

Kirtlington Road
Chesterton

Case Officer: Stuart Howden **Contact Tel:** 01295 221815

Applicant: Clifford Smith and Robert Butcher

Proposal: Change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant.

Expiry Date: 2nd December 2016 **Extension of Time:** 17th February 2017

Ward: Fringford And Heyfords **Committee Date:** 16th February 2017

Ward Councillors: Cllrs Corkin, Macnamara and Wood

Reason for Referral: Major Development

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the north of the A4095 (Kirtlington Road) and the east of the site runs adjacent to the M40, but the site sits at a higher level to this Motorway as the Motorway is within a cutting. To the north and west of the site is open countryside. The site is located approximately 1.1 KM to the north west of Chesterton as the crow flies. The 2.7 hectare site comprises of an agricultural field and a small structure to the very south of the site. Access is achieved off the Kirtlington Road at the south west corner of the site.
- 1.2 The site is not within close proximity to any listed buildings and is not within a Conservation Area. Public Footpath 161/11/10 is shown to run along the western boundary of the site, but the walked route is noted by the OCC Public Rights of Way Officer to likely run on the other side of this boundary. The site has some ecological potential as protected species have been recorded within the vicinity of the site, including the Common Kestrel, Small Heath Butterfly and Brown Hare.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for a change of use of the site to a traveller caravan site comprising 8.No pitches, each containing a mobile home, touring caravan and an amenity building. The amenity buildings are proposed to be constructed from timber under a green felt roof and measure approximately 5 by 4 metres and be a height of approximately 3.6 metres. The structures within the pitches are proposed to sit on permeable hard standing, whilst the rear of each pitch will contain a private garden area. A driveway would run along the western boundary of the site and the drive would also head in an easterly direction at the southern end of the site. 5 of the pitches would be accessed from the driveway running west to east, whilst the other 3 pitches would be to the north of the site and would be accessed from the driveway

running south to north. The driveway is proposed to be constructed from permeable hard standing. The pitches would be divided by fencing.

- 2.2 Works to the access to the south west of the site are also proposed, including its widening in order for two vehicles to pass within the site entrance.
- 2.3 The installation of a package sewage treatment plant is proposed to the north of the site, which would receive waste water from the pitches and would process it until a clear effluent is discharged into the environment. Details provided in relation to specification and dimensions of this plant are limited. A Noise Survey has also been submitted during the course of the application, which proposes mitigation in the form of a landscaped bund and acoustic fence to mitigate the noise impact from the M40.
- 2.4 The proposed pitches, sewage treatment plant and hard standing would not fill the whole site area and there would still be access to the remaining field as a result of the proposal.
- 2.5 A screening opinion (ref: 16/00075/SO) issued by Cherwell District Council on December 2016 stated that an Environment Statement was not required for this application.
- 2.6 This planning application first came before members at Planning Committee in December 2016. At that time the application proposed 9 pitches. Officers had reported the application for refusal as it was considered that the proposed development would be adversely affected by noise from the M40 and insufficient information had been submitted to display that this harm could be appropriately addressed. Furthermore, the proposal was recommended for refusal by officers because it was considered that the bund or bund/fence recommended in the Noise Survey to mitigate the noise would result in detrimental harm to the rural character and appearance of the area. In addition, the application had not been supported by a Flood Risk Assessment therefore the application had not clearly demonstrated that the development and its future users would be safe over the lifetime of the development.
- 2.7 However in view of the recognised need for additional traveller pitches in the District and in response to receipt of late information, the recommendation was changed to one of deferral to allow for a proper assessment of the additional information supplied (this being details of the bund and the need), as well as an opportunity for the applicant to address other officer concerns with the development. The Planning Committee resolved to defer the application on this basis.
- 2.8 A bund or bund/fence is no longer proposed so as to reduce the impact of the development upon the character and appearance of the area, and the number of pitches has been reduced to 8. Furthermore, a Flood Risk Assessment has been submitted. The applicant has also indicated a willingness to accept a temporary consent; this is considered in the "Appraisal" section of this report.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history directly related to this application.

4. PRE-APPLICATION DISCUSSIONS

- 4.1 No formal pre-application discussions have taken place with regard to this application.

5. RESPONSE TO PUBLICITY

5.1 This application has been publicised by way of a two site notices 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.

