Grade II listed building at Green End Farm would be blighted by this development
- Prior to the application being submitted the land was cleared of any vegetation which could have harmed habitats
- Do they pay rates?
- Can anyone become a Gypsy
- This application will result in further applications for gypsies in the future
- "Give them an inch they will take a mile"
- No action has been taken against the unauthorised lights
- Crime rate will go up
- The applicant appears to have taken the position of developing first and applying for permission after the fact instead of applying first. This is patently unfair on other applicants who do follow the regulations.

## **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 (National Planning Policy Framework and Planning Policy for Traveller Sites)
- B The impact of the development on the surrounding location (ULP Policy S7)
- C Highway issues (ULP policies GEN1 & GEN2)



D Contamination

**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)**

10.1 The National Planning Policy Framework (NPPF) and the Planning policy for Traveller sites (PPTS) set out a presumption in favour of sustainable development. The definition of a gypsy or traveller is set out in Annex 1 of the PPTS which states:

“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 dependants’ 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”

10.2 The PPTS states that “Local planning authorities should set pitch targets for Gypsies and Travellers and plot targets for Travelling Showpeople, which address the likely permanent and transit site accommodation needs of Travellers in their area...” The Essex- Gypsy and Traveller and Travelling Show People Accommodation Assessment report, which were commissioned on behalf of the Essex Planning Officers Association, established that Uttlesford District Council will need an additional 26 pitches within the district by 2033.

10.3 The PPTS sets out in Policy B that LPAs should identify and update annually a five year supply of sites. Within the Uttlesford district this equates to 9 pitches being required between the period 2013 and 2018. Since 2013 only 1 pitch has been approved by the Local Authority, therefore there is still an additional 8 pitches required.

10.4 LPAs should consider the following five points which are set out in Policy H of the PPTS when processing planning applications for gypsy and traveller sites.

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant
- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections.

As demonstrated above, there is a clear need for pitches within the Uttlesford district and this proposal meets criteria a. of Policy H.

10.5 In relation to criteria b) as above, there is a clear need of pitches within the district and the applicant already lives on the site who is also the owner/operator for the business that is being run on the area outlined in blue.

10.6 The PPTS states in Policy C that sites within rural areas and the countryside should not be of a scale which dominates the nearest settled community. Policy H of the PPTS then goes on to say that weight should be given to the following points when determining a planning application for pitches:

- a) effective use of previously developed (brownfield), untidy or derelict land

- 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

- 10.7 The lawful use of the site is as a haulage yard with two residential caravans being permitted. The site is surrounded by a high palisade fencing which was erected prior to the submission of this application with the benefit of permitted development allowances which the Council has no control over. It is considered that a condition requiring details of soft landscaping both around the perimeter of the site and within the site for approval by the LPA would satisfy criteria b) above. No additional hardstanding will be required at the site. It is considered that the site is large enough to accommodate landscaping within the site as a mitigation measure
- 10.8 It should be noted that this site has not previously been assessed as a possible Gypsy or Traveller Site and therefore was not part of the Site Assessment Survey produced by Peter Brett. This does not preclude the Council from considering this planning application.
- 10.9 It is considered that the proposal meets criteria set out in policies C and H of the PPTS and on balance is a suitable location for gypsy and traveller pitches.

#### **B The impact of the development on the surrounding location (ULP Policy S7)**

- 10.10 This site is located within the countryside setting in close proximity to the settlements of Henham and Elsenham. Policy S7 of the ULP states that the development will only be permitted within the countryside setting where it is needed to take place there, or is appropriate to the rural location. The policy then continues to say that the development will only be permitted where its appearance protects or enhances the particular character of the part of the countryside in which it is set or there are special reasons why the development in the proposed form. There are a number of residential dwellings which fall outside of development limits between these two settlements including one which is adjacent to the haulage yard site. It is considered that, due to a lack of footpaths and street lighting it is not safe to walk to these settlements, however residents could cycle and they are in close proximity that on balance they will have a detrimental impact on the countryside setting.
- 10.11 As stated above it is considered that the requirement of soft landscaping of the site will soften the visual impact of the development on the open character and appearance of the open countryside setting. The application site is also separated from the neighbouring residential property by the haulage yard which will reduce the impact of this development on the residential amenities of the occupants of the neighbouring property.
- 10.12 Whilst residential activity on this site has been refused in the past, with the most recent being in 2011 this was prior to the NPPF and the PPTS coming into force. This was for 11 dwellings which would have a larger impact on the countryside setting than five pitches and there is a demonstrated need for these in the district. As such it is considered that on balance this site is suitable for the proposed use of the site for five gypsy pitches and associated development.

10.13 Policy GEN4 states that development will not be permitted where pollution including smell, light fumes, other pollutants will cause material disturbance or nuisance to occupiers of the surrounding properties and policy ENV10 states that housing and other noise sensitive development will not be permitted if the occupants would experience significant noise disturbance. It is considered that five gypsy pitches would not be subjected to adverse impacts of the neighbouring activities nor would they cause any impacts such as noise or other pollutants.

10.14 The current application was submitted prior to the refusal of planning application, reference UTT/15/0231/FUL for the retention of the lighting on site for the haulage yard. It is accepted that low level lighting on the site is a common feature on gypsy and traveller sites as well as residential properties, and as such it is considered appropriate to put a condition requiring details of proposed external lighting as well as a condition restricting any additional flood lighting will be required if this application is approved to ensure accordance with policies GEN4 and GEN5.

