

**Case Officer:** Katherine Daniels

**Applicant:** L C Hughes Partnership

**Proposal:** Change of Use of Land to provide temporary caravan site with associated access enclosure and amenity for use by railway construction staff

**Ward:** Launton and Otmoor

**Councillors:** Cllr Coton, Cllr Holland and Cllr Patrick

**Reason for Referral:** At the time the application was submitted, the applicant was a CDC Councillor

**Expiry Date:** 12 October 2022

**Committee Date:** 6 October 2022

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

1.1. The site is located in the open countryside to the southeast of Bicester, to the north of the A41. The access to the site currently serves the Bicester Caravan and Leisure dealership, and metal recycling car breakers. The application site is situated to the northeast of the complex. It is currently being used for the storage of caravans associated with the dealership. A woodland is located to the southeast of the site. The site boundaries consist of the woodland and mature vegetation.

1.2. The access to the site is to the north of the A41, approximately 350m to the southwest of Symmetry Park which is a storage and distribution site. DPD is the closest storage and distribution building and is located approximately 250m from the application site.

**2. CONSTRAINTS**

2.1. The application site is close to a priority grassland habitat. The site is not within a conservation area, and there are no listed buildings in the vicinity. The site lies in an area of archaeological potential with a high level of Roman activity being recorded in the vicinity.

**3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposal is for the change of use of land to provide a temporary caravan site with associated access enclosure and amenity for the use of railway construction staff. The proposal is for serviced pitches to accommodate 85 single touring vans with single car space, a secure cycle post and a small amenity space area. The proposal also includes an amenity block which is proposed to be single storey in height. Indicative plans show this as a steel portacabin, which will be clad vertically in timber. This amenity building is located to the southwest of the application site. The proposal seeks to retain the existing vegetation and install a new 1.8m boundary fencing and screen planting to the north of the site.

#### 4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application: 19/01289/F

Change of Use of Land to Camping and Caravan Site together with access and amenity areas (land to the south)

Permitted - 17 February 2020

Application: 22/00556/SO

Screening opinion to 22/00464/F - Change of Use of Land to provide temporary caravan site with associated access enclosure and amenity for use by railway construction staff

Screening Opinion not requesting EIA - 28 June 2022

Application: 22/02180/F

Proposed caravan showroom and office to be built within existing caravan sales and service site

Permitted - 15 September 2022

#### 5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

#### 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 16 August 2022.

- 6.2. No responses have been received.

#### 7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BLACKTHORN PARISH COUNCIL: Have no observations or objections

##### CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to a condition being imposed for a shuttle bus strategy to be submitted to and approved in writing.
- 7.4. NATIONAL HIGHWAYS: **No objections**
- 7.5. OCC LEAD LOCAL FLOOD AUTHORITY: Originally objections were received but a response of **no objection** has been received following the receipt of further information
- 7.6. OCC ARCHAEOLOGY: Requests a watching brief should be carried out on all new excavations for services to the site including sewerage arrangements.

- 7.7. CDC LICENSING: No caravan site licence is required as builders/construction workers staying on-site form part of an exemption from the need for a licence.
- 7.8. CDC ENVIRONMENTAL PROTECTION: no comments were received at the time of writing the report.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- ESD6 – Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- SLE1 – Employment Development
- SLE4 – Improved Transport Connections
- SLE5 – High Speed Rail 2 – London to Birmingham

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)

## **9. APPRAISAL**

- 9.1. The key issues for consideration in this case are:
- Principle of development
  - Design, and impact on the character of the area
  - Residential amenity
  - Flooding/Drainage
  - Highway Safety
  - Archaeology

### Principle of Development

#### *Policy Context*

- 9.2. Policy SLE1 of the CLP 2015 seeks to support employment development on existing employment sites.

- 9.3. Policy SLE4 of the CLP 2015 seeks to support the implementation of proposals in the Movement Strategies and Local Transport Plan to deliver key connections to support modal shift.
- 9.4. Policy SLE5 of the CLP 2015 relates to the construction of HS2. This policy relates to the rail link directly rather than associated development relating to temporary accommodation for workers. This policy seeks to manage the construction to minimise the impact on communities and the environment.
- 9.5. Chapter 6 of the NPPF seeks to build a strong and competitive economy. Paragraph 85 seeks to ensure decisions should recognise that sites to meet local business needs in rural areas may have to be found beyond existing settlements. Chapter 9 of the NPPF seeks to promote sustainable transport.