5.2 The Local Planning Authority has received 40 letters of objection in respect of the proposed development. The concerns raised by third parties are summarised as follows:

- Consideration has not been given to alternative sites;
- Contrary to policy as it is located within the open countryside;
- Not an identified site in the Local Plan;
- Not sustainable development as it offers no economic, social or environmental improvements;
- Not sustainably located;
- Housing would not be accepted on this site;
- Too close to the village of Chesterton;
- Chesterton does not have the capacity;
- The village has limited facilities and services and no bus service;
- The school is almost full and does not have the capacity required for this application;
- Would be to the detriment of the village of Chesterton;
- Would be of no benefit to Chesterton;
- Would set a precedent for housing outside the village;
- Would harm the character of the area;
- Would be visible from Public Footpaths and Kirtlington Road;
- Loss of enjoyment for users of the Public Footpath to west of the site;
- The local road network cannot accommodate the extra traffic this will create;
- Access is dangerous;
- Required length of visibility splay could not be achieved;
- There is no footpath next to the site along the Kirtlington Road and the development would be car reliant;
- Noise and air pollution to future residents as the site is located next to the M40;
- Loss of privacy to existing residents;
- Will create noise nuisance;
- Would cause harm to protected species;
- Would increase the flooding risk;
- Consideration needs to be given to drainage;
- Questionable whether the site has an adequate water supply;
- No access to electricity and current supply overloaded;
- No sewage facilities;
- The applicant should update the facilities at the existing park (Newlands Caravan Site);
- Concerns about how the existing park (Newlands Caravan Site) is run;
- Would be 18 families instead of 9 and could be up to 72 people living on the site;
- Will not be managed properly and will go beyond what consent allows for;
- Site nearby was closed due to lack of demand and now contains park homes;
- Burden on Council with refuse collection;
- Waste disposal arrangements should be provided;

- Should be the inclusion of a communal recreation area;
- No consultation with local community before submission;
- Travellers would not successfully integrate with the local community;
- Fear of crime and anti-social behaviour;
- Loss of private view;
- Devaluation of property prices.

5.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1 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

6.2 CHESTERTON PARISH COUNCIL: **Object** to the application on the following grounds:

- The proposal constitutes a residential development in an agricultural area. Incidentally, when the Parish Council supported a residential development in the village on agricultural land adjacent to a playing field the application was refused twice by the LPA;
- Could set a precedent for future changes of use;
- The proposal is a result of concerns raised by the owner of Newlands Caravans Site at Bloxham, which is due to close;
- This proposal is excessive;
- Chesterton School is near capacity and could not accommodate the volume of entrants the proposal would bring;
- Chesterton is not in practice a Category A Village and is wrongly classified;
- Is it the case that mains water and electricity services are connected to the site?
- Would cause further traffic problems on the A4095;
- Chesterton had a site for travellers, but is now residential because it was deemed not to be required.

STATUTORY CONSULTEES

6.3 ENVIRONMENT AGENCY: **No comments received.**

6.4 OCC HIGHWAYS AUTHORITY: **Object** to the proposal. The Local Highways Authority (LHA) note that the proposed access is along Public Footpath 161/11/10 and discussions will therefore need to be entered into with OCC's Countryside Access Team and legal permissions sought from the relevant parties. The LHA note that if permission is to be granted, then conditions should be attached for full details of the means of access, full specification of the parking and manoeuvring areas, full details of waste storage/collection and that hard-standing being constructed from a permeable material or provision must be made within the site for surface water to discharge to soakaway/SuDS feature.

6.5 THAMES WATER: **No objections.** In relation to the Package Treatment Plant, foul water for this development is not draining into Thames Water assets and therefore does not affect Thames Water.

6.6 HIGHWAYS AGENCY: **No comments received.**

NON-STATUTORY CONSULTEES

6.7 CDC ECOLOGY OFFICER: **No comments received.**

6.8 CDC ENVIRONMENTAL PROTECTION OFFICER: **Objects** to the application. Before the submission of the noise survey, the Environmental Protection Officer (EPO) noted that the noise levels will be very high for the residents being adjacent to the M40. The EPO went on to state that there is no mitigation proposed and no noise report has been produced to show that the noise can be mitigated to acceptable levels and that the site is unsuitable for such a development. A noise survey was subsequently submitted by the applicant's agent. However, the EPO still has concerns with the proposal and noted that whilst (with mitigation) the noise levels can be reduced to a lower level inside the caravans, they are still above the recommended limits for bedrooms at night. The EPO also notes that the levels to the outside amenity are well above the top end of recommended levels. The EPO states that if permission is granted there should be conditions in place to ensure that the site is built with the mitigation proposed in the noise report and that the mobile homes provided are in accordance with BS3632:2015 as recommended in the report.

6.9 OCC GYPSY & TRAVELLER SERVICES: **No comments received.**

6.10 CDC LANDSCAPE TEAM: **No objections** in respect of landscape and visual impact subject to conditions including a detailed landscaping scheme, the retention of the hedgerows on the southern roadside boundary and western boundary, with the filling of gaps in these hedgerows. The Landscape Officer has also requested rabbit guards for proposed hedgerow plants and trees, and that hedgerows and their root protection areas are protected with fencing during the construction period.

6.11 CDC LICENSING: **No objections.** The site owner will need to apply for a caravan site licence if planning permission is granted. In order for the licence to be granted the site owner must comply with the licence conditions.

