



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**DISTRICT PLANNING COMMITTEE
22 SEPTEMBER 2022**

Application Number	22/00344/FUL
Location	Land On South Side Maldon Road, Woodham Mortimer, Essex
Proposal	Change of use of land for 2 Gypsy/Traveller pitches comprising the siting of 1 mobile home, 1 touring caravan per pitch, alongside the formation of permeable hardstanding
Applicant	Ms M Delaney
Agent	Mr Peter Brownjohn - WS Planning & Architecture
Target Decision Date	05.08.2022
Case Officer	Anna Tastsoglou
Parish	WOODHAM MORTIMER WITH HAZELEIGH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

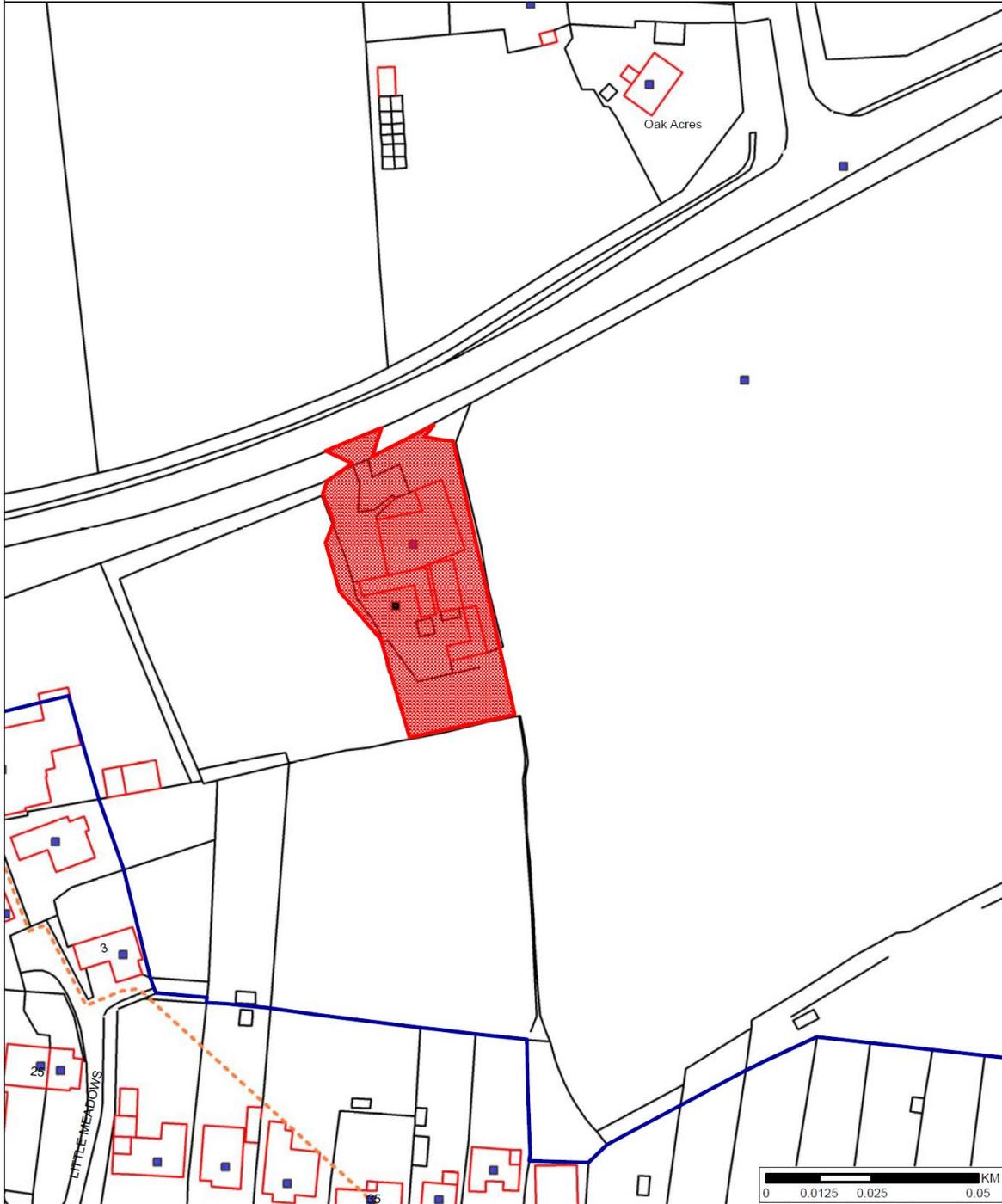
1. **RECOMMENDATION**

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see below..

Land On South Side Maldon Road - Woodham Mortimer
 22/00344/FUL



Copyright

For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	District Committee
Date:	01/09/2022
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The site is located on the south side of Maldon Road, it is approximately 0.21 hectares in size and it is occupied by a number of buildings and it is largely hard surfaced. From the submitted plans it appears that the buildings are used as stables and as agricultural storage units. The boundaries of the site were demarcated by hedgerows and trees, which have been removed, with the exception of one tree on the southeastern corner of the site. A small woodland area is located to the south adjacent to the site.
- 3.1.2 The site forms part of scattered development in a rural location abutting the open countryside to all boundaries. It is located outside the settlement boundary of Woodham Mortimer, which is to the south of the site.
- 3.1.3 It is noted that the touring caravans have already been stationed on site. Furthermore, it is noted that a number of trees on site have been removed and an informal access onto Maldon Road has been formed.

Description of Proposal

- 3.1.4 It is noted that the development is retrospective in nature and it seeks permission for the change of use of the land for the stationing of two Gypsy/Traveller pitched comprising one mobile home and one touring caravan pre pitch, with associated hardstanding.
- 3.1.5 The proposed mobile homes have been installed adjacent to the southern boundary of the site, whilst the touring caravans are stationed almost centrally to the site, south of the stables at the centre of the site. Four parking spaces are proposed to the west of the southernmost stables and to the north of the mobile homes.
- 3.1.6 The application is accompanied by a Planning Statement which states the site would create two Gypsy/Traveller pitches occupied by two households.

Background of the application

- 3.1.7 It is noted that the site subject to this application has been subject to formal enforcement action in relation to matters associated with the unauthorised felling of trees, operational development on site, including the installation of hardstanding and the change of use of the site for the stationing of caravans. It is noted that an injunction order was served on 28 February 2022 and is still in force.
- 3.1.8 It should be noted though that matters relevant to enforcement and other legal procedures on the application site are not material considerations relevant to the determination of the application and the fact that the application is retrospective having started without formal planning approval, is not a planning offence neither is it illegal.

