

Application No: 11/01863/F	Ward: Adderbury	Date Valid: 13.12.11
Applicant:	Smiths of Bloxham	
Site Address:	Smiths, Bloxham Road Caravan Site Bloxham Road Milton	

Proposal: Use and continued use of site as a gypsy and traveller site to provide 36 no. household pitches with associated landscaping, landscape bund, amenity/play area, dayrooms, access road, hardstanding and parking areas.

1. Site Description and Proposal

- 1.1 This application relates to an existing gypsy and traveller site situated on the Milton Road, Bloxham, approximately 1.5km from the centre of the village and 100m from the recent Milton Road residential development on the south-eastern edge of the village. The site is roughly rectangular in shape measuring some 3.64ha and is bounded to the south Milton Road and to the north by the disused railway with open land to either side, but immediately adjacent The Smiths of Bloxham scrap yard on the eastern boundary. A public right of way runs along the northern boundary.
- 1.2 The site is currently divided into roughly two halves. The western half is currently a caravan park and has three permanent brick buildings (toilet/amenity blocks) and a bungalow occupied by the applicant's family member. There is a tarmac access loop round the middle of the site, but the rest is gravelled. The north western corner of the site extends into an area of the old railway embankment and has been lowered by about 1m in order to create a flat area for the caravans. The caravan park is bounded by hedges on all sides, the height of these hedges varies between 3m to the south and 5m to the west and east and around 10m to the north of the paddock.
- 1.3 The eastern half of the site is currently used as a paddock, abuts the scrap yard and has a separate gated access.
- 1.4 Planning permission is sought for the above proposed development, which essentially seeks to regularise the existing use of the site and also provides an opportunity to enhance the living conditions of the existing residents by enlarging and enclosing the pitches (post and wire and hedge) and providing a play area/amenity land and better toilet/wash facilities. A foul drainage system would be constructed and new refuse/recycling facilities provided. The proposal also includes an extension to the site of approximately 60m to the east that will increase the number of pitches from 20 to 36. These pitches and layout of the site comprises the following:
- 12 no. park homes with 2 no. parking space and site for touring caravan (some existing residents have expressed a wish to live in a park home

rather than a static or touring caravan)

- 16 no. static caravans/mobile homes with 2 no. parking space and site for touring caravan.
- 8 no. touring caravans with associated parking space
- 16 no. day room blocks in pairs or single to static mobile home pitches
- 1 no. toilet/shower block for use by touring caravans
- 4 no. refuse bin/recycling bin stores
- formal play/amenity area
- associated landscape belts and 2.5m high landscaped bund adjacent the scrap yard to the east.
- Access road linking the existing loop to the enlarged site, utilising the existing vehicular access off the Milton Road.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notices. The final date for comments was 2nd February 2012. No third party comments have been received.

3. Consultations

- 3.1 Milton Parish Council – No objection in principle but the following concerns have been raised in respect to increased traffic on the Milton Road, the additional pressure for places put on the local schools, and the increase in the need for adequate health care facilities.
- Bloxham has recently undergone tremendous development both on the Bloxham Road (A361) and also the Milton Road. With the extension of the camp site, which will nearly double the site inhabitants and bring more children to the village of Bloxham and their need for local education and health care. Bloxham Primary school is over subscribed as it currently stands and no known intension of it being extended to facilitate all these children
 - An extension of the site to increase numbers should be viewed in the same way as extending any residential use onto adjoining land. If it were at the edge of a settlement and a good planning case could be made for extending the boundaries of that settlement, then that would appear sensible. However here this is in open countryside away from the settlement boundary. Indeed the proposed extension is actually proposed in the opposite direction to the existing settlement of Bloxham, taking an urban use further into the countryside. An extension of the site does not seem to overcome objections that a suitable site could be

found at the boundary of a settlement elsewhere in the district.