6.12 CDC PLANNING POLICY: **No objection** in principle, subject to detailed consideration of the noise impact from the adjacent M40 and consultation with the Council's Environmental Protection Team. Policy BSC 6 of the Cherwell Local Plan Part 1 provides for 19 net additional pitches from 2012-2031. Since the adoption of the Local Plan, 20 pitches have been lost. This has now increased the requirement to 35 pitches (2015 AMR). The current published five year land supply position for gypsies and travellers is reported in the 2015 AMR. Currently it is 0 years for the period 2016-2021 (base date: 1 April 2016). Policy BSC 6 provides a sequential and criteria based approach for identifying suitable locations for new traveller sites whether through site allocations in the Local Plan Part 2 or in the determination of planning applications. The proposed site is within 3km of Chesterton which is a Category A village, one of the more sustainable villages in the District (Policy Villages 1).

6.13 CDC RECREATION & LEISURE: **No comments received.**

6.14 RAMBLERS ASSOCIATION: **No comments received.**

6.15 OCC RIGHTS OF WAY: **No objections** to the proposal. Public Footpath 11/161/10 is shown on the Definitive Map (the legal document showing the position and status of the public rights of way) to run along the western boundary of the site. However, the footpath is currently provided for and walked on the other side of the field boundary, outside the site. The footpath was diverted via a Side Roads Order (SRO) in 1987 associated with the building of the M40. The alignment of the path of the SRO is consistent with the position that was laid out on the ground and is currently used, therefore suggesting that the path was recorded incorrectly on the Definitive Map. The applicants will need to consider the alignment of the footpath as shown on the Definitive Map even though this may be incorrect. There should be no structures placed across the line of the path that may obstruct it. The design of the access into the site will also need to take the footpath into account. If permission is granted, conditions will need to be attached to ensure that the footpath is not adversely affected.

6.16 CDC WASTE & RECYCLING: **Object** to the development. The developer has stated that there are no plans to incorporate areas to store and aid the collection of waste. The developer will have to demonstrate that they have adequate provision for waste and recycling, before the application is agreed. Section 106 contribution of £106 per property will also be required.

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2 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 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- BSC6 - Travelling communities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 - Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (August 2015) (PPTS). This document sets out the Government's planning policy specifically for traveller sites and should be read in conjunction with the NPPF
- Designing Gypsy & Traveller Sites (2008) (although this document was withdrawn by the Government on 1st September 2015, it remains a useful starting point for considering the design and layout of proposed travellers sites)
- Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016. Provides useful background information and summarises changes to the updated PPTS. It is noted however that as this is only a Briefing Paper; it carries very limited weight and should not be relied upon as a substitute for specific advice
- Annual Monitoring Report 2015 (AMR)
- Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)
- The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1
- Housing Act (2004)
- The Equality Act (2010)
- Noise Policy Statement for England (NPSE) (2010)

8 APPRAISAL

8.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the Development;
- Visual Impact and Effect on Landscape Character;
- Highway Safety;
- Residential Amenity;
- Ecological Impact;
- Flooding Risk and Drainage;
- Other Matters.

Principle of the Development

- 8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3 Policy PSD1 contained within the Cherwell Local Plan Part 1 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.4 The national planning policy context for the provision of sites for the travelling community is found in the guidance issued in August 2015 'Planning Policy for Traveller Sites' (PPTS) (revises the original 2012 guidance) which should be read in conjunction with the NPPF.

- 8.5 A Briefing Note issued in January 2016 “Gypsies and Travellers: Planning Provisions” sets out the planning policies relating to gypsy and traveller provision in an informative way for Members of Parliament. This highlights a change to the definition of “traveller” set out in the revised version of PPTS.
- 8.6 The Government’s overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life that they have whilst at the same time respecting the amenity and appearance of the settled community.
- 8.7 The definition of Gypsies and Travellers reads as follows: *“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 show people or circus people travelling together as such”*. It goes on to state: *“In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
- a) whether they previously led a nomadic habit of life;*
 - b) the reasons for ceasing their nomadic habit of life;*
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”*
- 8.8 In relation to this planning application, it is the case that the site is proposed to be used as a settled base by members of the travelling community. That said, the proposed residents of the site currently reside at a recognised traveller site in the District (Newlands Caravan Site, just outside Bloxham). Furthermore, the applicant has stated that the site would be used by gypsies and travellers and each pitch is proposed to accommodate a touring caravan and these would be used for nomadic purposes. The gypsy/traveller status of future occupiers can be made a condition of any consent granted, in line with Government guidance. Officers are therefore satisfied that the application is for a site that would be used by gypsies/travellers.
- 8.9 Policy C of the Government guidance advises that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities (LPAs) should ensure that the scale of such sites does not dominate the nearest settled community. In this instance Chesterton, with a population of approximately 850, is the nearest settled community being some 1.1KM to the south east of the site. Officers are of the opinion that the proposed number of pitches at the site is relatively modest (in the region of 36 pitches were provided at Newlands Caravan Park in Bloxham), and so would not result in a development that dominates the nearest settlement of Chesterton.
- 8.10 Policy H of the same guidance states that LPAs should consider the following matters:
- a) the existing level of local provision and need for sites;
 - b) the availability (or lack) of alternative accommodation for the applicants;
 - c) other personal circumstances of the applicant;
 - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;

- e) that they should determine applications for sites from any travellers and not just those with local connections.