3.2 Conclusion

- 3.2.1 Having assessed the proposal against all material planning considerations, it is considered that the proposed development would be acceptable in principle, would not have an unacceptable impact on the character and appearance of the area and would not have an adverse impact on the amenity of existing residents or the future occupant of the site. No objection is raised in relation the impact of the development

on the highway safety, subject to the imposition of conditions. Furthermore, the development, subject to conditions, would be acceptable in terms of its impact on ecology and trees and it would be able to achieve biodiversity gain. In the absence of any demonstrable harm, the proposal complies with the relevant Policies of the Approved LDP and it is recommended that planning permission is granted.

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework 2021 including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 59 – 79 Delivering a sufficient supply of homes
- 92 – 103 Promoting healthy and safe communities
- 104-113 Promoting sustainable transport
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural environment

4.2 Maldon District Local Development Plan (2014 – 2029) approved by the Secretary of State:

- S1 Sustainable Development
- S2 Strategic Growth
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and the Built Environment
- D2 Climate Change & Environmental Impact of New Development
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- H6 Provision for Travellers
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD (2018)
- DCLG's Planning Policy for Travellers Sites, August 2015

5. **MAIN CONSIDERATIONS**

5.1 **Principle of Development**

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)), and through Government policy, at paragraph 47 of the NPPF.
- 5.1.2 Policy S1 of the LDP states that *“When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF”* and apply a number of key principles in policy and decision making as set out in the policy.
- 5.1.3 Alongside policy S1, policies S2 and S8 of the approved Maldon District Local Development Plan (MDLDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and when it is for a purpose that falls within a defined list of acceptable development.
- 5.1.4 Whilst Policy S8 restricts development outside settlement boundaries, the policy contains a list of exceptions, of permissible uses in the countryside, which includes Travellers and Travelling Show people accommodation (S8(i)).
- 5.1.5 Policy H6 of the approved MDLDP sets out criteria for the assessment of proposals for travellers. Therefore, the development would be acceptable in principle subject to compliance with the criteria contained in policy H6.
- 5.1.6 Policy H6 states that *“Proposals for Traveller or Travelling Showpeople sites must meet at least one of the following criteria, and other relevant policies in this Plan, including Part 3 of this policy:*
- a) *Whether the site is on an existing site that could provide additional provision through intensification and / or improved orientation; or*
 - b) *Whether the site could provide additional provision through appropriate expansion; or*
 - c) *Whether the site is within existing development boundaries or strategic growth areas; or*
 - d) *If the site is located elsewhere in the District, whether it would form sustainable development. In assessing this, the Council will have regard to the sustainability/site suitability criteria in the ‘Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection’ August 2016.”*
- 5.1.7 The site will not result in intensification or in expansion of an existing Gypsy/Travellers site. The site is located outside the defined development boundaries and therefore, it is considered reasonable that the development is

assessed against criterion (d) to establish whether the development is compliant with policy H6.

5.1.8 In assessing the development against criterion (d), the Council should have regard to the sustainability/site suitability criteria as set out in the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016'. These are set out in appendix 3 of the document and assessing the proposal against them the following comments area made:

1. In terms of accessibility of the site to services and facilities, it is noted that the site does not benefit from access to public footpaths that lead to the nearest main settlement, albeit it is located in close proximity to the settlement of Woodham Mortimer. The nearest bus stop to the site is within 250 metres from the site; however, to access it as well as the settlement, it would require pedestrians and cyclists crossing Maldon Road, which is a fairly busy road and therefore, it is highly likely that the future occupiers of the caravans would use their private vehicles to access the services and facilities they need. However, consideration should be had to the nomadic lifestyle of gypsies and travellers which varies from that of a settled community. This involves the use of private vehicles irrespective of the location and therefore the use of public transport would not apply in a similar way as that for occupiers of conventional dwellings. As stated by the Inspector assessing an appeal (APP/J1915/W/19/3534671) for the change of use of the land to 10 pitches accommodating the siting of 10 mobile homes and stationing of 10 touring caravans submitted by the applicant "*When away travelling, it will be necessary to access services and facilities wherever they are, rather than leaving and returning to the site on a daily basis for work.*" Therefore, taking the above into consideration, as well as the close proximity of the site to the nearby settlement, on balance it is considered that the accessibility of the site would be acceptable, in accordance with the requirements set out in Appendix 3 of the Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016'. It should also be noted that the Planning Policy for Traveller Sites (PPTS) advises that new traveller sites should be very strictly limited in open countryside away from existing settlements. The PPTS also accepts that traveller sites may be acceptable in rural locations.
2. The development would not result in loss of any indoor or outdoor sporting or recreation facility, and it would not be sited within a specified consultation zone of a notifiable installation. Thus, no health issues are raised
3. The development would not have an impact on community facilities. The proposal is for two Gypsy pitches and thus, due to the limited amount of development, it is not expected to have an impact on the existing community facilities.
4. The proposed development would be in keeping with the existing uses in the surrounding area (residential and other small scale rural uses). Thus, local occupiers would not suffer from disturbance from noise or odour. The site would have no known effect on the existing surrounding residential amenity, albeit this is further assessed below in the relevant section of the report.
5. The site would have no effect on any designated sites or known protected species.

6. The site is located outside the settlement boundary; however, there are clusters of dwellings in very close proximity to the west, northeast and south of the site. The impact of the development on the character of the surrounding area is further assessed below in the relevant section of the report. The site is mainly hard surfaced with vegetation, including hedgerows and trees at the periphery of the site. The site is not considered to be an area of high sensitivity for landscape changes.
7. The development would not have an effect on designated sites or heritage assets. The site is not known for archaeological activity, albeit it has not been investigated.
8. The development, due to its residential nature, would not have an unduly detrimental effect on air quality.
9. According to the Landscape Character Assessment 2006 the site lies within sands and gravels over London Clay and as such it is not expected to impact on quality of ground and surface water resources.
10. The site is outside a designated flood zone 2 or 3 with minimal impact upon areas which are subject to surface water flooding.
11. The site does not contain any high quality agricultural land and there are no known land stability issues in the area.
12. The site is located outside the 250m buffer for land allocated for mineral extraction.
13. The site is located outside of land allocated/ safeguarded for waste infrastructure.
14. There is already an existing cesspool on site. The Environmental Health Team has been consulted and noted that "*In this instance connection to a public sewer is not possible. However, it would appear to be practical to provide a package treatment plant.*". It is noted that subject to the submission of further details in relation to foul drainage scheme, no objection is raised by the Environmental Health Team.
15. The submitted plans show that part of the site is used as stables and part of it is used for storage of hay. The proposed mobile homes and touring caravans would be located to the south of the existing buildings and they would not result in loss of the existing buildings. The planning statement submitted with the application states that the wider site is to be retained and the stables and hay store are to be used for such purposes. Therefore, the site would not result in the loss of employment land and thus, it would have no impact on employment provision.
16. In terms of physical limitations, the site has no known physical constraints. The site benefits from an existing vehicular access onto Maldon Road, which is proposed to be retained.
17. The last criterion relates to ownership. Certificate B has been signed at the submitted application form, confirming that the applicant has given the requisite notice to everyone that has an interest in the land. Therefore, the land can be developed, subject to agreement of the interested parties.

