



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

---

**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
5 MARCH 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01389</b>
<b>Location</b>	Land at junction of Captains Wood Road and Maypole Road, Great Totham
<b>Proposal</b>	Variation of condition 3 (number of caravans), 4 (siting of static caravan) and 12 (approved plans) of Appeal Decision ref: APP/X1545/A/14/222038; change of use of part of the land for the stationing of caravans for residential purposes as an extension to an existing Gypsy and Traveller site; and relocation of existing stable building
<b>Applicant</b>	Mr Cooper
<b>Agent</b>	Green Planning Studio Ltd.
<b>Target Decision Date</b>	06.03.2018
<b>Case Officer</b>	Kathryn Mathews, Tel: 01621 875805
<b>Parish</b>	<b>GREAT TOTHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Land At Junction Of Captains Wood Road And Maypole Road**  
Great Totham FUL/MAL/17/01389



**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

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: North West Area Committee

Date: 19/02/2018

MSA Number: 100018588

### 3. SUMMARY

#### 3.1 **Proposal / brief overview, including any relevant background information**

3.1.1 The application site is located within the open countryside beyond any defined settlement boundary. It consists of part of a triangular plot situated at the junction of Captains Wood Road and Maypole Road. Planning permission for part of the site to be developed as a single Gypsy and Traveller pitch was granted at appeal in 2015 (reference **FUL/MAL/13/00920**) which has been partly implemented.

3.1.2 Planning permission is sought for the variation of condition 3 (number of caravans), condition 4 (siting of static caravan) and condition 12 (approved plans) of Appeal Decision ref: APP/X1545/A/14/2220387 (planning permission reference **FUL/MAL/13/00920**) and the change of use of part of the land for the stationing of caravans for residential purposes as an extension to an existing Gypsy and Traveller site; and the relocation of an existing stable building.

3.1.3 The existing conditions 3, 4 and 12 are worded as follows:-

Condition 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 1 shall be a static caravan) shall be stationed on the site at any time. The reason for this condition was in order to safeguard the character and appearance of the countryside.

Condition 4: The static caravan shall be sited in accordance with Drawing No 13\_551\_00 RevA. Any material change to its position, or its replacement by another in a different location, shall only take place in accordance with details that have been submitted to and approved in writing by the local planning authority. The reason for this condition was in order to safeguard the character and appearance of the countryside.

Condition 12: The development hereby permitted shall be carried out in accordance with the following approved plans: 13\_551\_001, 13\_551\_002, 13\_551\_003 (Rev A) and 13\_551\_004A. The reason for this condition was for the avoidance of doubt and in the interests of proper planning.

3.1.4 The applicant seeks to vary the conditions to read as follows:

Condition 3: No more than 6 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 caravans) shall be stationed on the site at any time.

Condition 4: The static caravans shall be sited in accordance with Drawing No 13\_551A\_003. Any material change to its position, or its replacement by another in different location, shall be only take place in accordance with details that have been submitted to and approved in writing by the local planning authority.

Condition 12: The development hereby permitted shall be carried out in accordance with the following approved plans: 13\_551A\_001, 13\_551A\_002, 13\_551A\_003 and 13\_551A\_004.

- 3.1.5 The application seeks to increase the total number of pitches on the site to 3, increase the number of caravans to 3 mobile homes and 3 touring caravans, and add 2 utility/dayrooms. The application also seeks to relocate the existing stable building and revise the location of the mobile home approved on appeal (APP/X1545/A/14/2220387).
- 3.1.6 The application is supported by a Planning Statement in which it is stated that the 'increase in the amount of the mobile homes is required to maintain the existing need in the area and this site specifically. The two additional pitches are for Mr Bill Cooper's children' and it is stated that the relocation of the previously approved mobile home is to 'form a more even compound of mobile homes'. At Sections 5 and 6 of the applicant's Planning Statement it is stated that the site would be used to accommodate a total of three gypsy pitches.
- 3.1.7 The additional mobile homes would be located immediately to the west of the part of the site which already benefits from planning permission reference **FUL/MAL/13/00920**. Two utility/day rooms are proposed: 8m x 5m, single storey with pitched roofs. Two touring caravans would be located adjacent to the mobile homes, all within a new area of hardstanding. The revised position of the stable building would be immediately to the west of the additional mobile homes. The revised position of the previously approved mobile home would be that of the existing stable building which adjoins the northern boundary of the site.
- 3.1.8 It is understood that the applicant owns the site and that part of the development the subject of the existing planning permission has been carried-out, but that the site has not been occupied to-date and that there are currently no mobile homes on site. The hardstanding and day room at the east of the site are however in place.