#### *Assessment*

- 9.6. The proposal seeks to provide temporary residential accommodation for use by contracted railway construction staff involved in local projects including HS2 and East West Rail. HS2 contractors have written to support this proposal. The proposed occupants on site will be with one of the main contractors associated with the development of HS2 predominantly. Whilst the main works contractors for HS2 are keen to support employment opportunities for local workers; transient workers will also be required to support the delivery of the project. It has been identified that there is currently insufficient temporary accommodation in the locality for these transient workers, hence the need for this proposal (and others the Council are considering).
- 9.7. The application site is currently used for the storage of caravans associated with the caravan dealership on site. Indirectly the proposal will provide some benefit to the existing use by providing additional funding to the business and by being close to existing amenities on site such as the café and the shop selling caravan equipment and accessories. In addition, the proposal is for a temporary period. This will allow for the caravan storage to be returned to the site once the construction workers move on. The impact on the existing business will therefore be minimal and will not result in the loss of an employment site in the long term.
- 9.8. The principle of development is considered to be acceptable on a temporary basis, due to the support it will provide for the implementation of proposals within the Movement Strategies and Local Transport Plan and national infrastructure projects including HS2 and East-West Rail.

#### *Conclusion*

- 9.9. Although it is noted that the loss of the current part of the site for caravan storage could have some impact on the business, this will only be temporary, and it will not lead to the loss of an existing business on site. The proposed temporary use seeks to support the construction of a national infrastructure project by providing appropriate accommodation for the construction workers. The principle of the development is considered to be acceptable, as it is considered to be in accordance with CLP 2015 Policy SLE4 as well as Chapter 6 of the NPPF.

#### Impact upon the character and appearance of the locality

##### *Policy context*

- 9.10. Policy ESD15 of the CLP 2015 seeks to ensure development would complement and enhance the character of its context through sensitive siting, layout, and high-quality design

- 9.11. Saved Policy C28 of the CLP (1996) seeks to ensure that the layout, design, and external appearance of all new development is sympathetic to the rural context of the site.
- 9.12. Chapter 12 of the NPPF seeks to achieve well-designed places. Paragraph 130 (a) states that decisions should ensure development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

#### *Assessment*

- 9.13. The existing site is well screened from the wider locality. The site has existing boundary treatments and strong vegetation which helps to screen the existing caravan storage on the site in the wider locality. The visual character of the site will not alter given it will be of a similar character to the existing use. The only addition to the site would be an amenity building, which is single storey in height, therefore the impact would be similar to the caravans. New enclosures are proposed at 1.8m in height and these would not be widely visible.
- 9.14. Regarding the comings and goings to the site, this is likely to increase as a result of the proposal, however, given its context and its relationship with Symmetry Park, its impact will be negligible to the character of the locality.

#### *Conclusion*

- 9.15. The impact on the character and appearance of the locality is considered to be acceptable and not out of keeping with the way in which the site is currently used for caravan storage. The proposal is for a temporary period to allow for the construction workers to carry out work on national infrastructure projects. The proposal is therefore considered to be in accordance with Policy ESD 15 of the CLP 2015 and Saved Policy C28 of the CLP (1996).

#### Impact on Residential Amenity

#### *Policy context*

- 9.16. ESD15 of the CLP 2015 seeks to ensure planning decisions consider the amenity of both existing and future development.
- 9.17. Chapter 12 of the NPPF seeks to achieve well-designed places. Paragraph 130 (f) states that developments should have a high standard of amenity for existing and future users.

#### *Assessment*

- 9.18. The proposal seeks to place a temporary residential use on the site, which is close to an existing scrapyards. Whilst the construction workers may work shifts, HS2's factsheet relating to working hours sets out that construction works for HS2 would generally take place during daytime hours. It seems likely therefore that this would correspond with the hours for the scrapyards and caravan dealership and that the amenity for construction workers would be satisfactory in this respect. The proposal is for a temporary period of up to 3 years in the first instance.
- 9.19. The proposed layout is similar to other campsites, and given its nature and character of touring caravans, it is unlikely to result in a negative impact on overlooking. Existing residential properties are at a significant distance (excess of 100m); therefore, the proposal will not have a detrimental impact on the amenities of nearby residential properties.

- 9.20. It is noted that the Environmental Protection Officer for the Council has not responded to the consultation process, however having taken note of other comments close to the site, and the proposed temporary nature it is unlikely there would be an objection to the proposal for the reasons given above. A condition restricting its use to a temporary period would be considered to be reasonable for this proposal given the surrounding uses.
- 9.21. Given the temporary nature of the proposal and the fact it is for construction workers, it is unlikely the proposal will result in a detrimental impact on the amenities of the existing and temporary residents.

#### *Conclusion*

- 9.22. Provided a condition is imposed restricting the use to a temporary period only, the proposal is unlikely to result in a detrimental impact on residential amenity. The proposal is therefore considered to be in accordance with Policy ESD15 of the CLP 2015.