5.1.9 Following the above sustainability appraisal in accordance with the criteria as set out in Appendix 3 of the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' it has been identified that the sustainability credentials for Gypsy sites are more relaxed to those of development for conventional residential development. In light of the above it is noted that the site has not been identified as being unsuitable for the proposed development. In accordance with the assessment of the sustainability criteria as set out in Appendix 3, a site that has been assessed as having some constraints, as the application site, is not necessarily unsuitable; it just means that mitigation measures will be required. Although there are some constraints relating to its position outside the settlement boundaries and in some distance from services these are not considered to be so substantial to warrant refusal of the application on those grounds.

5.1.10 The policy also includes seven criteria that the proposal is expected to comply with in order to be granted planning permission, setting the following requirements:

- a) *appropriate in scale to the nearest settlement or dwelling(s) and do not dominate them, having regard to factors such as the scale and form of existing Travellers' pitches in the locality, and the availability of infrastructure, services and facilities;*
- b) *well related to the existing built-up area, where relevant; capable of having access to essential services; and allow convenient access, preferably by pedestrian, cycle or public transport, as well as by private car, to key facilities;*
- c) *located away from areas at risk of flooding. Proposals for sites in locations other than Flood Zone 1 will be expected to demonstrate a sequential approach to site selection and be justified by a Flood Risk Assessment (FRA). Due to the highly vulnerable nature of caravans and mobile homes, sites in Flood Zone 3 will not be supported;*
- d) *accessed safely by vehicles from the public highway;*
- e) *of sufficient size to provide amenities and facilities for the planned number of caravans; including parking spaces, areas for turning and servicing of vehicles, amenity blocks, play and residential amenity areas, access roads and temporary visitor areas;*
- f) *located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents;*
- g) *large enough for the storage and maintenance of rides and equipment, in the case of Travelling Showpeople.*

5.1.11 With reference to the abovementioned Policy H6 criteria:

- a) Although the impact of the development on the character of the wider area is further assessed below, given that the proposal does not involve the erection of any permanent structure, but only the siting of two mobile homes and the stationing of two touring caravans and furthermore, taking into account proposed pitches are located to the rear of a number of existing buildings, resulting in very limited visibility from the highway, it is not considered that the proposal would be inappropriate in scale to the nearest settlement and dwellings and would not dominate them. It is considered that the site development relates to only two additional households, which is considered having limited impact on the availability of infrastructure, services and facilities.
- b) The application site is located outside the settlement boundaries. The nearest bus stop is located within 250m away from the application site. Woodham Mortimer, which is the nearest settlement to the application site is approximately 220 metres away from the site and it provides very limited

facilities services; however, it is located only 3 kilometres away from Maldon the largest settlement within the district and 2.5 kilometres away from the South Maldon Garden Suburb. Maldon as the largest settlement of the district contains the largest number of facilities, services, education and job opportunities. Although as noted above, due to the lack of a footpath linking the application site with the nearest settlement or the public transport it is likely that the occupiers of the gypsy and traveller pitches would not be using their private vehicles instead of other alternative and sustainable modes of transport, consideration should be had to the lifestyle of gypsies and travellers as discussed in paragraph 5.1.8 (1) above.

It is also noted that given the nature of the development, the sustainability criteria as set out in the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016 are more relaxed in relation to those that apply for conventional housing development.

Furthermore, similar to the Inspector's assessment for a gypsy and traveller site at Scalby Road in Southminster (18/00623/FUL, APP/X1545/W/18/3215950 – application allowed on appeal) although some constraints relating to the location of the site and its distance from services and facilities at defined settlements are accepted, it is considered that the facilities and services at the nearest settlements (primarily Maldon) would be convenient to access by occupiers, either by private vehicle or during the daytime cycling or by using the public transport.

On that basis, and taking into consideration that the Local Planning Authority (LPA) has no allocated sites to meet the need for Gypsy sites, which is discussed further below, it is considered that the proposal would not be properly related to the existing built-up area and it would be capable of having access to essential services; and allow convenient access primarily by private car, to key facilities, but also potentially for pedestrian, cycles and public transport.

- c) The site is located within flood zone 1 and thus, it is supported in that respect.
- d) The site can be accessed safely by vehicles from the public highway.
- e) The site is of sufficient size to provide some amenities and facilities for the proposed caravans; including parking spaces, areas for turning and servicing of vehicles, access roads and temporary visitor areas. Although the submitted plans do not show designated play and residential amenity areas, there is an area of approximately 90sqm between the two mobile homes, which is hard surfaced and an additional area of 145sqm to the east of the caravans that can be used as outdoor amenity area for the occupiers. It is noted that no amenity blocks are proposed as part of the application.
- f) Whilst position, design and landscaping are further assessed in detail below in the relevant section of the report, the development would be located, designed and landscaped to avoid unacceptable harm to the character of the local area and the living conditions of local residents. It is noted that existing trees were removed prior to the submission of the application that contributed to the visual amenity of the area. This matter is further assessed below.
- g) Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

- 5.1.12 Paragraph 24 of the PPTS requires the LPAs to consider the following issues amongst other relevant matters when considering planning applications for 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.
- 5.1.13 The PPTS requires local planning authorities to set targets for providing Gypsy and Traveller pitches within each authority area and requires an assessment of need to be undertaken annually. The Maldon District Gypsy and Traveller Accommodation Assessment Need Summary Report (MDGTAA) that was published in December 2016 identified a need for 1 pitch for traveller households who meet the 2015 PPTS definition (travelling households) and 10 pitches for households whose status is unknown, but who may meet the 2015 definition.
- 5.1.14 Since the publication of the MDGTAA two appeals have been allowed, one at Rose Stables, Captains Wood Road, Great Totham (APP/X1545/A/14/2220387) and one at land adjacent to Tanglewood, Scalby Road, Southminster (APP/X1545/W/18/3215950). All three pitches have been limited to occupation by those meeting the PPTS definition, with one of those pitches having a named occupier.
- 5.1.15 It should be noted that whilst the MDGTAA was accepted as part of the MDLDP adopted in July 2017, no subsequent research into pitch need has been published yet and therefore, there is a level of uncertainty surrounding how many of the households whose status is unknown would meet the PPTS definition. It should also be highlighted that the MDGTAA figures represent a minimum provision rather than a maximum. As such, it is considered that increasing the supply of pitches by two more pitches within the authority's administrative area would not conflict with the MDGTAA. Furthermore, there is no reason why the applicant could not avail upon one of the remaining 8 pitch need identified, considering that the future occupiers of the pitches have a gypsy status, which is something that can be secured by condition.
- 5.1.16 To respond to criteria (b) and (c) the Planning Statement submitted in support of the application states that the occupiers are in need of a site, and have to resort to a roadside existence in the absence of any suitable, and available alternatives, which are simply absent from the District. It is also clarified that it does not serve the best interest of the family to remain on the roadside permanently.
- 5.1.17 The Planning Statement makes reference to two case law (High Court) decisions, namely *Doncaster MBC v. FSS & Angela Smith [2007]* and *SCDC v. SSCLG and Julie Brown [2008] EWCA Civ 1010*. The first sets out that alternative accommodation has to be suitable, affordable, available and acceptable for it to be considered a realistic alternative and the second, that there is no requirement in planning policy, or indeed within any case law, for an applicant to demonstrate that there are no other sites available, or that particular needs could be met from another site. Given that at present the LDP does not have an allocation for Gypsy/Traveller sites that have been considered suitable for gypsies and travellers in the District, it is considered that it is inevitable for sites located in the countryside to be considered.