## 3.2 Conclusion

- 3.2.1 Having assessed the proposal against national and local policies, 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 highway safety, subject to the imposition of conditions. In the absence of any demonstrated harm, the proposal complies with the relevant Policies of the Approved Local Development Plan and it is recommended that planning permission is approved.

## 4. MAIN RELEVANT POLICIES

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

### 4.1 National Planning Policy Framework (NPPF) 2012, including paragraphs:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56-68 Requiring Good Design
- 186-187 Decision-taking
- 196-198 Determining applications
-

#### **4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State**

- S1 Sustainable Development
- S7 Prosperous Rural Community
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land
- H6 Provision for Travellers
- T1 Sustainable Transport
- T2 Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- DCLG's Planning Policy for Travellers Sites, August 2015.
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

### **5. MAIN CONSIDERATIONS**

The primary issues which will require consideration as part of the determination of this planning application are the principle of the development and the impact of the development on the character and appearance of the area. Other relevant matters would be private amenity space and landscaping, highway safety/parking and drainage.

#### **5.1 Principle of Development**

- 5.1.1 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)).
- 5.1.2 Policy H6 of the approved Maldon District Local Development Plan (LDP) sets out criteria for the assessment of proposals for travellers.
- 5.1.3 On the basis of the above, it is considered that the proposal would be acceptable in principle, subject to compliance with the criteria contained within Policy H6.
- 5.1.4 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.”

5.1.5 The policy also includes seven criteria that it is expected that proposals and sites will comply with in order to be granted planning permission.

5.1.6 With reference to Policy H6 criteria, the site could provide additional provision through appropriate expansion and:-

- Would be appropriate in scale to the nearest settlement or dwelling(s) and would 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 (criterion 3.a)) As part of the previous appeal, the Inspector made reference to potential integration with other residents in the locality, the health and well-being of the site’s future occupiers and did not raise concerns regarding pressure on infrastructure or services.
- The proposal would not be poorly related to the existing built-up area; capable of having access to essential services; and allow convenient access, potentially for pedestrian, cycles and public transport, as well as by private car, to key facilities (criterion 3.b)). As part of the previous appeal, the Inspector did not raise concerns regarding access to local services and facilities by occupiers of the site.
- The site is located away from an area at risk of flooding (criterion 3.c))
- The site can be accessed safely by vehicles from the public highway (see below) (criterion 3.d))
- The site is 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 (see below) (criterion 3.e))
- 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 (see below) (criterion 3.f.)
- Criterion 3.g. is not applicable as it only applies to Travelling Showpeople.

5.1.7 Based on the above, subject to conditions being imposed (see below), Officers are of the view that the proposal would comply with LDP Policy H6 – Provision for Travellers.

5.1.8 The application has not been accompanied by a statement to confirm that the occupants of the site will comply with the PPTS definition of Travellers for planning purposes to (in Annexe 1):

*‘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, but*

*excluding members of an organised group of travelling showpeople or circus people travelling together as such.'*

- 5.1.9 However, the occupation of the site could be limited to those who do comply with the definition through the imposition of an appropriately worded condition. Paragraph 24 of the PPTS states that the availability of alternative accommodation for the applicants and other personal circumstances of the applicant should be considered as a relevant matter. As neither details of how the occupiers of the site will meet the abovementioned definition nor details of other personal circumstances have been provided, little or no weight can be given to the availability of other sites or any personal circumstances in the assessment of the current application.
- 5.1.10 As residential accommodation would not normally be approved at this site other than in accordance with the stated exception policy, it is considered that a condition to restrict the occupancy of the site meets the tests of reasonableness. At Sections 5 and 5 of the applicant's Planning Statement, it is specifically stated that the pitches will be used as Gypsy pitches, thereby according with the exception policy.
- 5.1.11 In relation to conditions and the variation of the former conditions, it is considered appropriate to apply weight to the relevant sections of the Planning Practice Guidance with respect to conditions and the modification of conditions. This application has been submitted as a full planning application rather than an application under Section 73 and therefore, whilst the variation of conditions is part of the proposal, it is not the only part of the proposal and therefore the limitations on the imposition of conditions by the Local Planning Authority (as related to Section 73 applications) is not applicable. If granted, a new, independent planning permission would be granted and as such it is necessary to impose a new set of conditions. The original permission would remain in place, unaffected.
- 5.1.12 Notwithstanding the above, regard should be had to the original permission and the wording of those conditions which has been found to be sound by the Planning Inspectorate. It is noted that the applicant has proposed specific wording for the amended conditions which the authority can have regard to, but in the circumstances, given that the resultant development is materially different and would be an independent planning permission rather than a 'bolt-on' to the original permission, it is considered that the Local Planning Authority can impose different conditions, provided that they comply with the standards six tests of a condition.