8.11 Policy H goes on to advise that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. When considering applications LPAs should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) not enclosing sites with excessive hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

8.12 In January 2013 the final report for a district-wide Gypsy and Traveller Housing Needs Assessment (GTAA) was completed. This informs the Council in terms of the district provision for gypsy and travellers up to 2031 (GTAA) and has been used to inform Policy BSC6 within the Cherwell Local Plan Part 1. The GTAA calculated that Cherwell had a population of 851 gypsies and travellers at the time of the report (not all of whom lived on authorised traveller sites). It goes on to outline that there were 70 authorised pitches throughout the District which were spread over seven sites at that time.

8.13 The most recent Annual Monitoring Report (AMR) 2015 (December 2015) outlines that at the 31st March 2015 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 61. It states that the District currently has a 2.9 year land supply for accommodation of gypsies and travellers for the period 2015-2020 and a 0.0 year land supply for the period of 2016-2021. The AMR further outlines that there is an overall requirement of an additional 23 pitches (taking into account all those that have been completed or projection completions in the period 2016-2021). It is worth highlighting that since the publication of the AMR 11 new pitches were approved at Corner Cottage and The Stable Block in Mollington last month (ref: 16/01740/F and 16/01760/F).

8.14 Given the above evidence there is clearly an identified need for additional gypsy traveller pitches, whether that be on existing sites or the bringing forward of new sites. Moreover it should also be noted that the lack of authorised pitches within the district is further exacerbated with the closure of the Smith's traveller site (Newlands Caravan Park) at Bloxham on 31st January 2017; this will result in the loss of 36 previously authorised pitches. In addition to this, there are currently no identified sites that could provide alternative accommodation. Officers consider that the significant unmet need in the District, the lack of suitable and available alternative sites, and the lack of allocated sites in the Development Plan to meet the identified need should be afforded considerable weight in the determination of this application.

8.15 Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the need set out above, and in order to provide and maintain a five year supply of deliverable traveller sites,

allocations will be made in Local Plan Part 2 and planning permissions will be granted for suitable traveller sites. Policy BSC6 also goes to state that: *“In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*

- 1) *Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*
- 2) *Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances.

The following criteria will also be considered in assessing the suitability of sites:

- a) *Access to GP and other health services;*
- b) *Access to schools;*
- c) *Avoiding areas at risk of flooding;*
- d) *Access to the highway network;*
- e) *The potential for noise and other disturbance;*
- f) *The potential for harm to the historic and natural environment;*
- g) *The ability to provide a satisfactory living environment;*
- h) *The need to make efficient and effective use of land;*
- i) *Deliverability, including whether utilities can be provided;*
- j) *The existing level of local provision;*
- k) *The availability of alternatives to applicants.”*

8.16 Under Policy Villages 1 of the Cherwell Local Plan Part 1, Chesterton is identified as a Category A village which allows for minor development, infill and conversions. Category A villages are considered the most sustainable settlements in the District’s rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. The site is located approximately 1.1KM by road from Chesterton therefore the site meets the first criteria as set out in Policy BSC6 relating to sequential tests.

8.17 Whilst Chesterton has a primary school, nursery, church and public house, it is acknowledged that Chesterton Parish Council has raised concerns in relation to the sustainability of the village, and it is recognised that Chesterton does not have as many services and facilities as a number of other Category A settlements and that the bus service through the village is now limited. That said, the site is also approximately 2.5 KM road distance away from the built up limits of the town of Bicester which contains GP and health services, schools, shops, recreational facilities, a library and many other services. The site also benefits from good access to the highway network. Having regard to the unmet need and the criteria of Policy BSC6, the site is therefore considered acceptable in general sustainability terms.

8.18 Despite the referendum on the 23rd July 2016 where the United Kingdom opted leave the European Union, the European Convention on Human Rights is still in force to date. Under Article 8 there is a positive obligation to facilitate the gypsy way of life (Paragraph 96 of Chapman v UK (2001)). The Article 8 rights of those travellers previously residing on the

Newlands Caravan Site are clearly engaged. The applicants' agent states that Newlands Caravan Site accommodated several members of the Butcher family and that these would all be accommodated on this proposed site, and at least half of the pitches provided would be guaranteed to accommodate travellers previously at the Newlands Caravan Site. The travellers who resided at Newlands Caravan Site are in the process of being evicted by the land owner, and if this application at Chesterton were to be refused, this could lead to a long term roadside existence for these families and make access to health and education more difficult. Weight should be given to this matter.