5.1.18 According to criterion (e) and paragraph 24 of the PPTS, local authorities should determine applications for Gypsy/Traveller sites regardless of the local connections of the occupiers. It has not been specified whether the occupiers of the proposed gypsy and traveller pitches would have local connection, but as this is not a requirement of the PPTS, it is not considered that the lack of this information in that respect could constitute a reason for refusal.

5.1.19 In light of all the above, it is considered that the development has been assessed against all relevant policies and criteria and it has been demonstrated that the development would comply with the exception policy H6, as well as the criteria as set out in appendix 3 of the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' and the requirements of Paragraph 24 of the PPTS. Therefore, it is considered that the principle of the use of the site as a Gypsy/Traveller site and the erection of associated development to support the proposed use of the site are acceptable in principle.

5.1.20 Other material consideration relating to the impact of the development on the character of the development on the countryside, the living conditions of the future and neighbouring occupiers and highways issues are assessed below.

5.2 Housing Need and Supply

5.2.1 The PPTS requires local planning authorities to set pitch targets for Gypsies and Travellers which address the likely permanent and transit site accommodation needs of Travellers in their area. The delivery of these targets is to be taken forward through the Local Plan. Where there is no identified need, the PPTS requires that criteria-based policies included in the Local Plan to provide a basis for decisions in case applications come forward. As noted above the Local Plan does not make provision for Gypsies and Travellers pitches. However, it sets the sustainability criteria through the matrix of appendix 3 of the 'Traveller Site Allocations Development Plan Document Draft Background Paper: Methodology and Site Selection' August 2016' as discussed in detail above.

5.2.2 The Maldon District Gypsy & Traveller Accommodation Assessment Need Summary Report (MDGTAA) was published in December 2016 and it identified the following level of need:

Type of household	Accommodation need - number of pitches
Traveller households who meet the 2015 PPTS definition	1
Traveller households of unknown status	10
Traveller households not meeting the PPTS 2015 definition	8

5.2.3 Since the publication of the MDGTAA, an appeal for two Traveller pitches was allowed at Rose Stables, Captains Wood Road, Great Totham (APP/X1545/A/14/2220387) and one at land adjacent to Tanglewood, Scalby Road, Southminster (APP/X1545/W/18/3215950). All three pitches have been limited to occupation by those meeting the PPTS definition, with one of those pitches having a named occupier. With regard to the pitch that was allowed having a named occupier

it is noted that in the future, if the named individual no longer resides on the site, then the pitch can only be occupied by households who meet the 2015 PPTS definition. Therefore, this planning permission fully met the identified accommodation need for pitches for households who either meet the PPTS definition and 10% of the need from households of unknown status who may meet the PPTS definition.

- 5.2.4 The MDGTAA recognises that there is a level of uncertainty surrounding how many of the households whose status is unknown, would meet the PPTS definition. Data that has been collected from over 2,000 household interviews that have been completed by Opinion Research Services (ORS) since the changes to PPTS in 2015 suggests that overall approximately 10% of households who have been interviewed meet the planning definition. This suggests that only 10% of the accommodation need identified for households whose status is unknown could be for households who do meet the PPTS definition. This indicates that the identified need for Traveller households of unknown status could equate to an accommodation need for 1 pitch for households who do meet the PPTS definition.
- 5.2.5 Although the probable need has been met (through applying the 10% proportion to the pitch needs of the 'unknown status' households), this does not necessarily mean that the accommodation needs of Traveller households who meet or may meet the PPTS definition have been met in their entirety. As noted above, the MDGTAA figures represent a minimum provision rather than a maximum. As such, it is considered that increasing the supply of pitches by two more pitches within the authority's administrative area would not conflict with the MDGTAA. Furthermore, there is no reason why the applicant could not avail upon one of the remaining 8 pitch need identified, considering that the future occupiers of the pitches have a gypsy status, which is something that can be secured by condition
- 5.2.6 On the basis of the above, whilst there is no current under-provision of Gypsy and Traveller pitches within the District, as the current proposal would comply with Policy H6, Officers are of the view that a refusal of planning permission based on need and supply would not be justified in this case. The abovementioned figures represent a minimum provision rather than a maximum and therefore there is no policy basis to object to increased supply.

5.3 Design and Impact on the Character of the Area

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.3.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:
- “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.*
- 5.3.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
 - e) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value.
- 5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).
- 5.3.5 The application site lies outside the defined settlement boundaries. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.3.6 Furthermore, criterion (f) of policy H6 requires that the pitches are located, designed and landscaped to avoid unacceptable harm to the character of the local area.
- 5.3.7 As noted above the site accommodates a number of buildings that are set back from the road. The buildings are in a state of disrepair with vegetation overgrown along the boundary with the highway, restricting the views of the building from the public realm. The site is bounded by fields; however, there is sporadic development to the north and south of the site.
- 5.3.8 The proposed development would introduce two mobile homes and two touring caravans and hardstanding into what can be characterised as rural area. The proposed touring caravans and mobile homes will be located to the rear of the existing single storey structures on site. Taking into consideration that the proposed caravans and mobile homes are of single storey nature and also their position further away from the public realm, it is considered that they would have very limited impact on the streetscene and they would not appear dominant or visually obtrusive.
- 5.3.9 The south and east boundaries of the site were demarcated by hedgerows and trees; however, as noted above, the majority of the vegetation has been removed and the site is now more visible from the nearby open fields. It is noted that a small woodland area abuts the site to the south and would assist in reducing long views of the proposed development.
- 5.3.10 A number of dwellings are located in the surrounding area, primarily to the west and south of the site. Although it is accepted that the development would result in some urbanisation of the site due to the siting of the mobile homes, the hardstanding and the expected associated domestic paraphernalia, given the nature of the development, the existing buildings on site and the position of the proposed caravans and mobile homes, as well as the lack of public footpaths in the vicinity of the site, it is considered that the proposal would not result in a detrimental impact on the character of the wider area.
- 5.3.11 Although the proposed introduction of further hardstanding is not ideal, on balance it is noted that the majority of the site surrounding the existing structures is already

hard surfaced. The additional hardstanding would not be visually attractive and it is acknowledged that it would result in some harm to the character of the area; however, on balance it is not considered that this would be so detrimental to warrant refusal of the application on those grounds.