- Essentially this is a proposal for affordable homes for local families. This is exactly what has just been built a few fields to the west within Bloxham Parish. Had the proposer wanted to create more room for travellers the site could have been put there rather than selling that recently developed site for residential development. Unlikely that planning permission would be gained for an extension to the site were it to be for standard residential development for affordable homes and there seems no reason why a special case should be made.
- There is clearly concern that an extensification of this use on this site could result in the joining up of Bloxham to the caravan site, and/or the caravan site to the waste recycling centre. Further urbanisation in this location may move the extension of Bloxham inexorably along the Milton Road. If this is a planning decision then it should be discussed as such as part of an overall plan for Bloxham, not piecemeal site by site, and the local inhabitants should be given the opportunity to discuss such a planning move.
- The working population of the present site community all work away from the site and have due to its location have to drive on all occasions. Further all shopping has to be done by car as do access to schools. There is no regular bus service along the Milton Road. Again a site at reasonable walking distance from a settlement would be more suitable to take extra travelling people or would not edge of Banbury be a better place to put such additional traveller space?
- The adjacent field lying to the west of the Caravan Park be required to remain as an open field and that the track shown across it not be open to regular use, (currently used during the Steam Fair for and access). The western boundary hedge of the above field, being the Parish Boundary hedge should be reconstituted with the current gaps replanted and current shrub/tree planting along the western boundary of the Caravan Site be reinforced.

3.2 Bloxham Parish Council – No objection.

3.3 Oxfordshire County Council (Highways) – No objection. The site has been there since 1983, and is therefore well established. The access has good visibility and there is no reason to believe approval of this application will raise any significant highway safety concerns.

3.4 Oxfordshire & Buckinghamshire Gypsy & Traveller Services – raises issues over the visibility of the access, need for the toilet/utility room to be disabled compliant and the amount of children likely to attend the nearby school. The landscaping along the highway should be defensive planting to allow privacy for residents.

3.5 Oxfordshire County Council (Drainage) - All roof water and surface water from

hardstandings should drain to soakaways, be SUDs compliant and not enter onto the highway drainage system.

- 3.6 Oxfordshire County Council (Minerals & Waste) - The proposal includes the deposit of waste from the adjacent waste transfer station so as to raise the land and create a landscaping bund. If minded to approve the planning application, suggested conditions seek to limit the deposit of waste to the approved area; to ensure that any wastes deposited on the land arise from the adjacent waste transfer station and are not imported onto the land; to ensure that recyclable waste is not landfilled; and finally that the development is completed in a timely manner.
- 3.7 Ecologist – It doesn't look as if any mature trees with bat potential are to be removed as part of the site expansion, just some sections of hedgerow. Any permission should be conditional that no removal of trees, scrub or hedgerows to take place between between the months of March to August inclusive. (Reason: nesting birds are protected from harm and disturbance under the Wildlife & Countryside Act 1981 (as amended))
- 3.8 Head of Strategic Planning and the Economy - This is an existing site and its loss would have a significant, detrimental effect on the district's supply of pitches. There are presently no identified sites that could provide alternative accommodation. The additional pitches would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS and presents a rare opportunity to improve the living environment of an existing site for residents. I understand that at present there is no formal play or amenity area, pitches generally do not have their own defined curtilage space or washing facilities and there is no mains sewerage. I am therefore of the view that the proposed development is required from a housing needs perspective.
- A full assessment of the unmet housing need and comments made in this respect from HSP&E is detailed in the context of the appraisal.
- 3.9 Anti-Social Behaviour Manager – makes no observations
- 3.10 Thames Water – no objection but suggest informatives be provided to applicant.

4. Relevant Planning Policies

4.1 National Policy Guidance:

PPS1: Delivering Sustainable Development and Climate Change Supplement

PPS3: Housing

PPS7: Sustainable development in rural areas

PPS9: Biodiversity and Geological Conservation

PPG10: Planning and Waste Management

PPG13: Transport

PPG18: Enforcing Planning Control

PPG23: Planning and Pollution Control

PPG24: Planning and Noise

Draft National Planning Policy Framework – July 2011

ODPM Circular 01/2006 – Planning for gypsy and traveller caravan sites
(Circular 1/06)

Managing unauthorised camping (October 1998)

Guidance on managing unauthorised camping (Feb 2004)

Guide to effective use of enforcement powers Part 1: Unauthorised
encampments (February 2006)

Government's Draft guidance 'Planning for Traveller Sites': consultation (April
2011)

Government's publication 'Designing Gypsy and Traveller sites – good practice
guide' May 2008

Human Rights Act 1998

Housing Act 2004

The Equality Act 2010

4.2 Regional Policy in the South East Plan 2009:

CC7: Infrastructure and implementation

C4: Landscape and Countryside Management

H4 : Type and size of new housing

NRM2: Water quality

NRM5: Conservation and improvement of biodiversity

T4: Parking

Paras 7.27 – 7.30 – provision for gypsies and travellers : interim statement

Local Policy in the Adopted Cherwell Local Plan 1996:

C1: Nature conservation

C4: Ecology – habitat creation

C7: Landscape conservation

C8: Sporadic development

C13: Area of High Landscape Value

C14: Trees and landscaping

C28: Layout, design and external appearance to be compatible with the character of the context of a development proposal

ENV7: Water quality

ENV12: Contaminated land

Draft Core Strategy

H8: Travelling communities

5. Appraisal

- 5.1 The main issues for consideration in this application are;
- History
 - Policy context
 - Layout and amenity
 - Access, parking and highway safety
 - Ecology

5.2 History

Planning permission was originally granted for the caravan park under CHN.186/83, which essentially gave temporary 25 year consent to the site, which expired in June 2008. Another application (CHN.651/85) was granted consent to vary three of the previous conditions. These permissions restricted its use to the siting of 40 caravans (including a mobile home) while there were only two toilet blocks provided on site and the siting of 54 caravans (including a mobile home) at any time when three toilet blocks were provided (which currently are).

- 5.3 Assuming the common, approximate average of two caravans per household pitch, the equivalent number of pitches on the site would be between 20 and 27 depending on the number of toilet blocks provided. The district's supply position presently assumes that the site provides 20 pitches, but this is being reviewed as part of work on the Needs Study.

5.4 The unauthorised use of the site came to light whilst the case officer dealt with the Hampton Gay/Islip gypsy appeal (10/00839/F). Since then the applicants, their agent and the case officer in conjunction with colleagues in Strategic Planning, have been in discussions to regularise the use and also negotiating an extension to the site to provide additional pitches and an enhancement of the existing.

5.5 Policy Context

This application must be determined in line with the development plan unless other material considerations indicate otherwise; the main policy considerations for an application of this sort are set out in Section 4 above. The material considerations in gypsy and traveller cases include the following:

- Gypsy status
- Policy
- Housing Needs – quantitative assessment of the need for additional traveller sites
- Site specific issues – previous planning history of site, accessibility/sustainability, character and harm to landscape, impact on residential amenities, highway safety and access criteria
Personal circumstances – local needs, education, family, health, work connections and Human Rights Act Article 8, Protocol 1 and Article 14.

5.6 The gypsy status of the residents of the caravan park is not disputed.

5.7 **PPS3: Housing**

The Government guidance contained in PPS3 sets out policies designed to achieve affordability and supply of housing in all communities, including rural areas. Paragraph 21 echoes the advice in Circular 01/2006 to ensure that Local Planning Authorities should have regard to ‘the diverse range of requirements across the area, including the need to accommodate Gypsies and Travellers’.

5.8 **Housing needs**

The Housing Act 2004 and ODPM circular 1/2006 on *Planning for Gypsy and Traveller Caravan Sites* require local authorities to assess and make provision for the accommodation needs of Gypsies and Travellers. PPS3 requires LPAs to plan for a mix of housing including having regard to the need to accommodate Gypsies and Travellers. A draft PPS on *Planning for Traveller Sites* (2011), intended to replace circular 1/2006, proposes a continuation of the requirement to assess (in the light of historical demand) and meet local needs. It states that LPAs will be required to establish locally set targets, identify specific sites that will enable continuous delivery for at least 15 years from the date of adoption of the plan and to identify sufficient specific deliverable sites to deliver site need in the first five years. A new Gypsy and

Traveller Housing Needs Study has recently been commissioned to assess the level of need.

- 5.9 The district presently has a total of 51 pitches including 8 recently approved on appeal (10/00839/F) near Islip. On 3 November 2011, the Planning Committee conditionally resolved to grant planning permission (11/01356/F) for 3 pitches for a temporary period of 3 years on land off Woodstock Road, Yarnton. If permission is issued, the number of pitches would increase to 54. This is 6 more than the district had in 2006 (48).
- 5.10 On the basis that the district has 54 pitches in total (including 20 on this site), the grant of permission would increase the number of pitches by 16 to 70. If planning permission were not to be granted total supply would fall by 20 pitches to 34. This would be 14 less than the position in 2006.
- 5.11 Although the level of need that will be identified by the new Needs Study cannot be predicted, it is likely that household growth and 'concealed need' (for example, overcrowding) will create a requirement for new pitches. The draft PPS refers to an objective of increasing the number of traveller sites, in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- 5.12 A Gypsy and Traveller Accommodation Needs Assessment (GTAA) was produced in 2006 by consultants (Tribal) for all authorities in the Thames Valley area. Cherwell's need (corrected) was identified as being 12 additional permanent pitches on top of the 48 existing pitches. However, the study only calculated needs to 2011 and the draft PPS suggests that as least 15 years supply should be planned for.
- 5.13 This is an existing site and its loss would have a significant, detrimental effect on the district's supply of pitches. There are presently no identified sites that could provide alternative accommodation. The additional pitches would contribute to a need over the Core Strategy plan period that is likely to be higher than that identified in the 2006 GTAA. The grant of permission would assist the Council in meeting the proposed requirements of the draft PPS and presents a rare opportunity to improve the living environment of an existing site for residents. At present there is no formal play or amenity area, pitches generally do not have their own defined curtilage space or washing facilities and there is no mains sewerage. The HPP&DM therefore agrees with the view of the HSP&E that the proposed development is required from a housing needs perspective.