- 8.19 The Equality Act 2010 places a general equality duty on decision makers in respect of planning permission. Travellers are believed to experience one of the worst health and education statuses in England. The Local Planning Authority 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 the Convention rights shall be secured without discrimination on any ground including race.
- 8.20 Given the above, officers are of the opinion that the principle of creating 8 pitches on the site would be compliant with Policy BSC6 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF, and would contribute towards the Council's requirement for a five year supply of deliverable sites. However the acceptability of the proposal is subject to further material planning considerations, notably the suitability of site for gypsies/travellers, which will be discussed below.

Visual Impact and Effect on Landscape Character

- 8.21 ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: "*Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features; or*
 - *Harm the historic value of the landscape."*
- 8.22 Policy ESD15 of the Cherwell Local Plan Part 1 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."*
- 8.23 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development.

- 8.24 The proposed development would clearly be visible from the public footpath to the west of the site and despite a hedgerow along the southern boundary of the site, it will be visible from the A4095, notably from the bridge section over the M40 and through the access. Undoubtedly the proposal, with the addition of mobile homes and day rooms, hardstanding and domestic paraphernalia would be alien within this landscape and would have an urbanising effect on this agricultural field within the open countryside. The proposal would therefore cause harm to the rural character and appearance of the landscape.
- 8.25 The Council's Landscape Team has raised no objections to the proposal in terms of the landscape and visual impact subject to conditions including a landscaping scheme. The Landscape Officer wants to see the southern roadside hedgerow retained and maintained to a height of 3.5 metres in order to screen the site and the planting of trees within this hedgerow at irregular spacing. The Landscape Officer has also requested that the western boundary hedgerow is retained and maintained to a height of 3.5 metres and the planting of trees within this hedgerow at irregular spacing for the benefit of visual receptors using the Public Right of Way through the site. Officers hold the view that the retention of the hedgerows on the western and southern boundaries of the site and the planting of trees within gaps of these hedgerows would reduce the visual impact of the development. Thus, should planning permission be granted, a landscaping scheme and the retention and maintenance of the hedgerows on the southern and western boundary of the site will be recommended as conditions. The Landscape Officer has also requested that all hedgerows and their root protection areas are protected with fencing during the construction period so as to protect these hedgerows which will contribute in screening the proposed development.
- 8.26 Whilst the aforementioned landscape conditions would reduce the visual impact of the development somewhat, officers consider that the proposal would nevertheless cause harm to the rural character and appearance of the landscape. In particular, views from the east and from the bridge over the M40 would be extensive, and any new planting would take time to establish before it provided an effective screen for the development. This harm weighs against the proposal.
- 8.27 The application no longer proposes a bund and acoustic fencing along the eastern boundary with the M40, Such a feature would appear as a substantial, alien and engineered structure in the countryside and officers have previously expressed concern about the visual impact of such a feature. Whilst its removal from the scheme is welcome in visual amenity terms, it must be borne in mind that should permission be granted and a bund later found to be necessary to make the noise impact acceptable, it could be difficult for the Local Planning Authority to resist an application to re-instate the bund. This risk of potential harm also weighs against the proposal.

Highways Safety

- 8.28 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*

- 8.29 The Local Highways Authority (LHA) has objected to the proposal. Public Right of Way 161/11/10 runs along the western boundary of the site and is accessed via the access into this site. The LHA has noted that in order to change the surface of this access, and thereby change the surface of the Right of Way and pass vehicles over it, the relevant permissions would need to be secured from the relevant parties. Officers do not consider that this constitutes a reason for refusal. As noted by OCC Rights of Way, whilst the Public Footpath line of the definitive map runs along the western side of the boundary within the site, the walked Public Footpath currently runs outside the site along the western boundary. This is because the Public Footpath was diverted via a Side Roads Order (SRO) in 1987 associated with the building of the M40. Whilst the Public Footpath crosses the site at the current access and the proposed works to the access would likely result in a temporary diversion of this footpath at the access, this could be achieved via an agreement with OCC and would not require a permanent diversion.
- 8.30 In relation to the access, the LHA has noted that any improvements to the access would require the applicant to enter into a Section 278 agreement with OCC, for works done on the highway. This matter can be dealt with by means of a suitably worded planning condition requesting full details of the works proposed to the access.
- 8.31 The LHA has also stated a detailed plan showing the access will need to be submitted for approval, which meets the required standards for an access off a 60mph A road. Should permission be granted, full details of the access will be secured by condition in the interests of highway safety. A 6 metre radii is currently being proposed, but the LHA has noted that in order for a refuse vehicle to pull up into the entrance way, it would be beneficial to increase the radii, to allow for easier pulling in and pulling out. The LHA has stated that the access way will, however, allow for 2 cars to pass each other, which will prevent vehicles having to reverse back out onto the A4095, minimising rear shunt collisions.
- 8.32 In relation to visibility splays, the LHA has stated that for a 60mph road, splays of 2.4m x 215m should be demonstrated and the LHA hold the view that these visibility splays are achievable given that the section of the road that the access opens on to is straight.
- 8.33 The LHA would like to see further information regarding parking for each pitch and has stated that each unit will need to have manoeuvring space so that vehicles can leave in a forward gear from their plot. Given the pitches are relatively spacious officers are of the opinion that this can be achieved.
- 8.34 The LHA has stated that suitable areas for storage and collection of waste on the site should be provided, that are not in conflict with vehicle users, but allow easy access for refuse vehicles. Officers are confident that this can be accommodated on the site without being in conflict with vehicle users and being overly prominent from the public domain and should permission be granted a condition will be recommended requesting full details the waste storage/collection area.
- 8.35 Thus, given the above, officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway subject to conditions.