- 5.3.12 The development is accessed via an existing vehicular access, which prior to the commencement of this development was closed and fenced off. It seems that the development has not resulted in material changes in relation to the access and therefore, no objection is raised in that respect.
- 5.3.13 An appeal (18/01298/FUL, APP/X1545/W/19/3222468) for the demolition of the existing buildings on site and the erection of two dwellings was recently dismissed. The impact of the development on the character of the area was considered unacceptable and due to the harm identified to the rural setting and the urbanisation of the site. It should be highlighted though, that the proposal for the redevelopment of the site to accommodate two conventional dwellings is completely different from the provision of mobile structures. The Inspector assessing the application had given consideration to the nature, scale, positioning and associated proposed structures to conclude that the development would adversely impact on the character of the area to the extent that would justify dismissal of the appeal. In this instance, the proposal, with the exception of the hardstanding, would involve single storey mobile structures, which are to be located further away from the highway, resulting in minimal impact on the character of the area. Therefore, it is considered that the findings of the appeal for the erection of two dwellings on the site is of a completely different nature to the current proposal and development in that case cannot be considered as comparable for the purposes of assessing the current application.
- 5.3.14 In relation to the removal of substantial landscaping, including trees and hedgerows, it is acknowledged that this has resulted in some visual harm to the site and the wider area. The application is supported by an Arboricultural Survey and an Arboricultural Method Statement assessing the quality of the trees on site and also describing the works carried out to the trees. This matter is further assessed in the relevant section of the report below.
- 5.3.15 Overall, in light of the above, it is considered that the proposed development would have an acceptable visual impact on the rural character of the area and it would not result in a harm that would justify refusal of the application these grounds.

5.4 Impact on Residential Amenity

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG.
- 5.4.2 The nearest property to the application site would be the Gypsy/Traveller site more than 55 metres away from the application site. Given the single storey nature of the development it is not expected that it would result in a detrimental impact on the amenities of any neighbouring occupiers. As noted above, both the caravans and the mobile homes would be mobile, so the development apart from the proposed hardstanding will not result in any other form of operational development. Therefore, taking into consideration the position and nature of the site, it is not considered that the development would result in a demonstrable harm on the residential amenity of the occupants of the dwellings in the surrounding area.

5.5 Access, Parking and Highway Safety

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The site would utilise an existing access onto Maldon Road. The Highways Authority has been consulted and raised no objection to the proposed access, subject to it being 5.5 metres wide for at least the first 6 metres within the site. Therefore, subject to the development complying with the requested condition, no objection is raised to the proposed vehicular access.
- 5.5.3 Within the site, sufficient hardstanding is proposed to be provided to accommodate parking for four vehicles, as well as the two touring caravans. Furthermore, there is sufficient space within the site to provide turning facilities and therefore, vehicles would be able to enter and exit the site in forward gear. On that basis, it is considered that sufficient parking will be provided on site for the future occupiers of the two Gypsy/Traveller pitches and the development would be acceptable in terms of highway safety and impact on the highway network

5.6 Private Amenity Space and Living Conditions of the Future Occupiers

- 5.6.1 Policy D1 of the LDP indicates the need for amenity space in new development and that the spaces provided must be useable. In addition, the adopted MDDG SPD which was adopted to support its policies in assessing applications for residential schemes advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.6.2 The application site boundary would include sufficient space for use as private amenity space for the residential occupiers of the pitches (90sqm between the two mobile homes and an additional area of 145sqm to the east of the caravans). Therefore, no objection is raised in relation to outdoor amenity space for the future occupiers.
- 5.6.3 The proposed dwellings would be approximately 50m away from the A414. There is therefore potential for noise and disturbance from this road to impact upon the living conditions of future occupants. The application is supported by a Noise Impact Assessment Report which concludes that *"unmitigated, the development site is exposed to environmental noise of a sufficient magnitude to cause a low to medium risk of adverse impact."* In particular it is stated that exceedance of internal guidance levels would have to be tolerated should windows be opened. An alternative option is proposed for mechanical ventilation to negate reliance upon opening windows and in order to enable suitable acoustic internal conditions. With regard to external amenity, it is noted that acceptable levels can be achieved on the southern side of the site, where the outdoor amenity area is proposed, and it is also suggested that this would be further enhanced by the installation of boundary screening.
- 5.6.4 The Environmental Health Specialist has been consulted and advised that although some parts of the site would fail to meet recommended guidance, the assessment was carried out before the site layout was decided and that noise impacts have been factored into the final design. It is also stated that *"The southernmost part of the site*

contains the two proposed mobile homes and experiences the lowest exposure to road traffic noise from the A414, principally by virtue of increased distance. This addresses one of the main concerns of a previous proposal which was situated much closer to the A414.

- 5.6.5 The Environmental Health Specialist further advises that the *“parts of the site which are more greatly exposed to noise and have an increased risk of adverse impacts do not contain any proposed dwellings. Exposure at the two touring caravan plots would be more significant but it has been confirmed by the planning agent that these plots will not be occupied as either separate residences or as ancillary accommodation... This removes the possibility of any adverse impacts from noise”*.
- 5.6.6 With regard to noise levels at external amenity areas the Environmental Health Specialist advises that the standards can be met at the southern end of the site, which appear to be the area where the outdoor amenity space will be. Mitigation measures to reduce noise are proposed, including the provision of acoustic screening. This is to achieve the lowest partible levels across the site, although it might not be required to achieve guideline levels at the dwellings. The Environmental Health Specialist has not suggested any conditions to mitigate noise and therefore, it is not considered necessary for a condition to be imposed for the provision of noise mitigation measures.
- 5.6.7 In light of the above, it is considered that the proposal would provide a good level of living environment to the future occupiers of the mobile homes.