5.14 **Site Specific – Accessibility/Sustainability**

Circular 01/2006 states that issues of sustainability are important and that in planning for new sites, LPAs should first consider locations in or near existing settlements with access to local services, e.g. shops, doctors and schools. It also states that rural settings, where not subject to special planning constraints, are acceptable locations in principle and that in assessing the suitability of sites, LPAs should be realistic about the availability, or likely availability, of

alternatives to the car in accessing local services. It requires sites to respect the scale of, and not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure. The draft PPS states, among other proposals, that LPAs should relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density.

5.15 The Draft Core Strategy (policy H8) proposes a sequential approach to site identification beginning with sites within 3km road distance of the built-up limits of Banbury, Bicester and 'Type A' villages including Bloxham. In assessing the suitability of site it requires a number of criteria to be considered mostly related to accessibility to key services, environmental impact and achieving a satisfactory living environment.

5.16 The site is approximately 90 metres from the built-up edge of Bloxham and less than 2km by road to the centre of the village. Bloxham is the district's largest village (other than Kidlington) with a population of over 3,000. It has a good range of services and facilities including schools, shops, post office, takeaway, church, garage, recreation ground, play area, doctor's, dentist and a bus service. The comments made by Milton Parish Council are duly noted in this respect, however the HPP&DM agrees with the HSP&E that the site is in an acceptable location for a Gypsy and Traveller site in terms of access to services and facilities and travelling distances.

5.17 CLG's Good Practice Guide (2008) on Designing Gypsy and Traveller Sites advises that there is no one ideal size of site or number of pitches but that the experience of site managers and residents suggests that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage

<http://www.communities.gov.uk/publications/housing/designinggypsiesites>).

Although in this case there would be a total of 36 pitches, this is an existing site and its physical environment and living conditions should improve as a result of the proposals. From a policy perspective, the HPP&DM agrees with the HSP&E that the proposed extension is unlikely to result in the site being out of scale with Bloxham village and that the existing site is in an acceptable location for a gypsy and traveller site in terms of access to services and facilities.

5.18 **Character and harm to landscape**

The site is within an Area of High Landscape Value and outside the built up limits of the settlement therefore adopted Policy C13 applies and together with the guidance contained in PPS7, essentially due consideration of the character and potential harm to the rural landscape must be given. The existing caravan site is completely enclosed by hedgerow, albeit in some sections it is not as dense as others, however, the extension to the east towards the scrap yard will be in the adjoining field, this is not as well screened from the Milton Road. The proposal includes a comprehensive landscaping of the adjoining field in the form of a 2.5m high landscape bund adjacent to the scrap yard and a landscape belt along the Milton Road. The bund will comprise 8,500m³ of soil from the site and subsoil and topsoil from the adjacent scrap yard, with native

planting on top, OCC as Minerals and Waste authority consider that the use of soil from the scrap yard to be acceptable subject to restrictive conditions.

5.19 The HPP&DM considers that the harm caused to the rural landscape by the 60m extension of the site, will be minimal and any visual harm will be mitigated by the proposed landscaping of the site and is therefore acceptable and complies with the landscape policies.

5.20 Layout and amenity

The proposed layout demonstrates that 36 no. pitches can be accommodated on the site with sufficient parking with new access road linking the existing and that a new play area and amenity can be provided on site to enhance the facilities for the residents along with new amenity/day rooms and Part M compliant toilet/wash facilities for the touring caravan users. The layout generally accords with the guidance contained in the Government's publication 'Designing Gypsy and Traveller sites – good practice guide'.