## **5.2 Housing Need and Supply**

- 5.2.1 The Maldon District Local Development Plan was approved by the Secretary of State on 21 July 2017. This LDP makes provision for the District's full objectively assessed housing needs including those households which meet the PPTS definition for Gypsy and Travellers. Therefore, there is no current under-provision of Gypsy and Traveller pitches within the District.
- 5.2.2 The Planning Policy Officer has provided the following advice:

*'The PPTS requires local planning authorities to set pitch targets for Gypsies and Travellers as defined in Annex 1 (see above) 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*

### *Gypsy & Traveller Accommodation Needs*

*In November 2015 the Essex Planning Officers' Association commissioned Opinion Research Services (ORS) to update to the Greater Essex1 GTAA Report 2014 in response to the new National Planning Policy Statement for the Provision of Traveller Sites (PPTS) in August 2015, which included changes in the planning definition for Travellers. Given the timeframes to prepare the Essex GTAA and the need to provide Local Plan evidence, a series of individual local authority reports were prepared between November 2016 and summer 2017. The Maldon District Gypsy & Traveller Accommodation Assessment Need Summary Report (Maldon District GTAA) was one of these, and was published in December 2016.*

*The 2016 Maldon District GTAA identified the following level of need:*

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

*Since the publication of the Maldon District GTAA, an appeal for two Traveller pitches was allowed at Rose Stables, Captains Wood Road, Great Totham (on 14-12-2016) (14/00769/FUL). Due to the particular circumstances of that case, the appeal decision required that, except for a named individual, the site is to be occupied by Traveller households who met the PPTS 2015 definition. In the future, if the named individual no longer resides on the site, then both pitches can only be occupied by households who meet the PPTS definition. Therefore this planning permission fully met the identified accommodation need for pitches for households who met the PPTS definition and 10% of the need from households of unknown status who may meet the PPTS definition.*

*The Maldon District GTAA 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.*



*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 the PPTS definition have been met in their entirety.*

#### *Maldon District Local Development Plan*

*In July 2017 the Secretary of State approved the Maldon District Local Development Plan (LDP). The NPPF (paragraph 2) clearly states that: 'Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.'*

*To meet the accommodation needs of Traveller households who meet the PPTS definition, the Council will consider proposals through the development management process, using Policy H6. Policy H6 sets out key locational and site criteria to be considered when assessing a proposal for new Traveller accommodation.'*

- 5.2.3 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 housing 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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.  
“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”.

- 5.3.3 This principle has been reflected to the approved LDP. 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) Historic environment particularly in relation to designated and non-designated heritage assets;
  - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
  - g) Energy and resource efficiency.
- 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 (2017).
- 5.3.5 The application site lies outside of any defined development boundary. 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 The proposed development would introduce further mobile homes, caravans, day rooms, hardstanding and other ancillary development into a rural area dominated by open countryside. The proposal would, therefore, cause some harm to the character and appearance of the area. However, with reference to criterion 3.f.) of Policy H6, Officers would accept that some harm to the character and appearance of the rural area was inevitable if additional Gypsy and Traveller pitches were to be located in the area.
- 5.3.7 No objection is raised to the location of the proposed stables as, whilst the building would be moved away from the north-eastern corner of the site, it would be located adjacent to the part of the site to be developed for residential purposes which would minimise its visual impact on its rural surroundings.
- 5.3.8 Thickening of the existing boundary vegetation/hedging, particularly along the Maypole Road boundary of the site, to minimise views into the site from its surroundings would assist in mitigating the harm caused. However, it is not considered that landscaping in addition to that already approved (reference 15/05103/DET) would be necessary.