5.7 Impact on Ecology, Biodiversity, Trees and Landscaping.

- 5.7.1 The application site does not fall within or in close proximity to statutory nature designations. However, a woodland, comprising partially a priority habitat deciduous woodland and a broadleaved area exists on the western part of the application site.
- 5.7.2 Policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect on sites with designated features, priority habitats and / or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance.”* Conservation and enhancement of the natural environment is also a requirement of the NPPF.
- 5.7.3 The application is supported by a Preliminary Ecological Appraisal, where the impacts of the part-retrospective development and the suggested recommendations are included. Reference is made to the recent felling of trees and the removal of semi-improved grassland to lay down hardstanding. As the development is for a change of use of the site to create two Gypsy/Traveller pitches no further impacts are anticipated on habitats. The existing buildings are going to be retained and therefore, no further assessment is required in that response. Although trees within the site have already been removed and it is unknown whether this has impacted on nesting birds, no further felling of trees is advised by the Tree Consultant. The Preliminary Ecological Appraisal advises that *“any further works on trees should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the tree should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.”* Furthermore, it is suggested that a Biodiversity Net Gain (BNG) Assessment or an Ecological Management Plan (EMP) are submitted to ensure biodiversity net gain. This is considered necessary for the development to comply with policy N2 and therefore, it will be secured by the

imposition of an appropriately worded condition. A condition to implement development in accordance with the recommendation included within the submitted Preliminary Ecological Appraisal will also be imposed to ensure protection of nesting birds.

5.7.4 The Countryside and Coast Conservation Officer was consulted and raised no objection to the proposed development, subject to the imposition of conditions requiring biodiversity enhancements as mentioned in the Preliminary Ecological Appraisal, including the provision of two bat boxes, two bird boxes, planting of native species of trees, scrub and hedges, retention of standing and stacked deadwood on site to benefit invertebrates and reduced maintenance grassland. It is also advised that a condition restricting the installation of external lighting without prior approval from the LPA would be required. An appropriately worded condition will be imposed to ensure the submission of details of external lighting prior to it being installed on site.

5.7.5 The submitted Tree Protection Plan shows that the area at the entrance of the site had to be cleared to allow for the access to be re-opened. Trees T2 has been removed and T4 is proposed to be removed for the following reason:

' The structural stability of the tree is considered unstable due to excavations of up to 1m depth within the RPA, with structural root severance noted during the site visit'

5.7.6 The Tree Consultant has advised that T4 can be retained, due to its rooting habit. It is stated that *"the works undertaken do not appear to have impacted on these lateral roots and so it could be argued that there is no need to fell the tree, but instead reduce it in order to address any potential concerns of instability."* As such it is suggested that this tree, along with the other trees proposed for protection can be suitably protected. It is therefore advised that should permission be granted, a condition to secure the tree protection and amended details to retain the Oak (T4) would be required along with a management schedule of how the Oak will be looked after in terms of reduction, soil dressing to facilitate new root development and ongoing inspection works. A soft landscaping scheme will also be required to provide tree, hedge and shrub planting to offer screening to the site and enhance its amenity and ecological value, using species indigenous to the area. It is considered that subject to the imposition of the abovementioned condition the development would be acceptable in terms of its impact on existing trees and vegetation and appropriate landscaping would be able to be secured to soften the appearance of the development.

5.8 Ecology regarding development within the zone of influence (ZOI) for the Essex Coast RAMS.

5.8.1 The application site falls within the 'Zone of Influence' for one or more of the European Designated Sites scoped into the emerging Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). This means that residential developments could potentially have a significant effect on the sensitive features of these coastal European Designated Sites, through increased recreational pressure etc.

5.8.2 The development of one dwelling falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice an Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) a Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a 'Likely Significant Effect' (LSE) to a European site in terms of increased recreational disturbance. The findings from the HRA Stage 1: Screening Assessment are listed below:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (Zol) for the Essex Coast RAMS with respect to the previously listed sites? Yes (Blackwater Estuary SPA and Dengie SPA)

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

- 5.8.3 Summary of Appropriate Assessment as a competent authority, the Local Planning Authority concludes that the project will, without mitigation, have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account NE's advice, it is considered that mitigation, in the form of a financial contribution of £137.71 per dwelling (a total of £275.42) is necessary. This payment should be secured through a legal agreement to make the application compliant with the planning obligation requirements.

5.9 Drainage

- 5.9.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk.
- 5.9.2 The Environmental Health Team has advised that there is an existing cesspool on site. Although connection with public sewer would be preferable according to the building regulations, in this instance a connection to a public sewer is not possible. For that reason, it would be practical to provide a package treatment plant. A condition securing the submission of details of the plant can be secured by condition.

5.10 Other Material Considerations

- 5.10.1 With reference to the Equality Act 2010, the Public Sector Equalities Duty comes in three parts: first, the decision must have due regard to the need to eliminate discrimination and harassment of Gypsies, Travellers and Roma people; secondly, the decision maker must also have due regard to their need to advance equality of opportunity for Gypsies, Travellers and Roma people; and thirdly, there is a duty to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. This latter aspect may involve treating some persons more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equalities Act. Information regarding the intended occupiers have been submitted with the application and are discussed above. Therefore it is not considered that there is conflict in this report with the duty under section 149 to eliminate discrimination and advance equality of opportunity for persons with a protected characteristic or the European Convention on Human Rights, as incorporated into the Human Rights Act 1998.

6. ANY RELEVANT SITE HISTORY

Below is relevant planning history of adjacent sites. There is no planning history immediately relevant to the application site.

- **18/01298/FUL**– Removal of all buildings and hardstanding and construction of two detached dwellings and cartlodges. Dismissed on appeal.

- **17/00923/FUL** - Demolition of existing buildings and construction of 2no. chalet bungalow dwellings. Application refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer and Hazeleigh Parish Council	<p>Object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> • The proposal although different is similar to refused application 17/00923 and dismissed application 18/01298. • The site is outside the settlement boundary and it does not have a suitable access to services and facilities and it would rely on private transport. • The site has not been identified to meet the needs of housing in the District • Any additional housing will further impact on the highway network. • The site has recently seen extensive foliage clearance and any additional expanded clearance would be a further detriment to the character and beauty of this rural countryside area 	Comments noted and discussed within the officer report.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Tree Consultant	No objection, subject to the imposition of conditions securing the retention of the oak tree (T4) along with the other trees identified in the submitted tree protection plan and the submission of landscaping details.	Noted and discussed in section 5.7 of the report.
Natural England	It has been highlighted that the application site falls within the 'Zone of Influence'. A Habitat Regulation Assessment is required before the grant of any planning permission.	Comment noted and addressed at section 5.8 of the report.
National Highways	No objection	Noted
Archaeology	The Essex Historic Environment Record (EHER) has no record of any archaeological remains on or adjacent to this site. Moreover, it is unlikely that the proposed works will significantly impact any unknown belowground archaeological remains	Noted
Highway Authority	No objection, subject to conditions	Noted and discussed in section 5.5 of the report.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Countryside and Coast Specialist	No objection, subject to conditions.	Noted and discussed in section 5.7 of the report.
Conservation Specialist	It is advised that the proposal will have no impact on the setting or significance of any nearby designated heritage assets.	Noted.
Environmental Health Specialist	No objection. Matters in relation to noise impacts of future occupiers of the site from the road are discussed. Furthermore, matters in relation to foul	Noted and discussed in sections 5.6 and 5.9 of the report.