5.21 In terms of amenity for neighbouring residential properties, the nearest properties are approximately 100m to the west, the site has been established for the last 25 years, there are no enforcement issues relating to the site.. There is not considered to be any harm on the amenities of any neighbouring property from the existing and proposed extension of the site and the HPP&MD considers that the proposal accords with Policy C30 of the adopted Cherwell Local Plan.

5.22 Access, parking and highway safety

PPG13 and Policy TR4 of the South East Plan 2009 seeks to ensure standards of road safety and parking provision are maintained. The site is accessed off the Milton Road and utilises an existing well established access. Notwithstanding the concerns of the Parish Council and the Gypsy & Traveller Liaison Officer, the acceptability of the access and parking provision has been confirmed by the local highway authority, which raise no objection. The proposal therefore accords with PPG13 and Policy T4 of the South East Plan 2009.

5.23 Personal circumstances

Article 8 and 14 of the European Convention on Human Rights and the Equality Act 2010

The existing site is an acceptable and allocated gypsy and traveller site, and has been for the past 25 years; the families in occupation at the site are quite likely to have had the site as their base for that duration. Under Article 8 there is a positive obligation to facilitate the gypsy way of life. The Article 8 rights of the existing residents of the site are clearly engaged. They occupy the site as their home and are likely to face eviction if the application is refused which could lead to a roadside existence and make access to education and health care more difficult.

- 5.24 The Equality Act 2010 places a general equality duty on decision makers in respect of planning permission. Gypsies and Travellers are believed to experience the worst health and education status of any disadvantaged group in England. The Council has a duty to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people of different racial groups. Article 14 requires that Convention rights shall be secured without discrimination on any ground including race.
- 5.25 Ecology
- Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 5.26 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard to the purpose of conserving (including restoring / enhancing) biodiversity” and;
- Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.27 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.28 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:
- 1) is the development needed for **public health or public safety** or **other imperative reasons of overriding public interest including those of a social or economic nature** (development).

- 2) Is there any **satisfactory alternative**?
- 3) Is there **adequate mitigation** being provided to maintain the conservation status of the population of the species?

Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.

5.29 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 9(5) of Conservation Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.

5.30 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:

- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
- 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission
- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]
[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]

NB: Natural England will not consider a licence application until planning permission has been granted on a site, therefore if a criminal offence is likely to be committed; it is in the applicant's interest to deal with the 3 derogation tests at the planning application stage.

5.31 In respect to the application site, a Phase I Ecology survey has been undertaken and no protected species have been found, however, in accordance with the advice from the Council's Ecologist, the hedgerow which is to be removed, should not be done so during the bird nesting season.

5.32 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be

present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with PPS9 and Policy C2 of the adopted Cherwell Local Plan.

5.33 Developer contributions

The draft Supplementary Planning Document (SPD) relating to the requirement for financial contributions towards infrastructure or service requirements was considered by the Council's Executive Committee on 23 May 2011 and was approved as interim guidance for development control purposes. Further consultation will take place in the near future.

5.34 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures. Consequently residential planning applications providing 10+ dwellings, registered on or after 15 August 2011 are affected by this draft SPD.

5.35 It is considered that the development will give rise to infrastructure or service requirements and therefore is liable for planning obligations. Financial contribution of £280,000 towards general infrastructure related items, facilities or measures which will mitigate the effect of the development would therefore be sought.

5.36 However, the applicant's have advised that the present site runs at a loss, but it continued as it is a long standing use and meets a local and district need. All pitches are leased and the development cost of the proposal is likely to amount to £450,000. The viability of the site is therefore an issue if the SPD financial contribution is pursued. The HPP&MD considers that given that this is an existing acceptable gypsy and traveller site and that it is a rare opportunity to enhance the facilities for the existing residents and provide additional pitches that will contribute to the district's supply of pitches the financial contribution in this particular case is not being pursued furthermore its loss would have a significant detrimental effect on the district's supply of pitches, which is a material consideration.

5.37 Conclusions

Taking the above considerations into account as well as the development plan and national policy and government guidance, the HPP&MD considers that the proposal retains and extends an acceptable gypsy and traveller site in a sustainable location that makes a significant contribution to the districts supply of pitches and would not give rise to any highway safety issues, unacceptable harm the character of the rural landscape, to residential amenity, visual

amenity or ecology. The proposal is therefore acceptable and complies with the relevant development plan policies.