#### **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 Maldon District Design Guide (2017).
- 5.4.2 On the basis that there are no existing residential properties adjacent to the application site and given the residential nature and limited scale of the development proposed, it is not considered that the proposal would have an adverse impact on any existing residents.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to 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 Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.5.3 The submitted drawings suggest that vehicle access to the additional pitches and relocated stable would be via the existing access on Captains Wood Road and that off-street parking would be available for all three residential pitches. The Highways Officer raises no objection to the proposal, subject to the imposition of conditions. In this respect it is considered that some of the conditions that have been suggested are not necessary or reasonable as they do not align with the conditions that were imposed on the original permission. It is considered that the intensification of the use of the site would not lead to additional vehicle movements to an extent that would justify more stringent conditions being imposed upon the applicant. The access to the site has been implemented under the terms of the previous permission and as no alterations to the access are proposed, it is considered that it is unnecessary and unreasonable to require the applicant to comply with different conditions that were not imposed previously.
- 5.5.4 On the basis of the above, and given the residential nature and limited scale of the development proposed, the proposal would comply with the adopted parking standards and would not cause highway safety concerns.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> 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 site. Landscaping could be required by condition but is not considered necessary in this case as it is considered that landscaping in addition to that already approved (reference 15/05103/DET) would be necessary.

## **5.7 Drainage**

- 5.7.1 Policy D5 of the Local Development Plan sets out the Council's approach to minimising flood risk.
- 5.7.2 The EHT has recommended that conditions requiring details of surface water and foul drainage are imposed if planning permission were to be granted. It is noted that in the case of the previous permissioned, it was deemed appropriate to impose a condition in relation to foul drainage, but no conditions were imposed in relation to surface water drainage. Although the area of hardstanding would increase, it is considered that it is no more necessary to require details to be submitted now, particularly as the hardstanding is described as being loose bound and permeable, which would be secured by another condition. On the basis of this advice, it is considered that the issue of foul drainage can be satisfactorily dealt with by condition.

## **5.8 Sustainability**

- 5.8.1 In relation to sustainability, as part of the previous appeal, the Inspector found the use of the site as a Gypsy and Traveller pitch as a sustainable form of development economically, socially and environmentally. The Inspector made reference to potential integration with other residents in the locality, the health and well-being of the site's future occupiers, pressure on infrastructure or services and access to local services and facilities. This assessment carries substantial weight in the assessment of the current application and there has been no material change in the planning circumstances since the appeal decision was made for a different view on this matter to now be taken.

## **5.9 Other Matters**

- 5.9.1 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 favorably 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 of the additional pitches is limited but Officers are of the view that there are no conflicts 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**

The relevant planning history is set out in the table below:

- **FUL/MAL/11/00780** - Erection of small stable block with tack room and hay barn. Decision WITHDRAWN.
- **FUL/MAL/11/00987** – Erection of small single storey two stable block with hay

store. Decision APPROVED 04/04/12.

- **FUL/MAL/13/00920** – The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/dayroom ancillary to that use. Decision REFUSED 11/12/13. APPEAL (APP/X1545/A/14/2220387) allowed
- **DET/MAL/15/05103** – Compliance with conditions notification of **FUL/MAL/00920** allowed on appeal APP/X1545/A/14/2220387 (The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hardstanding. Condition 7. Landscaping. Condition 11. Sewage treatment system. Discharged 10/05/18.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	<p>Recommends refusal: six caravans plus support buildings well in excess of the existing maximum of two caravans for the site which would result in an unwelcome intensifying effect in an area of rural character.</p> <p>Outside the development boundary, and at a dangerous junction.</p> <p>Maldon District does not have a deficit of traveller site provision.</p> <p>For these reasons, the proposal was considered contrary to the adopted policies of Maldon District Council.</p>	Noted (refer to relevant sections of report)

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>Recommends refusal:-</p> <p>Site previously occupied unlawfully. Enforcement action lead to an application for one pitch (<b>FUL/MAL/13/00920</b>) which was allowed on appeal.</p>	The application site was not unlawfully occupied prior to the appeal being allowed. The other issues are noted (refer to relevant sections of report)