### **C Highways and parking issues (ULP policies GEN1 & GEN2)**

10.16 Access into the site will be through the existing access point and will be shared with the haulage yard. At present there are no physical barriers which will separate the five gypsy pitches and the commercial activity which will be continued on site, however it is considered that a condition requiring details of internal boundary treatments to be submitted to ensure there are no safety issues between the commercial use and the gypsy pitches on the access point and to not prevent vehicles being able to enter and exit the site in front gear. It should be noted that there is approximately 4 metres between the entrance of the existing building and the red line of the application site. As such it is not considered that the gypsy site will have a detrimental impact on the commercial activity.

10.17 There are sufficient areas on site to accommodate the carparking requirements for the pitches within the area outlined in red and also for vehicles access the haulage yard which falls outside of this application site. Furthermore highways do not have an objection to this proposal and have recommended a condition if it is an approval.

10.18 It is considered that the surrounding road network will be capable of accommodating the traffic movements created by the addition of five pitches on this land. Whilst it is acknowledged that it is not safe to walk from the site, on balance it is considered that this site is not in a location which would adversely affect the road network or have an impact on the traffic safety of the road users. As such it is considered that the proposed development accords largely with policy GEN1 and GEN8.

### **D Contamination**

10.19 The site is potentially contaminated and Environmental Health have suggested that if this permission is approved a contamination investigation should be carried out and a method of how the site could be de-contaminated to accommodate safe and healthy residential accommodation. It is considered through conditions this development would meet Policy ENV14.

## **7.0 CONCLUSION**

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

- A. There is a need for gypsy and traveller pitches within the district and this site meets the criteria set out in the PPTS. The site is a brownfield site which will not dominate Henham which is the closest settlement. Whilst the site is located outside of

development limits, due to its close proximity to two settlements it is considered that on balance the site is in a suitable location.

- B. The site is situated outside of development limits, however it is within close proximity to two settlements and will not dominate these settlements nor have a detrimental impact on them. The site is sufficiently large enough to accommodate five pitches without it being dominant. Therefore it is considered that the site is appropriate for gypsy pitches and due to the size and location, the site can accommodate five pitches on site without causing any detrimental harm to the surrounding location.
- C. There are no objections from Essex County highways department on this application and have suggested a condition is put on the permission regarding the layout of the carparking areas. It is also confirmed that this proposal will not have an impact on the activities at the haulage yard.
- D. Conditioning the permission requiring investigations into contamination of the site will ensure that the site is suitable and safe for residential accommodation.

## **RECOMMENDATION – CONDITIONAL APPROVAL**

### Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.  
REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The site shall not be permanently occupied by any persons other than gypsies and travellers as defined in Annex 1, paragraph 1 of the Planning Policy for Travellers Site” produced by the Department for Communities and Local Government (March 2012).  
REASON: The development is acceptable in order to meet the District’s shortfall in provision for gypsy and traveller sites in accordance with “Planning Policy for Travellers Sites”.
3. No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.  
Moreover, it must include:
  - (i) a survey of the extent, scale and nature of contamination
  - (ii) an assessment of the potential risks to: human health, service lines and pipes, adjoining land, and the water environment
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).The assessment must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’ and with the Essex Technical Guidance for the redevelopment of land affected by contamination third edition.  
REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005).  
JUSTIFICATION: Contamination is an important issue which may require further works to the site prior to the implementation of the scheme and details of an investigation is required to be submitted and approved by the authority.

4. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to the above receptors has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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.  
REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)  
JUSTIFICATION: Contamination is an important issue which may require further works to the site prior to the implementation of the scheme and details of an investigation is required to be submitted and approved by the authority.
5. The remediation scheme submitted under condition shall be implemented in accordance with the approved timetable of works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to the Local Planning Authority.  
REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)
6. In the event that contamination is found at any time when carrying out the approved that was not previously identified it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of condition 5, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 4. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 5.  
REASON: To ensure that site is suitable for residential habitation in accordance with Policy ENV14 of Uttlesford Local Plan (adopted 2005)
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 in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005)
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or 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 prevent the site becoming overdeveloped and in the interests of the visual amenity of the rural location in accordance with Policy S7 of the Uttlesford Local Plan (2005).
9. Prior to the commencement of the development hereby approved full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

1. means of enclosure;
2. car parking layouts;
3. other vehicle and pedestrian access and circulation areas;
4. hard surfacing materials;
5. internal boundary treatments;

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

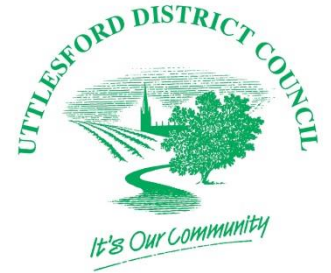
REASON: The landscaping of this site is required in order to protect and enhance the existing visual character of the area and to reduce the visual and environmental impacts of the development hereby permitted, in accordance with Policies GEN2, and S7 of the Uttlesford Local Plan (adopted 2005).

JUSTIFICATION: To ensure that the soft and hard landscaping will be within keeping with the site and surrounding location is important and details need to be submitted and approved by the Authority.

10. All hard and soft landscaping works shall be carried out in accordance with the approved details. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the provision of a mobile home or in agreed phases whichever is sooner and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives written consent to any variation. All landscaping works shall be carried out in accordance with the guidance contained in British Standards unless otherwise agreed in writing by the local planning authority  
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies GEN2 and S7 of the Uttlesford Local Plan (adopted 2005).
11. The proposed development shall not be occupied until the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed with the Local Planning Authority.  
Reason: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided. The above condition is required to ensure that the development accords with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011 and Uttlesford Local Plan Policy GEN1.

Application no.: UTT/15/0623/FUL

Address: Land Rear of Hill Top Yard, Mill Road, Henham



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Organisation: Uttlesford District Council

Department: Planning

Date: 18 June 2015

SLA Number: 100018688