Residential Amenity

- 8.36 Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.37 Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 8.38 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.”*
- 8.39 The site is not within close proximity to any residential properties therefore it is considered that other residential properties would not be directly affected by the proposal.
- 8.40 With regard to the layout of the proposal, the proposed pitches would be relatively spacious and officers are of the view that these pitches are all of a sufficient size and would allow for some privacy and amenity space for each pitch and would avoid the overcrowding of the site.
- 8.41 However, the eastern boundary of the site runs adjacent to the M40 therefore there is the potential for significant nuisance for the proposed residents in terms of noise and fumes. A noise survey has been submitted by the applicant’s agent to address this issue. This states that the present noise levels across the site are relatively high during day and night, and that the mobile homes, particularly within the northern part where noise levels are higher, would be unlikely to meet the recommended noise standards for residential development without additional mitigation measures being implemented.
- 8.42 To address this, and following the Planning Committee meeting in December 2016, an amended site layout was submitted with the northern extremity of the pitches being moved further south and boundary mitigation provided alongside the motorway, this being an earth bund or bund and fence of at least 5 metres in height. Double glazing, with minimum sound insulation was also recommended. It was concluded within the applicant’s noise report that with appropriate mitigation measures implemented, a good to reasonable standard of noise would be achieved within the homes and these measures would ensure that there are no significant impacts. Reference was also made to the new residential development off Southam Road to the north of Banbury and adjacent to the M40, by the applicant’s agent, where a similar noise barrier has been constructed on the boundary.
- 8.43 However, the Council’s Environmental Protection Officer (EPO) maintained their objection to the proposal. The EPO has stated even though the noise levels within the caravans can be reduced to a lower level with the inclusion of a bund, they will be still (just) above the recommended limits for bedrooms at night. The EPO goes on to state that the levels of noise in the outside amenity are well above the top end of the recommended levels. The EPO notes that the internal noise at night may just be acceptable on its own, but when this is combined with the external noise (even with mitigation) the EPO does not consider that the proposed development is appropriate on this site and would give rise to significant adverse impacts on the health and wellbeing of residents of the new development which the Noise PPG and NPSE advises should be avoided.
- 8.44 Officers concluded that even with the bund or bund/fence, the proposal would fail to provide a good standard of amenity for the proposed future occupiers of the site and would give rise to

significant adverse impacts on the health and wellbeing of these proposed future occupiers. As such, the drawings submitted showing the inclusion of a bund, which would have caused significant additional visual harm in any event, were not accepted as a formal amendment to the application.

- 8.45 The latest set of drawings display a reduction in the number of pitches from 9 to 8, an amended layout for the pitches, and crucially a bund or bund/fence is no longer proposed. The reduction in the number of pitches and alteration in the layout has meant that the pitches would be further away from the motorway boundary than in the previous scheme submitted to the Local Planning Authority. The removal of this bund or bund/fence from the scheme substantially reduces the impact of the proposal upon the character and appearance of the locality, but it will mean that there will be greater levels of noise for the proposed occupiers of this site, and at a level which all the available evidence indicates will be well in excess of the recommended industry standards for residential accommodation. Overall it is considered that the proposal would fail to provide a good standard of amenity for the proposed future occupiers of the site and would give rise to significant adverse impacts on the health and wellbeing of these proposed future occupiers. This weighs against the proposals.
- 8.46 A third party has raised concerns in relation to air pollution from vehicles using the M40 affecting the proposed residents of the development, but the Environmental Protection officer has raised no objections in relation to this matter. It is worth noting that the M40 is sited to the east of the site and the prominent wind direction is west to east.