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	<p>The application is for six caravans plus buildings which is totally unacceptable whereas the current permission is for two caravans on the site. Would result in an unwelcome intensifying effect in an area of rural character.</p> <p>Outside the settlement development limits, and at a dangerous junction and any intensification of traffic would be unacceptable.</p> <p>Maldon District does not have a deficit of traveller site provision.</p> <p>The proposal is contrary to the policies of the Approved Maldon District Local Development Plan</p>	

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
<b>Highways Officer</b>	<b>No objection subject to conditions (relating to the width and surfacing of the access way; visibility splays; turning facility; position of gates) and informatives.</b>	<b>Noted (refer to 'Highway Safety' section of report)</b>

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
<b>Environmental Health</b>	<b>No objections subject to conditions requiring details of foul and surface water drainage; and informatives</b>	<b>Noted (refer to 'Drainage' section of report)</b>
<b>Planning Policy</b>	<b>No objection subject to conditions</b>	<b>Noted (refer to 'Principle of Development' section of report)</b>

## 7.4 Representations received from Interested Parties

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

- Jonathan Yardsley, Gun Farm, Maypole Road, Great Totham

Objection Comment	Officer Response
Does not comply with Local Plan Policies and Government guidance.	Noted (refer to relevant sections of report).
Would not respect local context or the scale and proportions of surrounding environment. Out of character with the area to detriment of local environment.	
Would have an overbearing effect on neighbours, and result in a loss of privacy, noise, disturbance, nuisance and a poor outlook	
Highway safety concerns and insufficient parking proposed	
If approved construction period should be restricted by condition	Given the nature, scale and location of the site, conditions controlling the construction period are unnecessary. The site is not located within the Green Belt.
Inappropriate development in the Green Belt	
Potential adverse effect on protected trees	There are no trees within the site subject to a Tree Preservation Order.

## 8 PROPOSED CONDITIONS

- The development hereby permitted shall begin not later than three years from the date of this decision.  
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 13\_551A\_001, 13\_551A\_002, 13\_551A\_003 and 13\_551A\_004.  
REASON To ensure that the development is carried out in accordance with the details as approved.
- The application site shall not be occupied by any persons other than Gypsies and Travellers as defined in Annex 1 of the Government's Planning Policy for Traveller Sites.  
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.

4. No more than 6 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) 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.
5. The three static caravans referred to within condition 4 above shall be sited in accordance with Drawing No. 13\_551A\_003, in the positions that are demarked “Proposed mobile home” and “Existing mobile home to be repositioned”. Any material change to their positions, or their replacement by another in a different location, shall only take place in accordance with details that have previously been submitted to and approved in writing by the local planning authority.  
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.17/0
6. No works relating to the construction of the two proposed utility/day rooms shown on drawing 13\_551A/003 shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the those building have been submitted to the Local Planning Authority for approval in writing. Only the approved materials shall be used in the erection of those two buildings.  
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
7. The development hereby permitted shall not 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 and any external lighting proposed, 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.
8. 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.
9. 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.
10. The stable building shall be used solely for the private stabling of horses in connection with the gypsy pitches at the site and shall not be used for the purposes of livery or a riding school.



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.

11. Neither of the two caravans marked 'Proposed mobile home' on plan 13\_551A\_003 shall be occupied until details of the package sewage treatment system to serve those caravans has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the first occupation of either of the caravans marked as 'Proposed mobile home' on plan 13\_551A\_003.

No caravan positioned in the location marked 'Existing mobile home to be repositioned' on plan 13\_551A\_003 shall be occupied until that caravan has been connected to either the package sewage treatment system that is approved under the terms of this condition or the package sewage treatment system that was approved under the terms of discharge of condition application

**DET/MAL/15/05103.**

REASON To ensure satisfactory arrangements are in place for sewage disposal, in accordance with Policy D5 of the approved Local Development Plan.

## **INFORMATIVES**

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to: SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford, CM2 5PU.
2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future. The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.
3. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;

d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

4. It is noted that the applicants have yet to apply for a caravan site licence. This is a legal requirement under the Caravan Sites and Control of Development Act 1960, the applicant must apply without further delay, and the current cost is £581.