Name of Internal Consultee	Comment	Officer Response
	drainage are also discussed.	

7.4 Representations received from Interested Parties

7.4.1 67 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ol style="list-style-type: none"> 1. Overlooking concerns 2. Loss of privacy 3. Highway Safety due to already busy road and no crossing facilities 4. Impact upon the community resulting in significantly compromised safety, security and tranquillity of the area. 5. Noise impact concerns 6. Concerns regarding anti-social behaviour 7. Impact on character and appearance of the area 8. The construction of the traveller site will create unwanted noise, dust and fumes 9. The development would have significant effect on wildlife 10. Trees already been removed and there are concerns with wildlife disappearing 11. The site is not welcome to further reduce open land for nature to thrive 12. The land currently not used as residential and two previous application for such use have been refused 13. Site access is on a blind corner on a busy road with no visibility splays proposed and cause danger on the roadways 14. The site falls within an area where permitted development rights are restricted including the formation of hard standing which has already been put in place 15. Concerns raised regarding public consultation 16. Poor design, detailing of 	<ol style="list-style-type: none"> 1. Discussed in section 5.4 of the report. 2. Discussed in section 5.4 of the report. 3. No objection has been raised by the Highway Authority. 4. The impact of the development on residential amenity is discussed in section 5.4 of the report. 5. Discussed in sections 5.4 and 5.6 of the report. 6. The development is not considered to result in greater concerns around anti-social behaviour than those that would potentially result from conventional housing. 7. Discussed in section 5.3 of the report. 8. The impact of the development on residential amenity is discussed in section 5.4 of the report. 9. Discussed in section 5.7 of the report. 10. Discussed in section 5.7 of the report. 11. The site is already developed. 12. Noted and discussed in section 5.1 of the report. 13. No objection has been raised in relation to highway safety from the Highway Authority. 14. The site does not fall under such restriction. 15. The proposed development was publicised in accordance with the statutory requirements. 16. The impact of the development on the character of the area is assessed in section 5.3 of the report. 17. The matter is discussed in section 5.9 of the report. No

Objection Comment	Officer Response
<p>caravans and materials poorly match with the area</p> <p>17. Concerns with hazardous materials and smells due to the land having no sewage connection</p> <p>18. Concerns with air pollution due to materials being burnt</p> <p>19. No landscaping proposed</p> <p>20. Concerns the site will expand onto the adjacent land.</p> <p>21. Fly tipping concerns</p> <p>22. Increase in vehicle movement and increase demand for parking</p> <p>23. Removal of trees and hedgerow has resulted in the land overlooking the adjacent residents' gardens.</p> <p>24. The proposed Travellers' site is not consistent with the old and mid-century houses in the area</p> <p>25. Inappropriate access for the vehicles that would be using this access</p> <p>26. Concerns regarding monitoring the amount of caravans/mobile homes on site</p> <p>27. Refuse collection concerns</p> <p>28. Proposed use is not suitable because it is surrounded by houses</p> <p>29. Potentially slow-moving traffic accessing a busy road</p> <p>30. Land to east of application has covenant restricting its use to equestrian or garden</p> <p>31. No electricity supply so generator will be used permanently; local planning denotes properties should use renewable/low carbon offset energy sources</p> <p>32. Legal easements on the site for two strategic water mains restricts permanent habitation as 24/7 access is required</p> <p>33. Pitches in Curling Tye Green, 5 minutes away are more suitable. Wood corner site more suitable</p> <p>34. Limited amenities mean cars are needed to access facilities</p> <p>35. It is outside village</p>	<p>objection in that rest has been raised by the Environmental Health Officer.</p> <p>18. This issue can be addressed by the imposition of an appropriately worded condition.</p> <p>19. This matter will be secured by condition.</p> <p>20. Further expansion of the site would be subject to planning permission.</p> <p>21. This is not a material planning consideration.</p> <p>22. This matter is addressed in section 5.5 of the report.</p> <p>23. The impact of the development on residential amenity is discussed in section 5.4 of the report.</p> <p>24. The impact of the development on the character of the area is assessed in section 5.3 of the report.</p> <p>25. No objection has been raised by the Highway Authority in relation to the access of the site.</p> <p>26. The permission would restrict the use of the site to two households only. Any further intensification of the use would be subject to planning permission.</p> <p>27. Subject to approval of the proposed development, refuse collection would be managed the same as way it does for conventional housing.</p> <p>28. The impact of the development on residential amenity is discussed in section 5.4 of the report.</p> <p>29. No objection has been raised by the Highway Authority in relation to the impact of the development on the highway network.</p> <p>30. Covenants are not material planning consideration.</p> <p>31. There is no policy requirement requiring the provision of renewable energy or low carbon energy sources.</p> <p>32. This is not a material planning consideration.</p> <p>33. The LPA is required to assess</p>

Objection Comment	Officer Response
<p>boundary/envelope</p> <p>36. There are bats on the site</p> <p>37. There are breeding newts within metres of the site boundary</p> <p>38. The rules have been abused - development without permission</p> <p>39. Properties will be devalued</p> <p>40. The development of an access on site goes against Article 4 direction ART4/2002/1</p> <p>41. No footpath at the entrance to the site</p> <p>42. Concerns about administration of the application in terms of public access and information</p> <p>43. Land ownership issues regarding notice given to owners of the land</p> <p>44. The redline includes Highways land</p> <p>45. Application is invalid because the current access is unlawful</p> <p>46. The ecological assessment lacks due diligence</p> <p>47. The development is vulnerable to noise due to the increasing vehicles on the A414</p> <p>48. The noise survey was undertaken partly before the tree removal took place, undermining the current NIA</p> <p>49. The nature of caravans means that the conditions recommended in the NIA would not relate reasonably to the development proposed.</p> <p>50. Inconsistency between the reading of EH Officer and NIA when taking a decibel reading in a neighbouring garden</p> <p>51. EH data has not been used properly to obtain a comprehensive understanding of the noise environment</p> <p>52. A report has been submitted; commissioned by the objector in respect of highways and transportation</p> <p>53. Retention of the existing buildings as stables is not likely as they are dilapidated</p>	<p>the development that is front of them and not other speculative development. Furthermore, there is no requirement for a sequential test to be submitted for the proposed Gypsy/Traveller site.</p> <p>34. This matter is addressed in section 5.1 of the report.</p> <p>35. This matter is addressed in section 5.1 of the report.</p> <p>36. This matter is addressed in section 5.7 of the report.</p> <p>37. This matter is addressed in section 5.7 of the report.</p> <p>38. The planning system allows for application to be applied following the commencement of the development.</p> <p>39. This is not a material planning consideration.</p> <p>40. No element of the proposed development fall under the restrictions of the Article 4 direction in the area. However, even if it did, as an application for planning permission has been submitted for the development, all elements of the development are for consideration against the relevant planning policies.</p> <p>41. Noted.</p> <p>42. All non-sensitive documents submitted with the application where publicised on the Councils website.</p> <p>43. It is noted that the applicant has signed Certificate B stating that the requisite notice was given to everyone who was the owner or nay part of the land or building. The Applicant's signed statements within an application form as taken in good faith that area true.</p> <p>44. This is typical when an access is part of the application.</p> <p>45. An unlawful development is not a matter to make an application invalid. It is a matter to be investigated by the Enforcement Team if a complaint is submitted in writing.</p> <p>46. No concerns from the</p>