Ecological Impact

- 8.47 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states 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"*.
- 8.48 Paragraph 109 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible."*
- 8.49 Comments have not been received from the Council's Ecology Officer during the consultation process and an Ecology Survey has not been submitted alongside this application. Regard is had to Government advice contained within the PPG in relation to biodiversity by officers.
- 8.50 The site is not within a 'sensitive area', is not within 2KM of an SSSI and there are no ponds or ancient woodlands on the site or within close proximity to the site. There is nothing that appears to raise the likelihood of protected species being present on the site, apart from the hedgerow along the boundary of the site. However, the widening of the access at the southern end of the site would result in the loss of a small section of a hedgerow and this has the potential to harm protected species. As the application also proposes hard standing on the site, there is also the potential for some limited harm here as well. However, it is considered that this matter can be appropriately dealt with by a condition minimising the loss of existing hedgerow and that the harm could be adequately mitigated.

Flooding Risk and Drainage

- 8.51 The site is identified as being within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. Policy ESD6 of the Local Plan and the Framework states that a Flood Risk Assessment is required for proposals of 1 hectare or more in in Flood Zone 1. The site exceeds 1 hectare, and after the deferral of the planning application at planning committee in December 2016, a Flood Risk Assessment has been submitted alongside this application in line with the requirements of Policy ESD6 of the Cherwell Local Plan Part 1 and the NPPF.
- 8.52 Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the Cherwell District.
- 8.53 Comments have not been received from the Environment Agency or OCC Drainage within the consultation period. Given the low risk of flooding on the site, the main consideration is the potential for the development to increase surface water run-off and cause flooding off site. The submitted Flood Risk Assessment states that the proposal would use SuDs to ensure that the rate of surface water run-off would not exceed the green field rate and that the hard standing would not be impermeable and officers hold the view that this would safeguard against an increase in flooding off-site. However, it is considered necessary to attach a condition stating that the hard-standing being constructed from a permeable material or that provision must be made within the site for surface water to discharge to soakaway/SuDS feature so as to prevent flooding off-site.

Other Matters

- 8.54 Concerns have been raised in relation to the primary school at Chesterton being near full capacity and that there would be no more places at the school as a result of this proposal. It is worth noting however, that if the proposal were for 8 market dwellings instead of 8 traveller pitches, this would fall below the threshold in the PPG for contributions towards schooling. It is therefore considered unreasonable to justify the refusal of the planning application on such grounds.
- 8.55 The installation of a package sewage treatment plant is proposed to the north of the site, which would receive waste water from the pitches and would process it until a clear effluent is discharged into the environment. In the absence of objections from the relevant statutory bodies this arrangement is considered acceptable, but as details in relation to specification and dimensions of this plant are limited and should permission be granted, full details of this will be conditioned.
- 8.56 Concerns have been raised by third parties in relation to the matter of electricity supply, but this is a matter for the applicant and utility companies. Concerns have also been raised in relation to the matter of water supply, but this is not a material issue in this case and it is not likely to involve above ground infrastructure. Temporary arrangements could be entered into if desired without the need for permanent infrastructure, such as generators, gas canisters, and water bottles. In any case the applicant has indicated that a connection to the water network already exists on site.

- 8.57 Reference has been made to Bicester Trailer Park by third parties, which is within close proximity to Chesterton, and it has been noted that this is no longer used as a traveller site, but as a residential park home site, because there was no demand from travellers. Whilst there are park homes on this site, and these benefit from planning permission, the site also still contains 8 authorised gypsy pitches and these have been counted toward the District's supply of existing sites.
- 8.58 Third parties have noted that the proposal would set a precedent for housing outside the village. However, each case is assessed on its own merits and the policy context in respect of gypsies and travellers is clearly different to that in which standard housing is assessed.
- 8.59 It is noted by third parties that if planning permission is to be granted, the site would not be well managed and the use of the site will exceed what has actually been granted. However, this is not relevant to the determination of this planning application as consideration needs to be given to what is proposed in this planning application. Any future breaches of planning control, or proposals to extend the site, would need to be assessed on their own merits.
- 8.60 Whilst a number of issues have been raised by third parties, the following are not material planning considerations in this case:
- Fear of crime to surrounding properties as a result of the proposal;
 - Would create anti-social behaviour;
 - Loss of private view; and
 - Devaluation of property.

9. CONCLUSION AND PLANNING BALANCE

- 9.1 The proposal seeks permission for a change of use of the site to a traveller caravan site comprising 8.No pitches. The site is within 3KM of the Category A village of Chesterton as well as the town of Bicester and benefits from a good access to the highway network. In terms of general sustainability the proposal is in compliance with Policy BSC6 of the Cherwell Local Plan and is considered acceptable in principle.
- 9.2 In terms of the suitability of the site for gypsies/travellers, as the site is located less than 3KM to a Category A village and the town of Bicester, it has relatively good access to health services and schools. In addition, the site is not located within close proximity to a conservation area or very close proximity to any listed buildings and is not considered to cause harm to the historic environment.
- 9.3 That said, the proposed development, would give rise to very high levels of noise that would impact upon the health and wellbeing of residents of the proposed development, and this should be afforded significant weight. Furthermore, even with the mitigation measures suggested by the Council's Landscape Team, the proposal would have an urbanising effect on this agricultural field within the open countryside and would cause harm to the rural character and appearance of the landscape.
- 9.4 However, there is a clear, significant and as yet unmet identified need for new gypsy and travellers pitches in the District up to 2031, and this issue is further exacerbated with the closure of the Newlands Caravan site at Bloxham, which will result in the loss of a further 36 previously authorised pitches, adding considerably to the immediate need for new sites within

the District. In addition to this, there are currently no identified sites that could provide alternative accommodation, and no sites have yet been proposed for allocation. Officers consider that the significant unmet need in the Cherwell District, the immediate need resulting from the closure of the Newlands Caravan Site, the lack of suitable and available alternative sites, and the lack of allocated sites within the development plan to meet the identified need should be afforded substantial weight in the determination of this application.