6. Recommendation

Approval, subject to the imposition of the following conditions;

- 1) SC 1_4A (Time limit for implementation)
- 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

Reason - This consent is only granted in view of the special circumstances and needs of the travelling community, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with the advice within ODPM Circular 01/2006.

- 3) No commercial activities shall take place on the land; including the storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason - In order to safeguard the amenities of the area and in the interests of highway safety in accordance with Policy C28 of the adopted Cherwell Local Plan and PPG13: Transport.

- 4) No more than 64 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 12 shall be park homes and 16 shall be static caravans or mobile homes) shall be stationed on the site at any time.

Reason – To enable the Local Planning Authority to retain control over the occupancy of the site, in order to safeguard the visual amenities and character of the area and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and PPS7: Sustainable development in rural areas

- 5) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the documents submitted with the application and the following drawings: amended site location plan received 30.01.12 and 2228/01, 03A and 04 received with the application

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 in PPS1: Delivering Sustainable Development.

- 6) That prior to the commencement of the development a scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority, the scheme shall include:
 - (a) full details of the landscape bund, which shall include; the dimensions of the landscape bund (height, shape, width at base, length); the depth of top-soils to support any planting; a planting scheme for the bund; and proposals for the long-term landscape maintenance.

- (b) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas
- (c) the reinforcement of the existing hedges along the northern and western boundaries by additional planting and shall include details of the proposed tree and shrub planting including their species, number, sizes and positions
- (d) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (e) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 7) That the bund and all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – To ensure that the development is completed in a timely manner and in the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 8) No wastes other than inert non recyclable waste arising from the Waste Transfer Station adjacent to the land shall be used in the construction of the landscape bund.

Reason - to ensure that any wastes deposited on the land arise from the adjacent waste transfer station and are not imported onto the land to ensure that recyclable waste is not landfilled and to comply with PPG10: Planning and Waste Management

- 9) That prior to the commencement of the development samples of the materials to be used in the construction of the external surfaces of the day rooms, toilet blocks and bin stores hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 10) The development hereby permitted shall be carried out in accordance with the recommendations set out in Extended Phase 1 Habitat Survey of the Caravan Park, Milton Road, Bloxham by Martin Ecology dated August 2011 unless otherwise agreed in

writing by the Local Planning Authority and that there will be no removal of trees, scrub or hedgerows between the months of March to August inclusive

Reason - To protect habitats of importance to nature conservation from any loss or damage in accordance with the requirements of PPS 9: Planning and Biodiversity, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 11) That, before the development is first occupied the access drive and parking areas shall be constructed, surfaced, laid and marked out, drained to SuDs compliance and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice in PPG13: Transport.

- 12) A Local Area of Play (LAP) shall be provided in accordance with the Council's adopted policy. Details of the siting and design of the LAP shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and thereafter it shall be provided in accordance with the approved details prior to the occupation of any dwelling.

Reason - To ensure the provision of appropriate play facilities to serve the development and comply with Policy CC7 of the South East Plan 2009 and Policy R12 of the adopted Cherwell Local Plan.

Planning Notes

1. The applicant is advised that the deposit of waste on land in the manner proposed will be subject to environmental permitting. The Environment Agency administers the necessary permits or can, in certain circumstances, register exemptions to use waste in small scale constructions. You can read the specifications of this here http://www.environment-agency.gov.uk/static/documents/Business/U1_Use_of_Waste_in_Construction.pdf. Further advice is available directly from the Environment Agency. Tel : 08708 506506.
2. Thames Water has advised that there is a large water mains adjacent to the proposed development. Thames Water will not allow any building within 5m of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone no. 0845 850 2777 for further information.
3. Thames Water has also advised that they will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The applicant should take account of this minimum pressure in the design of the proposed development.
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking

advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal retains and extends an acceptable gypsy and traveller site in a sustainable location that makes a significant contribution to the districts supply of pitches and would not give rise to any highway safety issues, unacceptable harm the character of the rural landscape, to residential amenity, visual amenity or ecology. As such the proposal is in accordance with government guidance contained in PPS1, PPS3, PPS7, PPS9, PPG10, PPG13, PPG18, PPG23 and PPG24 and Policies CC7, H4, NRM2, NRM5 and T4 of the South East Plan 2009 and Policies C1, C4, C7, C8, C13, C14, C28, C30, ENV7 and ENV12 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

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