Objection Comment	Officer Response
	<p>Countryside and Coast Specialist were raised regarding the PEA.</p> <p>47. Noted and addressed in section 5.6 of the report.</p> <p>48. No such concerns were raised by the Environmental Health Specialist in relation to the NIA.</p> <p>49. Matters in relation to noise are addressed in section 5.6 of the report. The response provided by the EH Specialist was biased on the development proposed.</p> <p>50. The NIA and the EH Specialist are required to assess the noise impact on the site and not neighbouring sites.</p> <p>51. The Environmental Health Specialist is an internal consultee with expertise in the field who is able to adequately assess matters in relation to noise.</p> <p>52. The Highway Authority has been consulted and raised no objection to the proposed development.</p> <p>53. Noted but this does not affect the decision making of the application.</p>

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be carried out in accordance with the following approved plans: J004064-DD-01; J004094-DD-02 and J004094-DD-03 Rev A.
REASON To ensure that the development is carried out in accordance with the details as approved.
2. The site shall not be occupied by any person other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or the equivalent in replacement national policy).
REASON Given the nature of the proposal the permission should be limited to occupation by Gypsies and Travellers as defined in the Planning Policy for Traveller Sites.
3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 3 shall be a static caravan) and two touring caravans shall be stationed on the site at any time.
REASON In order to safeguard the character and appearance of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.

4. No works above ground level hereby permitted shall take place until there has been submitted to and approved in writing by the local planning authority a scheme providing details of any means of enclosure, the design and location of refuse storage facilities, together with details of any additional hardstanding. The development shall be implemented in accordance with the approved details and the refuse storage facilities shall be provided prior to the commencement of the use hereby permitted.

REASON In order to safeguard the visual amenities of the surrounding area and to help integrate the proposal with the surrounding countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan and guidance contained within the Maldon District Design Guide.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.

6. No commercial activities shall take place on the land, including the storage of materials.

REASON In order to protect the openness and visual amenities of the countryside in accordance with policies D1, S1 and S8 of the approved Local Development Plan.

7. No development works above ground level shall occur until details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)
 - i. It is advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.
 - ii. Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

8. No development works above ground level shall occur details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon Local Development Plan (2017).

9. Prior to the occupation of the development details of both hard and soft landscape works, including top dressing of soil within the root protection area and other works such as terraventing around T4 (oak tree), to be carried out shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation
- REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD.
10. Prior to the first occupation of the proposed dwelling, the existing vehicular access shall be reconstructed to a width of 5.5m straight for at least the first 6.0m within the site and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge to the specifications of the Highway Authority.
- REASON To ensure that all vehicles using the private drive access do so in a controlled manner and to ensure that opposing vehicles may pass clear of the limits of the highway, in the interests of highway safety and in accordance with Policies T1 and T2 of the approved Maldon District Local Development Plan.
11. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- REASON To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policies T1 and T2 of the approved Maldon District Local Development Plan.
12. The caravan pitches hereby approved shall not be occupied until four car parking spaces have been provided as shown on plan JOO4094-DD-03 REV A. The car parking spaces hereby approved shall be retained for the use of occupiers or visitors to the caravan pitches in perpetuity.
- REASON To ensure appropriate parking at the site, in accordance with policies D1 and T2 of the Maldon District Local Development Plan and the adopted Maldon District Vehicle Parking Standards.
13. The trees and hedges identified for retention in the Arboricultural Method Statement to BS5837:2012, the Arboricultural Survey to BS5837:2012 and Tree Protection Plan (JOO494-DD-03), including the retention of T4 (oak tree – marked for removal), which are attached to and form part of this permission shall be protected during the course of the development. The trees and hedges shall be protected by measures which accord with British Standard 5837:2012 (Trees in Relation to Construction). The protective fencing and ground protection shall be erected before the commencement of any clearing, demolition and building operations and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Within the fenced protection zone(s) no materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the fence, nor shall any change in ground level be made within the fenced area unless otherwise first agreed in writing by the local planning authority. If within five years from the completion of the development a tree or hedge shown to be retained is removed, destroyed, dies, or

becomes, in the opinion of the local planning authority, seriously damaged or defective, a replacement shall be planted within the site of such species and size, and shall be planted at such time, as specified in writing by the local planning authority.

REASON To secure the retention of appropriate landscaping of the site in the interests of visual amenity and the character of the area and for their biodiversity value in accordance with Policies D1 and N2 of the Maldon District Local Development Plan and the Maldon District Design Guide.

14. All mitigation and enhancement measures shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (arbtech, 12.04.2022). The enhancement measures shall include, but limited to, a minimum of two bat boxes, a minimum of two bird boxes, planting of native species of trees, scrub and hedges, retention of standing and stacked deadwood on site.

REASON To ensure appropriate protection to protected species and enhancement of habitats is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

15. No external lighting shall be installed on site, unless a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON To ensure appropriate protection to protected species is provided in accordance with the guidance of the National Planning Policy Framework and policy N2 of the Maldon District Local Development Plan.

16. There shall be no burning of wastes anywhere on the site edged in red on the plans hereby approved.

REASON To protect the character of the area and residential amenity in compliance with the NPPF and policies D1 and H4 of the approved Local Development Plan and the guidance contained in the MDDG SPD.

INFORMATIVES

1. The applicant must contact the Environmental Health Department to discuss the need to apply for a caravan site licence under the Caravan Sites and Control of Development Act 1960 should permission be granted. The current fee for a site licence application for 1-8 pitches is £666.00.
2. There must be at least 6 metres between caravans on the site and any other structure.
3. Fire appliance access should be available to within 45 metres of every point within the mobile home or to 15% of the perimeter of the mobile home whichever is the less onerous.
4. The requirements above shall be imposed by way of negative planning condition or planning obligation with associated legal framework as appropriate.
5. All highway related details shall be agreed with the Highway Authority
6. All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org.