#### Flooding/Drainage

##### *Policy Context*

- 9.23. Policy ESD6 of CLP 2015 seeks to ensure that development would be safe, remain operational and that surface water will be managed effectively on site and that it would not increase flood risk elsewhere. A flood risk assessment is required for development on a site over 1ha in area in flood zone 1.
- 9.24. Chapter 14 of the NPPF deals with meeting the challenge of climate change, flooding, and coastal change. This seeks to prevent inappropriate development in areas at risk of flooding (Paragraph 159). Local Planning Authorities should ensure flood risk is not increased elsewhere (Paragraph 167)

##### *Assessment*

- 9.25. During the application process, the Lead Local Flood Authority (LLFA) objected to the proposal due to the lack of a Flood Risk Assessment (FRA). As a result, during the application process, the applicants carried out an FRA which recommended the loss of one caravan pitch which is reflected in the amended scheme. The LLFA originally had concerns regarding the water runoff from the caravans, to which further information was submitted. The LLFA are content that the caravan site will drain naturally as per existing, therefore they do not have any comments on the application.

#### *Conclusion*

- 9.26. The proposed development is unlikely to exacerbate flooding in the locality, therefore the proposal is considered to be in accordance with Policy ESD6 of the CLP 2015.

#### Highways

##### *Policy Context*

- 9.27. Policy SLE4 of the CLP 2015 seeks to ensure that there are improved Transport Connections within the District. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### *Assessment*

- 9.28. National Highways with respect to their interest in the M40 and A34 does not have an objection to the proposed development.
- 9.29. The Local Highway Authority have also commented on the application, to which they consider the existing access suitable for the intensification of the use of the site. However, a condition has been suggested for the provision of a shuttle service to and from the site. This will increase its sustainability credentials.

### *Conclusion*

- 9.30. Provided conditions are imposed the proposal is unlikely to cause an unacceptable impact on the highway. The proposal is therefore considered to be in accordance with Policy SLE4 of the CLP 2015 and having regard to paragraph 111 of the NPPF would not cause a severe highway impact.

### 9.31. Archaeology

#### *Policy Context*

- 9.32. Policy ESD15 of the CLP 2015 seeks to conserve, sustain and enhance designated and non-designated heritage assets, including archaeology. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- 9.33. Chapter 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 194 seeks to ensure that for developments that have the potential to include heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

### *Assessment*

- 9.34. The County's Archaeologist has responded to the application. The site is in an area of archaeological interest and potential, with a high level of Roman activity being recorded in the vicinity. The archaeologist considers the caravans would not appear to result in any new ground impacts, though any new service runs and excavations should be covered by archaeological monitoring and recording (watching brief).

### *Conclusion*

- 9.35. The proposal has the potential to have an impact on archaeological interest on the site, however, this can be mitigated by the imposition of appropriate planning conditions. Therefore, provided adequate planning conditions are imposed, the proposal is considered to be in accordance with Policy ESD15 of the CLP 2015 and having regard to paragraph 194 of the NPPF.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Officers consider that the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so the proposal is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.
- 10.2. The proposal is for the change of use to a temporary caravan site and associated access enclosure for use by railway construction staff. Although the site is located adjacent to an existing scrapyard, given its temporary nature it is unlikely that there would be an adverse impact on residential amenity.

- 10.3. The character of the locality will not be altered significantly, given the land is currently used as a caravan storage area. There will be no buildings which will be greater than single storey. Therefore, the impact on the surrounding area is limited particularly taking into account the existing vegetation screening.
- 10.4. Overall, the proposal, providing adequate conditions are imposed, is considered to be in accordance with Policies SLE4, ESD6, and ESD15 of the CLP 2015 and Saved Policy C28 of the CLP (1996), and having regard to Policy SLE5 of the CLP 2015.

## 11. RECOMMENDATION

### **RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

#### CONDITIONS

##### **Time Limit**

1. The use hereby permitted shall be discontinued on or before 10<sup>th</sup> October 2025 and the land restored in accordance with a Land Restoration Strategy to be submitted to and agreed in writing by the Local Planning Authority. The submission of the Land Restoration Strategy shall be made prior to 10<sup>th</sup> April 2025.

Reason: In order to safeguard the visual amenities of the area and residential amenity in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996

##### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: 6218.10 A (Site Location and Proposals Layout Plan) received 13 July 2022.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

##### **Details of amenity buildings**

3. Prior to the first installation of the sanitary and amenity building, details of the sanitary and amenity buildings, including elevations, floorplans and proposed materials demonstrating that it shall be single storey only shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first use of the site.

Reason: To ensure that the buildings are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

##### **Landscaping**

4. A scheme of planting to provide a screen for the site along its northwestern boundary consisting of suitable plants capable of growing to a height of not less than two metres, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within the first planting



season following the first date on which any part of the approved development is occupied.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Highway**

5. Prior to the first occupation of the development, a Shuttle Strategy shall be provided, which shall include details of the frequency and quantity of the proposed shuttle service and a proposed timetable which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Shuttle Strategy shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within Section 12 the National Planning Policy Framework

### **Archaeology**

6. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any groundworks taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the Policy ESD15 of the Part 1 CLP (2011-2031) and the NPPF (2021).

7. Following the approval of the Written Scheme of Investigation referred to in condition 6, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with the Policy ESD15 of the Part 1 CLP (2011-2031 and the NPPF (2021).