- 9.5 The applicant's agent has stated that they are willing to accept a temporary permission on the site for the use for a period of 3 years. This would ideally allow time for alternative and more suitable permanent sites to come forward, but this would need to be reviewed at the end of the 3 year period. It would also allow for the actual noise impacts resulting from the M40 to be properly monitored, experienced and assessed. Officers are satisfied that a temporary consent can be granted because the works that would be of a more permanent nature (e.g. hard surfacing, fencing, package treatment plant) could be removed at the end of the consent if required, and the land restored to its former condition.
- 9.6 Whilst it is very clear to officers that the site is not an ideal one for such a proposal, especially given its siting within close proximity to the M40, officers consider that in this case this harm is outweighed by the immediate need for new gypsy and traveller pitches in the District, such that a temporary consent is justified in this case. Thus, it is concluded that given the circumstances, a 3 year temporary permission should be granted and the application is therefore recommended for approval.

10. RECOMMENDATION

That permission is **granted**, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of one year beginning with the date of this permission.

Reason – In view of the immediate need for the development, which overrides normal planning considerations which would normally lead to a refusal of planning consent and to comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application Form submitted with the application;
 - Design & Access Statement by Philip Brown Associates submitted with the application;
 - Site Plan at 1:2500 scale print at A4 submitted with the application;
 - Drawing titled 'Site Layout Plan' at 1:1000 Scale received from the applicants' agent by e-mail on 27th January 2017; and
 - Drawing Number PBA4 received from the applicants' agent by e-mail on 30th January 2017.

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.

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of 'Planning policy for traveller sites' August 2015.

Reason: This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No more than 16 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 8 shall be static caravans or mobiles homes) and 8 utility day rooms shall be stationed on the site at any one time and these shall be sited within the pitches as displayed on the drawing titled 'Site Layout Plan' at 1:1000 Scale received from the applicants' agent by E-mail on 27th January 2017.

Reason: This consent is only granted in view of the very special circumstances, which are sufficient to justify overriding normal planning policy considerations which would normally lead to a refusal of planning consent and to limit the visual impact of development in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. On or before the 17th February 2020, the use hereby permitted shall be discontinued and all associated operational development shall be removed, and the land shall be restored to its former condition.

Reason: In order not to prejudice the consideration of future proposals for the land and in view of the special/personal circumstances of the case which are such as to override basic planning objections to the development in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved and notwithstanding the details shown on the approved plans, full details of the package sewage treatment plant(s) required to serve the development, including siting, technical specification, operation and appearance, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To safeguard against pollution and in the interests of the visual amenities of the area, to comply with Policies ESD8, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway (including, position, layout, construction, drainage and vision splays), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the means of access shall be provided and retained in accordance with the approved details, and the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan part 1 and Government guidance contained within the National Planning Policy Framework

8. Prior to the first use or occupation of the development hereby permitted, waste storage and collection points shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the waste store/collection points shall be retained and maintained for the storage of bins in connection with the development.

Reason: In the interests of sustainability and highway safety, to ensure a satisfactory form of development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Except to allow for the widening of the access and vision splays required under condition 7, the existing hedgerows along the southern and western boundary of the site shall be retained and properly maintained at a height of not less than 3.5 metres, and if any hedgerow plant dies within the 3 year period of this consent, it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development, and in the interests of ecology, to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. All hard-standing areas and surfaces within the site must be constructed from a permeable material, or prior to the first use or occupation of the development provision must be made within the site for surface water to discharge to a soakaway/ SUDS feature.

Reason: In the interests of highway safety and flood prevention and to comply with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

11. No commercial activities shall take place on the land, including the external storage of materials and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site without the prior approval in writing of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part

1, saved Policy C28 of the Cherwell Local Plan 1996 and the NPPF.

12. Notwithstanding the provisions of Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected on the site without the express planning permission of the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
3. Under the Caravan Sites and Control of Development Act, 1960, the site owner will need to apply for a caravan site licence and in order for the licence to be granted the site owner must comply with the licence conditions. For further advice and guidance, please contact Public Protection at Cherwell District Council by email: public.protection@cherwell-dc.gov.uk or tel: 01295 227990.
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.